THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - March 5, 2018

MEETING NO. 2018-07: 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: Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Beth Weldon, Mary Becker (telephonic), Rob Edwardson (telephonic),and Jerry Nankervis (joined telephonically at 7:12p.m.)

Assembly Absent: None.

Staff Present: Mila Cosgrove, Acting City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Acting Clerk; Diane Cathcart, Acting Deputy Clerk; Bob Bartholomew, Finance Director; Roger Healy, Engineering and Public Works Director; Rob Steedle, Community Development Director; Jane Mores, Deputy City Attorney; Teresa Bowen, Assistant City Attorney; Scott Ciambor, Chief Housing Officer

III. SPECIAL ORDER OF BUSINESS

None.

IV. APPROVAL OF MINUTES

MOTION by Mr. Gregory to approve the minutes of the February 12, 2018 and January 22, 2018 Regular Assembly meetings and asked for unanimous consent. Hearing no objections, the minutes were approved.

A. February 12, 2018 Regular Assembly Meeting 2018-05

B. January 22, 2018 Regular Assembly Meeting 2018-03

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Ms. Cosgrove noted two requests for consent agenda changes:

Consent Agenda Item 1.g. ***Ordinance 2018-07 (A) An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY18 School District Operations.*** The red folder contained a revised ordinance and manager's report correcting the amount which was submitted at $167,000 being changed to *$167,500.*

Consent Agenda Item 3.a. Bid Award for ***JNU Gate 2 Passenger Boarding***

Bridge. There was a slight change to the City Manager's recommendation that the project be awarded for the total amount of the bid $1,222,700 "contingent upon appropriation of funding." That is also found in the red folder.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle spoke to the Assembly regarding the regulations for pedicabs requesting that they change the regulations to allow for access to the Whale Park. He requested that the area in which pedicabs are allowed to operate be expanded city-wide with the exception of Douglas since they do not want to allow them to cross the bridge.

Mr. Ryan Conarro (and friends) came forward to share with the Assembly the Juneau Histories Theater Project which is a project of the Juneau Arts and Humanities Council coming up at the end of March. March 29-31 at the JACC. This project is a theatrical event featuring real people's real lives, real stories on stage. It features 5 Juneau community members lead by Frank Henry Kash-Katasse and Mr. Conarro facilitating the process. These are stories focusing on the histories of the downtown Juneau village and the Willoughby District, past, present, and reflecting on the future. He asked each of the participants to introduce themselves. They were: Paul Marks, Lillian Petershoare, Ernestine Hayes, Michelle Hutcherson, Walter Soboleff Jr., Sarah Campen, and Sue Schrader. The performances are March 29 at 7pm, March 30 at 7pm and March 31 at 2pm and 7pm. Mr. Conarro said they also have two school day performances through the Any Given Child program on Thursday and Friday and there are public tickets available for public seating at those performances.

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. Kiehl to adopt the Consent Agenda with the changes to items 1.g. and 3.a. as requested by the City Manager and asked for unanimous consent. *Seeing and Hearing no objection, the Consent Agenda was approved.*

1. Ordinances for Introduction

   a. Ordinance 2018-09 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed $5,500,000; and Providing for the Form and

Terms of the Bond and for Unlimited Tax Levies to Pay the Bond.

This ordinance would authorize the issuance of up to $5.5 million in bonds to refund (refinance) the 2008A & B general obligation school bonds. The original $39.5 million in bonds were sold in July 2008. The bonds were sold directly into the financial markets by CBJ but the refunding is being done via a "direct placement" with a national bank, Wells Fargo.

If CBJ issues the refunding bonds in May 2018 the refunding will result in an estimated total savings of $262,000, after all costs, over the remaining life of the bonds. The savings is shared between the State of Alaska and CBJ. The term of the new issue will be the same as the original (final payment June 2023).

These bonds qualify for 70% reimbursement under the state's School Construction Bond Debt Reimbursement Program. However, the reimbursement under the state's Debt Reimbursement Program is subject to annual appropriation by the Legislature. The debt service component of the property tax mill rate, as currently set, raises sufficient revenue to pay the remaining CBJ portion of the debt service.

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

b. Ordinance 2018-13 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 $2,935,000.

Twenty-seven 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 percent of the estimated $8.5 million construction costs.

This ordinance would create a Local Improvement District to provide the local sponsorship as required by NRCS for the project to use federal funds. The CBJ estimates its contribution to the project will be $2.94 million plus the costs associated with maintaining the riverbank protection structure for a period of ten years. The property owners' combined contribution, through the LID, would be fixed at $2.160 million 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 code (15.10.040(b)) requires that notice of the public hearing be mailed to the property owners at least 30 days prior. The CBJ mailed notices to the twenty-seven property owners on March 1, 2018.

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

c. Ordinance 2017-06(AG) An Ordinance Appropriating to the Manager the Sum of $800,000 as Partial Funding for the Construction of Valley Transit Transfer Center; Grant Funding Provided by Alaska Department of Transportation and Public Facilities.

This ordinance appropriates $800,000 from the Alaska Department of Transportation and Public Facilities for Phase I of the new valley transit center.

The CBJ will match these funds at a level of 20% with existing transit center capital appropriations.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

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

d. Ordinance 2017-06(AH) An Ordinance Appropriating to the Manager the Sum of $700,000 as Partial Funding for Rainforest Recovery Center Detox Addition Capital Improvement Project; Funding Provided by Sales Tax Fund's Fund Balance.

This ordinance appropriates $700,000.00 of FY18 1% sales tax monies for partial funding to a new project, *Bartlett Regional Hospital (BRH) – Rainforest Recovery Center Upgrades*. This appropriation of FY18 1% sales tax conforms with the allocation of 1% sales tax monies approved by the CBJ Finance Committee on January 10, 2018.

This new project will renovate and provide an addition to the existing Rainforest Recovery Center on the BRH campus. Additional funding of $1,800,000.00 of FY19 1% sales tax is scheduled for FY19 in the Draft FY 19-FY24 Capital Improvement Plan.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

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

e. Ordinance 2017-06(AK) An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the RecycleWorks / Waste Management Program; Funding Provided by Sales Tax Fund's Fund Balance.

The voters approved $2 million in temporary sales tax in the 2017 election for the RecycleWorks/Waste Management program. This appropriation of $600,000 from sales tax will go to the RecycleWorks/Waste Management Enterprise Fund.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

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

f. Ordinance 2017-06(AI) An Ordinance Appropriating to the Manager the Sum of $2,603 as Partial Funding for Temporary Staffing Assistance at the City Museum; Funding Provided by the Friends of the Juneau-Douglas City Museum.

This ordinance appropriates $2,603 in grant funding to the Library Department, for the purpose of providing temporary staffing assistance during the summer at the city museum.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum. There is no matching requirement for this grant. These funds will be used to provide supplemental front desk assistance during the summer months that fall in FY18 when the museum is busier due to tourism. This grant fully funds salaries and benefits for this 0.25 FTE (0.07 FTE in the FY18 period); there is no impact to support from the general fund.

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

g. Ordinance 2018-07(A) An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY18 School District Operations.

The FY2018 school enrollment is below the level originally used to determine the Juneau School District (JSD) funding for the FY18 approved school budget.

