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

Meeting Minutes - August 22, 2016

**MEETING NO.2016-29:** 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. ROLL CALL

Assembly Present: Mary Becker, Jamie Bursell, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Deputy Clerk; Jess Brown; Health and Wellness Coordinator; Andy Migel, Safety Officer; Jennifer Mannix, Risk Manager; Roger Healy, Engineering and Public Works Director; Susan Phillips, Executive Assistant III; Deb Senn, Law Office Manager; Audrey Dean, Litigation and Support Assistant; Sherri Layne, Assistant Attorney II; Pam Wahto, Airport Manager; Gary Gillette, Port Engineer; Greg Chaney, Lands and Resources Manager; Bob Bartholomew, Finance Director; several JPD and CCFR staff members.

## II. SPECIAL ORDER OF BUSINESS

A. Recognition - See Ya Crew

Mayor Koelsch recognized Mike and Erin Carriker and their children Noah, Logan and Harper who were on the boat "See Ya" and noted a whale watch boat calling for help. They loaded 14 of 18 passengers on their boat. Other boats responded, and the whale watch boat sank. No lives were lost. He commended them for their quick thinking.

B. Recognition - Steve Hamilton's Lifesavers

Mayor Koelsch recognized George Crowder, Tommy Vrabec and Pete Fergin for their quick response and life-saving efforts when Steve Hamilton collapsed while playing tennis on January 7, 2016. Mr. Hamilton is now fully recovered and Mr. Hamilton was present to thank Mr. Crowder and Mr. Vrabec, who were able to attend the meeting.

C. Recognition - Andy Migel

Mr. Watt recognized CBJ Safety Officer Andy Migel who was recently named a "Rising Star for Safety 2016" by the National Safety Council. The organization has 50,000 members and he was one of 40 people who were recognized nationwide.

D. Recognition - Sherri Layne

Mr. Watt and Ms. Mead recognized CBJ Assistant Attorney II Sherry Layne for her work as CBJ Prosecutor for her outstanding performance 24/7. She has made herself available to CBJ

around the clock for over a year. Ms. Layne's work product and attitude never wane and every case was approached with equal thoroughness and enthusiasm.

## III. APPROVAL OF MINUTES

A. August 1, 2016 Regular Assembly Meeting 2016-28

Hearing no objection, the minutes of the August 1, 2016 Regular Assembly Meeting 2016-28 were approved.

## IV. MANAGER'S REQUEST FOR AGENDA CHANGES

A. The City Manager requests that Ordinance 2016-09(F) be pulled and reset for public hearing at the September 12, 2016, regular Assembly meeting.

Hearing no objection, the Assembly removed Ordinance 2016-09(F) from the agenda and reset the ordinance for public hearing at the September 12, 2016, regular Assembly meeting.

Hearing no objection, the Assembly removed Ordinance 2016-29 regarding the senior sales tax exemption and marijuana as it was no longer necessary due to catching an error in the update of the code on-line.

## V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*William Quayle* suggested that the city sell water to help city finances. He spoke about his frustration with the regulations regarding pedicabs, that he had turned down approximately 75 passengers but did give one gentleman a ride without charging any fees.

*Bill Leighty* spoke about energy issues and referenced the CBJ Comprehensive Plan regarding Sustainability, and the draft energy plan before the Assembly. One of the keys to sustainability is compact development and the project to extend the North Douglas Road violates that key precept. When considering capital projects, CBJ needs to consider long-term life cycle costs.

## VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

*MOTION, by Kiehl, to adopt the consent agenda*. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2016-09(H) An Ordinance Appropriating to the Manager the Sum of $73,344 as Funding for the Juneau International Airport Aircraft Rescue and Fire Fighting (ARFF) Building Modifications Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.

This ordinance would appropriate $73,344 to the Aircraft Rescue and Fire Fighting (ARFF) Building Modifications capital improvement project. Funding is provided as follows: Alaska Department of Transportation grant: $73,344. The FAA funds 93.75% of the project with the remainder being split between State of Alaska Dept. of Transportation (ADOT) and Juneau International Airport. FAA and JIA funding has previously been appropriated. The Public and Facilities Committee reviewed this action at its June 27, 2016, meeting. The Airport Board approved this action at its August 9, 2016 meeting.

