THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 21, 2015

MEETING NO. 2015-32: 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 Mary Becker.

Mayor Becker requested a moment of silence to honor former Mayor Greg Fisk.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl (teleconference), Jerry Nankervis, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Mila Cosgrove, HRRM Director; Beth McEwen, Deputy Clerk; Patricia deLaBruere, Airport Manager; Bryce Johnson, JPD Chief; Ed Mercer, Deputy Police Chief; Lt. Kris Sell, JPD; Kristi West, Zach Gordon Youth Center; Bob Bartholomew, Finance Director; Rorie Watt, Engineering and Public Works Director; Carl Uchytil, Port Director; Laura Boyce, Senior Planner.

II. SPECIAL ORDER OF BUSINESS

A. Honoring AML Award Recipients Beth McEwen, the Juneau Police Department's Bicycle Safety Program, the Juneau International Airport's Runway Rehabilitation Team, and the Zach Gordon Youth Center Kitchen Remodel Project

Mayor Becker said Juneau was honored at the Alaska Municipal League with several awards.

Ms. Crane presented the Juneau Police Department with the Public Safety Award for its bicycle safety program. She described the program elements and said the program resulted in a 38% drop in bicycle accidents in Juneau. Chief Johnson asked that Lt. Kris Sell accept the award on behalf of JPD as she was instrumental to the program's success.

Ms. White presented the Juneau International Airport with the Public Works award for the runway rehabilitation project. She said the challenge was keeping airport operations ongoing while repairing the surface with only one runway. The project was featured by the FAA as a model project, completed safely and timely. There was not a single flight delay due to the project. Patricia deLaBruere, Airport Manager, accepted the award on behalf of JIA.

Ms. Becker presented the City Spirit Award to the Zach Gordon Youth Center for the kitchen remodel project. She said $214,989 was raised for the project and the total cost to CBJ was $25,000. This was truly a community supported effort, which would go a long way to feed the youth of Juneau. Ms. Kristi West accepted the award on behalf of the community sponsors and said that on January 20 at 4 pm there would be a dedication ceremony of thanks.

Mr. Kiehl presented Beth McEwen, Deputy Clerk, with the 2015 Alaska Municipal League Employee of the Year Award. He said the theme of the conference was "Navigating through Rough Waters," and that Ms. McEwen did this each day in her work in the clerk's office. She had standardized the rules of procedures for the CBJ advisory boards, provided board training to CBJ and to other clerks statewide and served as an ambassador for CBJ and served on the statewide stakeholder group rewriting Title 4 of the liquor laws. She is a Master Municipal Clerk. She contributes significant time in the community and is active with the Douglas Methodist Church. Ms. Beth McEwen thanked Mr. Kiehl and said she was honored to be a public servant and was humbled because there were many unsung heroes throughout Alaska.

B. Selection of Deputy Mayor

MOTION, by Crane, to elect Jesse Kiehl as Deputy Mayor. Hearing no objection, it was so ordered.

Mayor Becker offered the Assembly the opportunity to changes seats in order of seniority and no members chose to move from the present seating arrangements.

III. APPROVAL OF MINUTES

A. November 9, 2015 Regular Assembly Meeting No. 2015-28

Hearing no objection, the minutes of the November 9, 2015 Regular Assembly Meeting 2015-28 were approved.

B. November 11, 2015 Special Assembly Meeting No. 2015-29

Hearing no objection, the minutes of the November 11, 2015 Special Assembly Meeting 2015-29 were approved.

C. November 30, 2015 Regular Assembly Meeting No. 2015-30

Hearing no objection, the minutes recording that the November 30, 2015 Regular Assembly Meeting 2015-30 was cancelled were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ruth Baumgartner said she was concerned with the lack of enforcement of conditions on conditional use permits, specifically of the business in her neighborhood, and asked if the permit was expired as there had not been substantial progress on the project and the plans were not being followed as outlined in the permit. There was a delivery truck at the site today that was not able to get up the driveway. It was larger than the trucks that were proposed to be coming to the site as outlined by the permittee. The operation was being run against the proposed plans outlined in the permit and in violation of the conditions placed upon the operation by the permit. She distributed a letter with her concerns to the Assembly.

Anthony Zenk supported Ms. Baumgartner's comments. He said their property rights and interests were taken. Six months after the completion of building his home, a commercial business was opened adjacent to his home. He is concerned about arbitrary enforcement of standards. The delivery truck mentioned had difficulty and slipped down the driveway and could have damaged another truck. Enforcement is at issue and another issue is the lack of definition of terms such as "substantial construction progress." Subjectivity allows for arbitrary decisions. He cited the decision in the court case, South Anchorage Concerned Coalition v Coffey. He spoke about the use of the word "shall" as a mandatory term and said there were a lot of mandatory conditions that did not have definitions in Title 49.