This results in $726,277 less of state revenue and a reduction of $167,000 to the contribution amount that CBJ is allowed to fund under the state cap. The CBJ funding can be reduced or reallocated to other needs. The school board and Assembly Finance Committee have recommended reallocating the CBJ funding of $167,000 to the Kinder Ready Program.

The Board of Education passed a budget revision for the FY18 District's Operating Fund at its December 12, 2017, meeting.

The Assembly Finance Committee approved this action at its meetings on December 13, 2017, and February 7, 2018.

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

In accordance with the Manager's Request for agenda changes, the revised Ordinance 2018-07(A) and revised Manager's Report noting the change from $167,000 to $167,500 was introduced and set for public hearing.

h. Ordinance 2017-06(AJ) An Ordinance Appropriating to the Manager the Sum of $1,801,875 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance.

This ordinance would appropriate $1,801,875 to the Airport Gate 2 Passenger Boarding Bridge (PBB) capital improvement project (A50-095). Funding is provided as follows:

Airport Fund's Fund Balance:
$1,801,875

This action will forward fund the Gate 2 PBB project until a Federal Aviation Administration grant is received; the grant is anticipated in mid to late April. Forward funding the project will allow timely issuance of the Notice to Proceed, which will allow the contractor to complete preconstruction activities so that use of the critical summer construction season can be maximized, and operational impacts to air carriers minimized.

The Airport Board will review this action at itsMarch 13, 2018, meeting.

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

i. Ordinance 2017-06(AL) An Ordinance Appropriating to the Manager the Sum of $235,000 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 $235,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to the CBJ. These donated funds will be appropriated into the Playground Rebuild CIP, P41-095.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

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

2. Resolutions

a. Resolution 2820 A Resolution Reestablishing the Youth Activities Board, and Repealing Resolution 2761.

This resolution repeals Resolution 2761 and reestablishes the Youth Activity Board with a slightly different membership. This resolution would remove the requirement that a board member be from the Juneau Sports Association. The Juneau Sports Association sent a letter asking for this change because it tried to fill the seat for the last ten months to no avail, and that has created a quorum problem each month. This resolution would not prohibit a member of the Juneau Sports Association from filling a general public seat.

The Assembly Human Resources Committee considered this request at its meeting on February 12, 2018, and forwarded it to the Assembly for adoption.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. JNU Gate 2 Passenger Boarding Bridge

This project would construct building modifications and install passenger boarding bridge at the Juneau International Airport Terminal, gate 2.

Bids on this project were opened on February 15, 2018. The bid protest period expired on February 16, 2018. Results of the bid opening were as follows:

Bidders	Total Bid
Carver Construction, LLC	$1,222,700
Dawson Construction	$1,289,000
Island Contractors, Inc.	$1,315,145
Alaska Commercial Contractors, Inc.	$1,416,000
Engineer's Estimate	$2,260,000

The City Manager recommends that this project be awarded to Carver Construction, LLC for the total amount bid of $1,222,700, contingent upon receipt of Federal Aviation Administration grant award and Assembly appropriation of grant award.

In accordance with the City Manager's request for agenda changes, the Manager's recommendation that the project be awarded for the total amount of the bid $1,222,700 was changed to add the words: "contingent upon appropriation of funding."

4. Liquor License

a. Liquor License Renewals 2018-2019

The following list of 2018-2019 liquor license renewal applications are before the Assembly for one of the following actions: to protest or waive its right to protest. Due to the Assembly's meeting schedule and the timing at which these licenses were received, the 60-day local governing body comment period will expire prior to the next regular Assembly meeting on April 2. If the Assembly wishes to postpone action on any of the below licenses, a special Assembly meeting would be required for action within the 60-day comment period.

Beverage Dispensary License #550 Imperial Bar, Inc. d/b/a Imperial Bar; Location: 241 Front Street, Juneau

Beverage Dispensary Tourism License #5340 Jacobsen-Daniels Associates LLC d/b/a The Annex;
Location: 1873 Shell Simmons Drive, Suite 220a (Juneau International Airport-inside of security area)

Beverage Dispensary Tourism License #5341 Jacobsen-Daniels Associates LLC d/b/a Romeo's Tap Room Location: 1873 Shell

Simmons Drive, Suite 220a (Juneau International Airport-outside of security area)
Beverage Dispensary Tourism License #5430 Mac Ventures, LLC d/b/a McGivney's Sports Bar and Grill; Location: 51 Egan Drive, Juneau
Package Store License #3507 Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820; Location: 3011 Vintage Blvd., Juneau
Restaurant-Eating Place License #5278 Abigail May LaForce Roha d/b/a Zerelda's Bistro; Location: 9351 Glacier Hwy., Juneau
Restaurant-Eating Place License #851 Rodfather's LLC d/b/a Papa Rod's; Location: 356 S. Franklin Street, Juneau
Restaurant-Eating Place License #1416 Taku Glacier Lodge Inc. d/b/a Taku Glacier Flightseeing/Salmon Bake; Location: Taku Valley, Lot 75 (City and Borough of Juneau)
Restaurant-Eating Place License #848 V's Grinders, LLC d/b/a V's Cellar Door; Location: 222 Seward Street, Juneau
General Wholesale Liquor License #3166 The Odom Corporation d/b/a The Odom Corporation; Location: 5452 Shaune Drive Bay 1, Juneau
Wholesale Malt Beverage and Wine Liquor License #4715 The Odom Corporation d/b/a The Odom Corporation; Location: 3143 Channel Drive, Juneau
Wholesale Malt Beverage and Wine Liquor License #5495 White Mountain Beverage LLC d/b/a K&L Distributors Alaska; Location: 8420 Airport Blvd., Suite 201, Juneau
Restaurant-Eating Place License #5231 Suwanna Café, LLC d/b/a Suwanna Cafe; Location: 8800 Glacier Hwy., Suite 100, Juneau
Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments has reviewed the above list of renewals and recommends the Assembly waive its right to protest these renewals. CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license renewal.

Initially, the Finance/Sales Tax Division recommended protest of the Suwanna Cafe Restaurant/Eating Place License #5231 due to unfiled sales tax returns. The licensee has now satisfied those requirements and the Finance Department has removed its protest recommendation.

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

5. Other Items for consent

a. Always Redeye LLC Standard Marijuana Cultivation Facility License AMCO#11605

Staff from the Police, Fire, Finance, Public Works/Utilities, and Community Development departments have reviewed this marijuana license. Public Works/Utilities and Finance staff initially recommended protest of this license due to water utility shut-off and non-payment. They have now withdrawn their protest as of February 28, 2018 as the licensee has brought its accounts current.

CBJ Code 20.30.020 provides the applicant with a right to an abbreviated informal hearing before the Assembly to defend the application. *20.30.020(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 Community Development Department noted that the license was granted a Conditional Use Permit as of October 26, 2017 but the licensee does not yet have a CBJ marijuana license to operate.

An appeal of the issuance of the Conditional Use Permit was accepted by the Assembly on December 18, 2017. CBJ Code provides that unless otherwise ordered, the decision being appealed (in this case the Conditional Use Permit) shall not be stayed. (CBJ 01.50.030(h): "Stay pending appeal. Unless ordered otherwise by the appeal agency, the decision being appealed shall not be stayed pending appeal but action by any person in reliance on the decision shall be at the risk that the decision may be set aside on appeal.") CDD staff recommends allowing the applicant to move forward to obtain the state license.