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

b. Ordinance 2016-30 An Ordinance Amending the Comprehensive Plan by Adopting the Housing Action Plan.

This ordinance would adopt the Housing Action Plan, and amend the CBJ's Comprehensive Plan to include the Housing Action Plan.

On October 26, 2015, the draft plan was presented to the Assembly Committee of the Whole. The Affordable Housing Commission and staff further refined the plan, and at its June 7, 2016, meeting, the Affordable Housing Commission voted to move the plan to the Planning Commission. On July 12, 2016, the Planning Commission, by unanimous vote, recommended that the Assembly adopt the plan as an addition to the City and Borough Comprehensive Plan.

The Housing Action Plan will be referred to the Committee of the Whole for consideration at its August 29, 2016, meeting.

**The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole.**

c. Ordinance 2016-31 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed $18,900,000; 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 $18.9 million in bonds to refund (refinance) the 2006A general obligation school bonds. The original $44 million in bonds were sold September 15, 2006. The original bonds were sold directly into the market by CBJ but the refunding is being done through the Alaska Municipal Bond Bank.

The amount being refunded is $18.8 million plus issuance costs. If CBJ issues the refunding bonds in October 2016 the refunding will result in an estimated total savings of $1.4 million over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment December 2021).

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 funds the remaining portion of the payments.

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

2. Other Items for consent

a. CBJ Review of State of Alaska - Standard Marijuana Cultivation Facility License #10270 TOP HAT, LLC

The Alcohol Marijuana Control Office (AMCO) sends local governing bodies notice of Marijuana License applications which allows local governing bodies the opportunity to protest or waive its right to protest the issuance or renewal of these licenses. CBJ received notice of a State of Alaska Standard Marijuana Cultivation Facility License #10270 from TOP HAT, LLC to be located at 2315 Industrial Blvd. Juneau, AK 99801.

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommend the Assembly waive its right to protest the issuance of this license. As to CDD's recommendation: although the Assembly may protest a license for an applicant's failure to obtain a local license, in this case, even though the applicant does not yet have a local license, CDD recommends allowing the applicant to move forward. The applicant has secured a conditional use permit. Once the CUP is approved and the state license is received, CDD will issue the local license after an inspection. Should the applicant fail the inspection, the local license will not be issued and the applicant will be prohibited from operating in the CBJ despite having obtained a 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 Alcohol & Marijuana Control Office Notice to local governing body and the License Application #10270 online form
Form MJ-01: Marijuana Establishment Operating Plan
Form MJ-02: Premises Diagram
Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental
Conditional Use Permit 2016-0013 Notice of Decision

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.**

## VII. PUBLIC HEARING

A. Ordinance 2016-23(d) An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

This ordinance would make discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin unlawful. By policy, CBJ finds such discrimination a threat to the health, safety and general welfare of the citizens of the City and Borough.

The Committee of the Whole discussed this ordinance at its June 21, 2016, July 25, 2016, and August 15, 2016, meetings and recommended forwarding it to the full Assembly for public hearing.

Version (d) of the ordinance reflects the change to section 41.05.025(e) made by the Committee of the Whole at its August 15 meeting.

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

Public Comment:

*Mike Clemens* said the ordinance was not ready for adoption. There was a duty to get out into the community and explain this ordinance, and it should be explained to the community before and not after it became law. No statement of public need for this ordinance was recorded in the June 12 Committee of the Whole minutes and this should be returned to committee for such a determination. He said the usage of the Supreme Court decisions cited were troubling. It was stated that this ordinance is an important statement to make, and if that is the case a resolution would be more appropriate than an ordinance. The original constituent request was for an ordinance for housing and employment and the discrimination in public accommodations should be deleted. The premise in the ordinance is that only those in the protected classes need to be insulated from unlawful behavior but abuses can happen on both sides of any transaction and there were no penalties or sanctions. Before enacting law, there should be clear evidence that there are no other remedies available. He asked the Assembly to push the effective date back to the first of the new year.

