

# **THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - June 26, 2017

**MEETING NO. 2017-15:** The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

## **I. FLAG SALUTE**

Mayor Koelsch requested that Masoud Abdi lead the flag salute.

## **II. ROLL CALL**

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (telephonic), Beth Weldon and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Gary Gillette, Port Engineer; Greg Chaney, Lands and Resources Manager; Rob Steedle, Community Development Department Director; Bob Bartholomew, Finance Director; Dave Borg, Harbormaster; Jill Maclean, Senior Planner; Beth McKibben, Planning Manager, every firefighter...

## **III. SPECIAL ORDER OF BUSINESS**

### **A. Recognition: Masoud Abdi's Citizenship**

Mayor Koelsch welcomed Masoud Abdi as a new American and said he was very proud of him. He said the test was difficult and Travis Mead, Captain from Capital City Fire and Rescue, had helped Mr. Abdi study.

Mr. Mead said that Mr. Abdi volunteered for CCFR soon after he arrived in Juneau and they became friends. Mr. Abdi has become top of his class in training, was hired with CCFR and he was happy that Mr. Abdi had chosen to become a US citizen, a Juneau resident and a firefighter.

Mr. Abdi thanked the Mayor and Assembly for the honor and said his actions did not deserve recognition, but the idea of the American dream, that if you want something and are willing to work for it, it can happen, is true. He introduced his mother and sister and thanked his fellow employees at CCFR for being his second family.

## **IV. APPROVAL OF MINUTES**

### **A. June 5, 2017 Regular Assembly Meeting 2017-13**

Hearing no objection, the minutes of the June 5, 2017 Regular Assembly Meeting 2017-13 were approved.

B. June 7, 2017 Special Assembly Meeting 2017-14

Hearing no objection, the minutes of the June 7, 2017 Special Assembly Meeting 2017-14 were approved.

## **V. MANAGER'S REQUEST FOR AGENDA CHANGES**

None.

## **VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

William Quayle displayed a poster for his pedicab business called "Express Pedicab." He is not currently in business. He said he needs to be able to work at night and during the winter and it was not too dangerous for him to operate under those conditions. He would like to be able to stop turning down rides.

Deborah Craig spoke about the water issues in Flint, Michigan and the history of the events that lead to the toxic water situation. She said public officials must prioritize the health, safety and welfare of the citizens of the community. She said that the issues of public concern over mining in the community need to be addressed by all of the members of the Assembly.

Elaine Schroeder asked that Mayor Koelsch join other Mayors who have joined the Paris Climate Accord. CCTHITA recently joined with other Native nations to join the Paris accord. Local and state governments must Mayors climate agreement.

Dick Farnell spoke for the 350 Juneau group and said that Nicaragua and Syria were the only countries which did not sign - even North Korea signed the Paris Accord. Supporting the Accord is about maintaining the cohesiveness that holds the world together.

Doug Woodby said he was concerned about the economic future of Juneau and about climate change. Ignoring climate change will have lasting effects and he spoke about the impacts. He encouraged the Assembly to join the Climate Mayor's Network.

Jennifer Johnson encouraged Mayor Koelsch to join the Climate Mayor's Network. She said that children are the most vulnerable and doing what we can now will ensure a safe and healthy future for them.

Mike Tobin said he is a retired emergency doctor and he encouraged Mayor Koelsch to join the Mayor's Climate Network. Juneau is a science town and many scientists live here and have contributed to the work on climate change. Juneau is also a fishing town and warmer ocean temperatures are affecting salmon and other fish and shellfish. Juneau

is an Alaskan town and Alaska is experiencing the affects of warming more significantly than many other states. The science is abundant and clear and this is an opportunity to lead.

Andrew Heist spoke about a sales agreement for land at 2nd and Franklin to Eagle Rock Ventures and said he had concern about the design and the parking that are proposed. He said this would be a high density boarding house in the heart of the downtown business district. He was not sure this is the best use of the space and asked the city manager to delay signing the agreement until more information can be made available on the project.

Joannie Waller spoke about the sale of the 2nd and Franklin Street property. The Assembly gave the manager the authority to sign an agreement. She asked the Assembly to authorize the manager to extend the date to sign the agreement. This project as proposed is maxing out every boundary set in code and is three times larger than what was originally proposed. We live in the mixed-use zone and will deal with an overly dense and under provided for parking in this project.

