THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 12, 2015

MEETING NO. 2015-01: 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: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bryce Johnson, Police Chief; Rorie Watt, Engineering/Public Works Director; Bob Bartholomew, Finance Director; Kirk Duncan, Parks and Recreation Director; Myiia Wahto, Recreation Superintendent; Carl Uchytil, Port Director.

II. SPECIAL ORDER OF BUSINESS

A. Proclamation - Big Brothers Big Sisters National Mentoring Month

Deputy Mayor Mary Becker read a Proclamation on behalf of the Mayor and Assembly declaring January, 2015 as "National Mentoring Month," and Mayor Sanford acknowledged Joe Clark, Toren Ulrikson, Lena Gilbertson, Sheila Wray and Anne Post for their work with Big Brothers / Big Sisters.

Additionally, Susan Baxter with the Juneau Sister Cities Committee, presented students on exchange programs in Juneau, who each took turns introducing themselves. The students from the YES Program included Mohamed Sammour from Egypt, Hasaam Bazil from Pakistan, Kristina Abu Jazar from Palestine; and from the AFS Program, Maria Jesus from Chile, Selina Ott from Germany and Martin Gonzalez from Chile.

III. APPROVAL OF MINUTES

A. December 22, 2014 Regular Assembly Meeting 2014-29

Hearing no objection, the minutes of the December 22, 2014 Regular Assembly Meeting 2014-29 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mandy Cole spoke about Project Homeless Connect sponsored by the Juneau Coalition on Housing and Homelessness. This is an event to provide homeless people with services and to take a survey of the homeless to understand the needs of this population. This survey is done on a statewide basis. The Assembly and public are invited, the event will be at the Juneau Arts and Culture Center. Medical services, haircuts, identification assistance, and food are some of the services that will be provided and the event offers an opportunity to take the survey and make new connections.

Kyle Moselle thanked the Assembly for its work and public service.

Merry Ellefson, Author, Shona Strausser, Director, and Flordelino Lagundino, Producer, spoke about the play, "A Lifetime to Master," that was inspired by many voices in Juneau and focused on the issues of homelessness in Juneau.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

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

1. Ordinances for Introduction

a. Ordinance 2014-24(AA) An Ordinance Appropriating to the Manager the Sum of \$130,000 to the School District Facilities Renovation and Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Zurich American Insurance Co.

This ordinance would authorize the appropriation of \$130,000 from the Gastineau Elementary School Roof Insurance Settlement to a new CIP titled “School District Facilities Renovation and Repair.”

The School District intends to use approximately \$75,000 of these funds to complete the Marie Drake planning process. The remaining funds of approximately \$55,000 will be used for one or more repair projects (to be determined). The Marie Drake planning process commenced in November 2013 using funds remaining from the District Wide Major Maintenance CIP. These funds were sufficient to complete the first phase of planning, orientation and education plan. This appropriation will allow completion of the remaining phases including master planning, conceptual design, educational specifications, and construction cost estimates. This information is required by the Department of Education and Early Development for approval under the bond debt reimbursement program.

The Juneau School District Facilities Committee approved this appropriation at its December 18, 2014 meeting. The Public Works and Facilities Committee approved this appropriation at its December 29, 2014 meeting. The School Board will hear this appropriation request at its January 13, 2015 meeting.

The Manager recommends this ordinance be introduced and set for public

hearing at the next regular Assembly meeting.

b. Ordinance 2015-01 An Ordinance Amending the Excise Tax on Tobacco Products Code.

This ordinance would increase the tobacco excise tax from the current $1.00 per pack to $3.00 per pack of cigarettes, and would amend the definition of "other tobacco products" to include e-cigarettes and other vapor-inducing products. The primary objective of the ordinance is to reduce consumption of cigarettes and tobacco products, particularly among youth. The increase would be effective April 1, 2015. The higher excise tax rate would increase annual tax revenue collected by an estimated $1.7 million.

The ordinance also amends the existing language providing for the creation of a lien for failure to submit the tax by removing an outdated reference to the Alaska Statutes, and by deleting the language setting the priority of the lien in recognition of the Supreme Court's holding that a municipality has no discretion to set lien priority by ordinance unless there is express statutory authority to do so.

The proposed amendments were reviewed by the Assembly Finance Committee on November 12, 2014, which recommended an ordinance be drafted and brought to the full Assembly for its consideration.

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

c. 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 approved 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, making it 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 prohibit the Commission from recommending the lot be rezoned from "Not Remote" to "Remote."

The Planning Commission recommends that the Assembly approve the text amendment to change the subject parcel from Not Remote to Remote.

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

d. Ordinance 2015-05 An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 1277, Located at Approximately 3155 Channel Drive, Juneau, Alaska.

Salmon Creek Development leases 1.83 acres of CBJ Docks & Harbors managed tidelands adjacent to the Sampson Tug & Barge facility near Channel Drive. The original lease between the State and Salmon Creek Development was recorded in 1984 and provided a 30 year lease of $9600/annum subject to adjustment following the expiration of the initial 25-year period. The lease was transferred to the City and Borough in 2001. A lease rent adjustment was set in April 2009, making the new lease amount $11,957.25. The lease expired in April 2014.

Salmon Creek Development submitted a request to re-lease these lands under a provision allowed in CBJ 53.20.100 (Preference Privilege). Docks & Harbors contracted with Horan & Company to appraise the property pursuant to the issuance of a new lease. An appraised value of $11,957.25 (unchanged) was received and the Docks & Harbors Board, at its October 30, 2014 meeting, recommended accepting this value for the initial five-year period of the new 35-year lease.

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

e. Ordinance 2015-06 An Ordinance Approving a Lease Amendment to the 1995 Lease Between the City and Borough and Goldbelt Aerial Tramway, LLC, ("Goldbelt") of Approximately 10,000 Square Feet Within Lots 1 and 2A, Dockside Subdivision and Lots 13B, 16, And 17, Block 83, Tidelands.