*Freda Westman*, President of Camp 70, spoke representing the Alaska Native Sisterhood (ANS) in support of the ordinance. It was always the right time to do what was right in providing equal rights and equal protection.

Mayor Koelsch noted that several members in the audience said they supported Ms. Westman's comments so asked for a show of hands and many in the room raised their hands.

*Rebecca Smith* spoke in favor of the protections she believed were provided by the ordinance in an effort to strengthen the community.

*Phil Campbell*, pastor of Northern Light United Church, spoke about his churches' philosophy for inclusion, justice and equality for all members of society and supported the ordinance, saying it was a necessary to ensure that a commitment to equal rights was the law of the land and that all were welcomed within the borough.

*Justin Parish* supported the comments of the three previous speakers and thanked all who worked to bring the matter to fruition.

*Norton Gregory* said he supported equal rights, was concerned about the financial effects of the ordinance, but was present to support those in the audience and at home who supported this measure to seek equality. He encouraged the Assembly to lead the way in Alaska in adopting this ordinance.

*Tom Williams* said he supported that the ordinance no longer told landlords what type of payments they must accept, but the ordinance was now more onerous than originally presented. This ordinance would allow those who practice a different lifestyle to turn on those who disagree with them. It is a political ploy to mirror federal and state law and complicates the enforcement of existing law. This ordinance provides special treatment for those who engage in specific sexual behaviors and to silence those who disagree, and imposed a minorities political values on the majority. He predicted that division would be created by passing this ordinance because someone would push a legal case regarding this matter.

Assembly Action:

*MOTION, by Kiehl, to adopt Ordinance 2016-23(d).*

Mr. Nankervis objected. He said the goal was to include gender identity and sexual orientation to the protected classes, but this ordinance was too long and he gave several examples of language which was problematic to him. He did not disagree with the intent of this ordinance but he disagreed with the language written in this ordinance.

Ms. Troll read prepared remarks in support of the adoption of Ordinance 2016-23(d).

Mr. Kiehl responded to some of Mr. Nankervis' concerns about modifications to rentals to allow for accommodations and screening renters.

Ms. Gladziszewski said she was surprised that this ordinance was 15 pages long and thought it would be simpler, but was satisfied that all of it was necessary to accomplish the intent.

Mayor Koelsch asked Ms. Mead about the enforcement action in this ordinance. Ms. Mead said the ordinance created a private cause of action in state court so there is no enforcement component on a city level, and no budgetary consequence for CBJ. It does allows someone to bring civil suit in state court for violation of city code.

Roll call:
Aye: Becker, Bursell, Jones, Gladziszewski, Kiehl, Troll, White, Koelsch
Nay: Nankervis
Motion passed, 8 ayes, 1 nay.

B. Ordinance 2015-20(AV) An Appropriation Transferring to the Manager the Sum of $42,233 as FY16 Supplemental Funding for the Law Department; Funding Provided by the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer $42,233.07 from the Open Space Waterfront Land Acquisition Capital Improvement Project to the Law Department.

The FY16 supplemental funding is needed for legal representation in the case: CRUISE LINES INTERNATIONAL ASSOCIATION ALASKA, and CRUISE LINES INTERNATIONAL ASSOCIATION v. THE CITY AND BOROUGH OF JUNEAU, ALASKA, et al.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2015-20(AV).*

Roll call:
Aye: Becker, Bursell, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White
Nay: Koelsch
Motion passed, 8 ayes, 1 nay.

C. Ordinance 2016-09(G) An Appropriation Transferring to the Manager the Sum of $250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would appropriate $250,000 of Marine Passenger Fees from the Open Space Waterfront Land Acquisition capital improvement project in FY17.