Due to the large quantity of documents associated with each marijuana license, your paper packets have been limited to the following documents:
• State of Alaska AMCO – Initiating License Application #11605
• Form MJ-01 Operating Plan
• Form MJ-02 Premises Diagram
• Form MJ-04 Cultivation Supplemental

• CBJ Planning Commission Conditional Use Permit USE2017-22

The full set of documents is available to Assemblymembers electronically using the NOVUS BoardView portal in your online packets. Original paper copies of all the documents relating to this license are available for public review in the office of the Municipal Clerk during regular business hours.

The City Manager recommends the Assembly waive its right to protest the issuance of this license.

6. Transfers

a. Transfer T-997 Transfer of $300,000 from Bartlett Regional Hospital Roof Replacement Rainforest Recovery Center Capital Improvement Project to the Bartlett Regional Hospital Robert F. Valliant Admininstration Building Siding Capital Improvement Project.

This transfer of $300,000 of BRH funds will provide funding for work to begin on the siding at BRH's Robert F. Valliant (RFV) Admin Building.

This $300,000 was allocated to the BRH Roof Replacement CIP, however is no longer needed because of the decision to remodel the Rainforest Recovery Center.

These funds will be transferred into the BRH RFV Admin Build-Siding CIP, B55-077N.

The Hospital Board forwarded this request at their meeting on January 23, 2018.

The Public Works and Facilities Committee forwarded this request at its February 26, 2018, regular meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-06(AC) An Ordinance Appropriating to the Manager the Sum of $200,000 as Funding for Auke Bay Marine Station Maintenance and Improvements CIP; Funding Provided by the Harbor Fund's Fund Balance.

This ordinance would transfer $200,000 from the Harbor Fund to a new CIP for Auke Bay Marine Station Maintenance and Improvements. Establishment of this CIP would fund a variety of preventative maintenance and repair projects. In addition a small addition of 100 lineal feet of floats would be installed to improve mooring opportunities in Statter Harbor.

The Harbor Fund has a current balance of $1,485,517. Subsequent to the transfer there would remain $1,285,517 in the Harbor Fund.

The Docks and Harbors Board, at its regular meeting on January 25, 2018, adopted a recommendation that the Assembly approve this appropriation ordinance.

The City Manager recommends this ordinance be adopted.

Ms. Cosgrove noted during her Manager's Report that in addition to the Ordinance, the Port Director also wanted to submit with the packet a map and some drawings.

Public Comment: None.

Assembly Action:

MOTION by Mr. Gregory to adopt Ordinance 2017-06(AC) and asked for unanimous consent. Hearing no objection,it was so ordered.

B. Ordinance 2017-06(AD) An Ordinance Appropriating to the Manager the Sum of $480,000 as Funding for the Accessory Apartment Grant Incentive Program, Funding Provided by the Juneau Affordable Housing Fund's Fund Balance.

This ordinance would appropriate $480,000 from the Juneau Affordable Housing Fund to the CBJ Accessory Apartment Grant Incentive Program to be used over a five-year period.

The CBJ Accessory Apartment Grant Incentive Program provides $6,000 incentive grants to homeowners for new accessory apartment units that pass a final inspection and receive a Certificate of Occupancy.

The Juneau Affordable Housing Fund has a current balance of $749,261. Beginning in FY18, the Juneau Affordable Housing Fund will receive $400,000 per year for five years from the 1% sales tax fund to pursue housing activities noted in the CBJ Housing Action Plan and the Juneau Economic Development Plan. Subsequent to the transfer the Juneau Affordable Housing Fund fund balance would be $269,261 until the 1% sales tax funds are made available.

At its January 2, 2018, meeting the Juneau Affordable Housing Commission made a motion to recommend the appropriation for the Accessory Apartment Grant Incentive Program.

At its January 10, 2018, meeting the Finance Committee recommended that an ordinance be drafted and forwarded to the Assembly for consideration.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Ms. Weldon, to adopt Ordinance 2017-06(AD) and asked for unanimous consent.

Mr. Jones objected and stated that he had several questions to ask relating to the Juneau Affordable Housing Fund. He said that it states that beginning in FY18, they will receive $400,000/year for five years. He said the 1% sales tax that just passed, goes into effect in October 2018 which is FY19 and he asked if they were in fact receiving any FY18 monies or just the sales tax money starting in FY19. Ms. Cosgrove said she also noted that as well when she was reading through the materials and she believes that was a typographic error.

Mr. Jones said this is asking that they take money out of the Housing Fund which has $700,000 and commit that now, even before the 1% sales tax that was approved by the voters for housing. He said they were presented at the January Assembly Finance Committee a breakout of how that money would be allocated over the next five years. Ms. Cosgrove agreed with Mr. Jones that was also her understanding.

Mr. Jones said he had asked some questions via email to the Manager and that Mr. Ciambor had responded. The emails were talking about them using approximately $90,000 each year, which in essence was dividing up the $480,000 total amount on a yearly basis. He asked who sets the policy such that while they are appropriating the $480,000 now, that it will only be used at $90,000/year. He asked if that is the Juneau Affordable Housing Commission, CBJ staff, CDD staff when they are reviewing applications. He asked what the process is for the housing fund monies and who controls those funds.

Ms. Cosgrove asked Mr. Ciambor to come forward to address those questions.

Chief Housing Officer Scott Ciambor said the first question he can address relates to the Juneau Affordable Housing Fund. The Juneau Affordable Housing Fund was created in 2010 as a fund that is available to be flexible for use for a variety of projects. At any point, developers or people with program ideas that are going to address housing issues can approach the city and ask to use those funds. Projects can be filled out through an application and presented to CBJ at any time.

Discussion took place regarding the path that applications would take. Applications for funds would be received by CDD staff and there is a limit of $90,000/year to be distributed over a five year period. Each application is not going to go before the Juneau Affordable Housing Commission. Mr. Ciambor explained that what they have learned from the pilot process is that it takes 10-12 months for an application to go through the entire process.

Mr. Ciambor went on to describe the process that has happened with the Mobile Home Loan Program and the pilot program set up with $72,000 in 2015 to have CDD administer the Accessory Apartment incentive grant program. Mr. Ciambor explained that depending on the level of inquiries and interest in the program, the Affordable Housing Commission make recommendations to the Assembly about any adjustments they feel may be needed as the program continues.

Mr. Jones stated that he maintained his objection.

Roll call:

Aye: Becker, Gladziszewski, Gregory, Kiehl, Nankervis, Weldon, Koelsch

Nay: Jones

[Mr. Edwardson was no longer on the phone at the time of the vote.]

Motion passed: 7-1

C. Ordinance 2017-06(AE) An Ordinance Appropriating to the Manager the Sum of $200,000 as Funding for Archipelago Property Development CIP; Funding Provided by the FY18 Dock's Licenses/Fees Revenue.

This ordinance would transfer funds from the FY18 operating budget to a new CIP for Archipelago Property Development. The funds would be used to develop a preliminary design from plan concepts; generate cost estimates for implementation of the designs; prepare a draft purchase agreement; and include other associated tasks to answer questions regarding the acquisition and development of the Archipelago property.