Since 2011, Docks & Harbors has been engaged in dispute resolution and negotiations with Goldbelt with respect to the required lease rent adjustment contained in the original lease agreement relating to Mount Roberts tram lease. In October 2013, the Docks & Harbors Board appointed a special sub-committee consisting of Docks & Harbors Finance Committee members to commence negotiations with Goldbelt to reach a fair market value, lease rate and terms.

On November 20, 2014 the Docks & Harbors Board approved a settlement agreement and the negotiated lease amendment contemplated by this ordinance. The resulting effect of the lease amendment would be that Docks & Harbors will collect $272,000 per year until 2020 when the next appraisal is required. The amendment would also: (1) allow Goldbelt to use the lease premises spaces as "retail space;" (2) remove the provision requiring that a percentage of the annual lease amount would consist of a royalty of 1 – 5 percent depending on the leasehold revenues received by the lessee; (3) change the lease base rent to nine percent of the appraised value of the property from ten percent or $30 per square foot, whichever is greater; (4) memorializes the assignment of the lease from Mount Roberts Development Corporation to Goldbelt Aerial Tramway, LLC; and (5) in an effort to avoid future appraisal disputes, include an appraisal dispute resolution process which changes depending on the extent of the disparity between the parties' respective appraisals.

On November 20, 2014, the Docks & Harbors Board approved forwarding the proposed amendments to the Assembly for final approval. On December 8, 2014 the CBJ Lands Committee recommended forwarding the proposed lease amendment to the Assembly for final approval.

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

2. Resolutions

a. Resolution 2702 A Resolution of the City and Borough of Juneau in Support of Full Funding for the State of Alaska Harbor Facility Grant Program in the FY 2016 State Capital Budget.

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which the CBJ Docks & Harbors is a member. This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. Although the CBJ does not have any projects pending approval in FY2016, Docks & Harbors has been the beneficiary of approximately $9M in harbor grant funding since the program's inception in 2006. (Statter $5M; Aurora $2M; Douglas $2M)

This year, the municipalities of the Aleutians East Borough, the City and Borough of Sitka, the City of Seward, the City of Ketchikan, the City of Coffman Cove and the Municipality of Anchorage have offered to contribute $14,262,722 in local match funding for FY2016 towards seven harbor projects of significant importance for Alaska. The continued support of this program is critical for sustaining Alaska's maritime infrastructure.

The Docks & Harbors Board reviewed this resolution at its December 11, 2014 meeting, and recommended forwarding it to the full Assembly for approval. The Public Works & Facilities Committee heard this resolution at its December 29, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this resolution be adopted.

b. Resolution 2704 A Resolution Authorizing the Manager to Submit a Grant Application for StoryCorps Programming to the American Library Association Public Programs Office.

StoryCorps is an independent non-profit organization that has been collecting and archiving the oral histories of individuals across the country since 2003. Stories, once collected, are archived at the American Folklife Center at the Library of Congress as well as in certain localities. Selected stories are also aired, with permission, on National Public Radio's *Morning Edition*.

StoryCorps @ your Library is a two year pilot project of the American Library Association's Public Programming Office, funded by the Institute for Museum and Library Services. Successful library applicants receive equipment, training, and promotional materials to help develop community documentation projects using the StoryCorps facilitated interview model.

This resolution, if adopted, would approve and support the City and Borough submitting a grant application.

The Manager recommends this resolution be adopted.

c. Resolution 2705 A Resolution Authorizing the Manager to Apply for, and Enter Into, a Loan Agreement with the State of Alaska Department of Environmental Conservation, Through its Alaska Drinking Water Fund, for the Salmon Creek Secondary Disinfection Project.

This resolution would authorize the Manager to enter into a loan agreement with the Alaska Department of Environmental Conservation, Drinking Water Fund, for the Salmon Creek Secondary Disinfection Project in the amount of $3,000,000.

The Salmon Creek Secondary Disinfection Project involves the assessment of levels of disinfection required, facility permitting, and the design and construction of a secondary disinfection process at the Salmon Creek Water Treatment Facility. This project is necessary to comply with the U.S. Environmental Protection Agency Surface Water Treatment Rule requirement to provide secondary disinfection of surface water sources, which became effective in 2013. (The City and Borough applied for and received an extension to have an approved secondary disinfection system in place by no later than October 1, 2015.)

The $3 million loan would provide the remaining funding necessary to meet the ADEC compliance deadline of October 1, 2015. This $3 million will bring the total project funding to $7.3 million. The project is in the final stages of design and preparation for bid with the anticipated bid opening in April 2015, with completion scheduled for October 2015.

The CBJ has been successful in ranking highest on the State's FY2016 ADEC Municipal Drinking Water Grants list for this project, however the ranking and amount have to survive the 2015 Legislative session and the grant award is not effective until July 1, 2015. If the $3 million grant is awarded to the CBJ, the grant expenditures are able to be prorated 120 days prior to the effective date, or March 2015. The grant funds would be used to repay the $3 million loan which would be applied for if authorized by this resolution.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are 20-year repayment at a 1.5-percent interest rate. If the grant funds are not awarded to the CBJ, the project loans will be re-paid with Water Utility customer revenues.

The Public Works and Facilities Committee passed a motion of support for the resolution at its December 29, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this resolution be adopted.

d. Resolution 2708 A Resolution in Support of the Juneau Housing First Project

This resolution would commit $1.5 million dollars for the construction of the Juneau Housing First Project, consistent with Assembly goals. The Glory Hole will be submitting a grant request for construction of the Juneau Housing First Project through the Alaska Housing Finance Corporation's Special Needs Housing Grant program. The CBJ's commitment of the $1.5 million is needed to improve the prospects of receiving the AHFC grant. Tlingit-Haida Regional Housing Authority has donated land for the project, and MRV Architects has drafted renderings of the facility. The facility would include 32 single resident occupancy units, dining and kitchen facilities, administrative offices, and space for the Front Street Clinic. Total estimated construction costs of phase one are $6.8 million.

Potential funding sources identified at this time include: tobacco tax increase allocation, housing land development CIP, reprioritize 1% sales tax proceeds from FY16 funding of budget reserve, BRH fund balance, JEDC revolving loan fund return of capital, and CBJ fund balance. Because of the short turnaround time, the BRH and JEDC boards have not been able to meet to discuss the option of partially funding the project. I recommend the project funding discussion take place at the February 18 Finance Committee meeting allowing time for input from BRH and JEDC.