The CBJ strongly supports and welcomes cruise ship tourism, and will continue to work cooperatively with the industry to address impacts caused by the visitation of approximately one million visitors to the CBJ per year. At the same time, the CBJ must defend its marine passenger and port development fees against the constitutional challenges raised by the industry in the litigation brought by the Cruise Lines International Association (CLIA).

These funds would be appropriated in FY17 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Bursell, to adopt Ordinance 2016-09(G).*

Ms. Becker asked for the balance remaining in the Open Space Waterfront Land Aquisition CIP. Mr. Watt said there would be $1.6 million remaining in that reserve fund.

Roll call:
Aye: Becker, Bursell, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White
Nay: Koelsch
Motion passed, 8 ayes, 1 nay.

D. Ordinance 2016-09(C) An Ordinance Appropriating to the Manager the Sum of $2,000,000 as Partial Funding for Construction of the Aurora Small Boat Harbor Re-Build Project Phase II; Funding Provided by the Alaska Department of Transportation, Public Facilities, Municipal Harbor Facility Grant Program.

Grant funding in the amount of $2 million provided by the Alaska Department of Transportation & Public Facilities, Municipal Harbor Facility Grant Program. Matching grant funds of $2 million have already been provided by the Harbors Enterprise Fund Balance. CBJ Docks and Harbors received notice of award of a $2 million Municipal Harbor Facility Grant for phase two of the reconstruction of Aurora Harbor. The funding would be used to replace failing infrastructure of the current facility including new piling, floats, electrical wiring, pedestals, water lines, and hydrants. Phase two would complete the main float, and head floats E, F, and G including mooring finger floats on one side and provisions for current boat shelters on the other side. This ordinance would appropriate $2 million into the overall budget of the project.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Troll, to adopt Ordinance 2016-09(C). Hearing no objection, it was so ordered.*

E. Ordinance 2016-09(D) An Ordinance Appropriating to the Manager the Sum of $76,050 as Funding for Enhanced Security and Monitoring Capabilities at the Downtown Cruise Ship Docks; Grant Funding is Provided by a US Department of Homeland Security Port Security Grant.

This ordinance would appropriate $76,050 for the design, procurement and installation of security cameras for the new cruise ship berths. Grant funding is provided by the US Department of Homeland Security – Port Security Grant Program. This is an operating grant and requires a $25,350 match for a total approved project amount of $101,400. This match will be met with the Docks Fund's existing FY17 adopted budget; thus there is no need to appropriate the $25,350 from the Docks Fund. This project will provide greater security and monitoring capabilities consistent with federal law and the CBJ Docks & Harbors Facility Security Plan. The Docks & Harbors Board reviewed this appropriation ordinance at its July 28, 2016, regular public meeting.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Gladziszewski, to adopt Ordinance 2016-09(D).*

The Assembly had a number of questions about staff time used in monitoring, the nature of the record created by the use of cameras and the retention of the record, and the involvement of Homeland Security and the U.S. Coast Guard for facility security.

Mr. Nankervis said that this ordinance was an example of an unfunded mandate and he did not like the fact that government installed cameras to monitor people's actions.

Roll call:
Aye: Becker, Bursell, Jones, Gladziszewski, Kiehl, Troll, White, Koelsch
Nay: Nankervis
Motion passed, 8 ayes, 1 nay.

F. Ordinance 2016-09(F) An Ordinance Appropriating to the Manager the Sum of $14,382,817 as Funding for the Juneau International Airport to Construct a Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate $14,382,817 to Construct a Snow Removal Equipment Building (SREB) capital improvement project. Funding is provided as follows: Federal Aviation Administration grant: $14,382,817. The FAA funds 93.75% of the project with the remainder being split between State of Alaska Dept. of Transportation (ADOT) and Juneau International Airport local match. Airport local match has been previously appropriated, and an ADOT matching grant is anticipated shortly. The Public Works and Facilities Committee reviewed this action at its June 27, 2016, meeting. The Airport Board approved this action at its July 28, 2016, special meeting.