Glen Haight spoke in honor of Greg Fisk. He encouraged the Assembly to continue to pursue the interests that Mayor Fisk promoted, including attracting commercial fishing businesses to Juneau, and spoke about specific ways to accomplish increasing maritime businesses.

Ms. Troll asked for a copy of Mr. Haight's notes and asked him to stay engaged. The Assembly wished to carry on many of Mayor Fisk's interests. Mr. Haight provided a copy of his notes to the clerk.

Don Habeger said the Juneau Re-Entry Coalition has partnered with the Department of Corrections and the Alaska Mental Health Authority to create successful re-entry programs. He was the community coordinator and would be taking an assessment of the community resources, any gaps, and any barriers that may prevent successful re-entry. Using the data we will work with stakeholders and develop a community plan for re-entry.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

Ms. Gladziszewski asked to remove Resolution 2734 regarding the Juneau Ocean Center. Hearing no objection, it was so ordered.

C. Assembly Action

MOTION, by Crane, to adopt the consent agenda, as amended with the removal of Resolution 2734. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2015-48 An Ordinance Amending the Revenue and Taxation Code Relating to Same-Sex Domestic Partnerships.

      The CBJ currently extends certain tax benefits to same-sex domestic partners. Doing so was predicated upon the fact that same-sex partners could not legally marry. Given the change in the law, and in order to treat all domestic couples equally, this ordinance would amend the code to delete the references to same-sex domestic partners. Tax benefits would continue to be extended to spouses of eligible taxpayers.

      This ordinance was considered by the Assembly at the Finance Committee meeting on December 16, 2015.

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

b. Ordinance 2015-50 An Ordinance Amending the Penal Code Relating to Criminal Mischief.

This ordinance would amend the penal code by adding a definition of "property of another" consistent with State law. The addition of this definition would clarify that a person commits the crime of criminal mischief if the person damages the property of another, regardless of whether the violator also has an interest in the property. The idea that a co-owner can "lawfully" damage property (where all other elements of the State's criminal mischief offense are satisfied) was specifically rejected by the Alaska Supreme Court. This ordinance clarifies that the CBJ's criminal offense ordinance is intended to be consistent with state law.

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

c. Ordinance 2015-51 An Ordinance Amending the Personnel Management Code Relating to Partially Exempt and Exempt Service Classifications.

This ordinance would amend the Personnel Management Code relating to the classification of exempt and partially exempt employees. The amendment would clarify the exempt status of the City Manager and City Attorney and the Bartlett Regional Hospital Chief Executive Officer, Chief Financial Officer, Chief Behavioral Health Officer and employed medical staff.

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

d. Ordinance 2015-52 An Ordinance Amending Ordinance 2008-08, Authorizing the Port Director to Execute an Amendment to the 2008 Auke Bay Boatyard Lease Agreement.

After obtaining the final permits for a new boatyard at the Auke Bay Loading Facility (ABLF) in July 2015, Dock & Harbors approached the Auke Bay Boatyard lessee (Harri Plumbing & Heating, Inc. dba Harri Commercial Marine) to relocate boatyard operations from Don D. Statter Harbor Facility to the ABLF. The parties' 2008 lease allowed for negotiation of a new lease if a new boatyard was constructed. An appraisal conducted in August 2015 established the fair market rent of the proposed ABLF boatyard lease premises to be $27,000 per year. The parties negotiated a lease amendment for the new space. The Docks & Harbors Board approved the proposed lease amendment at its regular board meeting on October 29, 2015. The Assembly Lands Committee approved the lease amendment at its November 23, 2015, meeting.

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

e. Ordinance 2015-20(Y) An Ordinance Appropriating to the Manager the Sum of $24,423 as Funding for the Juneau International Airport Runway Rehabilitation

Capital Improvement Project; Funding Provided by the Alaska Department of Transportation (ADOT).

The $24,423 in funding comes from an amendment to the ADOT matching grant for this CIP.

The Federal Aviation Administration (FAA) funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport (JNU). FAA and JIA funds have been previously appropriated.

The Airport Board approved this action at its August 12, 2015, meeting.

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

f. Ordinance 2015-20(Z) An Ordinance Appropriating to the Manager the Sum of $1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC) Capital Project, Funding Provided by the General Fund's Fund Balance.

Juneau Housing First Collaborative (JHFC) requests the CBJ provide a $1.8M "bridge funding" for construction of the Housing First facility, which could become a permanent increase in funding provided by the CBJ to the JHFC project.