Sandy Harris spoke about the sale of the 2nd and Franklin Street property. She said it was a mistake to assume that few residents would have vehicles. The proposal was for 130 single residency units and only provided for 7 parking space. Providing shared kitchens lend to interpersonal conflicts. She asked that the signing of the agreement be postponed.

Dennis Harris spoke about the problem with transportation network companies. He owns a limousine. He has heard that UBER does not want to collect sales tax on behalf of their drivers. The bill passed has an option for the city to keep transportation networks out of Juneau by adopting an ordinance and asking the voters if they want to keep this business out of Juneau. He also said the Eagle Rock Venture would be an "instant Bergmann." He supported Mayor's climate agreement.

Marlene Johnson spoke about her sister's estate in Aurora Arms, which was built in 1972. In 1987 the zoning changed and this resulted in difficulties financing the sales and purchase of these units. Sales currently need to be cash sales as the banks won't lend on these units and she asked the Assembly for relief regarding the zoning issues on the property.

## **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 Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

### 1. Ordinances for Introduction

- a. Ordinance 2017-14 An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment and services. The CBJ Charter states that all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.

The State of Alaska, the Municipality of Anchorage, and the City of Ketchikan all currently have this flexibility in their procurement code. There are times when the ability to use alternate procurement methods would save the CBJ considerable amounts of time and money.

This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017 and June 12, 2017 and forwarded to the Assembly for its consideration.

**The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.**

- b. Ordinance 2017-17 An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance

would create that procedural process.

**The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.**

- c. Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of \$1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

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

- d. Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of \$16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.

This ordinance appropriates \$16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum through donations made for this purpose by the Benito & Frances C. Gaguine Foundation, Michelle & Robert Storer, Alison E. Browne, and the Friends of the Juneau-Douglas City Museum. These funds were raised to increase hours of operations at the museum. The funds will allow an increase in museum staffing from 0.75 FTE to 1.00 FTE for FY18. The grant fully funds salaries and benefits for this increase; 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.**

- e. Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of \$15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.

This ordinance appropriates \$15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Big Read broadens our understanding of our world, our communities, and ourselves through the joy of sharing a good book.

Grant funding is provided by Arts Midwest. This federally funded grant is contingent upon funds to be received by Arts Midwest from the National Endowment for the Arts: CFDA (Catalog of Federal Domestic Assistance) #45.024.

This program has a dollar-for-dollar matching requirement and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

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

## 2. Resolutions

- a. Resolution 2792 A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution No. 2751

The Fisheries Development Committee (FDC) was originally created in 1985 as an ad hoc committee. A permanent committee was established in 1989 through Resolution 1399. In 2007, Resolution 1399 was repealed and replaced by Resolution 2418 which reduced the number of FDC members from nine to seven. Then in May 2016, the committee was further reduced from seven to five members through the adoption of Resolution 2751 which repealed Resolution 2418.

Membership and quorum challenges have plagued the committee for a number of years and the FDC chair and Assembly Human Resources Committee have worked on this issue for the past six months. HRC and

FDC chairs met with the Docks and Harbors Board to see if it would be feasible to recreate the FDC as a subcommittee or ad hoc group under the Docks and Harbors Board. The Docks and Harbors Board did not favor this move.

Other attempts to find alternative solutions were also unsuccessful. The Assembly Human Resources Committee, at its meeting on June 5, 2017, passed a motion requesting the Law Department draft a resolution to disestablish the Fisheries Development Committee.

**The City Manager recommends this resolution be adopted.**

### 3. Bid Award

#### a. Term Contract for Juneau International Airport Runway Painting

This is a four year term contract to provide painting of runways and aircraft movement areas at the Juneau International Airport. The contractor will provide all paint, materials, equipment, and labor to complete the project. The initial estimate was \$105,000. The higher amount of the bid is due to the re-evaluation of unit quantities and new FAA requirements such as outlining certain markings. In most cases, the unit cost of the bid items actually decreased.