As this funds transfer would exceed the budgetary authority for the Docks enterprise in FY2018, the Assembly is asked to approve a supplemental budget in the amount of $200,000.

The Docks and Harbors Board considered this supplemental budget request at a special meeting on February 8, 2018 and recommended that it be forwarded to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

<u>Public Comment:</u>

<u>Mr. Kirby Day</u> testified on behalf of Tourism Best Management Practices (TBMP). Many of their operators have been involved in this process with Docks and Harbors and some of them were in attendance at this meeting. Mr. Day encouraged the Assembly move this ordinance forward, realizing this is not necessarily approving the project itself, but approving the opportunity to spend some money to look more closely at the project and how it could go forward if they did decide to go forward down the road. He said that

a lot of work has already been done on this and they have all seen the projected numbers of visitors who are anticipated will be visiting Juneau in the next few years and that it is a significant increase that they had not seen since the 1990's. He said this is not a new idea specifically. He said that when 16b, the new dock project, was talked about in 2010-2011, he came to a number of Assembly meetings representing TBMP and reminding everyone that if they were going to increase the size of the ships that could be accommodated at the docks, they also needed to do something in terms of staging space. At that time, the Archipelego lot was not on the table as a discussion point and he encouraged them to take the opportunity for this next step to look at this project.

Serena Hutchinson said she did not mean to sign up to testify but was in favor of this ordinance.

Assembly Action:

MOTION by Ms. Gladziszewski to adopt Ordinance 2017-06(AE).

Mr. Jones said he left the joint meeting with the Assembly COW and Docks and Harbors Board early so discussed this somewhat further with Harbor Board Chair Tom Donek, Port Director Uchytil, and other staff from Docks & Harbors about this project. He said that it was his understanding that this money was coming from the Docks & Harbors fund balance. He noted that this is now coming from the FY18 Docks license and fees revenues. He asked if there is something that money was for that will not be getting done or does this reduce the amount of money that might end up in a Docks & Harbors fund balance at the end of the year.

Ms. Cosgrove said she believes it is the later and asked Mr. Bartholomew to address those questions.

Mr. Bartholomew said that it was a discussion that took place at the prior meeting that led to a motion to use the Docks and Harbors fees funding. He said they have sufficient revenues in FY18, they were going to go into fund balance. He said that rather than them falling into the fund balance, they will use that source of revenue to move forward the 35% design.

Addition discussion took place regarding the previous ordinance funding of $200,000. Mr. Bartholomew clarified the different funding sources and explained there are two separate funds: a Dock Fund which has a balance of approximately $4 million and a Harbor Fund with a balance of approximately $1.4 million. He said there are two ways that they can use left over funds in the fund balance. They can get transferred to a CIP or used for other operating budget needs. He said that this would utilize FY18 revenues that would have otherwise fallen into a fund balance for another purpose.

Mr. Jones said that one of his conversations with Mr. Donek and Mr. Uchytil was that he didn't want to see the Assembly get so far into the project so far that they felt like there was a lot of sunk money into the projec that there was too much money committed to the project the couldn't back out if the Assembly wanted to.

Ms. Cosgrove said she understands Mr. Jones' concerns and said that she believes the intent of these funds is to proceed far enough in a planning process to be able to answer all those questions to everyone's satisfaction and determine how best or if to move forward with the full project.

Mr. Kiehl said he appreciates that the Dock funds are separate from the Harbor funds and asked if this is coming from the downtown docks, if it is subject to any of the restrictions that have been at issue recently.

Mr. Bartholomew said that the specific language in this ordinance about using the fees, is identifying that what they are using are basically the vendor booth fees and other revenues that are collected by the Docks Fund that did not originate from any activity related to the cruise industry. He said that for this amount of money, they are not dealing with the federal restrictions on the use of passenger fees or other passenger revenues or even money paid by the ships for the use of the port. This is non-cruise ship or passenger related revenue so that they could move forward without any conflicts or challengers.

Mr. Kiehl said there is a urban design plan in the process and he wanted to know when they anticipate that plan coming forward from the Planning Commission. He asked how that process looks for the big picture.

Ms. Cosgrove asked Mr. Steedle to come forward to address that question in terms of timing.

Mr. Rob Steedle stated that the Urban Design Plan is slated to be presented at the March 27 meeting as an information item. He said it will serve as background material for the commission as they consider City/State Projects that will be coming before them. The first one would be the purchase of the property. Title 49 states that all property acquisition goes to the Planning Commission. He said that as for development on that site, there will be a separate City/State Project review.

Mr. Kiehl said he was feeling good until Mr. Steedle noted that it was for informational purposes only and asked Mr. Steedle if the Planning Commission would be considering this plan in its capacity for land use planning.

Mr. Steedle said that they do not regard this as a plan such as the Lemon Creek Plan or the incipient downtown plan. He said that this is more like the master plan for the airport and is similar to a plan that the Docks and Harbors developed last year relating to Norway Point to Bridge Park in which they looked at operations in that region of the waterfront that they control. He said it was not intended to be a supplement to the Comprehensive Plan and that is why it is an informational item. He said that Planning Commission review will be a review of the specific projects whether it is property acquisition or the development of that site once it is acquired.

Mr. Kiehl said he was ready to vote yes and now his concerns are reemerging. He said that the Docks and Harbors Board plays a vital role but that while they ask them to do the day to day management, the downtown waterfront is a vital part of the broader community. He said we do have a long range waterfront plan and other documents that are in fact more than just internal discussion points. He said that for an empowered board with a limited focus, they do well but their focus is limited and he gets concern that when the only input from the Planning Commission comes up when they are reviewing a specific project and we are already looking at hundreds of thousands of dollars down the road.

Ms. Gladziszewski said she would speak against the motion for reasons that she mentioned during the discussions at the COW meeting. She said she feels the Harbor Board does a terrific job at their mission and this is squarely in their mission to serve the docks that they manage. She said she feels that they as an Assembly have a broader mission and that is to serve the entire community and to plan for the last remaining bit of waterfront. She said that she understands Mr. Day's point that this is not a go or no go but a step down the road. She said that once they start spending this kind of money, it will be harder to not go down this road. She said that maybe they should eventually but she feels there has not been a broad enough conversation about it. She said we must serve all those passengers that they have made big docks for but they have not had those bigger picture conversations and it has narrowed down very quickly to this solution and she would like to see a broader conversation.

Ms. Weldon spoke in favor of the motion. She said they spoke at length about this at the joint meeting with the Docks & Harbors Board and lot of their questions could not be answered without some sort of design. This ordinance will get them the design and ultimately, they need to remember that this is a private piece of property that they could do whatever they want with it but they have reached out to the city to do a private/public/partnership (PPP). She said without the design there are still unanswered questions.

Mr. Jones said that as this project has evolved, in the way it was presented to him, it was not a private/public/partnership. He said it is basically at this point a real estate deal that this money would be spent to figure out what all the costs are involved, including re-platting the land, buying land that we can use and land that would go to the developer. There is no commitment in this design that the private party do anything on their land and we could very well do most of our project and they could leave the land vacant. He said the city has not been very successful whenever they've tried to put conditions on land purchases. He said that the manager at the last meeting said it had become too complicated for a PPP so it was separated out and this was then billed as "What could Docks & Harbors do if they get control of a portion of land." He said he was still unsure as to how he would vote on this matter.