JHFC has identified committed and potential funding sources for the $7.5 million capital project to build an approximately 16,000 square foot facility (initial phase of potentially larger building). Restrictive conditions from a large committed grantor (AHFC SNHG) and project developer (Tlingit-Haida Regional Housing Authority) require total funding to be committed prior to using their resources for project construction.

JHFC states that there are significant benefits beginning the construction project immediately. The current project cost estimate is $7.5 million (a $6.5 million construction contract). To meet restrictions, funding commitments must total $6.5 million. To date the JHFC has committed funding of $4.7 million ($1.8 short of the construction contract amount). They are in varying stages of the funding request process, with six additional grantors/funders, to secure an additional $3.2 million of funding. Total committed and potential funding is $7.9 million.

In January 2015, the Assembly adopted Resolution 2708 in support of the JHFC mission, recognizing the public purpose of the project and community need. The resolution also committed $1.5 million of CBJ funding for the project. In March 2015, the Assembly Finance Committee adopted the plan for funding the $1.5 million.

The JHFC organization does not have sufficient financial resources or credit rating to support a standard loan agreement. The project participant restrictions referenced above require "unconditional" loan funding. Basically unconditional means loan funds become a grant if sufficient alternate funding is not obtained.

The Assembly directed the commitment of $1.8 million of additional funding. It is the intent of the Assembly that any additional CBJ funding provided by this ordinance be spent only after the current committed funding of $4.7 million is spent, and that the amount of additional CBJ funding provided be immediately reduced by the amount of any subsequent grant/funding secured by JHFC for the project.

The Assembly Finance Committee approved this action at its December 16, 2015, meeting.

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

2. Resolutions

a. Resolution 2733 A Resolution De-Appropriating $1,380,236.15 from the Lower West Mendenhall–Pederson Phase III Capital Improvement Project, Grant Funding from the Alaska Department of Environmental Conservation.

This de-appropriation is occurring because the Capital Improvement Project is complete.

Staff has worked with the Department of Environmental Conservation staff and the state legislative delegation trying to expand the scope of the grant or re-appropriate the grant to a project of similar scope. These efforts were not successful and ADEC has closed the grant, making this financial housekeeping action necessary.

The grant 44591 lapsed, was not fully expensed, and is now closed. The grant amount on this project was $1,406,600, leaving $26,363.85 expended and the remaining amount of $1,380,236.15 to be de-obligated with this resolution.

The Public Works and Facilities Committee heard the de-appropriation at its October 26, 2015, meeting and forwarded it to the Assembly for approval.

The Manager recommends the resolution be adopted.

b. Resolution 2735 A Resolution Certifying that the City and Borough of Juneau Did Suffer Significant Effects During the Program Base Year From Fisheries Business Activities that Occurred Within the FMA 17: Northern Southeast Fisheries Management Area.

This resolution would authorize the acceptance of the CBJ's share of the FY2016 State Shared Fisheries Business Tax. This distribution represents CBJ's share of state fishery revenues generated in the Northern Southeast Fisheries Management Area (NSFMA), but outside the boundaries of the organized communities.

The funds are allocated by the DCCED (State of Alaska's Department of Commerce, Community, and Economic Development) to each community in the NSFMA (Angoon, Gustavus, Haines Borough, Hoonah, Juneau, Skagway, and Tenakee Springs). Because the NSFMA's FY2016 allocation falls below the DCCED's long-form threshold value, the short-form method of allocation, as approved by DCCED, is used this year. It is anticipated that the CBJ will receive approximately $9892 in FY2016.

The Manager recommends this resolution be adopted.

c. Resolution 2736 A Resolution De-appropriating $171,146 from the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Building Modification Design & Environmental Capital Improvement Project; Grant Funding was from the Federal Aviation Administration and Alaska Department of Transportation.

Funds de-appropriated would be as follows:

Federal Aviation Administration (FAA) grant:	$165,625
Alaska Department of Transportation (ADOT):	$ 5,521

The FAA reduced the grant amount after it was introduced for appropriation with adopted ordinance 2015-20(J); they required the project formulation and environmental work to precede the design work, which will be awarded at a later date.

The Airport Board will review this at its January 12, 2016 meeting.

The Manager recommends the resolution be adopted.

3. Bid Award

a. Seawalk - Bridge to Gold Creek, Phase I

Bids were opened on the subject project on December 15, 2015. The bid protest period expired at 4:30 p.m. on December 16, 2015. Results of the bid opening are as follows:

McG Constructors	$2,550,185.00
Arete Construction Corp.	$2,695,087.50
Miller Construction Co. Ltd.	$2,698,635.00
SECON	$2,795,671.00
Glacier State Constructors, Inc.	$2,849,595.00
James Dean Construction Inc.	$3,002,130.50
Engineer's Estimate:	$2,898,890.00

Staff recommends award of this project to McG Constructors, Inc. for the total bid amount of $2,550,185.00.