Bids were opened on the subject project on June 2, 2017. Upon review of the specification the award posting occurred on June 5, 2017. The bid protest period expired on June 6, 2017. Results of the bid opening were as follows:

|                                    |              |
|------------------------------------|--------------|
| Specialized Pavement Marking, Inc. | \$132,044.92 |
| Pacific Asphalt                    | \$248,828.73 |

The bid amount is based on need and may increase or decrease in succeeding years.

**The City Manager recommends the award of bid no. 18-015, term contract for Juneau International Airport runway painting, to Specialized Pavement Marking, Inc. in the amount of \$132,044.92 per year.**

#### b. Cruise Ship Berths Safety Improvements

Bid Award for Cruise Ship Berths Safety Improvements – DH17-045

Construction of this project would remove and replace existing decking in two areas of the dock: at the sloped ramp south of the parking garage, and seaward of the Visitor's Center. The new sloped dock area would comply with ADA requirements while the other decking is being replaced as it is deteriorated. A guardrail section north of the Port Field Office will also be installed.

A public bid opening was held on June 8, 2017. The Docks and Harbors Board reviewed the bids at a special board meeting on June 22, 2017 and recommended awarding the bid to Alaska Commercial Contractors in the amount of \$364,900.

**The City Manager recommends the total bid be awarded to Alaska Commercial Contractors in the amount of \$364,900.**

4. Liquor License

- a. Liquor License Renewal - Southern Glazer's Wine & Spirits of Alaska

**Wholesaler-General Liquor License # 4859 Southern Glazer's Wine & Spirits of Alaska d/b/a Southern Wine & Spirits of Alaska  
Location: 5452 Shaune Drive - Bay 2, Juneau, AK 99801**

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above renewal and recommends the Assembly waive its right to protest this renewal.

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

5. Transfers

- a. Transfer T-988 Transfers \$31,863 from the Augustus Brown Pool HVAC CIP P46-100 and \$120,000 from the AB Pool Short Term Repairs CIP P44-086 to Provide Funding for the Augustus Brown Pool Covers CIP P46-106 to Procure and Install Pool Covers at Augustus Brown Swimming Pool.

This transfer of \$151,863 of sales tax funding from existing CIP Augustus Brown Pool HVAC and CIP AB Pool Short Term Repairs will provide the necessary funds to procure and install pool covers at both the leisure and lap pools at the Augustus Brown Swimming Pool. The Parks & Recreation department has determined that this will offer significant benefits including energy savings and reduction of relative humidity in the building.

The preliminary estimate of total project costs is approximately

\$150,000.

The Assembly Public Works and Facilities Committee reviewed this request on May 22, 2017 and forwarded this to the Assembly for adoption.

**The City Manager recommends this transfer be approved.**

## **VIIIPUBLIC HEARING**

- A. Ordinance 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration. The Lands Committee considered the ordinance at its meeting on June 12, 2017, and recommended forwarding it to the Assembly for public hearing.

**The City Manager recommends this ordinance be adopted.**

### Public Comment:

None.

### Assembly Action:

***MOTION**, by Gregory, to adopt Ordinance 2017-11. Hearing no objection, it was so ordered.*

- B. Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit “all security plans to the manager for review,” prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the “Facility Security Officer.” The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are “need to know.” Because the board is not “need to know” with respect to the plan, and as it does not

oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Weldon, to adopt Ordinance 2017-13.* Hearing no objection, it was so ordered.

C. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community's vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration. The Committee of the Whole considered this ordinance at its June 12, 2017, meeting and approved forwarding it to the full Assembly for public hearing.

**The City Manager recommends this ordinance be adopted.**

Public Comment:

Greg Chaney spoke as a private citizen in support of the ordinance, but said that he had concerns about the way it was written. He displayed a photo of his neighborhood and spoke about the provision that allows a property owner to average the setbacks of the residential units within a 150 foot radius of the house. He showed a picture of his calculations and said in theory it seemed good but did not help that much and was somewhat ambiguous. He said he wasn't asking for any change to the ordinance but wanted to understand if the intent was to rebuild only in the existing footprint of the building or if the setback was determined by the building.

Steve Soenksen asked to include density in this ordinance. Downtown density zoning is pegged per acre and restricts new construction to two units on any lot and multi-family housing is stuck in the mixed-use zone only. The downtown housing situation has worsened since the current zoning was put into place. He discussed two case studies of properties in Juneau which could provide more density.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-16.