The Manager recommends this resolution be adopted.

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 #76 Arctic Bar Inc. d/b/a Arctic Bar, Location: 148 S. Franklin St.
License #674 MSE,LLC d/b/a Lucky Lady, Location: 192 S. Franklin St.
License #1081 Shayz, LLC d/b/a Squirez, Location: 11806 Glacier Hwy.
License #2766 Alaska Red Dog Saloon LLC, d/b/a Red Dog Saloon, Location: 278 S. Franklin St.

Beverage Dispensary-Seasonal License #3720 Goldbelt Aerial Tramway, LLC d/b/a Timberline Bar & Grill, Location: Mt. Roberts 1800 Foot Level

Package Store Licenses

License# 176 Breeze-In Corporation d/b/a Breeze-In Liquor, Location: 8 Mile Old Glacier Hwy.
License# 662 Breeze-In Corporation d/b/a Douglas Island Breeze-In, Location: 3370 Douglas Hwy.
License# 4543 Breeze-In Corporation d/b/a Breeze-In, Location: 5711 Concrete Way (Lemon Creek)
License# 828 Thibodeau's Market Inc. d/b/a Thibodeau's Liquor, Location: No premises.
License# 849 Oke Hui Rodman d/b/a Percy's Liquor Store, Location: 214 Front St.
License# 3352 Costco Wholesale Corporation d/b/a Costco Wholesale #107, Location: 5225 Commercial Way

Recreational Site License# 5095 Taku Lanes LLC d/b/a Taku Lanes LLC, Location: 608 W. Willoughby Ave.

Restaurant/Eating Place Licenses
License #188 Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, Location: 318 Willoughby Ave.
License #816 El Sombrero Inc. d/b/a El Sombrero Mexican & American Food, Location: 157 S. Franklin St.
License #1384 Alfonso Soriano d/b/a Jovany's Italian Restaurant, Location: 9121 Glacier Hwy.
License #1690 Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, Location: 2687 Mendenhall Loop Road
License #2175 The Silverbow, LLC d/b/a Silverbow Bakery and Catering, Location: 120 Second St.
License #4731 DJ LLC d/b/a Asiana Gardens, Location: 9116 Mendenhall Mall Road

Wholesale - General License# 4859 Southern Wine & Spirits of Alaska LLC d/b/a Southern Wine & Spirits of Alaska, Location: 5452 Shaune Drive - Bay 2

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 T-963: Transfer $494,954 of Sales Tax Revenues from existing CIP's to a new Street Reconstruction CIP.

This action would transfer $494,954 of Sales Tax Revenues from three completed, existing, capital improvement projects, listed below, to provide additional funding to complete the reconstruction of Jackson Street as the next phase of the Blueberry Hills CIP.

The initial phasing plan for the Blueberry Hills project was to continue up the hill from the most recent phase of Pioneer Avenue, however it was determined that Jackson Street (planned for FY16 in the CIP) is in a more serious state of disrepair, making it a higher priority, and requiring completion sooner, leading to the funding shortfall that this transfer of these completed CIP’s is providing.

Transfer From - Closing

R72-044 Gold Creek Flume	$101,190
R72-062 Irwin &Reinhardt Street Recon	$232,827
R72-108 Third St. Construction	$160,937

Transfer To – NEW CIP

R72-114 Blueberry Hills	$494,954

The Public Works and Facilities Committee reviewed and approved this action at its December 8, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends approval of this transfer.

VII. PUBLIC HEARING

A. Ordinance 2014-24(S) An Ordinance Appropriating to the Manager the Sum of $64,282 as Funding for the Implementation of the Police K-9 Program at Juneau Police Department, $48,091 in Grant Funding Provided by United States Department of Justice, Drug Enforcement Agency Grant and a $16,191 Match Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

This ordinance would appropriate $64,282 to the Manager for the new K-9 Program. Funding is provided as follows:

United States DOJ, Drug Enforcement Agency Grant:	$48,091
Asset Forfeiture Reserve Fund:	$16,191

The grant funding provides for the purchase, travel, training and maintenance of a Police K-9 through September 30, 2015. The K-9 will be utilized for controlled substances interdiction, investigations and enforcement operations. Grant funding is provided by the United States Department of Justice, Drug Enforcement Agency as a part of Operation DIPNET. The grant period is October 1, 2014 ending September 30, 2015. For FY15, the grant funding to be appropriated is $35,000. The Police K-9 will be assigned to a current officer of the Juneau Police Department.

Overtime costs incurred upon start-up of the program and continued K-9 upkeep for the grant period will be paid by funds in the Asset Forfeiture account, the amount appropriated for FY15 is $16,191.

The Assembly Finance Committee reviewed this request at its November 12, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

Benjamin Wilcox asked if the dog would be trained to interdict marijuana? Chief Johnson said no.

Kevin Higgins asked if records would be created related to the reliability, error rate, intent of the use of the dog in schools, etc.

Chief Johnson said records needed to be kept on the dog to establish reliability, the dog had to be certified, and the records were public. In the school, the only use of the dog would be for demonstration purposes. There was no policy in place to run the dog through the school to look for drugs.

Assembly Action:

<u>MOTION</u>, by Becker, to adopt Ordinance 2014-24(S). Hearing no objection, it was so ordered.

B. Ordinance 2014-24(Y) An Ordinance Appropriating to the Manager the Sum of $50,000 as Funding for Phase I of the Amalga Harbor Fish Cleaning Station Project; Grant Funding Provided by the Alaska Department of Fish and Game.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would receive funding from the Alaska Department of Fish and Game (ADF&G) for the purpose of determining the most appropriate and feasible fish cleaning station at Amalga Harbor.

The ADF&G cooperative agreement grant is in the amount of $50,000 for Phase I of the project that would include planning, design, permitting, if applicable, and determining the most appropriate and feasible fish cleaning station at Amalga Harbor. It is anticipated that ADF&G would amend the cooperative agreement for construction funding if a feasible solution is vetted through the Phase I process.

