THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - March 16, 2015

MEETING NO. 2015-07: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

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

Assembly Absent: (lost phone connection with Ms. Troll at approximately 7:40pm)

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Beth McEwen, Acting Clerk; Bob Bartholomew, Finance Director; Kirk Duncan, Parks and Recreation Director; Brent Fischer, Parks Maintenance & Landscape Superintendent; Hal Hart, Community Development Director; Carl Uchytil, Port Director; Lt. Kris Sell, JPD; Greg Chaney, Lands & Resources Manager; Dan Jager, Fire Marshal; Tricia Everson, Executive Assistant II; Frances Compton, Parks & Recreation Administrative Assistant II.

II. SPECIAL ORDER OF BUSINESS

A. Juneau Masonic Community Proclamation

Deputy Mayor Becker read the Mayoral Proclamation recognizing the local Juneau Masonic Community in commemoration of National Masonic Day on April 4, 2015.

B. PRAC Committee Member Recognition - Jeff Wilson

Parks and Recreation Director Kirk Duncan recognized outgoing Parks and Recreation Advisory Committee member and former Chairperson Jeff Wilson for his many years of service on the PRAC since 1999.

C. LID Board of Equalization

Laurie Craig, 10825 Glacier Hwy, testified on LID 96. Ms. Craig said she has a home along Auke Lake and thanked the Assembly on behalf of the residents as well as on behalf of Auke Lake itself since everything runs downhill. She said she thinks the assessment is a reasonable amount and that she paid $17-18,000 for her portion so far to get connected to the sewer. She said she hopes we will upgrade our sewer treatment facilities eventually so that when the water reaches the ocean, it will be better than what it is today.

Mr. Jones had a general question on both LIDs. At the last PWFC meeting he had asked some questions related to how the overall costs of the LIDs were determined. He said the answers he got back indicated there wasn't a standard approach to setting how much an LID cost. He said it was hard to compare these two LIDs and he questioned why LID 60 property owners were expected to pay 12.4% of the project costs while LID 96 property owners were expected to pay 22.86% of the project costs. He asked if there is a general explanation on how these amounts are determined.

Mr. John Bohan, Chief CIP Engineer explained that for the two LIDs which are being compared, one is for a sewer project and the other is for a road project so it is like comparing apples to oranges.

For the sewer projects, Mr. Bohan explained that since day one, the LIDs have been always been assessed the same way since they began more than 20 years ago. Mr. Bohan explained the history of the sewer LIDs and how the first projects were the West Valley sewer and the N. Douglas sewer expansions. The fixed assessment of $2,800 was set by the Assembly approximately 8 years ago when the first phase of the Mendenhall Valley sewer expansion occurred and the sewer expansion been ongoing since then. The assessments since then have been adjusted for inflation and adjusted as circumstances required for local pumping stations etc. The amount of $2,800 was set at that time regardless of how much it cost the city to do the work. In this case, the $1,000 adjustment is due to fact that they are pumping into a collection main. They are a small area isolated from our system and it didn't make a lot of fiscal sense for the city to install a couple of $300,000 sewer lift stations from 12 homes that could be pushed from their pump stations to the system.

Mr. Bohan went on to explain that with respect to the road LIDs, they base the amounts for pavement and road base. LIDs are charged for unpaved roads because the developer chose at the time not to pave the roads and the city accepted at that time a lower standard because the area was platted before the current subdivision standards. This was either a pay now when the subdivision was developed or pay later which is the situation for the current LID. For residential areas they look for a 30/70 split for the road and road structure. They fix it at a flat rate so they aren't arguing after it's completed if they used more or less material than anticipated. The variations of the cost are the amenities they may add to the project ie: sidewalks, curbs and gutters, which is what they have been attempting to do for the various locations that they have been doing upgrades. When they do upgrades to sewer/water utilities that's where the split of 30% with the neighborhood comes in.

Members discussed looking at the big picture of rates further in Assembly Finance Committee and possibly Public Works and Facilities Committee meetings in the future. Mayor Sanford explained that it was the Assembly that set the rates and the Assembly can change the rates. Ms. Crane asked that it also be looked at when they discuss the new Subdivision Review code/rules. Mr. Jones said that when they do discuss this, when staff bring these LIDs forward to PWFC for consideration it would be helpful to have the history of when and why the Assembly set the rates they did and include copies of those minutes and the discussions on those could be done at the PWFC level rather than at this point in the process where the property owners have already agreed to the assessments and it is before the Assembly as the BOE.

MOTION by Mr. Kiehl that the Board of Equalization move Resolution 2717 – LID #60 and Resolution 2715 – LID #96 to the Assembly for approval. ***Hearing no objection, the motion carried.***

Mayor Sanford explained those two resolutions are on the Assembly Consent agenda and unless removed, will be adopted upon adoption of the consent agenda.

Mayor Sanford adjourned the Board of Equalization meeting and reconvened the regular Assembly meeting at 7:32p.m.

III. APPROVAL OF MINUTES

A. February 19, 2015 Special Assembly Meeting 2015-03

Hearing no objections, the minutes of the February 19, 2015 Special Assembly Meeting 2015-03 were approved as presented.

B. February 23, 2015 Regular Assembly Meeting 2015-04

The minutes of the February 23, 2015 meeting were pulled for corrections to be made and brought forth at the next meeting.

C. March 2, 2015 Special Assembly Meeting 2015-05

Hearing no objections, the minutes of the March 2, 2015 Special Assembly Meeting 2015-05 were approved as presented.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

The Manager requested that Ordinance 2015-02 ***An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Remote Subdivisions Area Map for Hidden Valley Tract B, Located in the Upper Lemon Creek Valley, from "Not Remote" to Remote.*** be pulled from the agenda and rescheduled to the next regular Assembly Agenda to allow the applicants and any others from the community an opportunity to speak on the ordinance.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

Mr. Jones requested Resolution 2718 ***A Resolution Re-establishing the Juneau Commission on Sustainability, and Repealing Resolution 2528.*** Mr. Jones explained that the Human Resources Committee met prior to this meeting and have an amendment to make to the resolution.

C. Assembly Action

Assembly Action:

MOTION by Ms. Becker for adoption of the Consent Agenda with the exception of Resolution 2718, to be pulled for additional discussion, and asked for unanimous consent. Hearing no objection, the Consent Agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2015-04 An Ordinance Establishing the Engineering and Public Works Department.

      This ordinance would codify the December 2014 merging of the Departments of Engineering and Public Works. This organizational change was implemented for the purpose of increasing operational efficiencies, improving customer service, and reducing the overall cost of providing services.

References in the code to either "engineering" or "public works" as separate entities will be amended to reference the one department and director as part of the overall code clean up and republication being conducted by Municipal Code Corporation.

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

b. Ordinance 2015-08(c) An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 27 Parcels Along the North Douglas Highway between 4601 and 5295 North Douglas Highway, from D3 to D5 and from RR(T)D3 to D-15.

In December 2013, the Community Development Department initiated a rezone of 43 parcels along North Douglas Highway extending from mile 1.3 to 1.9. The parcels were identified at that time as transition zones, RR(T)D-3, RR(T)D-15, and D-1(T)D-3.

On June 25, 2014, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area. No one from the public participated in the meeting.

The Planning Commission heard the rezone proposal at its August 26, 2014, regular meeting. The Planning Commission recommended approving the rezone with modifications, upzoning a portion of the lots currently zoned D-1(T)D-3 to D-5, and a portion of the lots zoned RR(T)D-3 to D-15. The Planning Commission believed the modifications were needed for consistency with the Land Use Maps of the Comprehensive Plan. Ordinance 2014-45 was forwarded to the Assembly with the Planning Commission's recommendations.

Based on public testimony at the October 20, 2014, Assembly meeting, the Assembly remanded proposed ordinance 2014-45 to the Planning Commission to solicit further public feedback and explore opportunities for higher densities.

The rezone was re-noticed for the November 25, 2014, Planning Commission hearing. Based on public testimony at the hearing, the Planning Commission reversed its earlier decision to recommend upzoning of any of the parcels except for two, located at 4605 and 4765 North Douglas Highway.

Per CBJ 49.70.700-720, once the Assembly has created a transition zone, the rezone occurs upon the Planning Commission granting the rezone to the transition zone designation. Accordingly, as the Planning Commission reversed its October 2014 decision to recommend upzoning 41 of the 43 parcels under consideration, as to those 41 parcels, the rezone of 40 parcels to D3 and one to D15 was complete. CBJ 49.70.720(2)(B)(a).

At its meeting on February 23, 2015, the Assembly directed that the ordinance be amended to upzone all parcels originally identified in Ord. 2014-45 for upzoning. This ordinance reflects that direction. Included in your packet is a table illustrating the original zoning, current zoning, and proposed zoning of all 43 parcels originally identified in Ordinance 2014-45. Those parcels that are the subject of this ordinance are indicated with an asterisk.

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

c. Ordinance 2015-18 An Ordinance Establishing the Treadwell Arena Advisory Board.

The Treadwell Ice Arena Task Force was established by the Assembly in August 2014. The task force was asked to report on the feasibility of an empowered board to reduce costs and provide services through management by the Eaglecrest Ski Area Board, the feasibility of an empowered board to reduce costs and provide services through an alternate to the management by the Eaglecrest Ski Area Board, and review alternate management structures for managing the Treadwell Arena.

The Task Force recommended that a Treadwell Arena Advisory Board be created. The Assembly Human Resource Committee reviewed the task force recommendations and directed staff to develop an ordinance creating a Treadwell Arena Advisory Board. The Human Resource Committee will consider the ordinance at its March 16, 2015, meeting.