The Manager recommends that the Assembly approve awarding the bid to McG Constructors, Inc. for the amount of $2,550,185.00.

4. Liquor License

a. New Beverage Dispensary Tourism Liquor License #5430 MAC Ventures LLC and Application for Restaurant Designation Permit

The following is an application for a New Beverage Dispensary-Tourism liquor license #5430 and application for a Restaurant Designation Permit (RDP). The action before the Assembly is to either protest or waive its right to protest the Beverage Dispensary-Tourism liquor license and approve or deny the Restaurant Designation Permit.

New Beverage Dispensary-Tourism Liquor License #5430
Mac Ventures, LLC d/b/a McGivney's Sports Bar and Grill
Location: 51 Egan Drive, Juneau, AK 99801 [Goldbelt Hotel location]

Staff from the Finance, Police, Fire, and Community Development Departments has reviewed this license and recommend the Assembly waive its right to protest the issuance of this license and approve the Restaurant Designation Permit application.

The Manager recommends the Assembly waive its right to protest the application for the new Beverage Dispensary-Tourism License #5430 and approve the Restaurant Designation Permit application.

REMOVED FROM CONSENT AGENDA:

b. Resolution 2734 A Resolution Expressing Assembly Support for the Juneau Ocean Center Facility to be Developed by the Juneau Ocean Center

At its November 9, 2015, meeting, the Assembly directed staff to prepare a resolution in support of the Juneau Ocean Center, a proposed waterfront marine science interpretive center. While many details remain to be worked out, passing this resolution would demonstrate Assembly support for the use of Docks and Harbors-managed tidelands for this project and would allow the JOC planning group to pursue project grant funding. It would also direct staff to begin working with the group on seawalk planning and land negotiations with adjacent property owners.

The Docks and Harbors Board heard the resolution at its December 10, 2015 meeting and forwarded it to the Assembly for approval.

The Manager recommends this resolution be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Resolution 2734.

MOTION, by Gladziszewski to amend the resolution in Section 1 to remove the words "and associated seawalk design."

Ms. Gladziszewski said there was no current design and that project had not started.

Ms. Troll said that she thought there was a conceptual design in the waterfront plan with a potential need for an easement through that area for a Seawalk. Ms. Kiefer said the long range waterfront plan showed the seawalk going from the Douglas Bridge to the "little rock dump." This area is part of that planning area.

Ms. Gladziszewski said there was no detailed design, only a concept. She said she did not know what the design cited included.

Mr. Nankervis said he objected because the entire resolution was based on a concept.

Roll Call on amendment:
Aye: Becker, Crane, Gladziszewski, Jones, Kiehl, Troll
Nay: Nankervis, Troll, White
Motion passed 5 aye, 3 nay.

Hearing no objection, Resolution 2734 was adopted as amended.

VII. PUBLIC HEARING

A. Ordinance 2015-44 An Ordinance Amending the Real and Personal Property Tax Code to Repeal the Property Tax Deferral and Create a Property Tax Exemption for Certain Subdivided Property.

Last session, the legislature amended AS 29.45.050 by adding an optional exemption that authorizes municipalities to exempt all or a portion of an increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more lots.

This ordinance would provide for the allowable exemption with the exemption terminating for each individual lot when the lot's ownership is transferred, a residential or commercial structure has been completed on the lot and a certificate of occupancy or a temporary certificate of occupancy has been issued, or taxes have been exempted for three years. While the statute permits up to five years for the exemption, it is staff's recommendation that the exemption be limited to three years to serve the public purpose of increasing housing and promoting development.

In 2013, the Assembly created an exemption for the deferral of increased taxes caused by a subdivision. No one has taken advantage of that opportunity. This ordinance, if adopted, would replace the property tax deferral with a tax exemption. The ordinance was drafted at the request of the Committee of the Whole at its August 24, 2015, meeting. On December 1, 2015, the Affordable Housing Commission passed a unanimous motion supporting a five-year period for the tax abatement policy.

The Manager recommends this ordinance be adopted.

Public Comment:

Gerald Grant spoke in favor of adoption of the ordinance, with the request that the period of exemption be extended to five years from three. He referred to AEL&P's policy of providing a five year break on the cost of utility installation for subdivisions.

Dave Hanna spoke in favor of the ordinance. He said the community and state would likely be in a recession for a while and spoke about the length of development of a subdivision and asked that the three year exemption be changed to a five year exemption.

Russ McDougal said he was on the Affordable Housing Commission and involved with local and statewide home builders' associations. He spoke in favor of the ordinance and an amendment to extend the exemption to five years.