**The City Manager recommends this ordinance be pulled and reset for public hearing at the September 12, 2016, regular Assembly meeting.**

*This item was removed from the agenda and set for public hearing on the September 12, 2016 Regular Assembly Meeting agenda.*

G. Ordinance 2016-22 An Ordinance Amending the Business Regulations Code Relating to Marijuana and Alcohol.

This ordinance would accomplish two things: (1) update the alcohol license review process by removing antiquated language and clarifying the grounds for protest consistent with state law; and (2) provide a process for the review of state marijuana establishment license applications similar to the process used by the CBJ to review alcohol license applications.

With respect to the review of alcohol license applications, the suggested changes do not limit or change the scope of review the Assembly currently has under the code as provided by state law.

With respect to the review of marijuana license applications, the proposed review process is designed to avoid duplicating the State's regulation on license restrictions (3 AAC 306.010), and to create a process for the CBJ that complies with the local government protest process identified in 3 AAC 306.060.

The Assembly Human Resources Committee will be reviewing this ordinance at its meeting immediately preceding this Assembly meeting.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Nankervis, to adopt Ordinance 2016-22.*

*MOTION, by Nankervis, to amend Ordinance 2016-22 to remove "license or" from Section 20.25.025 (a)(1). Hearing no objection, it was so ordered.*

Mr. Jones said that HRC reviewed the ordinance at its meeting immediately preceding the Assembly meeting. The committee had a concern that in repealing and replacing the previous code, the Assembly was not presented with the language being repealed and changed. The committee therefore made no recommendation. Ms. Mead she would in the future provide that information and explained some of the changes, such as much of the protest language in the old code was covered in other sections of the current code.

Hearing no further objection, Ordinance 2016-22 was adopted as amended.

H. Ordinance 2016-27 An Ordinance Authorizing the Manager to Convey Lot 6 and Lot 7 of the Renninger Subdivision to the Alaska Housing Development Corporation.

At the Assembly's direction, staff solicited letters of interest for the disposal of six lots in the Renninger Subdivision. The Lands Committee reviewed four proposals at its April 25, 2016, meeting and as a result, directed staff to work with the Affordable Housing Development Corporation (AHDC) to purchase two of the lots at fair market value.

At its May 16, 2016, meeting, the Lands Committee passed a motion of support for the sale of Lots 6 and 7 to AHDC. At its meeting on May 23, 2016, the Assembly authorized the City Manager to negotiate the sale.

This ordinance would authorize the City Manager to finalize negotiations and enter into an agreement with AHFC for the sale of the two lots at fair market value, and provides for certain terms in the event the sale is financed by the CBJ.

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

Public Comment:

None.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2016-27. Hearing no objection, it was so ordered.*

I. Ordinance 2016-28 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

The primary purpose of this ordinance is to amend the City and Borough code consistent with changes made by the State with the omnibus crime bill, SB 91. Per SB 91, if state law provides for a comparable state offense, a municipality may not impose a greater punishment by ordinance than that imposed for a violation of the similar state law. This requirement under SB 91 specifically applies to home rule municipalities such as the CBJ.

This ordinance makes a few additional housekeeping changes, outlined in the memorandum from the City Attorney included in your packet.

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

Public Comment:

None.

Assembly Action:

*MOTION, by White, to adopt Ordinance 2016-28.*

Mr. Kiehl asked for an explanation of Section 3. CBJ 01.40.020 "Time and method of payment disposition of fines.", item (c). He asked about imprisonment for nonpayment of fines or restitution. Ms. Mead said this section of the ordinance mirrored the language in SB91. She said that imprisonment for anything other than a violent act was no longer an option. Sentencing someone to jail for certain crimes was eliminated or greatly reduced. At the same time, the fine structure for violations of criminal law has been increased, as this has been determined to be more effective, to address recidivism. We need to outline that we have the same rights for enforcement as does the State Department of Law. Mr. Kiehl objected to the inclusion of this section and spoke to his objections. Ms. Mead said the court does not imprison a person for inability to pay a fine.

Mr. Nankervis asked Ms. Mead to clarify the length of sentencing and she explained the ordinance.