The Docks and Harbors Board reviewed this recommendation at its December 11, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

<u>Public Comment</u>:

None.

<u>Assembly Action</u>:

<u>MOTION</u>, by Crane, to adopt Ordinance 2014-24(Y). Hearing no objection, it was so ordered.

C. Ordinance 2014-24(Z) An Ordinance Appropriating to the Manager the Sum of $650,000 as Funding for the new Waste Management Baler Project; Funding Provided by the Waste Management Fund Balance and the Waste Management Fleet Reserve.

This ordinance would transfer $650,000 to the new Waste Management Baler CIP from the Waste Management Fund Balance and Fleet Reserve for purchase and installation of a new industrial recycling baler at Capitol Disposal.

Funding of $450,000 would be provided by the Waste Management Fund Balance. Funding of $200,000 would be provided by the Waste Management Fleet Reserve.

The Public Works and Facilities Committee reviewed this transfer at its December 8, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

<u>Public Comment</u>:

None.

<u>Assembly Action</u>:

<u>MOTION</u>, by Gladziszewski, to adopt Ordinance 2014-24(Y). Hearing no objection, it was so

ordered.

D. Ordinance 2014-48(b) An Ordinance Amending the Administration Code Relating to the Appeal Process for Civil Violations.

This is a housekeeping ordinance to correct an inconsistency in the civil fine citation appeal timelines specified by CBJ 03.30.075 and 03.30.085. Under the current code, an appeal must be filed within 20 days of the issuance of the citation. However, if the citation is not paid within 30 days, the CBJ sends a notice that the appeal will be accepted if the individual presents evidence that he or she did not receive the notice of violation. This ordinance clarifies that a timely notice of appeal must be received within 30 days of the citation issuing, and allows for a process by which the hearing officer may accept a late-filed appeal upon a satisfactory showing that the original citation had never been received.
This ordinance would also amend CBJ 03.30 to allow the hearing officer some discretion in reducing fine amounts in the interest of justice, unless prohibited from doing so by ordinance.

Version (b) amends the ordinance from the version introduced by replacing an "or" with an "unless" in section 03.30.070.

The Manager recommends this ordinance be adopted.

<u>Public Comment</u>:

None.

<u>Assembly Action</u>:

<u>MOTION</u>, by Troll, to adopt Ordinance 2014-48(b). Hearing no objection, it was so ordered.

E. Ordinance 2014-50 An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.

On November 4, 2014, Alaskan voters approved a ballot measure related to the legalization of marijuana. The initiative, which goes into effect on February 24, 2015, allows the State nine months to enact regulations concerning the registration and oversight of marijuana establishments, defined by the initiative as marijuana cultivation, testing and product manufacturing facilities and marijuana retail stores. The initiative requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act. The initiative authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments (for example, hours of operation, allowable locations, and limitations on the number of establishments allowed within the municipality .)

The purpose of the moratorium is to allow the CBJ time to consider and enact legislation concerning the operation of marijuana establishments in the CBJ. The moratorium is set to expire within one year of adoption, which is after the date the State is required to enact regulations given the fact that it may be necessary to coordinate our local legislation with the State's regulatory scheme, but before the time the State is required to begin processing applications.

The Lands Committee heard this ordinance at its December 29, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment:

Ben Wilcox he said he is a trusted server of a drug in this community, alcohol, and he would like to serve marijuana responsibly. The longer the industry was hindered, the longer it stayed unregulated. The quicker the city established its law, the better, and he referred to concerns about what he termed the "grey market."

Devon Drones said he was a sophmore at UAS and it was important to implement the initiative that the voters supported and asked the Assembly to enact the new law.

Mayor Sanford asked the City Attorney to explain the purpose of this ordinance to the public.

Ms. Mead said there is a small piece of the commercial business of marijuana establishments that the city and borough as a local municipality can legislate. It was limited to zoning regulations. CBJ had no ability to impede the forward process of the initiative or to stop the commercial business of marijuana going forward, those were dictated by state law. The purpose of the moratorium was that under current zoning laws in CBJ, businesses that want to open and operate, eventually, depending on where they locate, may file an application for a conditional use permit to operate within CBJ. The current zoning laws do not contemplate marijuana establishments. The Planning Commission and Assembly want to consider where these establishments will be allowed. That process would take time. The moratorium prevented the application for a conditional use permit to operate a marijuana establishment at this time, in order to allow the zoning laws to be considered. The moratorium does not change anyone's ability to get a license within state law.

Ms. Troll said the current law allows a community to opt-out and that was not before the Assembly. The Assembly was trying to figure out the most deliberate, methodical way to honor the vote.

Ms. White said that if the state law was done earlier, the Assembly could lift the moratorium earlier if it wished.

Mayor Sanford said the Assembly would meet in a retreat on Wednesday, and discuss the issue and direction to provide to the Community Development Department.

Adam Berkey said he became slightly infamous earlier in the year as an elementary school teacher who admitted to medicinal cannabis use. He asked the Assembly to consider people who used cannabis for medicinal purposes, who were on chemo now, and because there was no medicinal structure for cannabis in Alaska, people were asking how they could get their medicine. Medicinal use would follow recreational use in the law and he encouraged speed in this regard.

Giono Barrett, said he was interested in starting a marijuana business, with cultivation and distribution of products throughout the state. He said the twelve month moratorium was too long. Zoning was an issue for his business as well. With all the research we have done, we think things fall in place. He opposed the twelve months.

Ms. Gladziszewski asked him what he thought the timeline should be. He said they had been planning for a year already. On February 24, 2016 he would like to have his permit in to the state. Juneau was unique and we can set guidelines for rural America.

Kevin Higgins said his concern is that deadlines motivate people and said it made sense to pass ordinances quicker and then revisit them, and suggested that figuring out zoning issues would not take 12 months. The implication was that there is concern that a pot store will pop up in someone's neighborhood. It does not appear that the Table of Permissible Uses would allow this now. If the state did not get its act together, the city could have its own plan in place to regulate the industry. If not, there would be a lot of decentralized businesses using a lot of electrical power in neighborhoods. You need to undermine the black market and centralize the business.

