# THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - October 20, 2014

**MEETING NO. 2014-26:** 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, Loren Jones, Jesse Kiehl, Jerry Nankervis, Carlton Smith, Kate Troll, Randy Wanamaker, Merrill Sanford.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen; Deputy Clerk; Diane Cathcart, Executive Assistant III; Tricia Everson, Executive Assistant II; Bob Bartholomew, Finance Director; Mila Cosgrove, HRRM Director; Rorie Watt, Engineering Director; Greg Chaney, Lands and Resources Manager; Hal Hart, Community Development Director; Travis Goddard, Planning Manager; George Schaff, Parks and Landscape Superintendent; Myiia Wahto, Recreation Superintendent; Matt Lillard, Ski Area Manager; Patricia DeLaBruere, Airport Manager; Carl Uchytil, Port Director.

Mayor Sanford recognized former Mayor Sally Smith in attendance.

## II. SPECIAL ORDER OF BUSINESS

A. Recognizing Outgoing Assemblymembers Smith and Wanamaker

City Manager Kiefer presented Karen Doxey and Marsha Smith with floral arrangements and thanked each for their patience while their spouses served the community.

Mayor Sanford thanked Randy Wanamaker and Carlton Smith for their service to the community on the Assembly. He presented both with a traditional copper Tinaa made with trade beads and an inscription to each with their terms of service on the Assembly.

The Assemblymembers took turns speaking about each member's contribution to the group.

Mr. Smith thanked the Assemblymembers for their work and assistance to him and said CBJ was facing a time in which the need to say "no" would become apparent in the face of economics.

Mr. Wanamaker thanked the Assembly, the staff and the public for their work and service during his tenure on the Assembly.

B. Swearing in of Newly-Elected Officials

City Attorney Mead gave the oath of office to Maria Gladziszewski, Jesse Kiehl and Debbie White, and Mayor Sanford presented each with a Certificate of Election.

C. Selection of Deputy Mayor

*MOTION, by Crane, to elect Mary Becker to the Deputy Mayor position.* Hearing no objection, it was so ordered.

The Assemblymembers chose their new seating arrangements. All members chose their same seats and Ms. White and Ms. Gladziszewski took the place of Mr. Wanamaker and Mr. Smith, respectively.

Mayor Sanford distributed Assembly Committee and Liaison assignments. The chairmanships were as follows:

- Human Resources: Jones
- Lands and Resources: Kiehl
- Public Works & Facilities: Nankervis
- Finance: Crane

He said these positions would stand unless there were concerns expressed by the members to him, and he would consider those concerns. He read the definition of "liaison:" as "the person who initiates and maintains contact between units in order to ensure concerted action and cooperation" and asked the Assemblymembers to fulfill their roles as liaisons to the Assembly appointed committees.

Mayor Sanford extended the mission of the NOAA Task Force to January 1, 2015. Ms. Troll would serve as co-chair and Mr. Wanamaker would remain on the task force as a public member.

Mayor Sanford set the date for the Assembly retreat as November 24, from Noon - 4 p.m. He said this would be the first part of a two-part process. The first meeting would be updates on the Assembly's current goals, and a second retreat in January would be goal setting for 2015. He said there were a number of ongoing projects in development and reports coming in from various task forces and planning efforts to review prior to setting new goals. The COW meeting scheduled for that day would be cancelled and the agenda items moved to a future meeting.

## III. APPROVAL OF MINUTES

A. September 29, 2014 Regular Assembly Meeting 2014-25

Mr. Nankervis requested that his liaison comments be added to the minutes.

Hearing no objection, the minutes were approved as amended.

## IV. MANAGER’S REQUEST FOR AGENDA CHANGES

None.

## 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

None.

C. Assembly Action

*<u>MOTION</u>, by Becker, to adopt the Consent Agenda as presented.* Hearing no objection, the Consent Agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2014-44 An Ordinance Authorizing the Manager to Execute a Lease of the Mayflower Building and Grounds to the Juneau Montessori Center, an Alaskan Non-Profit Corporation.