Ms. White said Mr. Chaney brought up interesting points and asked for staff clarification.

Jill Maclean said CDD and the Planning Commission know that this ordinance will not solve all the issues including the density question. This ordinance is written to provide several options when applying for any project. They can use the existing zoning standards, they can apply for a variance, and they can use this ordinance if passed. The ordinance provides in the second option that the footprint of the existing residential building would be allowed to be completely rebuilt in the existing footprint. The homes built right up to property lines can be rebuilt in that existing footprint unless it encroached into the public right-of-way or onto a neighbor's property. The averaging numbers correlate to whichever setback needed a reduction. This average may not help every property owner, but it will help a majority of the applicants we have seen over the years which have used variances to address non-conforming situations. Variances are not a tool for flexibility and are not designed to be so. Over time they have been used for this and case law grows, so they lose their intent. This ordinance will allow for flexibility in construction now and will allow staff time to create new zoning in Downtown and Douglas to be more applicable to their unique situations.

Ms. White asked about the timeframes cited in the ordinance. Ms. Maclean said the intent was to keep the issue a priority for scheduling work and since overlay districts were a new concept, it was to ensure the ongoing issues would be addressed.

Mr. Kiehl had several questions and asked for an at ease to work with the attorney on a possible amendment.

Ms. Gladziszewski said that the intent is to allow the PC to get away from a variance to allow people to rebuild to current footprint, and an amendment to it has not had a full hearing by the PC and was not in favor of amending the ordinance.

Mayor Koelsch allowed for a brief at-ease. Following this, Mr. Kiehl withdrew his request to amend and said he would address his concerns when the re-write of the Comprehensive Plan was back before the Assembly.

Hearing no objection, Ordinance 2017-16 was adopted.

## **IX. UNFINISHED BUSINESS**

None.

## **X. NEW BUSINESS**

- A. Resolution 2799 A Resolution Supporting the Disposal of Lot C1, Juneau Subport Subdivision by the Alaska Mental Health Trust Authority.

The Mental Health Trust Authority, through its Trust Land Office, is in receipt of a proposal to purchase the subport property from a local private investor. This resolution would voice the Assembly's support for the sale of the property.

**The City Manager recommends this resolution be adopted.**

Public Comment:

None.

Assembly Action:

*MOTION, by Gladziszewski, to adopt Resolution 2799. Hearing no objection, it was so ordered.*

- B. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017-0006

On May 23, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an Industrial zone at 1758 Anka Street. On June 14, a timely appeal of the Planning Commission'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.**

Assembly Action:

Mayor Koelsch said he had discussed any personal possible conflict of interest with Ms. Mead and he had determined none existed.

Mr. Gregory said he worked frequently with the appellant's attorney, Todd Arujo, and spoke with Ms. Mead about a personal conflict of interest. Ms. Mead said that as Mr. Arujo sometimes acts as Mr. Gregory's attorney he may have difficulty remaining impartial and it was his decision. Mr. Gregory said he preferred to abstain from this appeal and Mayor Koelsch, without objection of the Assembly, granted abstention.

Mr. Jones spoke about his service on the statewide marijuana control board and did not believe that service created a conflict for this matter, but could potentially create a conflict for him when the license in question came before the MCB in the future. He would continue to participate.

Ms. White said she had worked with Mr. Arujo several times but did not consider the work to create a conflict of interest.

*MOTION, by Mr. Nankervis, to reject the appeal.*

Ms. Gladziszewski asked for the grounds to reject. Ms. Mead said the Assembly could reject and appeal if the appellant failed to comply with the appellate rules (in this case this did not apply) or if the notice of the appeal did not state grounds upon which any relief could be granted. The Assembly must read the notice of appeal liberally and in favor of the appellant. Ms. Gladziszewski said in that case, she did not see any reason to reject the appeal.

Roll call:

Aye: Becker, Kiehl, Nankervis, Weldon, White

Nay: Gladziszewski, Jones, Koelsch

Motion to reject the appeal passed 5 ayes, 3 nays, 1 abstention.