Mr. Gregory said he echoed Ms. Weldon's comments. He said that he took a walk down on that property and is quite excited about the potential that that lot holds for the community. He said this could potentially be a $20 million project that will truly enhance downtown and provide economic benefit to the committee and for those reasons will be voting yes.

Mayor Koelsch said he will also be voting yes. He values our waterfront very much and feels that Docks & Harbors has done a great job in developing and allowing the tourism in that particular area to thrive and this would hopefully make it even better. He said he also values the ability for the community use the docks and harbors. He said he is in favor of using this $200,000 to bring back a design to allow the Assembly to make up their minds with a thumbs up or thumbs down, he is in favor of that.

Roll call:
    Aye: Becker, Jones, Gregory, Kiehl, Nankervis, Weldon, Koelsch
    Nay: Gladziszewski,
    [Mr. Edwardson was not on the phone at the time of the vote.]
Motion passed: 7-1

D. Ordinance 2017-23(c) An Ordinance Amending the Land Use Code Relating to Essential Public Facilities.

This ordinance would provide a process for permitting a facility that will provide an essential public service in a location not otherwise authorized under the Table of Permissible Uses and that would otherwise be extremely difficult to site.

The proposed permitting process closely follows the conditional use permit process. The key distinguishing differences are the proposed facility does not have to be a permissible use as specified in the Land Use Code, and the process is reserved for only those developments that will be providing an essential public service.

The Planning Commission reviewed the ordinance at its August 8, 2017, and September 12, 2017, meetings and recommended the Assembly adopt it. The Assembly Committee of the Whole considered the ordinance at its March 20, 2017, October 23, 2017, and January 29, 2018, meetings.

At its meeting on January 29, 2018, the committee recommended amendments, which are identified by the italicized language in version (c) of the ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION by Mr. Jones to adopt Ordinance 2017-23(c).

Mr. Jones commented that he liked the changes. He said that when this was first discussed, some of the discussion was related to the a winter campground and whether AEL&P property could be used since it didn't allow camping in that zoning district. He said that the way the new ordinance language is drafted, it pretty much has to be a public/government project on public land unless it is a non-profit that is mostly charitable. He said that he likes the fact that if it is allowed under the Table of Permissible Uses (TPU), it can't come through this process. He said he still has some concerns whether or not they are giving themselves too much power that would in some ways go beyond some of the other powers that they already have. He said he would like the Assembly to have a significant discussion about this and maybe the attorney could go through some of the main changes.

Mr. Gregory said that he objected to the original version and he felt that the ordinance gave the Assembly too much power to make decisions that may not be in the best interests of the community. The example given by the City Manager was siting a homeless campground up on the AEL&P property. He was rather happy with the result of the work done by the committee in finding an alternative to that. He said he doesn't want to allow the Assembly to make those decisions that could adversely affect our community. He said he would also like to hear from the City Attorney about the changes that were made.

Ms. Mead said that most of the changes don't do anything other than to bring it more closely into conformance with the Conditional Use Permit (CUP) process. She said that the one change that she thinks is very meaningful, is the requirement that if the use is already identified in the TPU, than this process doesn't apply. She said the reason she says that is that the whole point of this is if there is a use that is identified by this body as being something that is an "essential public facility." She said this first came up in discussions when the manager was looking for sites for a sobering center. She said that if a use is of such a type that it is very difficult to site because nobody wants to be near it, then this allows the Assembly to override what is in the TPU. The TPU has a line that would cover sobering centers. Where the manager wanted to site the sobering center was closer to downtown because that is where most of the people who utilize a sobering center are picked up. It didn't make any sense to have it where it is now or to place it someplace where the TPU allows those types of facilities, that is what this ordinance was designed to do. She said that if the Assembly wants to keep that language in about the TPU, this becomes akin to the "Use Not Listed" process where the Planning

Commission is finding a place where this thing could be sited.

Mr. Jones asked if under the current rules, without this ordinance, the Planning Commission has the authority to deal with uses not listed, then what does this ordinance give them other than some authority to overrule the Planning Commission if they decide they do not want to approve a use not listed.

Ms. Mead explained that if a type of use is already in the TPU, then the use not listed process does not apply. She said this ordinance, as initially conceived, was designed to be a tool for the Assembly and Planning Commission to be able to potentially site facilities such as a waste water treatment plant, sobering center, or other necessary use that no one wanted in their area.

Ms. Cosgrove asked for a brief at ease to try to reestablish the connection with those who were participating telephonically.

Mayor Koelsch recessed the meeting at 8:01 p.m. and reconvened at 8:12 p.m.

Ms. Weldon said that during the break, she asked Ms. Mead about possibly adding a phrase "in that location" to page 1, lines 22/23 and asked if Ms. Mead would address that potential addition and what it would mean if they did add that language.

Ms. Mead said that Ms. Weldon stated that it was her intent to specify that the chapter shouldn't be used if the proposed allowable use is an allowable use in that zone in the TPU.

Ms. Gladziszewski noted that would make it an unneeded sentence because if it is already in the zone and it is an allowable use in that zone, you don't need a sentence that says that. She said that with that sentence in the ordinance, it basically nullifies the whole thing.

Ms. Mead said that is correct.

Ms. Gladziszewski said she did not think they were ready to pass this ordinance when they still have this many basic questions.

Additional discussion with questions/answers from the members and the City Attorney took place regarding the processes relating to appeals, non-code ordinances, conditional use process, and city/state review processes.

Mr. Edwardson said that opposes this ordinance for the same reason he opposed it at the last meeting. He can see the utility of it but it seems they are giving themselves a lot of power and was looking in particular on page 3, line 17. *"In determining whether to recommend approval or denial of an application, the ddirector shall considers: 1)*

Whether the proposed use will materially endanger public health or safety..." He said that is what the public process is for and it seems to him that it is a very powerful tool and if they use it, it would be after there has been a great deal of public process. At that point, the public has already determined that they do not want something and the Assembly is going to come back and say that they are wrong. He said that while he opposes the ordinance, he doesn't feel good about opposing it as he can see the uses for it.

Mr. Kiehl said he is somewhat torn about which way to go. The fundamental question for him on this ordinance is related to the balancing act between a guarantee of public process and a guarantee of accountability. He said that with this process, there is going to be a public hearing before the Planning Commission with a written report from the director that the public can react to. That is a good thing. Then, if it comes to the Assembly, the elected officials are only deciding if the Planning Commission made an error as part of the quasi-judicial process. If they do not write this in and that great need arises that has to be in the place and they need to do a non-code ordinance, there will be a public hearing when the ordinance comes before the Assembly. He said it is likely not going to have as much details in writing as there would be if it went to the Planning Commission but what they do have is direct accountability of the people who stand for election and are accountable to the citizens. He said he likes both those things and doesn't have a way to square that circle. He is leaning towards the accountability option and not adding this process to the toolbox.