The Juneau Montessori School has leased the Mayflower Building from CBJ since 1992. The current lease expired April of 2014. Fair market value for the Mayflower Building was established by the CBJ Assessor as $2,000 a month in 1993 and has not been updated to fair market value since. Per the Leases section of Title 53, CBJ is required to lease property for fair market value. The renewal of the Mayflower Building lease required an appraisal to determine the current fair market value for the building. The appraisal was completed April 11, 2014 and established that fair market value at $3,255 a month.

The Lands Committee determined that since the early childhood education and childcare provided by Juneau Montessori School is a public service (and a non-profit organization), they should not be required to pay fair market value to lease the Mayflower Building.

The Lands Committee, at its August 25, 2014 meeting unanimously passed the following motion: Lands Committee requests of the administration prepare a resolution that would set the lease payment at $2000 for the length of the (5 year) lease.

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

b. Ordinance 2014-47 An Ordinance Authorizing the Manager to Convey Lot 2, Block A, South Lena Subdivision to Juneau Housing Trust, Inc., an Alaskan Non-Profit Corporation, Subject to Certain Conditions, in Support of the Juneau School District's High School Home Building Program.

At its October 6, 2014 Lands Meeting, the Lands Committee unanimously approved a motion to recommend that the Assembly adopt an ordinance to sell Lot 2, Block A, South Lena Subdivision to the Juneau Housing Trust for $40,000. The property would be used for the JDHS house building program. The Lands Committee also requested that the approval contain a provision for the Manager to direct staff to develop an Early Entry Authorization to allow the school to install a foundation on the site before the Ordinance is formally adopted. This would allow site preparation and construction of a foundation on the site before winter.

In 2007 fair market value for the 0.74 acre parcel was $101,000. In the past, CBJ has made property available to the high school building program for fair market value. The value of the land was recouped by CBJ when the home was sold after construction was completed. In recent years, lots that were acquired by CBJ through property tax foreclosure were made available to the high school program for the cost of taxes owed on property. Under these circumstances the home building program received land for less than fair market value.

The Lands Committee furthermore recommended that the sale of the property include a reversion clause stipulating that if construction has not begun within 2 years, title to the property would revert back to CBJ.

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

c. Ordinance 2013-11(BG) An Ordinance Appropriating to the Manager the Sum of $4,151,989 to Fund Bartlett Regional Hospital's Fiscal Year 2014 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate to the Manager $4,151,989, which is the FY14 State's 13.68% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB65 during the 2013 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

d. Ordinance 2014-24(Q) An Ordinance Authorizing the Manager to Accept the State of Alaska, Department of Environmental Conservation's Offer of Partial Funding for the Salmon Creek Secondary Disinfection Capital Improvement Project and Appropriating to the Manager $1,000,000 in Grant Funding Provided by the State of Alaska, Department of Environmental Conservation.

This ordinance would appropriate $1,000,000 in municipal matching grant funding from the Alaska Department of Environmental Conservation (ADEC) Division of Water for the following project:

Water Treatment Improvements - Salmon Creek LT2 Upgrades $1,000,000

This grant has a 40% match requirement which will be provided with the funds already on the CIP. As part of the grant application process, the Assembly declared this project to be the top priority of the City and Borough by Resolution 2694.

As required by the Department of Environmental Conservation, this ordinance would also accept the terms and conditions of the grant, specifies that the City and Borough will operate and maintain the completed project, and indicates the City and Borough's agreement to comply with applicable State regulations.

The Public Works and Facilities Committee reviewed this request at its June 2, 2014 meeting and recommended forwarding it to the full Assembly for approval.

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

e. Ordinance 2014-24(R) An Ordinance Appropriating to the Manager the Sum of $469,221 as Funding for the 2014 State Homeland Security Program / SHSP, and the Sum of $215 as Funding for the Local Emergency Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance would appropriate $469,221 to 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.