James Barrett said he is the Regional Director of the Coalition for Responsible Cannabis Regulation. That organization opposed this moratorium which had a very lengthy time frame. He planned on starting a business in Juneau with my brother. He would like more time to be able to apply for their state permit from the time that the Assembly is done with its work. The details could be worked out within a shorter amount of time, and he suggested three months.

Mayor Sanford said that this time period gave staff and the Assembly time to work on this along with many other projects before the Assembly.

Ms. Troll - said she did not see the legislature getting their work done in three months, and so the city would need at least six months to enact legislation.

Mayor Sanford said the state would accept applications by 2016 and there would be no applications approved until May 2016.

Tracy LaBarge said she would like to see a shorter time frame in enacting this legislation - people are already planning for this business and we want to get in and do things within a reasonable amount of time. She suggested the Assembly establish an advisory committee, she wanted to see Juneau be a fore runner, she wanted to see things done in a classy way.

Zack Bowie said a cultivation facility could move along fairly quickly. One legislator has put together a marijuana regulatory commission addressing enacting cultivation facilities to allow the businesses to move forward as quickly as possible. There will be a lot of bills introduced in the next few weeks. He suggested a six month moratorium.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2014-50.

MOTION, by Kiehl, to amend, to change page 2, line 11, which covers the moratorium period, strike for one year, and replace it with "through October 19, 2015."

Mr. Kiehl said he appreciated the public comment, with good suggestions. He hoped that CBJ would not have to move in lieu of the state. If that were the case more time would be needed. He said the legislature would make some adjustments to the initiative and he suspected that they would be significant but within the constitution. Those changes would not be known until April 19. October 19 was six months after April 19, which gave the Assembly time to come up with a full set of zoning regulations. He spoke in favor of the initiative and it passed overwhelmingly. When something new was allowed in the community there needed to be conversations with all people and we do need to do this in a reasonable way. This gave business people four months to apply for a permit from the state, and three months to receive the permit. He thought local planning needed to start our planning before the legislature was done.

Mayor Sanford asked for feedback on one year. Ms. Mead said it was only based on the date the state would start taking applications and it was a policy call for the Assembly.

Ms. Becker asked for clarification.

Mr. Kiehl said after October 19, CDD could start taking applications under new zoning laws the Assembly puts into place, so that any permit covered by this moratorium could be submitted. Permits sometimes take time to obtain. When the state takes business licenses in February 2016 it would want drawings of the establishments, similar to liquor licenses. The business owner should be able to provide those then. A business could not operate, even with a conditional use permit, until the state permit was issued.

Ms. Gladziszewski said this was difficult for business people now because the state might restrict the number of licenses to be issued, and that was out of CBJ's control. She asked if the CBJ could further restrict license issuance.Ms. Mead said yes, the city could further restrict the number of establishments under the current initiative.

Ms. Crane supported the amendment. She said the Assembly still had the ability to change the date of the moratorium at a future time.

Roll call on the amendment:

> Aye: Crane, Gladziszewski, Kiehl, Nankervis, Troll, White, Sanford
> Nay: Becker, Jones

Motion passed, 7 ayes, 2 nays.

Hearing no objection, Ordinance 2014-50 was adopted as amended.

F. Ordinance 2014-51(b) An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.

This ordinance would amend the Second-hand Smoke Control Code, Chapter 36.30, to provide for the regulation of marijuana smoking in the same way the smoking of tobacco products is regulated within the City and Borough.

The Lands Committee heard this ordinance at its December 29, 2014 meeting, and recommended forwarding an amended version to the full Assembly for approval.

Version (b) of the ordinance clarifies that medical marijuana is not exempted in the same manner as tobacco cessation products or products prescribed by a licensed physician.

The Manager recommends this ordinance be adopted.

Public Comment:

Ben Wilcox said the law states it is illegal to use marijuana in public, so this is redundant and hasty. There would be 55,0000 people getting off the ships wanting to use marijuana. Where would they consume it? This would impede a commercial establishment that may be allowed to be established. He understood there were a lot of complaints about people smoking on the sidewalks and kids walking through cigarette smoke. A cannabis lounge would be a specific place that people could go and not an "extra curricular acitivity," like the smoking ordinance envisions smoking to be in bars.

Mike Peterson said he did not support the ordinance and referred to the initiative, and read paraphrased from the initiative, "Consumption of marijuana is legal, except that nothing in this chapter shall permit the consumption of marijuana in public." It also said in "Consumption Banned - Penalty" that "it is unlawful to consume marijuana in public. Any person who violates this section is guilty of a violation punishable by a fine of $100." It further defines consumption as "the act of ingesting, inhaling, or otherwise introducing marijuana into the human body." He said he did not think the ordinance was necessary. When the initiative passed in Denver, in the first 9 months, there were 668 consumptive citations. The year before that there were 117. He said you can't regulate stupid and he did not understand what this law is for. It seems that the Assembly is quickly adopting an anti-marijuana sentiment. A Fairbanks Mayor is leading a community effort to develop the code. In Anchorage there is a committee to develop the code. He spoke about the efforts of people in the state to educate themselves. He supported a working group of the Assembly and public and he volunteered to serve.

James Barrett asked for clarification for exception of a smoking area you have to be a tobacco store. Ms. Mead explained there were not exceptions for tobacco stores but there were certain exceptions under current law, which included an outdoor patio, open on certain number of sides with an open entryway. Mr. Barrett said that in Washington, there was no where to smoke because of the smoking ban. He said this should be treated like alcohol and an indoor smoking ban would push people out on the street to smoke.

Jesse Palomino said this ordinance would ban a marijuana smoking lounge, which could be a good business, a way to raise revenues for the CBJ, and those opportunities should be allowed.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2014-51(b). She distributed a potential amendment which read, "Private Club means an organization, whether incorporated or not, that is the owner, lessee or occupant of a buildign or portion thereof used for club purposes, which is operated for a recreational, fraternal, social, patriotic, political, benevolent, athletic or other purpose, *including an organization formed or operated solely for the purpose of providing club members either a common location at which to smoke marijuana or a common location at which to smoke tobacco or nicotine vapor, but not both.*" She said another alternative was to table this ordinance until October 19, 2015.