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

d. Ordinance 2014-24(AD) - An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Regional Tactical Emergency Casualty Care (TECC) Course, Funding Provided by the State of Alaska, Department of Health and Social Services.

This ordinance appropriates $16,500.00 in funding as a simple co-sponsorship from the State Department of Health and Social Services.

State Sponsorship Number: CBJ84496

This funding is to pay half of the total cost of $33,000 for a regional Tactical Emergency Casualty Care (TECC) course in partnership with the previously appropriated funding from the 2014 SHSP State Grant-GR34094 from the Alaska Department of Military and Veterans Affairs 2014 State Homeland Security Program, EMW-2014-SS-00010 for the City and Borough of Juneau.

There is no match or reporting requirements for this funding.

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

e. Ordinance 2014-24(AF) - An Ordinance Appropriating $1,500 as Partial Funding to Send One CBJ Employee to the Managing Floodplain Development Course Through the National Flood Insurance Program and Certified Floodplain Managers Exam; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

This Ordinance appropriates $1,500 as partial funding to send one CBJ employee to the Managing Floodplain Development Course through the National Flood Insurance Program.

Grant funding is provided by the State of Alaska Department Commerce, Community and Economic Development. The State of Alaska is reimbursing CBJ for conference registration fees, food (per diem), airfare, and hotel and transportation costs up to $1,500. The CBJ will cover the expense of the Certified Floodplain Manager Exam, resulting in a second CBJ Certified Floodplain Manager. This will allow for a quicker turnaround with community-wide flood assessments. There is no match requirement for this grant.

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

f. Ordinance 2014-24(AG) - An Ordinance Appropriating $67,146 of Bond Interest Accrued Within CIP H51-084, a Fund for Douglas Harbor Improvements Phase III.

This ordinance appropriates $67,145.08 of bond interest accrued within CIP H51-084, a fund for Douglas Harbor Improvements Phase III.

This project was jointly funded by CBJ and the Army Corps of Engineers. The Corps recently completed their project close out which indicates CBJ owes the Corps $10,103.50 for its match requirement of the project. The account also currently has a deficit of $10,649.74 due to unbudgeted bond service charges.

Once this appropriation is completed, there would remain $46,391.84 in the account. Docks and Harbors requests that the remaining funds be transferred to the Harbors Deferred Maintenance account (H51-085) for use in the upcoming Old Douglas Harbor Rebuild project. The transfer will be the subject of Transfer Request T-967, to be placed on the Assembly agenda of the meeting to be held on April 6, 2015.

To summarize:

Amount	Description
$67,145.08	Interest to be appropriated by ordinance to account H51-084
$10,649.74	Amount retained in account to cover bonding administrative charges
$10,103.50	Amount paid to ACOE for CBJ's matching requirement
$46,391.84	Amount requested for transfer to H51-085 for Old Douglas Harbor Rebuild project

The Public Works Committee recommended this appropriation during their meeting on February 9, 2015.

The Docks and Harbors Board recommended this appropriation during their meeting on February 26, 2015.

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

2. Resolutions

a. Resolution 2717 A Resolution Confirming the Assessment Roll for LID No. 60 Providing Improvements to the Roadways within the Tanner Terrace Subdivision,

Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and Penalties and Interest.

This resolution confirms the assessment roll for LID No. 60, as forwarded to the Assembly by the Board of Equalization. This resolution further provides for time and method of payment of the $3,700 per lot assessment, the setting of the date of levy, and fixes the time of delinquency and penalties and interest for delinquent payments.

Notices of the hearing before the Board of Equalization were published in the newspaper and sent to residents in the LID area in accordance with CBJ 15.10.130.

Once adopted by the Assembly, notice of the adoption of the roll shall be published in a newspaper of general circulation and mailed to all property owners along with the amount of assessment against each lot, the time of delinquency and the amount of penalty, as required by CBJ 15.10.190.

The Manager recommends the Assembly act according to the Board of Equalization's recommendation.

b. Resolution 2715 A Resolution Confirming the Assessment Roll for LID No. 96, Providing for the Construction of a Sanitary Sewer System to Properties Along Glacier Highway from the Top of Pederson Hill to Fritz Cove Road, Fixing the Time and Method of Payment Assessments, Setting the Date of Levy, and Fixing the Time of Delinquency and Penalties and Interest.

This resolution confirms the assessment roll for LID No. 96, as forwarded to the Assembly by the Board of Equalization. This resolution further provides for time and method of payment of the $1,800 per lot assessment, the setting of the date of levy, and fixes the time of delinquency and penalties and interest for delinquent payments.

Notices of the hearing before the Board of Equalization were published in the newspaper and sent to residents in the LID area in accordance with CBJ 15.10.130.

Once adopted by the Assembly, notice of the adoption of the roll shall be published in a newspaper of general circulation and mailed to all property owners along with the amount of assessment against each lot, the time of delinquency and the amount of penalty, as required by CBJ 15.10.190.

The Manager recommends the Assembly act according to the Board of Equalization's recommendation.

c. Resolution 2721 A Resolution in Support of Providing Funding to the Seward Statue Committee.

A local group has formed to raise funds to have a William Seward Statue created and installed to celebration the 150th anniversary of the purchase of Alaska. The State of Alaska has dedicated a site in the plaza by the Court Building for the statue. The Assembly Public Works and Facilities Committee, at its March 2, 2015 meeting, supported a $25,000 donation toward the creation of the statue. The funding will be allocated from funds available in the capital improvement account designated to the review of the Parks and Recreation Department, PR46-099.

The Manager recommends this resolution be adopted.

d. Resolution 2722 A Resolution Expressing Support for the Advancement of Electrified Transportation Vehicles and Supporting Infrastructure.

The Juneau Economic Development Council Board prepared a draft resolution regarding electric vehicles and has requested that the Assembly consider passage of the Resolution. The Public Works and Facilities Committee considered the Resolution and other relevant information at its meetings on February 9 and March 2, 2015, and recommended forwarding the resolution with minor amendments to the Assembly for approval.

The Manager recommends this resolution be adopted.

e. Resolution 2718 A Resolution Re-establishing the Juneau Commission on Sustainability, and Repealing Resolution 2528.

The purpose of this resolution is to amend the quorum requirements for the Juneau Commission on Sustainability. Currently, the Planning Commission and Assembly members count towards determining a quorum of the Commission. This amendment to the Commission's governing legislation would reclassify the Planning Commission and Assembly members as liaisons, and would specify that the two are not to be counted in determining whether a quorum of the Commission is present.

Assembly Action:

Mr. Jones moved Resolution 2718 for purposes of amendment at the request of the Assembly Human Resources Committee.

Amendment 1: Page 2, Section 2, "Composition" to read [*changed language in italics below*]: *The Commission shall be comprised of seven members appointed by the Assembly. In addition, one liaison from the Assembly and one from the Planning Commission shall be designated.* The liaisons shall not be counted in determining whether a quorum of the Commission is present. Commission membership shall reflect environmental, social, economic and governmental perspectives, unified by the common interest of sustainability. Commission members serving three year staggered terms at the time of adoption of this resolution shall serve out their terms.
Hearing no objections, the amendment was approved.

MOTION by Mr. Jones to adopt Resolution 2718 as amended and asked for unanimous consent. *Hearing no objections, Resolution 2718 was adopted as amended.*

3. Liquor License

a. Liquor License Renewals

The following liquor license applications are before the Assembly to either protest or waive its right to protest these renewals.

Beverage Dispensary Licenses

- License #644 Wolfpack Ventures, LLC d/b/a Salt Alaska, Location: 200 Seward Street
- License #2728 Molly Ventures, Inc. d/b/a McGivney's Sports Bar & Grill, Location: 9101 Mendenhall Mall Road
- License #2844 Sandbar, Inc. d/b/a The Sandbar, Location: 2525 Industrial Blvd.

Beverage Dispensary-Tourism License #313 Juneau Hospitality, LLC d/b/a Prospector Hotel/TK Maguires, Location: 375 Whittier Street

Club License #4034 Juneau Moose Lodge #700 d/b/a Loyal Order of Moose #700, Location: 8335 Airport Blvd.

Package Store License #300 DeHart's, LLC d/b/a DeHarts Grocery, Location: 11735 Glacier Hwy.

Recreational Site Licenses

- License #4881 Alaska Travel Adventures, Inc. d/b/a Alaska Travel Adventures, Location: 9999 Glacier Highway
- License #3409 Alaska Travel Adventures, Inc. d/b/a Gold Creek Salmon Bake, Location: 1061 Salmon Creek Lane
- License #4700 Alaska Zipline Adventures, LLC d/b/a Alaska Zipline Adventures, Location: 3000 Fish Creek Road

Restaurant/Eating Place Licenses

- License #2641 Saffron, LLC d/b/a Saffron, Location: 112 N. Franklin Street
- License #4584 Zephyr, LLC d/b/a Zephyr, Location: No Premises

Wholesale - Malt Beverage & Wine License# 4081 K&L Distributors, Inc. d/b/a K&L Distributors Location: 8420 Airport Blvd.

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code.

In the event the Assembly does protest the renewal of one or more of these licenses, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The Manager recommends the Assembly waive its right to protest the above liquor license renewals.

4. Transfers

a. Transfer Request - T-966 - Transferring the Balance of Bond Funds from the Adair-Kennedy Turf Field Replacement ($88,844) to the Gastineau School Renovation (S02-094) to Provide Additional Funds for the Proposed DIA Memorial Project.