Ms. Gladziszewski said she is in a similar place as far as being on the bubble. She said that her many years on the Planning Commission leans her towards the TPU. If something should be in a zone, you could change the TPU. She said that she likes this process over a that of a non-code ordinance. This process has Planning Commission oversight similar to a conditional use permit.

Mayor Koelsch closed discussion and asked if there was any objection to the motion to pass Ordinance 2017-23(c). Mr. Jones noted his objection.

Roll call:
Aye: Nankervis, Becker, Koelsch
Nay: Edwardson, Gladziszewski, Gregory, Jones, Kiehl, Weldon
Motion failed: 3:6

E. Ordinance 2018-06 An Ordinance Amending the Land Use Code Relating to Setbacks for Energy Efficiency Improvements.

A significant number of buildings in the community are built to the maximum setback line, and many older homes encroach into setbacks. Many of those property owners have requested to add exterior insulation to their homes and offices in order to increase their energy efficiency, but under current code, setback encroachments are generally prohibited.

The code does, however, provide for certain exceptions to that general rule for things like roof eaves, sheds, and decks. This ordinance would amend that provision, CBJ 49.25.430, to add a setback exception for exterior insulation to encroach up to eight inches into a setback. (Eight inches was determined to be a reasonable number given our climate, insulation materials, and types of existing buildings.) On balance, this ordinance would increase the energy efficiency of buildings and help the community achieve its sustainability goals without significantly impacting adjacent property owners.

The Title 49 Committee discussed this ordinance in the fall of 2017. The Planning Commission recommended the Assembly adopt this ordinance at its meeting on January 23, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION by Mr. Kiehl to adopt Ordinance 2018-06 and asked for unanimous consent. Hearing no objection,it was so ordered.

F. Ordinance 2018-07 An Ordinance Amending Title 72 of the City and Borough of Juneau Code Relating to Driving Without a License.

Alaska Statute 28.01.010 prohibits municipalities from enacting traffic ordinances that are inconsistent with state law.

AS 28.01.010, the state law requiring drivers to be licensed, was amended from a misdemeanor offense to an infraction.

This ordinance would amend the corresponding CBJ offense (CBJ 72.10.065), from a B misdemeanor to an infraction, as required by state law.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION by Mr. Gregory to adopt Ordinance 2018-07 and asked for unanimous consent.

Mr. Jones asked for clarification on how this ordinance fits with the requirements that local ordinances not allowed to be more restrictive than state law.

Ms. Mead explained that for violations under Title 28 of state statutes which are the driving offenses, we are required to be consistent. For things that are in the traffic code, we can be different such as parking restrictions. She then explained that if there is a driving offense in Title 28 such as Driving Without a License, DUI, if we have a similar ordinance for those types of offenses, they have to be consistent with state law.

Mr. Kiehl asked if there is any impact on JPD's ability/need to impound vehicles. He asked if that changes in any way with this ordinance. Ms. Mead stated that does not change that.

Hearing no objection, it was so ordered.

G. Ordinance 2018-08 An Ordinance Amending the Land Use Code Related to Roadway Construction Standards.

This ordinance would amend Title 49 to establish a process by which the Community Development director and the Planning Commission can waive street standards for street reconstruction projects when warranted by the circumstances.

The Planning Commission recommended that the Assembly adopt this ordinance at its meeting on February 13, 2018. The Public Works and Facilities Committee reviewed the ordinance at its meeting on February 26, 2018 and recommended it be forwarded to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION by Ms. Weldon to adopt Ordinance 2018-08 and asked for unanimous consent. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

None.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch stated that he did a welcome for Southeast Conference, attended the

Alaska Municipal League Conference of Mayors when he could, did a welcome at the Innovation Summit, toured Housing First with Senator Murkowski, spent time with Congressman Young when he was in town. He attending the opening of "The Jetty" in Auke Bay.

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

Mr. Kiehl's Liaison Report: the UAS Campus Council met today and the Regents, at their most recent meeting, formally approved the Alaska College of Education centered at UAS. They are down to two finalists for the Dean of the Alaska College of Education. Both of those finalists will be visiting, Steve Atwater from UAF and Charlotte Hildebrand of Troy University. He said it is worth putting on their calendar, video recordings of their presentations and some question and answer sessions with them will be on Chancellor's website next week. He encouraged the Assembly and public to view those videos and comment to the Chancellor. He said the Regents also approved the kickoff of planning process for replacement facility at the former Auke Bay Lab that had been split between CBJ and UAS. He said it was a close decision whether to try to renovate the old National Marine Fisheries Service lab or tear it down and build a more efficient, if somewhat smaller facility. The Regents decided to go with the second choice and are using funds from the sale of the former bookstore/Horton's Hardware building which is now "The Jetty" to kick off that process. They also heard a presentation from the new director of recruiting/advising/student retention who has come to Juneau from UAA. They are trying to bring up the numbers in enrollment; overall enrollment has been down at all the campuses but the enrollment of full time students is slightly up.

Mr. Kiehl noted that the Alaska Municipal League held its winter meeting two weeks ago and the board of directors has narrowed the down to four finalists for the Executive Director position as Cathy Wasserman is retiring at the end of this legislative session.

Mr. Kiehl's Committee Report: The Assembly Finance Committee has not met since the last Assembly meeting but will be meeting on March 14 and will include meeting with a couple of the empowered boards.

Mr. Kiehl Comments & Questions: Mr. Kiehl said he saw a number of Assemblymembers in attendance at the Women of Distinction dinner by AWARE. He offered his congratulations to the four recipients: Lauree Morton, Kolene James, Kueni Ma'aki, and June Degnan. He invited anyone who can to join him at the Juneau Arts and Culture Center on March 9 at 5:30p.m. for a discussion on issues of culture the questions of cultural sensitivity appropriateness and sharing in art. There was recent controversy and the goal of the conversation is to bring the community forward together. The following day, the School District has put together a set of presentations and then a student debate on the question of the new mascot for the combined teams and he is looking forward to see what the students put together in terms of that discussion. He also noted that respect to upcoming questions, tonight the Assembly introduced Ordinance 2017-06(AJ) with approximately $1.8 million for the new gate 2/transfer bridge. He said that amount is a little more than 50% above the contract for the bid award that was passed tonight. He asked if when that comes back for public comment and Assembly adoption about why that delta is bigger than he is used to seeing, that would help for not only the public but also for his consideration.

Mr. Jones' Liaison Report: Mr. Jones noted that the Juneau School District did not meet formally with a regular board meeting since the last Assembly meeting. He reported that they did hold a Saturday morning budget meeting on February 24. They also had some other worksessions that he had not attended. They had decided on a basic budget then decided upon a certain amount of money available above and beyond that. He said that each member of the school board was to rank, on a scale of 1-6, their priorities of the various programs. He said it was interesting that this was the first meeting at which each member got to see what everyone else did. There were three members who ranked 1-6, there were three members who ranked either 6 or 0. He said that led to some very interesting discussions. Mr. Jones reported that there is a special meeting of the School Board to look at the administration's recommendations. Those will then be forwarded to the board. The final meeting on the budget is scheduled for March 27 with the budget due to CBJ on March 30. He said it may come up during their regular board meeting on March 13.