Bruce Griggs spoke in favor of the ordinance and related a personal circumstance of suffering a loss when subdividing property at North Douglas and there was a downturn in the economy. He spoke in favor of the ordinance and an amendment to the exemption to be five years.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2015-44.

MOTION, by Gladziszewski, to amend the exemption period from three to five years.

Ms. White asked for a response from CDD as to why it recommended a three year exemption vs. a five year exemption in light of the testimony and recommendations from many groups. Mr. Steedle said it was a property tax issue and CDD did not make a recommendation. He said he, as Deputy City Manager, made the recommendation in consultation with the Finance Department. Based on what he had heard, he recommended a five year exemption.

Hearing no objection, Ordinance 2015-44 was amended to reflect a five year exemption period.

MOTION, by Jones, to amend to include a section 3 to provide a repeal of the ordinance 3 years from the date of adoption, provided that any exception granted and in effect on the date of the repeal remain in effect.

Mr. Jones said he wanted to provide a way to allow a future Assembly to review the efficacy of the exemption and to continue it if it was successful, or it would be discontinued. He said this was an automatic sunset date that would repeal the ordinance unless the Assembly acted to continue it.

Ms. White spoke against the amendment and said the Renninger Subdivision had taken many years to develop and that was a municipal subdivision. Long term change was needed to effect improvements in housing development.

Mr. Kiehl asked what "remain in effect" meant. Ms. Mead said that if someone obtained the exemption on the last day before the sunset clause, that five year period of exemption would remain in effect. Mr. Kiehl then spoke in favor of a sunset clause and thought the program would be successful. He thought the Assembly would need to act to take the sunset clause off in the future but thought a future review was reasonable.

Ms. White spoke against the amendment and about the difficulty of developing property in Juneau.

Mr. Jones said he was satisfied that staff would bring the matter before the Assembly at a future time for review. Ms. Kiefer said she would check past practice as she was not familiar with ordinances with a repeal date having a scheduled review.

Mr. Nankervis spoke against the amendment, saying it did not promote housing.

Ms. Troll spoke for the ordinance but against this amendment. A review could be done at any time the Assembly called for it.

Ms. Gladziszewski spoke against the amendment.

Roll call on amendment:
Aye: Jones, Kiehl
Nay: Becker, Crane, Gladziszewski, Nankervis, Troll, White
Motion failed, 2 aye, 6 nay.

Hearing no objection, Ordinance 2015-44 was adopted as amended.

B. Ordinance 2015-20(X) An Ordinance Appropriating to the Manager the Sum of $5,487.44 as Funding for the Reimbursement of Bulletproof Vests for JPD Officers, Funding Provided by the U.S. Department of Justice.

The Department of Justice offers a bulletproof vest partnership program to law enforcement agencies across the nation. JPD has a mandatory vest-wear policy which makes our agency eligible for this partial reimbursement. This is a 50/50 match program.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2015-20(X). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Senior Citizen Exemption Late File - Kennedy

MOTION, by Crane, to allow the Assessor to accept and process the late filed appeal. Hearing no objection, it was so ordered.

B. Senior Citizen Exemption Late File - Trott

MOTION, by Crane, to allow the Assessor to accept and process the late filed appeal. Hearing no objection, it was so ordered.

C. Special Election Discussion

Mayor Becker opened the floor for discussion on the topic of holding a special election to fill the remainder of Mayor Fisk's term.

Mr. Nankervis said he was not in favor of holding a special election for the position of mayor. He preferred to stay with the current status and see the position opened in October. The Assembly needs to address the vacancy in the Assembly District 1 seat. He referred to the open filing period with an application, an interview and executive session for appointment of a replacement similar to the filling of the vacancy created when Jonathan Anderson left the Assembly.

Mr. Jones said he thought the past two vacancies were addressed by the Mayor presenting a slate of people to fill in until the next election, but he did not have any problem with an application process. He supported a special election.

Mayor Becker requested to split the topic of discussion.

<u>MOTION</u>, by Jones, that in accordance with CBJ 29.07.010, to call a Special Election to be held on March 15, for the purpose of electing a successor for the mayoral seat, and to direct staff to prepare an ordinance providing that the acting Assemblymember appointed to the current District 1 vacancy, serve until a successor is elected, or should Mayor Becker decline to run for the mayoral election until a successor mayor is elected, and Ms. Becker return to her District 1 seat.

Ms. Troll spoke in favor of the motion, considering Mayor Fisk's vision, and hearing from people who would like a special election. This is a leadership position and there is a desire from people to vote. She said the value and good will that can come from a special election would be worth the cost.

Mayor Becker asked the Clerk about the March 15 date, vs. the March 22 date proposed by the Clerk. Ms. Sica said March 15 would require a shortened time period for people to hear about the election and shorten the time prior to the filing period. Mr. Jones said he spoke with the Clerk and was told that the Assembly had flexibility to set the date.