Transfer Request T-952 (approved by the Assembly February 24, 2014), ordered the transfer of all remaining bond funds from the Dzantik'i Heeni Covered Play Area (S02-091; $199,178) and the Adair-Kennedy Turf Field Replacement (S02-097; $88,844) to two existing CIPs and two new CIPs, pending approval by the Alaska Department of Education and Early Development (ADEED). Of the requested transfers, ADEED approved only one: the transfer of $38,000 to the Glacier Valley School Renovation (S02-088). The other three transfer requests were rejected.

Of the existing ADEED approved school projects, only Gastineau School requires additional funds; Auke Bay School is finalizing the 1% for art process and all others are complete and scheduled for termination. Therefore the following is recommended:

Transfer the balance of bond funds from the Adair-Kennedy Turf Field Replacement ($88,844) to the Gastineau School Renovation (S02-094) to provide additional funds for the proposed DIA Memorial project. This transfer was approved by ADEED on March 10, 2015.

The School Board approved this transfer on February 10, 2015. The Assembly Public Works and Facilities Committee approved this transfer on February 9, 2015.

The Manager recommends approval of this transfer.

VII. PUBLIC HEARING

A. Ordinance 2015-11 An Ordinance Amending Ordinance Serial No. 2014-01 Regarding the Second Series of Port Revenue Bonds Authorized Thereunder.

This ordinance amends ordinance 2014-01, adopted on January 6, 2014, authorizing the issuance of not to exceed $29,000,000 of port revenue bonds. The purpose of the bonds is to fund the cruise ship dock expansion and a portion of the Seawalk. This amendment is necessary to update the principal maturity schedule in section 5. The revised schedule allows the issuance of 19-year bonds versus the original plan of 25-year bonds.

CBJ has already sold $6.055 million of 25-year revenue bonds on February 20, 2014, to provide funds for the Seawalk portion of the project. The remaining $22.9 million of bonds are scheduled to be sold April 22, 2015, and will have a 19-year maturity span.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

Mr. Jones moved Ordinance 2015-11 for purposes of discussion.

Mr. Jones said in the printed agenda, it states that the bonds were to be sold April 22, 2015 but the Manager mentioned in her oral report that the date was to be May 7 and asked which was the correct date. Ms. Kiefer said the date had been changed to May 7.

Mr. Jones asked why the duration was for 19 years and not 25 years. Ms. Kiefer deferred to Mr. Bartholomew for the answer to that question.

Finance Director Bob Bartholomew explained that the ability to shorten it to 19 years rather than 25 years was based on the pledged revenues which is the annual port development fees that are collected through Docks and Harbors. When they originally set the 25 year term, they thought they would be setting a total bond package of $36 million. Now the total package, including what has already been sold for the seawalk and what is proposed to be sold here is $29 million. He said the fact that they are going to be selling less bonds, there is less debt that has to be paid back so they

can have a little bit higher annual payments that allows them to shorten the time frame for a savings approximately $1.5 million interest expense if they were paying longer termed bonds.

Mr. Jones said he was hoping that was the answer. He also asked for confirmation that these bonds are not being paid back by debt service as part of the mil rate but rather they are being paid by Docks and Harbors port fees. Mr. Bartholomew confirmed that the revenues being pledged is the Port Development Fee which is collected by the Docks and is basically $3 per passenger.

Mr. Kiehl asked about the maturity dates into 2039 which is more than 19 years from now.

Mr. Bartholomew explained that this is the second phase of the bond sale. The first phase was for $6 million of bonds for the seawalk portion and that is the part that has already been built out towards the Princess Dock. He said, when looking at the maturity schedule on page 2, the payments that are happening in 2035 through 2039 are related to the bonds that were already sold and those payments will be on a 25 year maturity.

MOTION by Mr. Jones to adopt Ordinance 2015-11 and asked unanimous consent. *Hearing no objection, Ordinance 2015-11 was adopted.*

[Clerk's Note: At approximately 7:40 we lost final phone connection with Ms. Troll and were not able to get her back on the line for the remainder of the meeting.]

B. Ordinance 2015-12 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities.

Wireless Communication Facilities (WCF) are regulated by federal law and by the City and Borough of Juneau in Title 49.65.900-1030.

On January 8, 2015, the Federal Communications Commission published new federal WCF laws, which take effect on April 8, 2015. As of that date, local governments will be required to approve certain types of collocation applications (eligible facility request) within 60 days of initial application. The new law also defines certain terms (such as an eligible facility request) that were previously undefined by the FCC.

The new federal laws do not affect public notice and do not affect WCFs that require a special use permit.

This ordinance would amend Title 49 to be consistent with the new federal laws.

The Planning Commission reviewed the ordinance at its January 27 and February 10, 2015, meetings and recommended forwarding it to the Assembly for its approval. This ordinance includes all changes approved by the Planning Commission.

The Manager recommends this ordinance be adopted.

Public Comment: None.

MOTION by Ms. Crane to adopt Ordinance 2015-12 and asked unanimous consent.

Mr. Nankervis said he did not have an objection but did have some questions for clarification. He said that when he looked through the ordinance and saw all the strikethroughs, that it looked entirely different from the original one passed by the Assembly. He asked the City Attorney if all these changes undo what was previously adopted. Ms. Mead explained that it does not undo what the Assembly previously did. She said the new federal law further defines what an eligible facility is

for purposes of that short clock rule, it defines what a substantial change is, it changed that shot clock rule and shortened the timeline within which CBJ must approve and it took away some of CBJ's discretion. She said the main point of this ordinance is to bring CBJ into compliance with the new federal rules.

Hearing no objection, Ordinance 2015-12 was adopted.

C. Ordinance 2015-13 An Ordinance Amending the Comprehensive Plan by Adopting the Auke Bay Area Plan.

This ordinance would adopt the Auke Bay Area Plan, and amend the CBJ's comprehensive plan to include the Auke Bay Area Plan.

On February 9, 2015, the plan was presented to the Committee of the Whole. On February 10, 2015, the Planning Commission voted to recommend to the Assembly adoption of the plan.

The Manager recommends this ordinance be adopted.

Public Comment:
University of Alaska Southeast (UAS) Chancellor John Pugh thanked Community Development Director Hal Hart and his planning staff on their work on the Auke Bay Plan. He commended the citizens of the Auke Bay area and all the people involved in this tremendous public process and one which he was proud that UAS participated in.

Assembly Action:

MOTION by Mr. Nankervis to adopt Ordinance 2015-13 and asked unanimous consent. *Hearing no objection, Ordinance 2015-13 was adopted.*

D. Ordinance 2015-14 An Ordinance Amending the Penal Code Fine Schedule Relating to Off-site Commercial Solicitation.

This ordinance would amend the fine schedule relating to off-site commercial solicitation. Currently, violations of CBJ 49.20.210 are punishable by a fine of $150. This ordinance would amend the fine schedule to the following graduated schedule: $150 for the first offense, $300 for a second offense in two years, and a mandatory court appearance for the third offense in two years.

JPD was approached by several businesses in the downtown area complaining of on-going off-site commercial solicitation (or "hawking") issues. It has become apparent that given the amount of profit involved in the sale of merchandise in the downtown area, a small fine is not sufficient to deter illegal hawking. This ordinance would increase the fine and culminate in a mandatory court appearance for repeat offenders, in an effort to encourage voluntary compliance.

The Manager recommends this ordinance be adopted.

Public Comment:

Ms. Kristy Chhabria said she and her husband own a business on Franklin Street. She said her husband has been in the tourist industry for 15 years both in the Caribbean and in Alaska. She said she is fairly new to it but from the experience she has had, she supports this ordinance. She said that being customer oriented, she is sensitive to those people who are coming to Alaska on the trip of a lifetime who hate to be harassed. She said she has seen other business owners, operators in the industry who think this is a joke. They are allowed to do this "hawking" or "barking" down in the

Caribbean or where they may have other businesses. She said she and her husband are here year round and their business is locally owned. She said it does make it hard for them but they have found that customers actually come back to their shop because customers having gone through the gauntlet thank them for not being outside trying to pull customers in. She said there are even some stores that try to physically pull customers in and it is hard and frustrating for them. Those customers have shared with her that if they wanted that, they would have gone down to St. Thomas or an island where there are hundreds of jewlery stores. The tourists just want to enjoy their trip to Alaska and they don't want the extra harassment. She said she and her husband support the ordinance and the fines imposed. She said her husband had been a barker before and started at the bottom and worked his way up to becoming a business owner. She said whereas Juneau is a city that doesn't allow that, doesn't focus on that type of solicitation, she finds it is important to not allow it in Juneau so that those visitors coming to AK don't feel pressured and pushed into things they don't want.

Mr. Kunal Chhabria said he and his wife own "Jewels by Kris" at 439 S. Franklin Street. He said when he first signed their lease with their neighbor and building owner, Celebrity Jewelers, they had a mutual understanding that they would not be hawking and soliciting and inviting customers in by standing outside the door and they have kept their promise. He said they have a very short five month season in which to pay all the bills for the year. He said they believe in fair trade and with all the harassment that goes on, their customers come in and comment that it feels like they are in Mexico in the way they are approached. He said they have come up with a list of seven stores that are actively hawking on a daily basis in Juneau whether there is one or five ships in port. He said they have called JPD two to three times daily and when they show up they have fined some of the hawkers. He said these businesses then move the hawkers to the next port because they are multi-port businesses from Juneau to Skagway to Ketchikan. He said these fines being imposed are very limited. He said imagine pulling one customer in and making a $10,000 sale and they are only being fined $150 - $200. He said they are laughing. They see it as a cost of business. He said it is also affects their business as well because they see customers walking with the shopping bags from his business and they invite the customers into their shop and say they can give them a better price and undercut them. He said it is a shame to be on a street where this is happening on an every day basis.