Federal Grant Number: EMW-2014-SS-00010
State Grant Number: 14SHSP- GR34094

These funds support the goals and activities of the CBJ Emergency Management through funding planning, training, exercise, and equipment procurement. This ordinance would also appropriate an additional $215 to the $18,448, appropriated on August 25, 2014 (Serial No. 2014-24(F)) making the total appropriation $18,663 for the 2015 LEPC Grant from the Alaska Department of Military and Veterans Affairs for the Local Emergency Planning Committee.

There is no match requirement for these grants.

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

f. Ordinance 2014-24(U) An Ordinance Appropriating to the Manager the Sum of $125,000 as Funding for the Thirty-Six Month Grant for One School Resource Officer; Grant Funding Provided by the United States Department of Justice, Office of Community Oriented Policing Services (COPS).

This ordinance would appropriate to the manager the sum of $125,000, for a thirty-six month grant, for one School Resource Officer. Grant funding is provided by the United States Department of Justice, Office of Community Oriented Policing Services (COPS). The officer would conduct School Resource Officer duties in our Juneau Douglas School District. CBJ is committed to extend the project for one year after the expiration of the federal funding. This grant requires a match of $178,817 which would be provided by JPD’s operating budget throughout the life of the grant.

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

g. Ordinance 2014-24(V) An Ordinance Appropriating to the Manager the Sum of $10,000 as Funding for Equipment, Maintenance and Training for Juneau HAZMAT Team; Funding Provided by a Memorandum of Understanding with the Alaska Department of Environmental Conservation.

This ordinance would appropriate $10,000 for equipment purchases, maintenance, and training for the Juneau HAZMAT Team. Funding is provided through a Memorandum of Understanding between the CBJ and The Alaska Department of

Environmental Conservation (ADEC).

This funding would allow the Juneau HAZMAT team to build on its present capabilities and facilitate response activities and would be crucial in allowing the Juneau HAZMAT team to provide a Level A hazmat response to the CBJ, Southeast Alaska, and be a part of the Alaska Statewide Response Team.

There is no match requirement.

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

2. Liquor License

   a. Liquor License #851 Location Transfer & Restaurant Designation Permit Application - Rodfather's LLC d/b/a The Broiler

   The above liquor license transfer is before the Assembly to either protest or waive its right to protest these renewals. In additional to the transfer, the licensee has applied for a Restaurant Designation Permit which is subject to approval by the Assembly. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed this business and found it to be in compliance with CBJ Code.

   In the event the Assembly does protest this transfer, 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 transfer and approve the Restaurant Designation Permit application.**

3. Transfers

   a. Transfer T-960 transfers $38,000 from CIP D28-054 Eaglecrest Mountain Lift Operations to provide additional funding for CIP D28-097 Eaglecrest Learning Center Project.

   There is an opportunity to save funds by combining the fire alarm panel upgrades at the Eaglecrest Lodge into the Eaglecrest Learning Center (Porcupine Lodge) project. Both the lodge and the Learning Center can share a single fire alarm panel in the Learning Center. Switching to a single panel will save in costs and simplify the system for Eaglecrest operations.

   The Public Works and Facilities Committee reviewed this request at its September 18, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

   **The Manager recommends approval of this transfer.**

   b. Transfer T-961 transfers $100,000 from CIP R72-038 Valley Snow Storage Permitting to provide additional funding for CIP NEW R72-116 Downtown St. Improvements.

This would transfer $100,000 from the Valley Snow Storage Capital Improvement Project to provide funding for a new CIP dedicated to planning improvements for Front, Franklin, and Seward Streets.

These initial funds would allow staff to begin the planning process and work with the business district on improvements to these vital downtown streets. Depending on improvements identified, Marine Passenger Fee funds may be appropriate for a portion of the eventual project costs.

The snow storage project is nearly complete and the remaining funds after the transfer will be more than adequate to complete the modifications next construction season.

The Public Works and Facilities Committee reviewed this transfer at its September 18, 2014 meeting and recommended forwarding it to the full Assembly for approval.