Ms. White referred to the last vacancy in the Mayor seat when Byron Mallott resigned and Deputy Mayor Dennis Egan succeeded to the Mayor seat, and his vacancy was filled by Cathy Munoz. She said both of those people were continuing to serve the community and the Assembly at the time did not make a bad choice. She thought this set a precedent.

Mr. Kiehl said his contacts from the public had run 50-50 and those for an election were passionate. He was torn but his inclination was to err on the side of more democracy.

Mr. Jones said when Lt. Gov. Mallott resigned it was at the end of February, and there would have been only four months to October following an election. This vacancy occurred almost 11 months before the election and if held in March it would be almost seven months to the next election. That time was significant for him and he would like to have the community have a say in who is the elected mayor. Given that Mayor Fisk's term would have been three years, a mayor elected in March would have 2.5 years to serve. The people should have their say as soon as possible.

Mr. Nankervis said the issue was an iceberg, with a lot below the water. The precedent had been set and the vast majority of people he had spoken to indicated they did not want the

Assembly to hold a special election. Only two adamant people spoke to him in favor of a special election.

Ms. Gladziszewski said she had talked with many people about this and it was not an easy call. The factor that made her favor a special election was the time - it would be a long time to not have an elected mayor and it was a special, leadership position and people deserved an elected mayor as soon as possible.

Ms. Troll said this was a different situation than previously with Mayor Mallott. This was not a resignation but a sudden passing away after an invigorated campaign, and people had expressed this to her, which made her believe that a special election was the best way to proceed.

Ms. White said that she spoke with many politically active people and only two told her they wanted a special election. She did not believe the turnout would be good in March and the comparison to Mayor Mallott's resignation was only the difference of three meetings regarding the timing. A precedent had been set, the turnout would be low and it was a waste of money and time and she agreed that not all the issues regarding this decision were visible. Mayor Fisk wanted the Assembly to learn to work together and he told her the Assembly was a "fractured group." Not holding a special election might be a good step in that direction and the Assembly could choose Mayor Becker's replacement for the period until the next regular election. Most campaigns start long before the filing deadline.

Ms. Crane said she started out as opposed to a special election but heard from a number of people and the comments were running about 50-50 for and against a special election. She was coming down on the side of a special election based on the comments that she had heard from the public.

Roll call:
  Aye: Crane, Jones, Gladziszewski, Kiehl, Troll
  Nay: Becker, Nankervis, White.
Motion passed, 5 ayes, 3 nays.

Mayor Becker said the community would move forward with organizing a special election. She asked the Assembly how it wished to proceed in filling the District 1 Assembly seat vacancy.

Ms. Gladziszewski suggested requesting applications and answers to a limited number of questions, similar to the candidate profile.

Mayor Becker referred to the materials in the packet and asked the Assembly if the declaration of candidacy was sufficient. Ms. Gladziszewski preferred more extensive questions.

Mr. Nankervis said he thought the declaration and a letter of interest was sufficient, but there may not be much time for a replacement to serve before they might be off the Assembly again, so asked if it was worth the effort.

Mr. Jones said if the applications could be accepted by January 7, the Assembly at its meeting on January 11 could make an appointment. This would be service from January through April.

Ms. Troll favored moving up the appointment process as soon as possible. She did not favor a list of questions but asked for a letter of interest with a reason for seeking the appointment and the experience they would bring to the office.

Ms. Gladziszewski said January 5 would be a sufficient deadline. The enterprise board applicants were asked questions prior to interviewing and this would be a similar process for filling the vacancy.

Mr. Nankervis said questions would tend to focus on politics instead of issues and he was not sure it was appropriate for this situation. We need to know that they can attend meetings, devote the time and weigh information to make decisions.

Mr. Kiehl wanted to ensure that a rapid appointment could be made and there be no negative effect on the elected term of office that Mayor Becker was filling. Ms. Mead said that in order to provide for Mayor Becker to return to the District 1 seat a non-code ordinance would be required, to be introduced on January 11 and have it heard on February 8. Mayor Becker would have a certain time in which to declare that she wished to run for office, and if she chose not to run, the ordinance would provide for her to return to her District 1 seat. If she chose to run, she would have to resign her District 1 seat so she could run as provided by charter. There needs to be an ordinance that provides for the filling of the District 1 seat that provides the term for that acting assemblymember to sit in that seat will be until the successor is elected or until Mayor Becker returns to the District 1 seat. The ordinance needed to be introduced January 11, heard February 8 and effective in 30 days, which would be before the special election. She said that a person could be appointed while the ordinance was going through the process, but the person would have a conflict if they were to vote on the ordinance and would need to recuse themselves. Alternatively the Assembly could allow for a vacancy for a period of time.