Ms. Mead said the state initiative did not define what "in public" means, and the non-smoking ordinance covers things like cab rides, so without addressing it now and deciding to include it in this ordinance, the possibility remains that people can light up in a cab, on a tour bus or in places of employment. She said the amendment would allow private club marijuana establishments. It did not envision commercial lounges at this time as that was not legislated by the state at this time.

Ms. Becker asked if then smoking of tobacco would be allowed in a private club. Ms. Mead said it would allow smoking of cigarettes and tobacco in its own private club, not a mixed use facility.

Mayor Sanford suggested that this discussion needed to be held in committee.

<u>MOTION</u>, by Crane, to move Ordinance 2014-51(b) to the Human Resources Committee. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Application for De-designation of Liquor Licensed Premises - Suite 907, LLC

A liquor license de-designation application is subject to approval by the local law enforcement agency as well as the local governing body. This is an application to de-designate the liquor license for Suite 907 for certain dates/times to allow the business to hold youth-related events for persons between the ages of 17 and 20.

A similar de-designation application was approved by the Assembly at its August 11, 2014 meeting with the condition that the police department could revoke its approval at any time should any law enforcement issues arise. At its August 11, 2014 Assembly Human Resources Committee meeting, the HRC delegated the review and approval process of these applications directly to the Assembly.

If approved by the Assembly at this meeting, the event dates/times approved for this application are below (all dates are for the 2015 calendar year):

Jan. 19, 9pm - Jan. 20, 1am
Feb. 12, 9pm-Feb. 13, 1am
March 16, 9pm – March 17, 1am
May 24, 9pm – May 25, 1am
June 15, 9pm – June 16, 1am

The Manager recommends the Assembly approve this application with the condition of allowing JPD revocation ability should there be any law enforcement concerns arising from any of these events.

<u>MOTION</u>, by Becker, to allow the de-designation of Liquor Licensed Premises - Suite 907, LLC for the specific dates and times requested.

Ms. Becker asked if the police department had any concerns and Chief Johnson indicated no.

Ms. Troll said she thought this was a good opportunity to crate alcohol free activities for youth, and if it works, let's acknowledge it.

Mr. Nankervis asked if JPD had authority to de-designate and he thought that was the role of the Assembly.

Ms. McEwen said the governing body had the jurisdiction and the de-designation was signed off by both law enforcement and the local governing body. The condition was that if there were local law enforcement action concerns, the Assembly's action provides JPD with the authority to revocate the ability to allow the kids in there.

Mr. Kiehl clarified that they could do that anyway, but they could shut down future events. Ms. McEwen said that was correct.

Hearing no objection, it was so ordered.

B. Liquor License Mid-Cycle Protests of Continued Operations

Liquor licenses are issued by the State of Alaska on a two-year cycle. Alaska Statute 04.11.480 provides for a mid-cycle protest by the local governing body for the continued operation of liquor license as follows: (***emphasis added***)

Sec. 04.11.480. Protest.
(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. ***The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application.*** The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

CBJ Finance Department is recommending the Assembly protest the continued operations of the following liquor licenses based on unfiled sales tax returns, the associated taxes owing for those returns, and all associated penalties and interest.

Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout, Restaurant/Eating Place License #4192. Protest based on a total balance owing of $25,285.72 as of January 2, 2015 for the monthly periods February - September 2014 and unfiled sales tax returns for October - November 2014 and all associated taxes, penalties and interest.

Joan Deering d/b/a Paradise Cafe & Bakery, Restaurant/Eating Place License #5278. Protest based on a total balance owing of $224.42 as of January 2, 2015 for June - July 2014 and unfiled sales tax returns for September - November 2014 and all associated taxes, penalties and interest.

NYT, Inc. d/b/a Rendezvous, Beverage Dispensary License #772. Protest based on unfiled third quarter sales tax returns with the associated unremitted sales taxes, penalties and interest.

Jacobsen/Daniels Associates, LLC d/b/a Romeo's Tap Room Beverage Dispensary-Tourism License #5341. Protest based on balances due as of January 2, 1015 of $501.06 for sales tax periods August-October 2014.

These protest recommendations were scheduled for the January 12, 2015 Assembly Human Resources Committee to review and forward recommendations for Assembly action.

CBJ Code 20.25.025(c) provides licensees with the right to an abbreviated informal hearing before the Assembly. If a licensee wishes to exercise that right, this would be the opportunity for them to do so.

The Manager recommends the Assembly act according to the Human Resources Committee recommendations regarding the continued operation of these liquor licenses.

Mr. Jones reported on the HRC action, which heard an update immediately prior to this meeting on the four licenses that were recommended for protest. Staff recommended removal of any protest for the Joan Deering d/b/a Paradise Cafe & Bakery, Restaurant/Eating Place License #5278 and for Jacobsen/Daniels Associates, LLC d/b/a Romeos Tap Room Beverage Dispensary - Tourism License #5341, as they have both corrected outstanding issues and come into compliance.

MOTION, by Jones, to protest the following licenses: Seong S. Kim d/b/a Seong's Sushi Bar and Chinese Takeout, Restaurant/Eating Place License #4191 and NYT, Inc. d/b/a Rendezvous, Beverage Dispensary License #772, both due to outstanding sales tax, penalty and interest. Hearing no objection, it was so ordered.

C. Export Manufacturing Property Tax Exemption

Alaska Glacier Seafood Inc., Taku Smokeries, and AKB EV Group, LLC (Alaska Brewery) timely applied with the Assessor’s Office for the 2013 & 2014 Export Manufacturing tax exemption.

CBJ 69.10.020(10) provides for exempting qualifying manufacturing property from assessment and taxation. Qualifying property may receive a declining five-year percentage exemption from the property’s market value as follows

- 100% exemption in year 1
- 80% exemption in year 2
- 60% exemption in year 3
- 40% exemption in year 4
- 20% exemption in year 5

Property owners seeking an exemption must file a request with the Assessor’s Office on or before January 31 of each year. The code places the authority for approving the Manufacturing exemption requests with the Assembly.