Mr. Jones reported that he will be attending the Downtown Business Association meeting tomorrow morning at 8:30 on the third floor of Senate Bldg. He said that the construction project of Front and Franklin has a weekly project meeting every Tuesday at 9am at Heritage Coffee at the Baranoff. He said that he has attended most of those meetings and there are approximately 8-10 people come to discuss the project. Most of those are business people worried about when are they going to get their sidewalk in front of their business. He said it takes approximately 15-20 minutes for each meeting.

Mr. Jones' Committee Report: The Public Works and Facilities Committee (PWFC) did a lot of work at its last meeting which was reflected in the ordinances for introduction on tonight's agenda. They also reviewed the FY19 CIP Resolution. They had some questions, identified some changes and some items that needed work by staff. It will be slightly changed but they referred it on to the Assembly Finance Committee. The next PWFC meeting is on March 19 at 4:30 and he pointed out this is a time difference from the usual meeting time. They switched with Lands Committee which will be meeting at Noon on March 19 and PWFC will be meeting 4:30-6pm. The first 45 minutes of the PWFC meeting will taking public testimony on the proposal to negotiate a management agreement with the Juneau Arts and Humanities Council to manage Centennial Hall. The rest of the time will be the standard PWFC agenda. He has met with Ms. Cosgrove to ensure sufficient notice is provided to the public about this meeting, they will be reaching out specifically to users of Centennial Hall to try to get public input in this process.

Ms. Gladziszewski's Committee Report:

The Human Resources Committee forwarded the following nominations for Board appointments:
Board of Equalization: David Epstein, Steve Mosely and Kenny Solomon Gross to terms beginning immediately and expiring December 31, 2019.
Jensen-Olson Arboretum Advisory Board: Ed Buyarski and Pat Harris to terms beginning immediately and expiring January 31, 2021.
Parks and Recreation Advisory Committee: Emily Palmer, Kristin Shelton, and Tom Rutecki to terms beginning March 1 and expiring February 28, 2021.
Youth Activities Board: Kristin Romanoff to a term beginning immediately and expiring August 31, 2020.
Personnel Board: Judith Porter for a term beginning immediately and expiring February 28, 2021.
Sister Cities Committee: Barbara Burnett, Junnie Chup, and Kathleen Wayne to terms beginning immediately and expiring January 1, 2021.
Wetlands Review Board: Tyler Adams and John Hudson to terms beginning immediately and expiring December 31, 2021.

Assembly Mining Committee - Ms. Gladziszewski reported that she substituted for the chair of the committee at the last meeting. The committee met on March 1 and heard public testimony re: the redrafted ordinance as well as received dozens of written comments many of which were detailed and very good. She reported that approximately 30 people attended the meeting and the committee also received presentations from Jim Clark and Guy Archibald and that was a very productive meeting. The next meeting of the committee is on Monday, March 12 at 5:30 p.m. and the intention is to have committee members come to discuss amendments to the redrafted ordinance. She said they asked committee members speak with the City Attorney in advance of that meeting regarding any amendments they wish to make prior to that meeting being held.

Ms. Gladziszewski's Liaison Report: The Bartlett Regional Hospital (BRH) Board met on February 27 and welcomed a new boardmember, Rosemary Hagevig. They elected new officers Brenda Knapp, President; Bob Urata, Vice President; Lance Stevens, Secretary/Treasurer. She said that one thing to note is that they are on a solid month with this month with $750,000 margin but year to date, they are at about $1.4 million including the $2.5 million from the Rural Demonstration Project so without that project, things would not be so rosy at the hospital at the moment. The BRH and community is glad for the Rural Demonstration Project funding. The BRH Board meets next on March 27.

Ms. Gladziszewski said the Affordable Housing Commission has not met since the last Assembly meeting but they are scheduled to meet tomorrow, March 6 in Room 224 at 5:15p.m.

Mr. Kiehl Comments & Questions: She said the Assembly received some correspondence from Mr. Quayle regarding driving on the sidewalk and/or getting to the

Whale and Ms. Cosgrove thought that regulation changes weren't maybe necessary. She asked if Ms. Cosgrove has spoken with Mr. Quayle about that.

Ms. Cosgrove said she does have a brief report for them on that. They received a request from Mr. Quayle on a number of different fronts, one of which was to amend the regulations in such a manner that the pedicab could access the new Overstreet part of the Whale Park. She said that part of the issue is limitations on pedicabs on Egan Drive, they cannot be in that traffic pattern. She said that she consulted with the police staff and they believe that they have an alternate route that would work along the sidewalk of Egan for a short period of time, it is fairly wide enough for the pedicab to pass safely and still allow for pedestrian traffic. She said she communicated that briefly with Mr. Quayle this evening. She said there is still an issue on whether or not there is a commercial use permit for the Parks and Recreation managed portion of the Seawalk and Ms. Cosgrove is in the process of figuring that piece out so that is not finalized yet but she expects to have that completed relatively soon.

Mr. Jones said in follow up to that, the State Dept. of Transportation project for 10th to Main Streets includes widening sidewalks and basically putting bike paths on both sides. He suggested that as the Manager's office look at that topic, when the project is done in approximately 2 years, there will be a lot of bikes in that area, whether they will be pedicabs or not. He said that needs to be taken into consideration as they look at that issue.

Ms. Cosgrove stated that she agrees with Mr. Jones' comments and it is likely there will be two answers to that issue. One solution before the project is complete and a second after the construction project is complete. She said that has been part of the hiccup of finalizing the process. They don't know at the end of the day what the traffic flow pattern is really going to be during construction and afterwards it should be less congested.

Ms. Weldon's Liaison Report: The Aquatics Board is in the middle of their public process and they have made at least four presentations and held two public hearing meetings about the options of what will happen when the board sunsets. They are compiling these and the Assembly will be receiving a report soon. They are scheduled for a joint meeting with the Assembly during the Assembly Finance Committee on Wednesday, March 14 at 5:30p.m.

Ms. Weldon reported that the Assembly dealt with two Planning Commission items at this meeting with respect to the waiver of street standards and the set-backs for energy efficiency improvements. They welcomed their newest member Andrew Campbell. They elected their new officers with Ben Haight remaining the Chair of the commission. The Comprehensive Plan Review Committee has started its work and had its first meeting. The next meeting of the Planning Commission is Tuesday March 13.

Ms. Weldon's Comments & Questions: Ms. Weldon said that attended the Elizabeth

Peratrovich Day celebrations at UAS. She also attended some of the Innovation Summit which was excellent but due to illness couldn't attend the full summit and was not able to attend the Alaska Municipal League meetings. She missed attending the Women of Distinction dinner as she was down in Beverton, Oregon attending the Senior Regional VII Swim Championships and there were 600 kids participating in a 20 lane pool with 10 racers going at one time. She gave a shout out to Bergen Davis who finaled in each of his events which is quite a feat in an event featuring 600 kids.

Mr. Gregory's Comments & Questions: Mr. Gregory said he also attended the Women of Distinction dinner and gave a big shout out to those women honored: Kolleen James who works with students at UAS and leads a native dance group and provides other public service in our community. Kueni Ma'ake is a family and children's advocate who often visits the legislature when they are in session to advocate for children and family needs. Lauree Morton is known as a witness bearer but also was the director for the Council on Domestic Violence for the Alaska Department of Public Safety for over 30 years. He recognized June Degnan, who is a community activist who helped start Haven House. He said he hopes to see more Assemblymembers at this event next year.