Mr. Chad Samtani representing Celebrity Jewelers with two stores on S. Franklin Street. He said the previous speakers mainly covered what he wished to say. He said one important point that needs to be brought up is that being locally owned and operated, what they make here get spent here within CBJ. He said they pay their taxes on time, abide by the law and it is the right way to do business. He said they would really appreciate the help by enforcing the law and imposing stricter penalties when necessary.

Assembly Action:

MOTION by Ms. Becker to adopt Ordinance 2015-14 for purposes of discussion.

She said this ordinance is related to commercial solicitation that someone is standing outside a business door and asking customers to enter in. She asked about those persons on the street just asking for money and those that just want to sell something on the street without a license and if they are covered by this ordinance.

Ms. Mead explained that for sidewalk solicitation and vending, they are required to have a license for that and it is different from panhandling which is covered in a different portion of the law and cannot be prohibited outright but limitations can be placed on it. She said anyone wishing to sell something on the sidewalk is required to have a sidewalk vending license.

Ms. Mead clarified that panhandling is not considered commercial solicitation. Mayor Sanford referred to the fine scheduled table in ordinance 2015-14 in which a fine for panhandling is listed. Ms. Mead explained that it is covered in a separate ordinance but is not considered commercial solicitation.

Ms. White asked if the Law Department feels this fine schedule is adequate. She said she has had occasion to travel overseas and the hawking can be very intimidating and strong and that is not the image she wants visitors to have when they come to Juneau.

Ms. Mead explained that she dealt with this issue when she was in private practice and represented the City of Skagway. They were called the "Tijuana of Southeast" because there was a serious hawking problem in their very short business quarter. She said that her recollection was that the fine schedule was not enough. In addition to the fine schedule, they had business licenses so that in addition to being fined, the business license was at risk so that was one way they addressed the problem. Ms. Mead said she didn't know if the graduated fine schedule is enough to stem the problem, it is something we can try. She said that the mandatory court appearance is more difficult. She said that what she just heard is that there is a practice in place where the vendors will have someone outside hawking and then send them to a different person. That means that the next person who goes out hawking will start out at the $150 fine level and she doesn't know how that can be addressed.

Ms. White asked if there were alternatives that could be looked at if they find this method doesn't work.

Ms. Gladziszewski said that this ordinance is just amending the fine schedule but she asked what the definition is for "Off-site commercial solicitation." Ms. Mead said she did not have that language in front of her. Mr. Kiehl pulled it up and read from CBJ 42.20.210(a)(2):...
(2) For purposes of this section, "off-site commercial solicitation" is defined as person-to-person efforts solely intended to interest pedestrians in, or to solicit the participation of pedestrians in, commercial transactions for private profit with a business, except when done entirely within an enclosed structure.

Mr. Kiehl asked along the lines of Ms. White's question, if the person-to-person portion of that section, or its existence in the penal code, prohibit the city from citing the corporate person from engaging in solicitation or does it have to be the natural person who is being cited.

Ms. Mead said there may be a way to create a civil fine, separate from a criminal penalty, that attaches to the business. She said she would have to look into that, but she is aware that there is a way to do it because that is what they did for the City of Skagway.

Mr. Kiehl said he would endorse this as a first step and hope it works without having to come back and do those other things but they may be necessary.

Ms. Crane said the key to this would be if the police department would have the time to be able to deal with this situation. She asked if Lt. Sell would come forward to comment on that.

JPD Lt. Kris Sell said they will have the resources to address this as they have filled both the downtown officer positions and they have a pro who is a part-time officer who retired from full time work assigned downtown and the CSOs were very excited about their undercover work that they did last summer. She said they were only able to do it for one day but almost all the citations were written in one day.

Mr. Jones said that sometime back there had been an ordinance proposed from Docks & Harbors and he thought it was a similar situation. He said there is currently a prohibition for a tour vendor, that has not bought a booth down on the dock and doesn't have a store front business, from offering to take people on tours, taxi's can't solicitation and he asked if that is covered under this ordinance and this same definition or if that was covered somewhere else.

Ms. Mead explained that is covered in the Waterfront Sales permit. She explained that it is a permit condition and the vendors are subject to loosing their permits if they violate the permit condition that they not engage in hawking. She said they can solicit sales from the tour booths, that is the whole purpose of the tour booth, they are outside and not in an enclosed area. The permit gives them the right to do that unless they are doing it in a way that violates the permit conditions.

Additional discussion took place regarding the permit conditions for Commercial Passenger Vehicle (CPV) permits and the Waterfront Sales permits and the various locations around town where the ordinance vs. permits would be applicable. Ms. Mead explained that this ordinance is limited in location.The basis for the ordinance was to address a particular problem that was happening downtown which is why it is not a borough wide problem that has been experienced. She said that is why this ordinance passes muster. This situation has been litigated and reviewed by the Supreme Court and what the authority of the city is, is to address identified problems with this particular issue - hawking, barking, or commercial solicitation. She said there was a problem identified within the Historic District and certain areas identified by the ordinance and that is why it is limited to those areas. She also explained that CBJ cannot ban commercial speech but it can be regulates as to time, place, and manner. She said this ordinance is tied to commercial speech, tied to a particular location, and a type of commercial speech without regulating the speech itself.

Additional discussion took place about additional measures, including possible civil court proceedings, that may be taken if this ordinance doesn't have the effect of curbing the Tijuanaization of downtown. Lt. Sell said from the enforcement stand point. She said many times warnings have been given prior to any tickets issued. Lt. Sell said last year they discovered what appeared to be the first professional barker brought in from out of town and he was very good and very aggressive and he was cited twice and did comment that it was just a cost of doing business as long as he didn't have to go to court. She said they are specifically tailoring the ordinance to send just that message that this is not going to become a professional barking area. She said they will continue to let the business owners know because there have been rumors that more professional barkers are anticipated to come in this year.

Hearing no objection, Ordinance 2015-13 was adopted.

E. Ordinance 2015-15 An Ordinance Approving the City and Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of the Bond Bank's General Obligation Bonds That Provided Funds to Purchase the Harbor Revenue Bond, 2007 of the City and Borough, Under a Loan Agreement Between the City and Borough and the Bond Bank; and Authorizing a Revised Schedule of Principal and Interest Payments on the City and Borough's 2007 Bond, in Accordance With the Loan Agreement, if the Bond Bank Successfully Refinances Its Bonds.

   This ordinance would authorize the participation in the Alaska Municipal Bond Bank's "Exchange" refunding (refinance) of the 2007 harbor revenue bonds. The original $11 million in bond proceeds were sold June 25, 2007. The original bonds were sold through the Alaska Municipal Bond Bank.

   The current total remaining debt service payments (bonds + interest) is $13.4 million dollars. If CBJ issues the refunding bonds in April 2015, the total remaining debt service

payments will be $12.9 million, resulting in an estimated total savings of $500,000 over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment February 2033). The total remaining debt service payments would be paid for out of the Harbor Operations Fund.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION by Mr. Nankervis to adopt Ordinance 2015-15 and asked for unanimous consent.
Hearing no objection, Ordinance 2015-15 was adopted.

F. Ordinance 2015-16 An Ordinance Providing for the Issuance and Sale of a General Obligation School Refunding Bond in the Aggregate Principal Amount of Not to Exceed $3,400,000; and Providing 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 $3.4 million in bonds to refund (refinance) the 2005A general obligation school bonds. The original $9.5 million in bonds were sold March 1, 2005. The 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 $3.3 million plus issuance costs. If CBJ issues the refunding bonds in April 2015, the refunding will result in an estimated total savings of $225,000 over the remaining life of the bonds. The term of the new issue will be the same as the original (final payment February 2020).

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 Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION: Mr. Jones moved Ordinance 2015-16 for purposes of discussion.
Mr. Jones asked since these are school bonds that are reimbursable at 70%, if the state legislature appropriates the money for the bond issues throughout the life of the bond annually or if they do it all at one time or only at the end.

Mr. Bartholomew said that in the State's annual operating budget, they appropriate one year's worth of debt service for all the school bonds where they have committed to share in the reimbursement or payment of the debt. It is an annual appropriation and so far, where they have committed to reimburse local governments for bond debt, they have fulfilled that commitment.

Mr. Jones said that the remaining payments and the $3.3 million that is there, is assuming that CBJ is not going to get any reimbursement back from the state and each year, the amount CBJ pays of that debt will be decreased by what might get reimbursed by the state. Mr. Bartholomew said that is

correct. The total outstanding debt service is between $3-4 million. CBJ makes the bond payments twice a year and within three to four weeks of making the payments, CBJ submits for reimbursement from the Department of Education. DOE has already appropriated the money for FY15 and CBJ normally gets reimbursed within a few weeks after we the claim is submitted. That will happen again with the legislature - if adopted within their FY16 budget, CBJ would be covered. If the state chooses not to fund that, it would fall onto CBJ. That is not currently projected within our debt service schedule that staff will be bringing forth with the operating budget but it something to keep in mind.

Additional discussion took place regarding how all the pieces fit together as relates to the debt service fund, the general fund, the mil rate levy, the FY16 budget, and the FY17 mil rate. Mr. Bartholomew also explained the bond sale and bond bank process.

Hearing no objection, Ordinance 2015-16 was adopted.

G. Ordinance 2014-24(AB) An Ordinance Appropriating to the Manager the Sum of $500,000 as a Transfer to the Capital Transit Maintenance Shop Capital Project; Funding Provided by the Alaska Department of Transportation and Public Facilities and Fleet Replacement Reserve Fund Balance.