**The Manager recommends approval of this transfer.**

## VII. PUBLIC HEARING

A. Ordinance 2014-45 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 43 Parcels Along the North Douglas Highway, between mile 1.3 and 1.9, from RR(T)D3, RR(T)D15, and D1(T)D3 to D-3, D-5, and 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 are currently identified as transition zones, RR(T)D-3, RR(T)D-15, and D-1(T)D-3.

On June 25, 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, regular meeting and recommended approving the rezone with modifications, up-zoning 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 reflects the Planning Commission's recommendations.

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

Public Comment:

*Kody Stitz*, a landowner within the rezoning area, said it was important to note that no one attended the public meeting. He provided a packet of information to the Assembly outlining his concerns. He received a letter regarding a transition of his property from D1 - D3, and as it had been so designated for some time, he did not attend. In the staff report to the Community Development Department (CDD), a higher zoning class of D-5 was recommended for his property, but he was not notified of this change. The Planning Commission (PC) held its meeting and adopted the recommendation with unanimous consent. He was told about the outcome in a letter from CDD, stating that D-5 was more consistent with the Comprehensive Plan (Comp Plan) land use designation of Urban Low Density Residential (ULDR) now that water and sewer was installed. He spoke about other new subdivisions along Back Loop Road and Auke Lake in ULDR being designated D1 - D3, and that his property had been in the ULDR since 1996. He said the staff report was biased and asked the Assembly to ensure future staff reports by CDD accurately portrayed pros and cons and that the Assembly amend Ordinance 2014-45 before adoption so that no up-zoning occurred on any of the lands associated with the ordinance.

Ms. Crane asked if he would be satisfied if the matter went back for public notice to hear what the rest of the property owners in the area thought about the change. He said that would only take more time by the staff and the public. He thought the Planning Commission made a mistake and he preferred that the Assembly adopt the ordinance without any recommended up-zoning.

Ms. Gladziszewski asked if he had presented any of this information or any comments to the PC. He said no.

Ms. Troll asked if he had known about the up-zoning, would he have participated and Mr. Stitz said yes, and several other neighbors would have that were not happy with the changes recommended.

<u>Assembly Action</u>*:*

The Assembly requested an overview of the proposed rezoning. Mr. Goddard, Planning Manager, CBJ, represented Chrissy McNalley, the planner who worked on the project, but was not able to attend the meeting. Mr. Goddard said Mr. Stitz raised good questions about how specific the public notice needed to be. The notice was to engage the public in the process and staff hoped that people would call CDD or follow the website to understand project specifics. He apologized that the notice that went out before the staff report was produced, which did not necessarily reflect the recommendation and ultimate decision of the PC. Land use decisions often involve evolving projects.

Mr. Nankervis read the notice that went out for the June neighborhood meeting and asked if the zone change that went before the PC was consistent with the notice, and Mr. Goddard said he thought it was. This change was initiated by a cottage housing project application and review indicated that the density envisioned for the area now was higher than it was in the 1980's. The notice failed to identify specific zoning and which lots were going to which density. Mr. Nankervis asked if CDD cited the Comp Plan that linked to the recommended decision. Mr. Goddard said yes, the current zoning designations were compared to the Comp Plan designation and discussed at that meeting. Mr. Nankervis asked if this was a regular practice and Mr. Goddard said yes. He asked if CDD points out inconsistencies with the Comp Plan and Mr. Goddard said yes.

Mr. Jones said the letter of June 3 discussed zoning changes, but specifically stated that the D-1 transitioned to D-3 and did not identify a transition to D-5 at all. As a landowner he would have no knowledge of that, unless he showed up at the PC meeting, of the up-zone. He asked if the up-zone would trigger additional public notice. Mr. Goddard said CDD had internal discussions about what needed to be in the public notice. Specifically, publication in a newspaper of general circulation, a sign on the property, a mailing to properties within a given distance to a project. What it failed to require is whether it is a loose or a specific description of the project. If it is so specific that there is no room for modification and the project is incapable of change without duplication of the process through the PC a second time, that is also a difficult situation. Mr. Jones asked about the information on the public notice signs and Mr. Goddard said he would have to check, but what was on the letter was the current formal zonings of the properties, not the specific zones that a property would transition to.