Mr. Kiehl said he found that the appellant made arguments having to do with the affect

on property values and inadequate written findings, findings that did not inform us of the basis of the Planning Commission's decision. Having read the Planning Commission's decision, he saw clear discussion of the issues and clear direction and after reviewing the code sections suggested by the appellant, he could not see any situation in which he can imagine the appellant prevailing. Reading as much as possible in the appellant's favor, he could not foresee a positive outcome for the appellant.

Mr. Nankervis said he agreed and that he felt the issues brought up on appeal had been adequately addressed by the Planning Commission.

Ms. Mead said case law provided that the Assembly could not make a substantive finding at this point and the Assembly needed to read the notice of appeal such that if the evidence were presented, could the Assembly grant the relief requested. If there were sufficient evidence about the affect on surrounding property, would the Assembly be able to reverse the decision. If the Assembly could grant the relief, it must accept the appeal.

Mr. Nankervis said that he disagreed with Ms. Mead and based on the evidence before the Assembly he could not believe there was not an ability to deny a request for an appeal.

Ms. Gladziszewski gave notice of reconsideration to preserve the ability to discuss this matter at the next meeting.

Ms. Mead asked the Assembly if it would like a memo on the legal standard about failure to state grounds upon which relief can be granted. Mayor Koelsch said that would be appreciated.

C. Late Filed Application for Community Purpose Exemption - Perseverance Theatre

Assembly Action:

*MOTION, by Jones, to reject the late filed application request.*

In response to Ms. Gladziszewski, Ms. Mead said this was different than late-filed senior property tax exemption filings the Assembly had allowed or rejected in the past. This is a late-filed community purpose exemption and the Board of Equalization had rejected allowing the late filing in the VOA case, in a similar situation to determine. This is not a valuation issue, it is an exemption issue, which goes straight to the Assembly.

Mr. Nankervis objected.

Mr. Kiehl said he supports the theatre, but the standard for filing a late-filed appeal had

not been met.

Roll call:

Aye: Becker, Gladziszewski, Jones, Kiehl, Weldon, White, Koelsch

Nay: Gregory, Nankervis

Motion to reject the filing of a late-filed appeal.

Hearing no objection, it was so ordered.

## **XI. STAFF REPORTS**

None.

## **XII. ASSEMBLY REPORTS**

### **A. Mayor's Report**

Mayor Koelsch established a mining subcommittee regarding the proposed mining ordinance. He said the charge is to recommend what action(s) should be taken on the proposed mining ordinance, to recommend a process including a public process, to recommend if the sub-committee should include additional members, to recommend timelines, and when there are recommendations, they should return to the Assembly Committee of the Whole. He appointed Ms. Weldon, Ms. Gladziszewski and Mr. Gregory, and asked Mr. Gregory to chair the committee.

Mayor Koelsch asked people to fly a flag on every home and business in Juneau on the 4th of July.

### **B. Committee and Liaison Reports**

Public Works and Facilities Committee: Chair Becker said the committee reviewed a proposal for innovating procurement and a suggestion to change the word "lowest" to "most" for qualified bidders. The PWFC discussed a transfer of funds from completed CIP to Pederson Hill.

Joint CBJ / JSD School Facilities Committee: Chair Becker encouraged the Assemblymembers to read the consultants report on Juneau school facilities and send any questions to consultant Joan Lott.

Docks and Harbors Board: Liaison Becker said the Board has discussed putting a small boat harbor near the Mental Health Trust land next to the proposed Ocean Center to be used for yachts and small cruise ships. They have discussed putting a fuel dock in at Statter Harbor for the for-hire ships.

Chamber of Commerce: Liaison Becker updated the Chamber Board of Directors on assembly action, and at its regular meeting, Wayne Jensen discussed the trip the Seward

Statute is making across the states on its way to Juneau.

Alaska Committee: Liaison Becker said the group helped welcome the new Coast Guard Cutter "Bailey Barco" and approved sending a letter to the Assembly in support of the purchase of two electric buses. There is concern about the number of stories to be built on the new construction at the 2nd and Franklin lot.

Finance Committee: Chair Kiehl said the committee heard a report on city debt capacity report and future bonding, discussed future budget process, and proposals for the 1% sales tax, with more to be heard this week. The committee will review potential infrastructure requests to federal government from staff on this Wednesday's agenda.