Capital Transit has a $400,000 equipment grant from the Alaska Department of Transportation and Public Facilities that was previously appropriated with Ordinance # 2012-20(G) into the Fleet reserve. The grant is for the purchase and installation of lifts and bus washing equipment. There is an additional $100,000 in the fleet reserve that is a match to the grant.

To date there have been $77,289 of expenses incurred on the project. The expenses will be transferred along with the revenue to D71-085 Capital Transit Maintenance Shop Capital Improvement Project (CIP).

These funds can be more efficiently spent and tracked if they are transferred into the Capital Transit Maintenance Shop CIP. This CIP was established as part of the voter-approved package on the October 2012 election, it contains approximately $3M in bond money. The bond project is slated to provide for additional inside bus storage as well as other facility and system improvements.

Transfer From -		
FLEET 13-10	CT ARRA Lift/Wash Equipment	$500,000
Transfer To –		
D71-085	Capital Transit Maintenance Shop	$500,000

The Public Works and Facilities Committee reviewed this request at their February 9, 2015, meeting and forwarded it to the full Assembly with a recommendation of approval.

The Manager recommends this ordinance adopted.

Public Comment: None.

Assembly Action:

MOTION by Ms. Gladziszewski to adopt Ordinance 2014-24(AB) and asked for unanimous consent. *Hearing no objection, Ordinance 2014-24(AB) was adopted.*

H. Ordinance 2014-24(AC) An Ordinance Re-Appropriating to the Manager the Sum of $77,000 from the Lands and Resources, Affordable Housing Loans Project that was Created with

Ordinance Number 2011-11(N), to the Lands Department Affordable Housing Project, Expanding the Intended Scope to Include both "Grants and Loans"; Funding Provided by the Alaska Department of Commerce, Community, and Economic Development.

In 2011, the Assembly appropriated a $90,000 grant from the State Legislature with Ordinance # 2011-11(N). The intention of the appropriation was that the grant would be combined with the Juneau Affordable Housing Fund to be used for housing loans. The terms of the grant agreement includes the wording "Grants and Loans". This ordinance would broaden the scope of the grant through the Assembly.

Since 2011, only one $13,000 loan was issued, leaving the balance of the grant at $77,000. The Affordable Housing Commission has spent numerous hours and meetings discussing alternative ways to use the fund to stimulate the housing market. After much consideration, they propose to use the balance of the State grant ($77,000) for an Accessory Apartment Grant Incentive Program. The program would provide $5,000 incentive grants to homeowners/builders who complete new Accessory Apartments. Attached is the program description written by the Affordable Housing Commission.

This item was presented to the Lands Committee on January 26, 2015, and they recommended forwarding it to the Assembly for approval

The Manager recommends this ordinance be adopted.

Public Comment:

Ms. Margaret O'Neal said she and Russ McDougal were present representing the Juneau Affordable Housing Commission and she recommended approval of this ordinance. She said the commission felt this was an opportunity to leverage the capital investment power of homeowners to help create some additional housing units at a very low cost to the community - $5,000 per unit. She said they think it will be affordable housing because of the size of the accessory apartments.

Mr. Russ McDougal said the commission did labor hard on how to use this money and they came to this conclusion that this would be the best use of the money because they wanted to be able to use the money and not loose it. It is a use it or lose it type of grant and the commission would rather see Juneau have some benefit from this money rather than to see it go back to the legislature and have them think CBJ didn't use the last grant so they wouldn't be as inclined to award additional grant money in the future. He said the commission is hoping it will help additional rental housing and that would be the best use of the money.

MOTION by Ms. Becker to adopt Ordinance 2014-24(AC) and asked for unanimous consent.

Mr. Jones and Mr. Kiehl noted objections.

Mr. Jones said that if this is a use it or loose it grant from the state, that generally means you have use it for the purpose intended by the state. He said he hasn't heard if we changed the original intent by making it loan, therefore, if the loans had been successful and repaid, CBJ would have never spent the money. He said if CBJ is now turning it into a grant program in order to spend the money, does that change the intent of the legislature without it going back to the legislature for them to clarify or change their intent. Mr. Jones said he is questioning the legality of CBJ doing this. Ms. Kiefer said she could answer the second part - the approval documents from the state said it could be a grant or a loan. She said when CBJ first appropriated it, the ordinance just said loans and did not appropriate it as a grant.

Additional discussion took place and Mr. Greg Chaney answered questions by Assemblymembers about the manner in which the money is applied for, dispersed, and made use of either through loan or grant programs. Mr. Chaney explained that we have to apply for this program every year.

Mr. Kiehl said he actually helped write this state legislation for his boss. He said with respect to Mr. Jones' question about the legality, the title of the appropriation was Lands Department Affordable Housing. Within the scope of that title, CBJ can do what needs to be done with the money. Mr. Kiehl said the intent of the appropriation in the documents that the legislature prepared, at the request of CBJ, is less broad. He said the intent was to capital the loan fund and he was surprised that CCED had not just dispersed it for capitalization of the fund. He said with respect to the use it or loose it question, this appropriation was made in 2011 so it is still within the five fiscal years before the legislature starts to look at whether the appropriation might lapse and it gives the Dept. of Commerce the right to extend it administratively without to the legislature if the project or purpose will be met and the money spent within in a year.

He said is objection is due to the fact that a grant program is not what the money was for and because CBJ doesn't need to be in such a hurry, he would like to see the Housing Action Plan and look at its recommendations for how the city might use its Affordable Housing Fund. The loan idea has not particularly worked and he thinks it may take much bigger loans to provide gap funding for big projects that was envisioned when it was created. He would prefer to wait until after the Housing Action Plan before spending this money.

Ms. Becker asked Mr. Kiehl if he is saying he does want to do this ordinance, does that mean he also does not want to do the accessory apartments either. Mr. Kiehl said his concern with the accessory apartment grant is that it spends down the fund. He said they had looked at length at an accessory apartment loan program but that the cost to administer that was a barrier. He said he thinks CBJ should keep its cash in hand until there are either some better ideas or the Housing Action Plan that says, that is is the best thing going and it should be used for that.

Roll Call:
Aye: Becker, Nankervis, White, Sanford
Nay: Crane, Jones, Gladziszewski, Kiehl
The motion failed 4:4.

VIII. UNFINISHED BUSINESS

A. Ordinance 2015-02 - An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Remote Subdivisions Area Map for Hidden Valley Tract B, Located in the Upper Lemon Creek Valley, from “Not Remote” to Remote.

In April 2014, the applicant applied to have Hidden Valley Tract B, located in the upper Lemon Creek valley, rezoned from “Not Remote” to Remote.

On May 14, 2014, the Planning Commission recommended approval of the rezone application. The proposed ordinance was pulled from the Assembly’s agenda when it was learned that the applicant had a concurrent easement application pending that would have provided road access to the property, which would appear to make the property ineligible for a “Remote” designation. It was subsequently learned that the applicant had constructed a gravel roadway to the property connecting it to the roadway without the CBJ’s knowledge.

On December 9, 2014, the Planning Commission reconsidered the rezone application and determined that the 12 – 16 foot gravel roadway did not mean the tract was "connected to

the road system" (CBJ 49.70.1120). The Commission recommended that the Assembly approve the map amendment.

The Lands Committee heard a presentation on Ordinance 2015-02 at its January 26, 2015, meeting. After public hearing on Ordinance 2015-02 at the regular Assembly meeting on February 2, 2015, the ordinance was referred back to the Lands Committee for consideration. At the March 2, 2015, Lands Committee meeting, CDD addressed CBJ 49.15.460(5)(A), requiring that all lots in a remote subdivision have frontage on a navigable waterbody and that there be no reasonable probability that frontage on a right of way will be necessary for access. (Upstream from Glacier highway, Lemon Creek is classified as non-navigable by the State.)

Two other items may be relevant to the Assembly's review of Ordinance 2015-02: the proposed subdivision amendments and an anticipated written comment from the Bureau of Alcohol, Tobacco and Firearms.

First, the proposed subdivision amendments include the same navigability and right of way requirements as CBJ 49.15.650(5)(A). If the Assembly approves Ordinance 2015-02, CBJ 49.15.650 will need to be amended (as will the ordinance amending the subdivision requirements). If the Assembly denies Ordinance 2015-02, the remote subdivision policies would remain unchanged.

Second, CDD is anticipating written comment from ATF concerning that agency's buffer requirements with respect to a number of explosive storage facilities near Hidden Valley. (See 27 CFR 555.206 imposing minimum distance buffers from explosives to inhabited buildings and public highways.) Though no written comment has yet been received, ATF has verbally confirmed that it would likely consider the roadway a "public highway" subject to the buffer minimums.

The Manager has no recommendation as this is an Assembly policy decision.

This ordinance was removed from the agenda at the request of the City Manager at the beginning of the meeting and set for public hearing at the next regular meeting.

IX. NEW BUSINESS

A. Liquor License Renewals - Protest Recommendations

Beverage Dispensary License #447 Suite 907, Inc. d/b/a Suite 907, Location: 9121 Glacier Hwy.

Beverage Dispensary License #2533 Jack D. & Arlene D. Tripp d/b/a Viking Restaurant & Lounge, Location: 216 Front Street

The above-listed liquor licenses are before the Assembly to either protest or waive its right to protest the license renewals. The Finance, Police, Fire, and Community Development Departments have reviewed the above business for compliance.

The Finance Department is recommending the Assembly protest the Suite 907, Inc. license renewal based on delinquent sales tax owing in the amount of $6,491.66 for the quarters ending September 30, 2014 and December 31, 2014 which includes penalties and interest through March 2014.