Ms. Gladziszewski asked if Mr. Stitz mentioned any concerns that were not covered by the PC, because in her experience, the PC was aware of neighborhood concerns, whether people came forward to testify or not. Mr. Goddard said that in a sense, land use processes were compartmentalized, and at the rezone stage staff did not question the information that led to the adoption of the Comp Plan and the designation of the densities for the area. At the same time, the department did not leap forward on the assumption that when the subdivision came in, what the road standards and required road improvements would be. There was faith that the Comp Plan legitimately represented the will of the community, and a belief that a subdivision would address issues such as safe routes to schools, road improvements, driveway safety, sewer, water and storm water provisions. Those questions were not asked at the Comp Plan or zone change phase.

Mayor Sanford spoke about the recent improvements to the North Douglas Highway.

Ms. Troll asked about the letter to the property owners on June 3, and on the 2nd page asked if most of the lots listed for D1-D3 were now D-5. Mr. Goddard said there were two lots that were going to D-15 but the rest were going to D-5. It was fair to state that the property owners would assume the transition was only to D-3.

Mr. Kiehl said the notice on the transition to D-3 seemed clear. He asked if there were D-15 and Light Commercial in the area and asked why a transition to D-5 on adjacent properties was recommended when D-8 or D-10 seemed reasonable to avoid conflicts. Mr. Goddard said the zones go from 1 - 3 - 5 -10 so it was not possible to achieve six units per acre no matter what density was in the area. Mr. Kiehl said the density of uses was his concern. He also asked how it would be possible to get driveway permits from the state in that area to allow development. Mr. Goddard said a lower density in the area required more driveways and a higher density could result in fewer entries into the highway. Mr. Kiehl said he was inclined towards higher densities in North Douglas.

Ms. Crane said she was not opposed to the ordinance because CBJ needed more land for development, but she was concerned about the public notice.

Mayor Sanford spoke about the efforts to install water and sewer for the Back Loop area and the need for effective zoning following the installation.

Ms. Gladziszewski asked why staff had not considered a move to D-10 zoning to achieve roads rather than driveways. Mr. Goddard said they had not looked at a lot of options because a large portion of the rezone was CBJ property managed by the Lands Department and they just looked at the most appropriate highest density under the Comprehensive Density Allowances.

<u>*MOTION*</u>*, by Crane, to refer Ordinance 2014-45 back to the Planning Commission.*

Mr. Nankervis objected. He said this rezone was noticed, no one attended, and it was adequately noticed.

Ms. Troll supported the motion and wanted to see an upzone go through for higher density to address the needs for housing. She felt the notice was inadequate.

Roll call:

Aye: Crane, Jones, Kiehl, Gladziszewski, Troll
Nay: Becker, Nankervis, White, Sanford
Motion passed: 5 ayes, 4 nays.

B. Ordinance 2014-46 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Black Bear, Lot 3, Located at the South End of Silver Street in the Northwest Mendenhall Valley, from D-1 to D-3.

In July 2014, the applicant applied to have Lot 3 of Black Bear Subdivision, located at the south end of Silver Street, rezoned from D-1 to D-3. On July 28, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area.

The areas surrounding the lot at issue are either zoned D-1 or D-3. There are single-family developments in the D-3 neighborhood north of the proposed rezone, which would be consistent with the requested D-3 zoning for Lot 3.

The Planning Commission considered the rezone application at its August 26th, and September 9th meetings and recommends the Assembly approve the rezone of the subject parcel from D-1 to D-3.

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

Public Comment:

*Nate Houston* spoke against the rezone. He said the process seemed pushed under the radar on a lot of levels. The property does not have proper utilities and proper frontage requirements. Silver Street is a private drive access and not a publicly maintained road. This rezone had not fully gone through the process. They should have utilities at the corner of the property, and they are not there. There are no sidewalks or streetlights. He said his concerns were nothing against Juneau Youth Services, he was concerned about the process. One of the board members of the JYS is also working in the Planning Department and he said that seemed like a conflict of interest. He spoke about the wetlands concerns and his interest in keeping the area quiet and peaceful.