	2014	2013
Alaska Glacier Seafood Inc.		
New Export Mfg. Exempt Property Value	$278,480	$497,276
Tax Amount @ Appropriate Mill Rate	$2,969	$55,350
S A S S Co, Inc. Taku Smokeries		
New Export Mfg. Exempt Property Value	$112,981	$72,538
Tax Amount @ Appropriate Mill Rate	$1,204	$781.00
AKBEV Group, LLC		

New Export Mfg. Exempt Property Value	$553,752	$1,665,212
Tax Amount @ Appropriate Mill Rate	$5,903	$17,918

The Assessor's Office reviewed the exemption applications and determined that the properties met the code requirements. They granted the export manufacturing exemption without Assembly approval. The Assembly Finance Committee reviewed this issue at its November 12, 2014 meeting, and recommended forwarding the tax exemptions for 2013 & 2014 to the full Assembly for authorization.

The Manager recommends approval of these exemptions.

MOTION, by Becker, to authorize staff to facilitate the listed export manufacturing property tax exemptions for 2013 and 2014 for Alaska Glacier Seafood, Inc.; SASS Co., Inc. Taku Smokeries; and AKBEV Group, LLC. Hearing no objection it was so ordered.

X. STAFF REPORTS

A. Combining State and Local Elections

Ms. Sica said the memo answered questions she had heard about combining state and local elections.

Mr. Kiehl said it appears that the Municipality of Anchorage may be working to have concurrent elections with the state 2-3 years from now. He asked if they were amending any of the laws that require them to have their elections side by side on the same day which seems very difficult. Ms. Sica said she understood that the clerk in MOA is investigating by-mail elections as a solution, but she would keep in touch. Mr. Kiehl said there was value in exploring the possibility, but having two election teams with two sets of ballots and two registers would be very confusing. Ms. Sica said she would continue to investigate this as well as she would be providing a more extensive pro/con memo to the Assembly on by-mail elections.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford alerted the Assembly that the City of Whitehorse invited the Assembly to attend a dinner for its 65th Birthday on Wednesday, February 18 in Whitehorse. He asked if any Assemblymembers were interested in attending they could talk with him. It was during the same time as the AML Legislative meetings in Juneau. The Sister City Committee had two people that were interested in attending, and hearing no objection, Mayor Sanford asked the clerk to set up a budget from the Mayor's budget with the Sister City Committee members for Assembly support of their trip.

The Mayor said Mr. Bartholomew wanted to thank his Finance Department employees for their work to implement the Govern Business Personal Property Module. This was live and running without issue.

Mayor Sanford asked the Assemblymembers to let the Clerk know if they planned to attend the Innovation Summit on January 28 - 29, the AML Legislative Meeting on February 16 - 18 and the SEC Legislative Meetings on March 17 - 19.

B. Committee Reports

Committee of the Whole: Chair Becker said COW met on January 5 and discussed the economic development plan. The next meeting was set for January 26.

Tax Exemption Review Committee: Chair Becker said the TERC met on January 8 with a public hearing to a full house and the next meeting was Thursday, January 15, at 5:30 in Conference Room 224 to develop the list of recommendations.

Finance Committee: Chair Crane said the next meeting was set for Wednesday, January 21.

Human Resources Committee: Chair Jones said the HRC heard annual reports from the Local Emergency Planning Committee and the Affordable Housing Commission.The next meeting was set for a joint meeting with the Social Services Advisory Board on January 15 to review the duties, responsibilities, membership and recruitment.

Chair Jones provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

> Local Emergency Planning Committee:
> Nomination of Ed Mercer, David Campbell, Chad Cameron, Allyson Bremmer, Destiny Sargeant, Miguel Lopez, Sheri Moyer, Paul Nowlin and Joel Curtis to seat on the LEPC with terms expiring December 31, 2017. A new seat for vulnerable populations was added and the HRC nominated Pam Watts and Jason Burke to that seat and alternate, terms expiring December 31, 2017.
>
> Juneau Affordable Housing Commission:
> Reappointment of Wayne Coogan, Tamara Rowcroft and Russ McDougal to terms expiring January 31, 2018.
>
> 1% for Art Project - Seawalk / Cruise Ship Berths:
> Appointment of Josh Anderson as a representative of the Parks and Recreation Advisory Committee.

Lands and Resources Committee: Chair Kiehl said the committee met on December 29 and in addition to two ordinances on the agenda tonight it heard an update on progress made on the North Lemon Creek material source - CBJ owned gravel in the Lemon Creek valley on the same side as the Lemon Creek Correctional Center. Progress was being made with State of Alaska for right-of-way access. The next meeting was set for Monday, January 26.

Public Works and Facilities Committee: Chair Nankervis said the committee met on December 29 and many of the issues were discussed on tonights agenda. The Planning Commission made comments on the project in the CIP, and there was discussion on DOT's thoughts on Riverside Drive/Stephen Richards Drive intersection. The next meeting was set for Monday, January 26.

Treadwell Ice Arena Task Force: Chair Jones said the report was submitted and with the concurrence of the HRC he planned to bring this issue up at the Assembly Retreat on January 14, to propose that the Law Department draft a resolution establishing an advisory board for Treadwell. Mayor Sanford said the report would need to be accepted by the Assembly at the retreat.

C. Liaison Reports

Airport Board: Liaison White said she attended the last board meeting and spoke about equipment issues at the airport.

Bartlett Regional Hospital Board: Liaison Crane said the next meeting was set for Tuesday, January 27 and at that meeting they would take up Housing First and any potential support from BRH.

Docks and Harbors Board: Liaison Nankervis said the next meeting is set for January 29 and will also hold a meeting on February 4 for Aurora Harbor Patrons and Tenants regarding the reconstruction work. Piles were being driven now and progress was being made on the project.

Eaglecrest Board: Liaison Nankervis said the board met last Thursday - they want more snow, and the next meeting is set for February 5.