The Finance Department is also recommending the Assembly protest the license renewal for Jack and Arlene Tripp d/b/a Viking Restaurant & Lounge based on unfiled tax returns for December 2014 - January 2015 along with the associated penalties and interest.

In the event the Assembly does protest the renewals of the above mentioned liquor licenses, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. The letter found in your packet meets that requirement and this would be the time for the licensee to address their issues to the Assembly.

The Assembly Human Resources Committee considered this issue at its meeting immediately preceding this meeting and will forward its recommendation to the Assembly.

I recommend the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

Mr. Jones reported that these liquor licenses were reviewed at the Assembly Human Resources Committee (HRC) meeting just prior to this meeting and both establishments had brought their businesses into compliance. The HRC recommended the Assembly waive its right protest this liquor license renewals. *Hearing no objections, the Assembly waived its right to protest these liquor license renewals.*

B. Regulation Amending Docks and Harbors 05 CBJAC 20.080 Passenger-for-hire Fee.

At the February 26, 2015, Docks & Harbors regular meeting, the Board voted unanimously to changes affecting the fees associated with commercial charter vessel activity, codified under 05 CBJAC Chapter 20. No less than four public meetings were advertised and conducted before the Board took action. The proposed regulation changes were properly noticed and advertised necessary for public comment in a period required under the CBJ Code.

These fees have not been adjusted since 2006 and pertain to passenger-for-hire vessel operations that affect two classes of charters. One class is the smaller six-passenger vessel officially known as Operator Uninspected Passenger Vessel (OUPV). The other class refers to larger charter vessels requiring Coast Guard inspections under federal law. The regulation changes would incrementally increase the fees associated with the inspected vessels from $300/vessel and $1.10/passenger to $500/vessel and $1.50/passenger in 2017. For six-passenger operation, the regulation would change from a vessel fee and "seat fee" to a vessel fee and "passenger fee" consistent with the inspected vessels. A typical OUPV (six-passenger) is charged $140/year resulting from a $50 vessel and $15/seat fee. The new fee structure would incrementally raise the fees to $150/vessel and $1.50/passenger in 2017. For both classes of charters, the fees would be adjusted to the Anchorage CPI after 2017.

The regulation changes also added other named Docks & Harbors managed facilities.

The Manager recommended the Assembly allow this regulation to go into effect.

Public Comment: None.

Assembly Action:

MOTION, by Mr. Nankervis, for orders of the day. *Hearing no objection, the Assembly allowed the regulations to become effective.*

C. Regulation Amending Docks and Harbors 05 CBJAC 10 Waterfront Sales Permits.

At the February 26, 2015, Docks & Harbors regular meeting, the Board voted unanimously to changes affecting the Waterfront Sale Permit activity which is codified under 05 CBJAC Chapter 10. No less than five public meetings were advertised and conducted before the Board taking action at the February regular meeting. The proposed regulation changes were properly noticed and advertised necessary for public comment in a period required under the CBJ Code.

The most significant change to the regulations is to increase the minimum outcry bid amount to $30,000 from $5,000. The median value of the most recent vendor booth outcry auctions has been $42,000. Other changes include a better definition of individual ownership of the Waterfront Sales Permit, allowing more than one sign (1 ft x 1 ft) to be affixed to the booth, and a policy to encourage opportunity for new permit entries to participate.

The Docks & Harbors Board received and reviewed one letter from a potential vendor booth participant asking that the minimum outcry bid amount remain at $5000 or increase only to $10,000. The Board deliberated and elected the $30,000 minimum bond requirement as it more accurately reflects the historic market value of a permit in a fair and open outcry bidding process.

The Manager recommends the Assembly allow this regulation to go into effect.

Public Comment: None.

Assembly Action:

MOTION, by Mr. Nankervis, for orders of the day. *Hearing no objection, the Assembly allowed the regulations to become effective.*

D. Request For Authorization to Negotiate a Lease for Wireless Internet Tower

Southeast Communication Services (SCS) has submitted an application to lease City and Borough Lands for a wireless internet communications tower. The proposed tower would enhance SCS's coverage area in Juneau. The proposed location is on the Mendenhall Peninsula where there are currently two existing towers owned by KTOO and the JPD. The site manager with KTOO has indicated that there is room at this site for an additional tower and this proposal would not negatively affect existing towers and leases. The proposed tower would be smaller than a traditional communications tower, housing equipment similar in size to a dinner plate. The height and footprint of the proposed tower will depend on site features that will be investigated prior to leasing, but the tower is expected to be around 30 feet in height. Given the size of this tower, it is anticipated that a light at the top will not be necessary. In the future, this tower could also be used as a co-location site for other service providers' equipment. Prior to signing a lease, the Planning Commission and the Lands Committee will review this project in order to provide the Assembly with recommendations.

The Manager recommends a motion be adopted to authorize negotiations with Southeast Communication Services for a lease of CBJ property. Approval of the final lease will require Assembly approval by Ordinance.

Public Comment: None.

Assembly Action:

Mr. Nankervis asked for clarification on how this fits into the big picture. Ms. Kiefer explained that this first step is just giving her permission to begin the authorization but once negotiations for use of the property is approved, the applicant would still have to go through all the necessary permitting process. Ms. Mead explained that this is the CBJ 53.09.260 process because we were approached by an individual, it is not property that had been advertised or put out for auction. Under 53.09.260, when a party approaches CBJ to request use of our property for a specific purpose, it has to come to the Assembly with the proposal and the Assembly decides whether or not to allow the manager to begin negotiations with the lease. There is still the entire lease process and it is separate from the use process and whether there is ultimate approval for the use.

Mr. Jones asked about the KTOO tower that is there on a lease and if they could permit a sub-lease and allow SCS to put a dish on that tower. Additional discussion took place regarding the KTOO lease and how co-location issues might relate. Ms. Mead explained that there are separate issues and the KTOO lease.

Mayor Sanford said he wanted to make sure in the lease negotiations that there is no interference with the JPD/CCFR public safety dispatch.

Ms. Crane also shared some concern about the language that states "it is anticipated that a light at the top will not be needed." She said she just wants to be sure when the negotiate, they are following all the rules that were so long and hard fought. Ms. Kiefer said they would make sure of that and that they have all the correct permits to put this in place before they can have use of our land.

MOTION, by Mr. Nankervis, to authorize the Manager to negotiate the above referenced lease.
Hearing no objection, the Assembly permitted the Manager to negotiate this lease.

E. Resolution 2724 A Resolution Urging the Alaska Legislature to Expand Medicaid Coverage to Improve the Health of Alaskans and Alaska's Economy.

The resolution encourages the Alaska Legislature to expand Medicaid coverage. In part, expansion it will improve health outcomes by reducing the number of uninsured Alaskans, improve preventative and primary care access, and expand health care coverage to approximately 2400 Juneau residents . In addition it is projected that Medicaid expansion will bring new federal dollars to Alaska thus creating new jobs.

The Manager recommends the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

Public Comment: None.

Assembly Action:

MOTION by Mr. Jones for the Assembly to adopt Resolution 2724 with the following amendment as recommended by the Assembly Human Resources Committee:

Amendment 1:
On the seventh "Whereas" clause, the word "payor" should be substituted for the word "patient."

Hearing no objection to the amendment, the amendment passed.

Hearing no objection, Resolution 2724 was adopted as amended.

X. STAFF REPORTS

A. Alaska Housing Finance Corporation (AHFC)

Ms. Mead – introduced Marc Romick from AHFC.
Ms. Mead explained at the last meeting at which they discussed the Gastineau Apartments, she explained what the Assembly's three options are at this point. They are:
1) Nuisance action, which is regulatory action against the owners for building code violation that could be done through the courts or administratively;
2) Eminent Domain with two paths:
2a) CBJ initiates an eminent domain action and take that process through to the end ourselves and try to engage a private developer to use the property for public purpose that CBJ has identified.
2b) After CBJ initiates an eminent domain process, to keep AHFC involved in some way with the end goal of having some component be affordable housing. AHFC brings to CBJ someone on will oversee the RFP process so CBJ does not need to be involved and a board that is more fluent and experienced with grants and funding that might be available to private developers who might be willing to put in affordable housing.

Ms. Mead said that AHFC came back and told CBJ that they were not able to participate in the way that they originally thought they might be able to given the condition of the property. The Assembly asked for additional information on what the package would look like that CBJ would have to put together in order to make the Gastineau Apartment site attractive to a private developer who is going to use it for some sort of a public purpose specified by CBJ. Mr. Romick came to speak with the Assembly about that.

Mr. Romick thanked the Assembly for having him back. He said he did not have a lot more to add other than what Ms. Mead already explained. He said from the AHFC perspective, they are an affordable housing developer and they look at it from the perspective of building apartments for people at moderate incomes. That also limits the amount of money that can be charged. As a result of that, the debt capacity of a project is small which means that in order to pay for the development of a project, there need to be a lot of other sources of subsidy in order to make the project work. He said that was the modeling they did and based on how they address affordable housing, they don't have the resources. He said they were surprised by the condition of the property after the team went through it. After reading the appraisals, the property has steadily gotten worse over time and has become more and more expensive to get it to a usable state. That was how they came to the conclusion as it relates to their direct involvement as a potential owner/developer of that property.

Discussion took place regarding the deterioration of the building and the associated liabilities such as asbestos, lead paint, and cost relating to demolition and disposal of the building materials. Mr. Romick said the most likely scenario that would work for a private developer would need to incorporate both commercial use of the building on the lower floors with housing on the upper levels. Discussion also took place regarding factors that might make it favorable to developers including the possibility of tax abatement, incentive, or deferral options.