Assembly Action:

The Assembly discussed SEAL Trust involvement, wetlands determination, utilities and right of way issues with Mr. Goddard.

*MOTION, by Crane, to adopt Ordinance 2014-46.* Hearing no objection, it was so ordered.

C. Ordinance 2014-24(L) An Ordinance Transferring the Sum of $650,000 of Budget Reserve Fund Balance from the Sales Tax Special Revenue Fund to the General Fund.

This ordinance would transfer $650,000 to the General Fund from the Sales Tax Fund in the FY15 Budget.

On June 30, 2014, the Assembly adopted Ordinance 2013-11(AT), effectively consolidating all budget reserve funds in the General Fund. The objective was to make it simpler for the Assembly, public, and bond rating agencies to determine the balance of the reserve.

When addressing the consolidation of the FY15 $650,000 allocation, revenue from the

2012 voter-approved 1% sales tax to the budget reserve was not included. A supplemental appropriation is needed to address this. In the future, the sales tax allocation to the budget reserve will be included in the overall operating budget adopted by the Assembly.

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

Public Comment: None.
Assembly Action:

*MOTION, by Nankervis, to adopt Ordinance 2014-24(L).*

Mr. Nankervis asked for clarification from Mr. Bartholowmew regarding the status of the funds being moved. Mr. Bartholomew said the recent approval of the voters of the 1% sales tax included $5 Million to go into the budget reserve over a 5-year period. There is a schedule of the deposits and for FY15 it was $650,000 addressed here. Since it was not included in the budget in June, this closes the gap and makes sure that the appropriate amount of sales tax goes into the budget reserve and is subject to the constraints of the budget reserve. By establishing a budget reserve with a target goal of $15 million, there is currently a balance of $11 million, and the sales tax money over the next several years will help meet that goal. Those funds are restricted to the rules of the budget reserve. There is also money in "available fund balance," which is money that was previously appropriate but not spent, and is available to the broad discretion of the Assembly. If this transfer was not made from sales tax to budget reserve by the end of the fiscal year, that money would fall into fund balance and be available.

Hearing no objection, it was so ordered.

D. Ordinance 2014-24(M) An Ordinance Appropriating to the Manager the Sum of $17,032 as Partial Funding for Research and Mapping of the Evergreen Cemetery for Historic Preservation Purposes; Grant Funding Provided by the State of Alaska, Department of Natural Resources.

The Evergreen Cemetery Mapping project received funds from the Certified Local Government grant program administered by the Alaska Office of History and Archaeology to hire a consultant to locate and map graves in the Evergreen Cemetery, as well as design and create a pamphlet highlighting key people buried who have ties to Juneau’s historic structures.

The work performed under this project will be a combined effort of a contracted mapping consultant, a contracted design professional, the Historic Resources Advisory Committee, Parks and Recreation Department, the City Museum, and the Project Manager. Total project costs are estimated to be $28,386. CBJ is required to provide a 40% match, which will be fulfilled through staff wages from the varied CBJ departments' operating budget.

Total project costs include a 10% State administrative surcharge.

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

Public Comment: None.
Assembly Action:

*MOTION, by Keihl, to adopt Ordinance 2014-24(M).*

Mr. Kiehl said there were already some good maps of the cemetery and asked how much of the fund would go into printing brochures. Mr. Goddard said the majority of the funds would go to the various mapping efforts to ground truth actual locations of remains and to do some updating of information on people who were not currently in the brochure. Ms. Kiefer said that the project was a combined effort of CDD, Parks and Recreation and the Library, and the combined effort of staff time would be the grant match.

Hearing no objection, it was so ordered.

E. Ordinance 2014-24(N) An Ordinance Appropriating to the Manager the Sum of $1,800,000 as Funding for Water Main Replacement - Egan Drive – 10th to Main; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Fund.