Campus Council: Liaison Kiehl said the council is on summer hiatus. The University budget is smaller than desired and \$8 million was cut in addition to the Governor's cut.

Alaska Municipal League: Liaison Kiehl said the AML Board meeting will be held in Haines in August and encouraged the Assembly to work with the Clerk if you would like to attend. He forwarded the position statements to all Assemblymembers. Any changes need to come from a member by resolution, so he asked if any Assemblymember is interested in a change to please provide to him to address at an Assembly meeting.

Human Resources Committee: Chair Jones said the HRC met and discussed the continuation of the Juneau Commission on Aging, which does not presently have a quorum, and heard from a present and a past member. The HRC agreed to work on a resolution to reconstitute the commission and bring that back to the HRC on July 31. The committee heard annual reports from the Historic Resources Advisory Commission and the Juneau Commission on Sustainability.

Hearing no objection, the Assembly accepted the recommendations of the HRC and made the following board appointments.

Historic Resources Advisory Committee:

Anastasia Tarmann appointed and Shawna McMahon reappointed to terms ending June 30, 2020.

Juneau Commission on Sustainability:

Edward King appointed to a term ending June 30, 2020.

Local Emergency Planning Committee:

Recommendation to State of Alaska to move Joel Curtis from the Alternate Haz Waste Transporter Seat to the full seat and appoint Paul Khera to the Alternate Haz Waste Transporter seat until December 31, 2017 and to extend the appointment to December 31, 2020.

Treadwell Advisory Board:

Bret Connell reappointed to a term ending May 31, 2020.

Airport Board: Liaison Jones said the Airport Board cancelled the proposed regulations on network transportation companies.

Downtown Business Association: Liaison Jones said the DBA met and discussed Main Street USA and public art and murals.

Bartlett Regional Hospital Board: Liaison Gladziszewski said the board had a visit from the Washington State Hospital Association. Sally Schneider, Chief Behavioral Health Officer, will have her last day on July 7 as she is taking a job in Pittsburg.

Juneau Commission on Sustainability: Liaison Gladziszewski said the JCOS met on June 14 and discussed the energy plan, which is now titled the *Juneau Renewable Energy Strategy*. The commission has approved its draft and staff is coordinating the publication of the draft for presentation to the Assembly. The commission discussed updating its website.

Lands and Resources Committee: Chair White said the committee received an update on the Pederson Hill Subdivision. It also discussed a proposed land trade with Aurora Arms Condo Association - in exchange for access to city uplands - to help solve the problem. She said there is another condo association having an issue of being built on leased land, which creates financing issues. At the next meeting the committee will get update on tsunami danger from Tom Mattice.

Planning Commission: Liaison White said the next meeting was set for June 27.

Aquatics Board: Liaison White said the next meeting was set for June 27.

Assembly Task Force on Homelessness: Chair White said she would work with staff to establish dates for the meetings.

School Board: Liaison Weldon said the Board met on June 13 for an evaluation of the superintendent and discussed extended learning, school sponsored trips, skills for a healthy life curriculum and adopted the 2017-2018 calendar. The next meeting is set for August 8 at 6pm and the meetings will move to JDHS for the year.

Juneau Economic Development Council: Liaison Weldon said the council is working on a grant for low / no emission buses for Juneau. They reviewed a proposed private harbor at the mouth of gold creek. They are meeting to review a "fish fund" project with partners and will meet next on July 19.

Eaglecrest Board: Liaison Gregory said the new manager, Mr. Scanlan, will begin work

on June 28 and the meeting is set for August 3.

Affordable Housing Commission: Liaison Gregory attended the commission's retreat and shared the Assembly's thoughts. They set priorities including some of the 1% sales tax for a mobile home down payment program, and accessory apartment program, a community land trust and the affordable housing fund. They would like to fully fund the affordable housing fund up to \$500,000 per year and to focus on workforce housing, a blighted property policy, and ways to facilitate mobile home parks.

#### C. Presiding Officer Reports

None.

### **XIIIASSEMBLY COMMENTS AND QUESTIONS**

Mr. Gregory said he has been asked about whether it was a wise decision to remove fluoride from the water as some households are experiencing high rates of tooth decay despite good dental behaviors.