Assemblymembers asked questions and Ms. Mead explained the details of the three options mentioned under items 1 and 2 above. Assemblymembers were concerned that the price of doing anything with this goes up the more time goes by without a final decision being made. The Assembly asked Ms. Mead to come up with the something in writing outlining all the options available, the timelines, anticipated costs, and step by step process associated with each option, and when they have that in front of them, they can debate how they wish to move forward on this issue.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford reminded members to complete the evaluation survey sent out by Mila Cosgrove for Ms. Kiefer annual evaluation. He said that sometime during one of the next couple of meetings they would sit down with Ms. Kiefer and go over with her what she's done over the past year. He said she was also going to be reporting to the Assembly on the work of the Leadership Team over the past year. He said following that, they will be going through a similar process for Ms. Mead's annual evaluation in approximately June.

Mayor Sanford polled members about holding a Special Assembly meeting to discuss the Economic Development Plan with community groups. He has been reaching out to various community groups such as JCVB, JEDC, Chamber of Commerce, SE Builders Association about the plan as has Ms. Kiefer. He said the response from the groups has been positive and JEDC has stepped up to the plate and said they want to take 4-5 of the initiatives and work on them. Mayor Sanford said that a lot more could be accomplished if other community groups took on more of the initiatives. He said he'd like to have a dialogue on the best way to move forward on the Economic Development Plan. One of the recommendations in the plan is to hire an Economic Development Director but he suggests they put that on the table for the Finance Committee to discuss before they move forward on any hiring. He mentioned 3-4 big budget items on members' wish lists to try to get to. He said all those numbers are being looked at and will be submitted with the proposed budget. They scheduled a special meeting on the Economic Development Plan to be held on Monday, April 20.

Mayor Sanford also reminded members of other upcoming meetings as follows:
March 18 - Assembly Finance Committee
March 23 - Assembly Committee of the Whole
March 25 - Joint Assembly Meeting with Bartlett Regional Hospital Board at the BRH Admin. Boardroom at 5:15p.m.
March 17 - Southeast Conference mid-session summit to start.

B. Committee Reports

Committee of the Whole: Chair Becker reported that the COW discussed the North Franklin Lot which has been put out to bid. She said they also had a nice meeting with the School Board and they received a report on the Senior Housing project.

Lands Committee: Chair Kiehl reported that at the last Lands Committee meeting they discussed the Hidden Valley question that was deferred from the Assembly meeting to the next regular Assembly meeting. The Lands Committee also received an update on the Lands Fund.

Finance Committee: Chair Crane reported the next Finance Committee meeting is on March 18 and the packet materials were distributed to members at this meeting. She said that since she will be out of town for that meeting, Mr. Kiehl will be presiding over the meeting. Mayor Sanford asked for clarification on the budget so that Assemblymembers were all on the same page about the budget numbers. Ms. Kiefer said they are working on it and at the moment there is a range of numbers.

Public Works and Facilities Committee: Chair Nankervis reported that at the PWFC met March 2 and there were action items at that meeting that were on this Assembly agenda including the Seward Statue and the Electrical Vehicle Resolution. The McGuiness subdivision paving LID and will be coming up in the future. The McGuiness subdivision is on the Back Loop at Montana Creek. There was some discussion about a Public Works Consolidated Shop and the figure of $10 million. There was also some talk about moving things around so the Recycling Center could be co-located with Household Hazardous Waste. Currently, in that building there is salt storage where the HHHW takes place. There are some issues that might come to bear at the Recycling Center. He said the next meeting is scheduled for Noon on Monday, March 23 in the Chambers.

Human Resources Committee: Chair Jones reported that the HRC met just prior to this meeting. The agenda was quite full and included follow-up on the empowered aquatics board issue that had been referred back to HRC from the COW. The HRC had asked a series of questions and asked the City Manager to form a committee to look at those. Discussion took place regarding the membership on the board and the HRC recommended a change to the draft ordinance to include the director of Parks and Recreation and a representative from the School District as liaisons. They had a considerable amount of discussion about limitations on who could be on the board, especially as it related to involvement in the various swim groups and how to keep a seven member board from becoming all seven members of a swim club. The HRC wanted to be sure to have a draft of the ordinance on April 6 with public hearing at a meeting later in April.

Chair Jones reported that the HRC also received the annual reports from the Animal Hearing Board, the Personnel Board, the Board of Equalization, and Juneau Public Library Endowment Board. Mr. Jones provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

Board of Equalization:
Reappointment of David Epstein, Mike Boyer and the appointment of Steve Moseley to terms expiring December 31, 2017.

Personnel Board:
Reappointment of Judith Porter to a term expiring January 31, 2018.

No appointments were made by the Assembly for the Animal Hearing Board as those are appointments done by the City Manager and had previously been made. The Juneau Public Library Endowment Board did not have any terms expiring this year as they are a three member board with the Chair being the Library Director. Mr. Jones explained the changes being made by the Library board for longer term planning and the resulting transfer of their funds in the longer term Vanguard investment fund.

Chair Jones said the HRC also reviewed Ordinance 2015-18 An Ordinance Establishing the Treadwell Arena Advisory Board and that was introduced under the consent agenda and will be up for public hearing on April 6. They received one email asking that the HRC look at the make up of the board and the HRC took no action on that request. The other actions from HRC dealt with Resolution 2718 on the Juneau Commission on Sustainability, Resolution 2724 regarding Medicaid, and the liquor licenses on the Assembly agenda. Chair Jones said they scheduled the June meetings of the Full Assembly sitting as the Human Resources Committee to interview applicants for the Airport Board, Eaglecrest Board, Docks & Harbors Board, and if it passes - the Aquatic Empowered Board. Those meeting dates are June 10 and June 15 at 5:30p.m.

Mayor Sanford asked Mr. Jones if there were any other questions from Assemblymembers that had not yet been answered. Mr. Jones said that no other Assemblymembers have approached him with questions but he encouraged them to do so while the HRC is working through this process. He said he hopes the ordinance will be introduced on April 6 and the public hearing will be held at the end of April.

C. Liaison Reports

Downtown Business Association: Liaison Jones said the next DBA meeting is scheduled for Thursday, March 19.

Planning Commission: Liaison Jones said the Planning Commission met with the Assembly on March 10 and he participated in the meeting via telephone. He said that neither Mr. Nankervis or he attended the meeting following that one.

Juneau Economic Development Council: Liaison Jones said he was not able to make it to their meeting due to travel but that Mayor Sanford was present at that meeting.

Docks and Harbors Board: Liaison Nankervis said that on the 16b, the art project field has been narrowed to four artists by the nine-member panel and will meet further on April 20. He said that Docks and Harbors and Engineering have monthly teleconferences with the 16b contractor, Manson Construction, and they are working on the pile caps and the catwalk fabrication right now. The project is proceeding without any issue. They are expecting the large concrete float to begin casting in April.

Liaison Nankervis said with respect to Douglas Harbor, there are demolition plans and specs being advertised and the bids open March 19. With respect to Statter Harbor, the work is proceeding according to plan with Miller Construction. On Aurora Harbor, the approach ramp and the float assemblies are going in and proceeding on time. They are expecting some substantial completion by May 31 for Phase I. He said the Port Director has recently presented to both the Gastineau Rotary and the Territorial Sportsman and appeared on Action Line with the Harbormaster within the last month. Docks and Harbors received an award from the Juneau branch of the American Society of Civil Engineers for the Downtown Cruise Ship Terminal staging area.

Upcoming Docks and Harbors meeting include:
March 19 - 5:30p.m.: Comprehensive Fee Review for the Docks, City Hall Room #224
March 24 - Noon: Comprehensive Fee Review for the Harbors, City Hall Room #224
March 26 - 5:30p.m.: Regular Docks and Harbors Board Meeting, Chambers

Eaglecrest Board: Liaison Nankervis said the Eaglecrest Board met March 5. According to their reports, they have operated the Porcupine Lift for 34 days this season and 5 days on the upper east side. The Wee Ski and some of the custom groups have been able to function because the Porcupine Lift has been open. It is estimated that between 1,200-1,500 people were at the Fireworks Spectacular on February 14. He said the revenue this year is just over $1.03 million and they have an estimated loss expected to be around $100,000 loss. Their next meeting is scheduled for Wednesday, April 1 at 5:30pm in Room #224.

Parks and Recreation Advisory Committee: Liaison Gladziszewski reported that the PRAC met on March 3 and welcomed three new members. They were sad to see Mr. Wilson leave but the new chair is Chris Mertl. They spent quite a bit of time discussing what they will be doing at an upcoming retreat, including beginning to review the Parks and Recreation Comp. Plan.

Local Emergency Planning Committee: Liaison Gladziszewski reported that they met on March 11 at Noon in the Downtown Fire Station. It is a very active group with 15-20 people who come to the meetings. They discussed the A.L.I.C.E. Active threat response community training that was to be given that same day. She said it was quite successful with a lot of people in attendance. It is a new way to train schools and others on a new approach on how to respond to threats. She said there will be a Tsunami Warning Test on March 25 at 10:15a.m. and they are looking for feedback. She said if people hear it, they are asking them to go to www.ready.alaska.gov and report whether it was heard or not. She said there will be a Bartlett mass casualty exercise on April 9 and they are looking for volunteers to act as victims. The next LEPC meeting is at Noon on April 8.