Mr. Nankervis asked the cost of lodging to the city for housing a person at Lemon Creek Correctional Center. Ms. Mead said it was $216, and the person sentenced must pay the cost.

*MOTION, by Kiehl, to amend Ordinance 2016-28 to remove Section 3, page 3, line 2 through page 4, line 9, to be brought back as a separate ordinance to be reviewed by the Assembly Committee of the Whole.*

Roll call:
Aye: Becker, Bursell, Gladziszewski, Kiehl, Troll, Koelsch
Nay: Jones, Nankervis, White
Motion passed, 6 ayes, 3 nays.

Mr. Jones objected to acting on this ordinance at this meeting as this ordinance had not been reviewed by any committee and there was a work session pending on the topic.

Ms. Mead spoke to the mandatory nature and time sensitivity of some portions of the ordinance.

Roll call on the main motion, as amended:
Aye: Gladziszewski, Kiehl, Nankervis, Troll, White, Koelsch
Nay: Becker, Bursell, Jones
Motion passed, 6 ayes, 3 nays.

J. Ordinance 2016-29 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption and Marijuana.

This ordinance would amend the sales tax code with respect to the senior sales tax exemption to require that the taxation of marijuana and marijuana products be handled in the same way as alcohol sales. Under current code, the sale of alcohol is not an exempt sale. This ordinance would treat marijuana and marijuana products similarly, unless the product is purchased with a prescription.

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

*Hearing no objection, Ordinance 2016-29 was removed from the agenda during "manager's requests for agenda changes."*

## VIII. UNFINISHED BUSINESS

None.

## IX. NEW BUSINESS

A. Resolution 2765 A Resolution of the City and Borough of Juneau in Support of the Acquisition of the Auke Bay Marine Station Through the Maritime Administration (MARAD) Port Conveyance Program.

On April 18, 2016, Docks & Harbors learned from the Maritime Administration (MARAD) that the former NOAA Fisheries Lab (aka the Auke Bay Marine Station) would be available to governmental entities through a competitive process under the federal Port Conveyance program.

The property consists of approximately four acres of land, multiple buildings, a dock, and access to the ocean. It is immediately contiguous to land, tidelands, and facilities managed by CBJ and by the University of Alaska Southeast. Both the CBJ and UA agree that there are multiple benefits to having the property remain in public ownership given its prominent coastal location and long history of use by public agencies and that it could potentially contribute to shared community goals of expanding and enhancing marine-related education, research and economic development, fisheries development, and harbor development.

Both the CBJ and University submitted notices of interest advising their intent to seek receipt of the surplus property. Given that neither party needed exclusive use of the property to achieve their desired goals, and given that the parties' intended uses were not mutually exclusive, the parties jointly requested an extension to the August 29, 2016, deadline for submission of applications with a goal of exploring mutually-beneficial use of the property, but that extension request was denied.

The Docks and Harbors Board is prepared to submit a timely application to the federal government. Concurrently, the City Manager and UA President are negotiating a memorandum of agreement that would allow both entities to benefit from the property consistent with each entity's needs.

By this resolution, the Assembly would be expressing its support for the submission of an application so that the property can be secured for the mutually beneficial use by the CBJ and UAS.

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

Public Comment:

None.

Assembly Action:

The Assembly asked questions of Mr. Watt to clarify several issues and discussed the matter.

*MOTION, by Kiehl, to adopt Resolution 2765. Hearing no objection, it was so ordered.*

B. Notice of Appeal - Southeast Alaska Land Trust v CBJ Assessor - Charitable Property Tax Exempt Status Determination.

On March 29, 2016, the CBJ Assessor denied an application for a charitable exemption status for Southeast Alaska Land Trust pertaining to 14 parcels of land. On April 18, 2016, a timely appeal of the Assessor's decision was filed. The appeal was stayed while the parties attempted to resolve the issues. Resolution could not be reached and the appeal is now back before the Assembly for action.

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:

Hearing no objection, the Assembly accepted the appeal, determined to hear the appeal itself, and assigned Mr. Kiehl as Presiding Officer.