<u>MOTION</u>, by Gladziszewski, to request letters of interest including reasons for seeking office and their relevent experience, and a resume, from those interested in the District 1 seat, by January 5. Hearing no objection, it was so ordered.

The Assembly agreed to determine the timeframe for interviews based on the number of interested persons.

Ms. Kiefer said she would look at any potential for an accelerated ordinance process.

Mr. Nankervis noted that a future ordinance would be needed regarding the vacancy ordinance and a clarification of the process and Ms. Mead agreed.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Becker said that until the time that a new mayor was elected, she would continue to keep office hours from 9 am - noon or as needed.

B. Committee Reports

<u>Lands Committee</u>: Chair Kiehl said the next meeting was set for January 4, 2016.

Marijuana Policy Committee: Chair Kiehl said the committee had finished its work and moved forward a number of recommendations, including the local license ordinance, to the Planning Commission. The process to start a marijuana business would include a conditional use permit as well as a few other requirements, and this process would run parallel to that in the state to be permitted for a marijuana business license. The local license would be an over the counter proposition with no additional process required and would be useful as an enforcement tool. They recommended signage, including a notice that it was illegal to consume marijuana in public and regarding the federal restrictions on transporting marijuana, and other health warnings. The second ordinance regarded making marijuana concentrates without a business license would be limited to water or food based extraction, which would help address problems with butane explosions and fire marshal inspection. The committee recommended a 3% sales tax for marijuana sales on top of the baseline sales tax which was in line with alcohol sales, and this would require an ordinance. This question would be one for the voters, and perhaps this could be added to the special election ballot.

Finance Committee: Chair Crane said at the last meeting, the Airport Board reported about the Snow Removal Facility project, and the committee forwarded a request from Housing First for a bridge loan for the project. The committee received a report on fund balance and an update on the property tax foreclosure process. The next meeting was set for February 10.

Public Works and Facilities Committee: Chair Nankervis said at the last meeting on November 23, the committee was updated on the Gastineau Apartment demolition, a DOT project update and he shared the list of 2016 projects, including Glacier Highway Lena to Tee Harbor widening, a traffic signal in the Mendenhall Valley, Egan repaving from 10th to Loop, Salmon Creek Intersection work, Glacier Highway - Auke Bay/Fritz Cove to Seaview upgrades, sidewalk at Gastineau Elementary to Lawson Creek Road, culvert repair and replacements, for a total of $47 million worth of work. 2017 or later work would include Auke Bay ferry terminal modifications for new ferries, Glacier Highway Twin Lakes to Walmart sidewalks on both sides of the highway, Renninger intersection potential roundabout, Industrial Blvd. widening, Egan Drive Glacier Highway to Industrial Blvd. realignment, Mendenhall Loop Road capacity improvements from Nancy Street to Back Loop, including three roundabouts at Stephen Richards, Floyd Dryden and Mendenhall Blvd., Egan and Riverside potential 4-way intersection, Juneau Access EIS completion, Egan at Yandukin project, Stephen Richards Memorial Drive improvements. DOT had $37 million worth of Juneau projects in 2015.

Human Resources Committee: Chair Jones said the HRC made the following recommendations, and hearing no objection, the Assembly appointed the following Board members:

Juneau Economic Development Council:

Reappointment of Alec Mesdag

Appointment of Keith Comstock and Jason Puckett, all for terms expiring in November, 2018.

Mr. Jones spoke about the interest from the Juneau Human Rights Committee to reduce its membership from 7 to 5 members due to difficulty it has had in obtaining a quorum and the HRC asked staff to provide a revised resolution for consideration.

The HRC will look at the various boards and the missions for potential revision. The full Assembly would meet as the HRC December 22 to interview applicants for the Planning Commission, Bartlett Regional Hospital Board and Airport Board.

C. Liaison Reports

Eaglecrest Board: Liaison Nankervis said the board met on December 3 and announced they are open for business. There was a "rail jam" in Marine Park and the next meeting was set for January 7.

Docks and Harbors Board: Liaison Nankervis said the board met December 10. The Douglas Harbor dredging was complete, and the harbor would be recapped, Statter Harbor Phase III "for -hire" dock would have a public meeting in January for input, and a sensor was being installed on the AJ dock that would track the current in the downtown harbor. The next meeting was January 28.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC met on December 1 and heard reports from the Engineering and Public Works department about a number of facilities and project improvements and allocation of CIP funds. The next meeting was set for January 5.

Local Emergency Planning Committee: Liaison Gladziszewski said the next meeting was set for January 13 and the committee had discussions about Pacific earthquakes.