Ms. White asked Mr. Watt if Juneau has any lead pipes in the water system. Mr. Watt said no and spoke about the water system and said the consumer confident report on public drinking water standards was recently sent to all households.

Ms. Gladziszewski asked about the Aurora Arms Condo issue. Mr. Watt said that Mr. Chaney has a solution to address city and Aurora Arms' needs by trading CBJ land for access to CBJ lands, which may lead to a rezoning that might meet both party's needs.

Ms. Gladziszewski said she would like the Assembly to support the Mayor's Climate Agreement, and did not know how that got on the agenda, so would make a motion.

MOTION, by Gladziszewski, to join to create a clean energy economy and adopt, honor and uphold the Paris agreement.

Ms. Gladziszewski said Juneau has a Climate Action Plan and adding Juneau's name on the agreement would be a worthwhile endeavor.

Mayor Koelsch said there was objection and asked the clerk to call the roll.

Roll:

Aye: Gladziszewski, Gregory, Jones, Kiehl, Weldon,

Nay: Becker, White, Koelsch

Not Present: Nankervis

Motion passed, 5 ayes, 3 nays.

Mr. Jones spoke about transportation networks and asked for an explanation about operations at the airport and the harbors and about the collection of sales tax. Ms. Mead

said that the airport regulations were pulled as CBJ had no authority to enact regulations regarding this industry under state law. Ms. Mead said CBJ had authority under state law to collect sales tax from TNC drivers and the TNC companies will not register with the sales tax office. They collect the fares on behalf of the drivers and provide receipts through the app, and the drivers should be registering with sales tax before provision of service. A public service announcement would go out to this affect.

Mr. Kiehl asked for an update on the Aurora Arms solution and also asked for an update on any meetings regarding annexation. Mr. Watt said Mr. Chaney has reached out and has not been able to find a date/time to meet with Angoon, but he can try again.

Mr. Kiehl spoke about the potential sale of 2nd and Franklin lot and it would be good to get an update and address any comments about exceptions to the fire code and the number of units at 130.

Mr. Watt said the matter would be updated at Lands Committee. The closing date in the purchase and sale agreement is tomorrow but it is not date of the execution of the sale and they are interested in extending the execution for 9 months, which is provided for in the sale agreement. This is in everyone's best interest and they are making significant progress in exploring their proposal and it is not a final proposal at this time. Mr. Kiehl said the enabling ordinance conditioned the sale to be developed as the proposal that the Assembly had seen.

Ms. Becker said she attended the Auke Rec totem pole dedication, and the Bailey Barco events. She asked if HRAC has been contacted about murals downtown and suggested coordinating artwork with the historic district design standards. Mr. Jones spoke to this concern.

#### **XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

William Quayle said he has noticed that there are many fewer taxis and people are getting more desperate to get a ride from him. He is totally against the climate accord - Juneau has so many trees that produce so much oxygen. Other places have global warming and all he can say is don't cut our trees and we should tell other people to plant trees.

Dennis Watson said he spent a lot of time working on the comprehensive plan and said he has heard no comments on when the plan will be addressed again. There were many complaints from the community about the plan needing work and the work is overdue. It is not a good idea to have staff work on it - it lengthens the process and it became very controversial. It is time to restart the review. He thanked the Assembly for recognizing Massoud Abdi's citizenship.

#### **XV. EXECUTIVE SESSION**

## A. CLIA Litigation Update

*MOTION, by Becker, to recess into executive session, to discuss the CLIAA litigation.* Hearing no objection, the Assembly recessed into executive session at 9:57 p.m. and returned to regular session at 10:28 p.m.

Upon returning to executive session, Ms. Becker said that the Assembly received information and gave direction to the City Attorney.

Ms. Mead said that after recording was turned off assembly expressed confusion regarding what was the actual motion regarding the climate accord and requested that Ms. Sica listen to the audio recording. Ms. Sica distributed the verbatim transcription.

Ms. Weldon said she thought the intent of the motion was to put the matter on the next meeting agenda. Mayor Koelsch agreed and gave notice of reconsideration of the motion to support the Mayor's Climate Agreement.

## **XVIADJOURNMENT**

There being no further business to come before the Assembly, the meeting adjourned at 10:33 p.m.

Signed: \_\_\_\_\_  
Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_  
Kendell D. Koelsch, Mayor