C. Notice of Appeal - Nestler v Planning Commission - USE2016 0020 Pet Grooming & Boarding.

On July 26, 2016, the CBJ Planning Commission approved an application for a pet grooming and boarding facility at 8757 Dudley Street with conditions. On August 15, 2016, a timely appeal of the conditions 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:

Hearing no objection, the Assembly accepted the appeal, determined to hear the appeal itself, and assigned Mr. Jones as Presiding Officer.

D. Senior Citizen Late File - Bosworth

Assembly Action:

*MOTION, by Troll, to accept the late filing as if timely*. Hearing no objection, it was so ordered.

E. Senior Citizen Late File - Poitra

Assembly Action:

*MOTION, by White, to accept the late filing as if timely*. Hearing no objection, it was so ordered.

F. Senior Citizen Late File - Williams

Assembly Action:

*MOTION, by Becker, to accept the late filing as if timely*.

The Assembly questioned the manager's recommendation to deny the request to accept a late filing.

Hearing no objection, the Assembly voted to accept the late filing as if timely.

G. Hardship Late File - Powers

Assembly Action:

*MOTION, by Kiehl, to accept the hardship exemption late filing as if timely*.
Ms. Troll objected and supported the manager's recommendation for denial.

Roll call:
Aye: Becker, Bursell, Jones, Gladziszewski, Kiehl, Nankervis, White, Koelsch
Nay: Troll.
Motion passed, 8 ayes, 1 nay.

## X. STAFF REPORTS

None.

## XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch spoke about his participation in the 2016 Mayor's Award for the Arts and listed the following award recipients:

Arts & Education Award – Jim Fowler
Artist - Vera Starbard
Patron and Volunteer for the Arts - Jeff Duvernay
Art Organization/Leadership – Scarlett Adams
Business Leadership in the Arts – Keith Giles
Art Entrepreneur of the Arts – Mark Kelley
Lifetime Achievement in the Arts – Skip Wallen

He attended the Filipino Community Scholarship Awards on Saturday, August 20.

The city received a certificate of appreciation from Litter Free; this was the 100th annual clean up as a city. Mayor Koelsch has observed a problem with cigarette butts and implored the community to keep Juneau clean.

Mayor Koelsch promoted an upcoming event with a traveling earthquake simulator called "What's Shakin' Juneau!" on Wednesday, August 31 and Thursday, September 1 at the Alaska State Museum.

B. Committee and Liaison Reports

*Human Resources Committee*: Chair Jones said the HRC heard annual reports from the Americans with Disabilities Act (ADA) Committee and the Youth Activities Board (YAB). The HRC is reviewing the establishing resolution of the YAB regarding grant scoring criteria.

Hearing no objection, the Assembly accepted the recommendation of the HRC and approved the following board appointments:

ADA Committee:

Pamela Mueller-Guy and Matthew McGuan to terms expiring August 31, 2019.

Youth Activities Board:
Liz Brooks and Bonita Nelson to terms expiring August 31, 2019.

Juneau Commission on Sustainability:
Myrna Gardner to a term expiring June 30, 2017.

*Juneau Economic Development Council*: Liaison Jones said JEDC would hold a board retreat on September 9.

*Juneau Commission on Aging*: Liaison Jones said the next meeting was set for September 8.

*Airport Board*: Liaison Jones said the Board was addressing a problem of junk and a homeless camp on airport property with the manager and CDD to ensure the area stays clear.

*Downtown Improvement Group*: Liaison Jones reported on a DIG litter cleanup in September.

*Downtown Business Association*: Liaison Jones reported on the Main Street USA project and meetings to be held September 29 and 30.

*Local Emergency Planning Committee*: Liaison Bursell reported on the Earthquake Simulator Event on August 31 and September 1. There is a need for volunteers for an emergency disaster drill at the airport on September 17. The next meeting of the LEPC was set for September 14.

*Eaglecrest Board*: Liaison Bursell said the board was already working on getting ready for the next ski season, recruiting seasonal hires and season passes would go on sale September 1. The next meeting was set for September 1.