Mr. Gregory's Committee Report: Mr. Gregory added that at the Mining Subcommittee on March 12, they will be hearing from Mr. Loeffler who will be following up with comments about the revised ordinance.

Mr. Gregory's Liaison Report: The Eaglecrest Board will be meeting on Thursday, March 8 at 5:30p.m. in Room 224. The Parks and Recreation Advisory Committee will be meeting, Tuesday, March 6 at 6 p.m. in the Chambers. He said he was happy to have had a chance to get up to Eaglecrest on Saturday and Sunday and that the parking lots were full and they continue to hope for more snow.

Mr. Gregory's Comments & Questions: He said he would like to understand why and how we have come to the way we handle snow removal in our community. He said that we have a berm on only one side of the street and yet the citizens in our community pay the same, equal amount of tax as those on the other side of the street, yet they are burdened with having to remove the snow berms. He said it does not seem very fair and he would like to understand why they do it this way and how it can become more fair.

Mr. Edwardson's Liaison Report: Docks and Harbors Board held a meeting February 22. Their agenda included discussions about tideland rent lease adjustment increases, charges for the Alaska State Troopers vessel *Enforcer* at the Auke Bay Marine Station. There was no new business but there was discussion about the breakwater covering project and a presentation by the Port Engineer. They also held a discussion about moorage rates and CPI adjustment. The next Docks and Harbors meeting is March 29.

Mr. Edwardson reported that the Local Emergency Planning Committee (LEPC) met on Wednesday, January 10. He noted that previously LEPC lost the use of the BRH conference room for a time and now BRH staff has managed to arrange for use of that room again again by the LEPC so those meetings will be going back to that location. There was discussion about changing the seat title from the "Vulnerable Population" seat to the "Access and Functional Needs" seat. Information items include the Department of Homeland Security and Emergency Management Spring Preparedness Conference that will take place April 10-13 in Anchorage. The Warming Center is still taking volunteers and anyone wishing to volunteer should contact AWARE at MandyOC@awareak.org or the Glory Hole at Info@FeedJuneau.org. The next LEPC meeting is scheduled for March 14.

Mr. Edwardson reported that the Juneau Commission on Sustainability (JCOS) met on February 28. There is more discussion and more than a little bit of happiness that the renewable plan has moved as it has. They had discussions on food security as well as outreach about the word out about sustainability in Juneau. The JCOS is trying to adjust their meeting dates so they don't conflict with the Assembly Finance Committee meetings so that Mr. Edwardson can attend the JCOS meetings.

Mr. Edwardson's Comments & Questions: He said that UAS had an oratory event on Saturday, March 3 between 10am-2pm. It featured seven speakers with a diversity of subject matters. It used to be a competition and now it is a shared event and it was very inspiring in the range of topics covered and the honesty with which the orators discussed them. He said there was also the FILCOM reception that he attended and while he has been privledged to attend many receptions, not many of them featured Assemblymembers dancing between sticks. He mentioned that there had been a public hearing of the RCA regarding the Avista purchase and he noted that most of the Assembly were present but also pointed out that there were quite a few members of the public present who testified as to their concerns. He also echoed Mr. Gregory's concerns regarding snow removal and also noted that they have received the emails about kids walking to school in the streets. He said the morning they received the last email about that, he was watching kids walking to school on the streets and it wasn't that the sidewalks weren't plowed but rather that they were plowed at an angle such that the kids were sliding into the streets on the ice.

Ms. Becker's Committee Report: Said that the Lands Committee has had a couple of meetings on the topic of the Cornerstone Building which was vacated by they Juneau Youth Services. They have held two meetings about this property. At the first meeting, they heard from applicants with proposals to take over the Cornerstone Building and put in their services. The next Lands meeting started early and they received testimony mainly to hear from the neighborhood residents about what they did or did not want in that Cornerstone Building. The Lands Committee heard all the testimony and they are planning to forward to the Assembly consideration of Polaris House, Gehring Nursery, and Alaska Legacy Partners proposals to the Assembly for consideration.

Ms. Becker's Liaison Report: Travel Juneau held its annual meeting recently at the end of February. At the last Chamber Board meeting, Duff Mitchell from Juneau Hydropower presented the workings of their company/project and what it would be like when it is finished.

Ms. Becker's Comments & Questions: She also attended the RCA hearing and was very impressed with all the individuals who testified and she learned a lot at that meeting and she was happy that the RCA came to Juneau to hold the meeting. She was on the Pete Carran radio show last week.

Mr. Nankervis' Comments & Questions: Mr. Nankervis said he attended many of the things that members already spoke about and while it has been a very busy three weeks, he won't elaborate since everyone else shared about those events. Mayor Koelsch asked Mr. Nankeris to explain why there is a trophy in the Mayor's office. Mr. Nankervis stated that unlike this weekend in Whitehorse, Juneau won the Hockey Trophy in Juneau.

C. Presiding Officer Reports

1. Juneau Seventh-Day Adventist Christian School Administrative Appeal

Mr. Jones' Presiding Officer's Report: Mr. Jones asked the members to look in their packets under Assembly Reports and also in the Red Folder, at the last Assembly meeting, they met to talk about the Seventh Day Adventists appeal and they asked the Attorney to draft a motion to dismiss the appeal. He said that the difference between what is in the packet vs. what is in the red folder is that there was a sentence added under item #4 that says: *"It may be appealed to the Superior Court, by filing a Notice of Appeal, per the Alaska Rules of Court, within 30 days from the date this Order is distributed to the parties."*

<u>MOTION</u> by Mr. Jones that the Assembly approved the order to granting the motion to dismiss as submitted in the red folder and asked for unanimous consent. Hearing no objection, it was so ordered.

XIII CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle commented on the fees associated with going to and from the parks. He said enough is enough and the most he and his passengers would be staying in the park at any given time is two hours. He said he can understand if they are changing a fee for an event that is all day but he doesn't agree that they would be charging the same fees for intermittent use. He is already required to pay harbor fees, CPV fees, and now parks fees on top of that.

XIV.EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION by Mr. Kiehl for the Assembly to recess into Executive Session to discuss matters, the immediate knowledge of which, would clearly have an adverse effect on the finances of the City and Borough of Juneau, specifically, the Cruise Line International Association (CLIA) litigation update.

Hearing no objection from the public or Assemblymembers, the Mayor recessed the meeting into Executive Session at 9:10 p.m.

The Assembly returned from Executive Session at 9:52 p.m.

Mr. Kiehl noted that while in Executive Session, the Assembly received an update from the attorney on CLIA litigation and gave the attorney direction.

XV. ADJOURNMENT

There being no further business to come before the Assembly, Mayor Koelsch adjourned the meeting at 9:53p.m.

Signed:________________________ Signed:__________________________
Elizabeth J. McEwen, Acting Clerk Kendell D. Koelsch, Mayor

SUPPLEMENTAL MATERIALS/RED FOLDER ITEMS:

A. Ordinance 2017-07(A)

B. Bid Award Revised Language

C. Ordinance 2017-06(AC)

D. 7th Day Adventist Christian School Appeal-Revised Assembly Order Granting Motion to Dismiss