Bartlett Regional Hospital Board: Liaison Crane said she reported on the last BRH meeting at a previous Assembly meeting. She reminded members of the upcoming joint meeting of the Assembly and BRH Board on March 25 and the next regular BRH meeting is on March 26.

*National Association of Counties (NACo):*Liaison Crane said she is the Alaska Municipal League (AML) representative to NACo which puts her on the NACo board. She attended the legislative meetings in Washington D.C. February 21-25 and attended two NACo board meetings while there. She also attended sessions related to telecommunications and technology. She sat in on a number of Public Lands Steering Committee meetings. She also listened to the roundtable discussion on the transfer of public lands which was very interesting. While she was there, the current AML President Linda Murphy, AML Executive Director Kathy Wasserman and she met with Senator Sullivan's staff member and they also met with Rep. Young and his staff and Senator Murkowski and her staff and talked about the PILT which NACo is working very hard on. They are also trying to get Secure Rural Schools Funding through this year. She said she is very hopeful that PILT will go through again next year but she is not so sure about the Secure Rural Schools funding.She said last year the State got $14 million in Secure Rural School Funds and this year is only getting $50,000. She said that Juneau has lost about $865,000 this year from the loss of Secure Rural School Funding. She said she also had an opportunity to speak with all three delegations about the Rural Hospital Demonstration Project and concerns on that because that project terminate June 30, 2015 and that means a loss of $2-3 million to BRH if the project is not re-authorized. She said they also discussed their concerns with the delegation about the bill "Waters of the US." She said that NACo is generally in favor of and pushing for the Marketplace Fairness Act which would allow for sales tax on internet sales. There are six states, including Alaska, that do not have a sales taxes. This bill is problematic for those six states the way this would roll out because under the Marketplace Fairness Act, the money goes to the state. Due to communities with local sales taxes, there is a potential for some great problems there. Ms. Crane said they shared their concerns with the delegation on that and in one case they were not aware of the issues so it was good for them to be able to meet and discuss these issues.

School Board: Liaison Kiehl said he was not able to attend the last School Board meeting as the Assembly was holding a joint meeting with the Planning Commission.

UAS Campus Council: Liaison Kiehl said the last meeting of the UAS Campus Council was March 2. They heard a fascinating presentation on the use of electronic media in the educational context. He said it was so good, he is now following Professor Graham on Twitter ever since and he thinks there were some members of the council who learned what Twitter was.

Marijuana Committee: Liaison Kiehl said the committee met on March 12 and they got a rudimentary tutorial on the plant, what people do with it, what people make from it, and it was quite educational. He said they got an update on the state of chaos with current state legislation and would like to revisit that during comments/questions. They received an update from the CDD staff with a walk through of the table of permissible uses as it might pertain to potential marijuana businesses. Where they could have greenhouses, retail establishments, manufacturing, testing, etc... The last item on their agenda was the list of five pressing questions from the City Attorney. The committee prioritized the work on zoning as their first order of business to dig into more deeply and start making recommendations and start going through the Planning Commission process. He said, depending on what the state ends up doing, the committee may want to look at whether or not they should designate a local regulatory authority. The next committee meeting is Thursday, March 26.

Mayor Sanford asked if they have discussed a local regulatory authority yet. Mr. Kiehl said they have not yet since they are still waiting to see what the state regulatory structure is to be before they really have that discussion. He said that is a giant question mark they will need to know.

Ms. Crane noted that there was at a recent AML teleconference the subject of marijuana revenues from the state was raised. The discussion on the teleconference included the possibilities of municipalities lobbying for some of the revenues from state issued marijuana licenses. It was determined most were in favor of leaving those revenues alone but maintaining the rights of municipalities in levying excise and other taxes and/or implementing local regulations for marijuana establishments. She also said a position that AML will be taking is for the state to make the state issued marijuana licenses non-transferable. If the licensee goes out of business, the license would die with it and there would not be any monetary value associated with the license.

Airport Board: Liaison White reported that she was able to attend the last Airport Board meeting since she didn't have to attend an Assembly Finance Committee that night. She said Mr. Bartholomew was helping her understand some things that came up at the last meeting.

Juneau Convention and Visitors Bureau Liaison White said the JCVB made a great new promotional video about Juneau. Most of the footage was provided so it kept their costs down very well. Ms. White will find the link to it and send it to everyone.

Alaska Committee: Liaison Becker reported that at the last Alaska Committee meeting they discussed and opposed a change to the Daylight Saving Time. It will be difficult on the local businesses and evening light is important in order for the flights and things to continue. She said they are doing polling in the Airports right now for exit.

Chamber of Commerce is having a retreat on April 3. She said Kristen Cox from NCADD gave a report re: marijuana which Ms. Becker sent on to Mr. Kiehl and Ms. Mead to add to the marijuana website.

D. Presiding Officer Reports

Nothing new to report.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Becker reported that she appeared on KINY and KJNO Capital Chat with Pete Carran. She thanked the Assembly members for their support of the Seward Statue and she showed the artist's rendition of the statue.

Ms. White said one thing she forgot to mention was that JCVB passed a resolution re: Daylight Saving Time being detrimental to their business. She said she will be out of town March 20-26. She gave kudos to Mr. Steedle and Streets staff who provided answers to constituents right away when asked. She had a few people ask her where CBJ is at in getting to be able to pay bills online. She asked if staff could provide an update on that.

Mr. Kiehl brought up a request to allow the City Attorney and CBJ Lobbyist to serve as a resource and to advocate for bare minimums that municipalities need to understand and operate under the Marijuana Initiative. He said they are not getting into the decriminalization elements, the details of regulation, but they are clarifying terms, some basic divisions between the state and municipalities.

Discussion took place regarding this request. The CBJ City Attorney's office has been working with fellow City Attorney offices from around the state to come up with what those "bare minimums" would be. Ms. Gladziszewski said one of the bare minimums for her is to keep the ability for municipalities to have the option to have local authority.

Ms. Becker said she would like to see what the bare minimums are in Ms. Mead's opinion.

Ms. Mead said in her opinion, the bare minimums are:

- A definition of "public place" – we did define it locally but it would be nice on a statewide level. HB75 uses almost verbatim the same definition that we recently passed.
- Somehow addressing the marijuana establishments – the "smoking clubs."
- Establishment of a protest process when licenses or registrations are issued by the State, having a protest process in place for municipalities to object to licenses because right now, under the initiative, there is no process in which to do so.
- Allowing municipalities to enact either civil or criminal penalties for violations of both state and local ordinances.
- Local regulatory authority and retaining the ability to enact "time, place, and manner legislation".

Mr. Kiehl said the other elements in HB75 that are not particularly important to CBJ but is important to many other municipalities is how the local option elections would work, especially in the unorganized borough. Rules on how they opt in and opt out would need to be set up.

Mayor Sanford said these issues are going to be circling back to the Assembly as well. There will be new items that will be important and other minimums that they may wish to have.

Mayor Sanford said, hearing no objections, the Assembly approves the City Attorney and Lobbyist to assist on these issues, provided they don't spend more than half their time on the hill, and report back to the Assembly with updates as needed and as things change.

Ms. Becker asked if one of the minimums Ms. Mead mentioned was authorizing smoking clubs. Ms. Mead clarified that it needs to be "addressed" but she is not advocating one way or another on them being "authorized." Ms. Becker acknowledged the difference between "address" and "authorize" and said she would hate to see the smoking ordinance go down the tubes if they were authorized.

Mr. Kiehl said he has received multiple compliments from his colleagues on the work that both Ms. Mead and Ms. Sebens have done when his colleagues have asked questions about how any given provision might affect municipalities. He said he has been told the Law staff has been thoughtful, responsive, and proactive and he expressed his appreciation to their staff for helping legislative offices when they call.

Mayor Sanford said he appreciates Mr. Kiehl's comments and all the staff including Law and Finance who have assisted the legislature and represented CBJ on the hill on a variety of matters.

Ms. Crane said she would like a report back on where we are with the whale. Ms. Kiefer said that issue is scheduled for the March 23 COW agenda and is already the COW packet that was distributed to them that evening.

Ms. Gladziszewski asked if the Mayor could write a letter or somehow the Assembly could pass a resolution about the Daylight Saving Time issue. She said she agreed with JCVB and Alaska Committee that it would be very bad for Juneau if that legislation passed. Mayor Sanford said he would do a letter.

Ms. Gladziszewski said that Ms. Crane, Ms. Becker, and she met with First Lady Donna Walker regarding a new organization that they are trying to bring to Juneau called Bridge Builders. It is modeled off an organization started in Anchorage. There were people there from the various communities and a good program that is getting off the ground.

Mr. Nankervis said he forgot to mention when he spoke with Matt Lillard at Eaglecrest that they will be open again this weekend. He asked if the Assembly could get a lobbyist update soon. He said they are at the point in the session where it would be good for all the Assembly to hear from him either via a memo, email, or attend the meeting at the COW on March 23. He said he would like to get in the habit of hearing from the lobbyist more than just once a year like they used to. He would like to hear from them before, during, and after session. Mayor Sanford said he will ask the lobbyist to come down and speak with the Assembly. He said that there will be certain things that he can and other things that he can't discuss during the session.

Mr. Jones said depending on what the state does with respect to the marijuana licensing, he would like to have a future discussion on the possibilities, pros and cons, of implementing a local business license for enforcement purposes. He said he understands this may not be in the best interest of Juneau to do but he would like the dialogue nonetheless to explore all aspects of the issue. Ms. Crane said she would be happy to add that to a future Assembly Finance Committee meeting.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:27 p.m.

Signed:_____ Signed:_____
Elizabeth J. McEwen, Acting Clerk Merrill Sanford, Mayor