*Lands Committee*: Chair Troll said the committee reviewed a staff evaluation of a proposal from Rich Harris to swap land with CBJ and did not approve moving forward with this project. The committee discussed the disposal of the North Franklin parking lot and the housing proposal and would discuss the matter at a future meeting.

*Affordable Housing Commission:* Liaison Troll said the AHC met and reviewed the Housing Action Plan priorities and was trying to narrow the scope of work to focus their energy. The next meeting was set for September 6.

*Juneau Commission on Sustainability*: Liaison Troll said that the JCOS met and discussed the pending public meeting with AEL&P and discussed roosters.

*Public Works and Facilities Committee*: Chair Gladziszewski said the PWFC met and discussed on-site waste water treatment systems and Local Improvement Districts.

*Parks and Recreation Advisory Committee*: Liaison Gladziszewski said the PRAC met and discussed the 6-year CIP list, and tree removal at the Treadwell area. There was discussion about fireworks and the next meeting was set for September 6.

*Bartlett Regional Hospital Board*: Liaison Gladziszewski said the next meeting was set for August 23.

*Finance Committee*: Chair Nankervis said the committee met and received a budget update for FY17 and FY18. The next meeting was set for September 8.

*Docks and Harbors Board*: Liaison Nankervis said the board met and discussed the artwork for dock project 16b and was remobilizing to do phase II of dock project 16b met Thursday night. Regarding the Statter Harbor project, there is some disagreement regarding the term "substantial completion." The board is working to resolve the vegetative cover requirement and the complaints about the trees that were planted along Glacier Highway. He spoke about a plan for relocating the boat houses in Aurora Harbor and they will be taking public comment on it before they implement that. The Board would address issues regarding the Thane Ore House property at its next meeting set for August 29.

*Joint Assembly - School Board Facilities Committee*: Chair Becker said she was working to set a date for the next meeting. The bids for that RFP had come in high.

*Chamber of Commerce*: Liaison Becker said the Chamber would be holding a candidate forum on September 22. The League of Women Voter's candidate forum would be held on September 14 in the Chambers.

*Aquatics Board*: Liaison White said the next meeting was set for August 23.

*Planning Commission*: Liaison White said the next meeting was set for August 23 and agenda items included an extension of the Stabler Point rock quarry and the Sweetheart Lake energy project.

*Travel Juneau*: Liaison White said that the board was meeting regularly and would like to meet individually with Assemblymembers. July was down in hotel room nights.

*School Board*: Liaison Kiehl said the next meeting was set for September 13 at Thunder Mountain High School.

*UAS Campus Council*: Liaison Kiehl said the council discussed the former NOAA lab at Auke Bay. The UA Board of Regents would be coming to town in Mid-September and a community forum would be held at the joint use center on September 15. The University system is continuing with the “strategic pathways” program reorganization.

*Alaska Municipal League*: Liaison Kiehl particiated in the summer board meeting in Wasilla and discussion focused on the PERS/TERS issue and other state budget items.

*Committee of the Whole*: Chair Kiehl said the COW met and discussed transportation, parking , the "Equal Rights" ordinance, Fireworks policy and requested that an ordinance be drafted regarding fireworks. There is interest in providing additional public comment sessions.

C. Presiding Officer Reports

*Meek v Planning Commission*: Presiding Officer Jones said the appeal hearing was scheduled for Monday, December 19 at 5 p.m. in the Chambers.

## XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Troll thanked Rorie Watt for facilitating the meeting on AEL&P's proposed diesel power plan and said the session was informative.

Ms. Becker invited the public to the installation of the whale statue on August 21. There was discussion about security and Mr. Watt said that the gate is locked as it is an active construction site.

The Assembly discussed a pending meeting with Governor Walker in Assembly chambers.

## XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*William Quayle* spoke about earthquake emergency preparedness.

## XIV. EXECUTIVE SESSION

None.

## XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:46 p.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

## XVI. SUPPLEMENTAL MATERIALS