Bartlett Regional Hospital Board: Liaison Crane said the major project underway is the implementation of the new electronic health records system. The Board recommended continuation of the shared services agreement with CBJ for legal and human resource services. A chief behavioral health officer has been hired and the board is working with JEMA for an emergency room services contract. The hospital is working on records retention and the rural demonstration project. They are reviewing their CIP list.

UAS Campus Council: Liaison Kiehl said the December meeting included discussion about budget cuts, enrollment down 3% from record highs, and increased efforts for recruitment.

School Board: Liaison Kiehl said the board received a report on discipline in the district, discussed the next year's school calendar, was preparing for an audit and was reviewing legislative priorities for the coming session.

Airport Board: Liaison White said that there was a formal committment for a state match of four out of five of the federal fiscal year projects. The geothermal loop extension for the snow removal facility was the only project not funded.

Juneau Convention and Visitors Bureau: Liaison White said JCVB held its annual meeting and elected a new board. The Chair is John McConnochie, Vice Chair is Jenna Anderson, Treasurer Carl Ramseth and Secretary is Jill Ramiel, and Past Chair is Craig Jennison. 2015 summer statistics were provided. The Western Association of Safe Highway and Transportation Officials meeting would be held in Juneau in 2017 with approximately 500 attendees. January 13 would be a breakfast for meeting planners.

D. Presiding Officer Reports

None.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones said the North Pacific Halibut Commission would be meeting in Juneau in January and there was some discussion of official support or hosting in that regard by Mayor Fisk and asked about any follow up on that with JEDC.

Mr. Jones referred to the comments made earlier by Ms. Baumgartner and asked if there was a person or group within the city that could do an independent review of her issues. This was an appeal, it went to court and the issues were still impacting the neighborhood. He said many findings of the Planning Commission are written with "shall" language, but then there are enforcement questions.

Mr. Nankervis asked Mr. Kiehl as Chair of the Committee of the Whole to address the ordinance regarding a vacancy on the Assembly. He said that the committee assignments have not been done yet and it seemed time to review this for the year, as things had been put on hold till now.

Ms. Troll echoed Mr. Jones' comments regarding Ms. Baumgartner's comments and the concerns about definitions and enforcement. She supported an independent review or a way to define the terms to make the conditional use process work.

Ms. Troll said the work on the tax exemption for encouraging development of subdivisions was good and there was a thank you from AT&T for the work on the streamlining of cell tower installations. She said that the Glory Hole raised $40,000 this evening at the ANB hall, which included a match from the Rasmuson Foundation.

Ms. Gladziszewski asked about the potential to add the marijuana tax on the ballot and said it needed to come before the Assembly for discussion soon, and it was not clear from the committee on its recommendation.

Ms. Crane supported the statement by Mr. Jones regarding conditional use permits and the enforcement. She supported an independent review. She also requested a committee be formed with CBJ, the JAHC Board, Centennial Hall staff and Kirk Duncan and a few Assemblymembers to review the situation with the current JACC facility / ways to cooperate with Centennial Hall, and how the two organizations operate. She asked that the lease with the JAHC be put on hold until the issues were discussed. Mayor Becker asked for clarification and for the opinion of the Assembly.

Ms. Mead said CBJ presented JAHC with two options regarding the lease, one was a new lease that required some amendments to the old lease to comply with law, and the other was a management agreement which would keep the JAHC running the facility and their board was still considering the issues.

Ms. Crane said the JAHC was presented with options but the Assembly had not heard anything about the options. She said any discussions could be far-ranging and since there was discussion about building a new theatre, there were a number of issues to address. Ms. Kiefer said that the JAHC would make a presentation to the COW on January 4. The Assembly continued to discuss the matter and no committee was formed.

Ms. White said she thought Mr. Steedle had taken over a dysfunctional Community Development Department that created roadblocks and dropped balls along the way. The public needed a predictable process and she wished him luck in his new position. He said he appreciated taking on the new challenge and looked forward to meeting with her.

Mr. Kiehl noted his attendance at the Alaska Marine Highway System meeting and he thanked the DOT for the meeting and the approach to the public. Southeast communities need to do a lot of advocacy for this important infrastructure. He attended a meeting about addressing the problems of heroin abuse in the community and said he looked forward to the group's continued efforts. He thanked the group for the Deputy Mayorship and congratulated Mr. Steedle on his new work as Community Development Director and Mila Cosgrove on her new position as Deputy City Manager.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Dennis Watson thanked everyone for the privilege of serving on the Planning Commission for nine years. He said it was a joy to represent the borough and wished everyone future success. The Assembly thanked Mr. Watson for his work.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:03 p.m.

Signed:__________________________
Laurie Sica, Municipal Clerk

Signed:______________________________
Mary E. Becker, Mayor

XVI. SUPPLEMENTAL MATERIALS