Affordable Housing Commission: Liaison Troll said the last meeting was January 6 and mobile home financing was discussed. Staff at AHFC is willing to restructure loans to make them more flexible and they would like the Assembly to forward a draft letter she distributed to the Assemblymembers. Mayor Sanford said he would review the letter with the city manager before signing. Ms. Troll said the Accessory Apartment ordinance would be before the Lands Committee on January 26.

Alaska Committee: Liaison Becker said the annual meeting would be held January 31 at which new members of the board would be elected.

Chamber of Commerce: Liaison Becker said the Chamber is waiting to hire a new CEO until the retreat date is set. The Legislative Welcome Reception was set for Thursday, January 22.

Downtown Business Association: Liaison Jones said the December meeting was cancelled and the next meeting was set for January 30 at 8:30 a.m.

Juneau Commission on Sustainability: Liaison Troll said the next meeting of the JCOS would be Wednesday, January 14. There will be a retreat held at the end of January to discuss priorities.

Juneau Convention and Visitors Bureau: Liaison White said the JCVB is experiencing some staff turnover and would hold its board retreat on January 20.

Juneau Economic Development Council: Liaison Jones said the JEDC met on January 7 with Jim Calvin on the economic development plan and also planned for the Innovation Summit on Jan 28 and 29. JEDC also has some proposals for the Marine Passenger Fee funding. They are reviewing using part of their revolving loan program for the Housing First project.

Local Emergency Planning Committee: Liaison Gladziszewski said the LEPC met in December, thanked the Red Cross and JPD for their response to the flooding at the Glory Hole Shelter. The next meeting is January 14 at Noon.

NOAA Fisheries Task Force: Liaison Troll said the report was completed and would be presented to the Assembly at the Assembly Retreat.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC met in January and thanked outgoing director Brent Fischer and welcomed new director Kirk Duncan. The Treadwell Historic Society presented a report. The next meeting was set for February 3.

Tongass Advisory Committee: Ms. Troll said that the meetings of the committee would take place in Juneau. On Tuesday, January 20, there would be a reception the Assembly is invited to at the Hangar Ballroom from 6 - 8 p.m. The meetings would be held during that week. Their recommendations are due to the U.S. Forest Service in March to be included in the Environmental Impact Statement.

Mayor Sanford said he planned to write to Forest Cole with the USFS who was planning a retirement thanking him for his work on behalf of the Tongass.

School Board: Liaison Kiehl said the next meeting was set for Tuesday, January 13 and some Assemblymembers had the opportunity to eat lunch prepared by the culinary arts students at THMS. He explained the program and said students are leaving school with marketable skills.

UAS Campus Council: Liaison Kiehl said the Campus Council met this day and discussed budget, the pending sale of the former bookstore, and the campus housing situation and room rates.

D. Presiding Officer Reports

Bicknell v Planning Commission: Ms. Mead said there will be a status hearing on Wednesday, January 28. The appraisal was pushed back and completion date is January 23.

TTNA v Planning Commission: Presiding Officer Nankervis said the appeal is on track, the record was filed. The hearing date is scheduled for April 13 at 5 p.m.

XII. ASSEMBLY COMMENTS AND QUESTIONS

MOTION, by Kiehl, to direct staff to work with the Chair of the Fisheries Development Committee to bring forward a resolution on the transboundary mine and watershed issues, based on the Southeast Conference template, specific to Juneau concerns. Hearing no objection, it was so ordered.

MOTION, by Becker, to forward the topic of the empowered aquatic board be moved to the Committee of the Whole for consideration.

Mr. Jones said the Assembly just got a management report on the Parks and Recreation Department, and Parks and Recreation has a new director. He said he would like to have that report be a part of the discussion. Ms. Kiefer said that a review of that report would be presented to the Finance Committee on January 21. Some discussion followed about the various viewpoints of members regarding the establishment of an empowered board, the intent of the voters, the changes in Parks and Recreation Management, and the process for the discussion. Ms. Mead said she had drafted a memo with a draft ordinance, based on the Eaglecrest Board, and it came with recommendations from a proponent of the empowered board who is a member of the Glacier Swim Club, and a memo outlining what has been done with all the other board. Ms. Mead said she needs more direction from the Assembly. Ms. Gladziszewski asked for history on the issue.

Hearing no objection, the matter was moved to the Committee of the Whole.

Mayor Sanford said that the Assembly Retreat was set for Wednesday, January 14, and would focus on goal setting.

Ms. Crane asked for an update on the Gastineau Apartment situation at some point. Ms. Mead said that AHFC did an inspection of the property and Mr. Barrett cooperated in having the building open. We continue to hear that there are private parties interested in purchasing the building who want reassurance that if it would go through a private sale with the intent to develop, that the city would not proceed with an eminent domain proceeding. She said that if there was a private sale, she would bring it back to the Assembly. Ms. Becker asked if there was a time frame. Ms. Mead said yes, CBJ was waiting for AHFC to do its inspection and see if a partnership to develop the property was formed. The timeline is January 31 for an answer from AHFC. If Mr. Barrett has not provided an information on a private sale by then, CBJ would proceed with an eminent domain proceeding.

Ms. Crane said she has talked with Tom Mattice about the Avalanche Report and at some point she would like to have an update regarding the potential for any action in that area.

Ms. Crane thanked Ms. Kiefer and the CBJ Employees for their generous contributions through the payroll deduction program to the United Way.

Mr. Kiehl said the Lands Committee gave approval to work with staff to prepare an ordinance for consideration by the Planning Commission to reduce the number of categories in the CBJ Code Table of Permissible Uses where day/child care is concerned and it would allow the larger centers with more children in more residential zones. Ms. Mead said CDD staff would prepare a staff report for the Planning Commission.

Ms. Troll provided a draft letter to the Governor for the Assembly's consideration that would thank him for his support of Juneau as the capital city and to encourage him to have the department commissioners and directors live in Juneau. Hearing no objection, the Mayor would send such a letter.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:45 p.m.

Signed:__________________________ Signed:______________________________
Laurie Sica, Municipal Clerk Merrill Sanford, Mayor