This ordinance would appropriate to the Manager $1,800,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska Drinking Water Fund (ADWF) State Revolving Fund.

The loan funds would be used to fund the construction phase of the Water Main Replacement – Egan Drive - 10th to Main Street Capital Improvement Project.

The terms of the low interest loan are 20 years at 1.5-percent per annum.

Assembly Resolution 2668, adopted on November 25, 2013, authorized the City Manager to enter into this loan agreement with ADEC.

The Public Works and Facilities Committee reviewed this action at its June 2, 2014 meeting and recommended forwarding it 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 Becker, to adopt Ordinance 2014-24(N).*

Ms. Troll asked about the delay in receiving this from the Public Works and Facilities Committee, which reviewed the matter on June 2. Ms. Kiefer said it was necessary to wait for all paperwork from the State to ensure the grant award.

Hearing no objection, it was so ordered.

F. Ordinance 2014-24(O) An Ordinance Appropriating to the Manager the Sum of $2,000,000 as Funding for the Last Chance Basin Well Field Capacity Improvements Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Fund.

This Ordinance would appropriate to the Manager $2,000,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska Drinking Water Fund (ADWF) State Revolving Fund.

The loan funds would be used to fund the Last Chance Basin Well Field Capacity

Improvements Project.

The terms of the low interest loan are 20 years at 1.5-percent per annum.

Assembly Resolution 2679, adopted on February 24, 2014, authorized the City Manager to enter into this loan agreement with ADEC.

The Public Works and Facilities Committee reviewed this action at its June 2, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

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

Public Comment: None.
Assembly Action:

*MOTION, by Gladziszewski, to adopt Ordinance 2014-24(O).* Hearing no objection, it was so ordered.

G. Ordinance 2014-24(P) An Ordinance Forfeiting a $2,500 Performance Bond and Appropriating to the Manager the Sum of $2,500 as Funding to Complete the Installation of Water Service on Lot 7A, Curry Subdivision according to Plat 95-3, Juneau, Recording District, First Judicial District, State of Alaska; Funding Provided by a Cash Bond.

This ordinance would appropriate to the Manager $2,500 for the installation of water service for Lot 7A, Curry Subdivision. The funds are a cash bond that were posted to guarantee the installation of a water service. The original sub-divider of the property posted the bond, but failed to install the required water service and is non-responsive. The new owner of the property has agreed to install the water service and be compensated at the completion.

The Public Works and Facilities Committee heard this request at its September 22, 2014 regular meeting and recommended forwarding it to the full Assembly for approval.

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

Public Comment: None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2014-24(P).*

The Assembly inquired about the location of the water service and Ms. White said it was on Mendenhall Pennisula Blvd. on the uphill side near the 1700 block.

Hearing no objections, it was so ordered.

## VIII. UNFINISHED BUSINESS

None.

## IX. NEW BUSINESS

A. Airport Water and Wastewater System Regulation

In response to a projected budget deficit for FY15 and beyond and to help offset the anticipated shortfall for the increased water/sewer rates to be charged to the Airport, the Airport is proposing adjusting its Airport water and sewer rates to mirror CBJ's rates.

Proposed rate increases mirror CBJ's rate increases over the next five years. The increases will generate additional revenues of $3,945 for the remainder of FY15, $8,239 for FY16, $8,809 for FY17, $9,418 for FY18 and $10,070 for FY19. With CBJ's equivalent rate increase to the Airport, the Airport will essentially be revenue neutral. A detailed description of the rates is addressed in the fiscal note accompanying the regulation.

The Airport received no comments during the public comment period, which ran from September 5, 2014, through September 29, 2014. The Airport Board gave final approval of the proposed Water and Wastewater Regulation rate increases (as presented) at their October 8, 2014 meeting.

The Juneau International Airport Water and Wastewater System Regulation changes are budgeted to take effect January 1, 2015.

**The Manager recommends this regulation be adopted.**

Public Comment: None.

Assembly Action:

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

## X. STAFF REPORTS

None.

## XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford recognized CBJ staff who were assisting communities and projects outside of Juneau, including Mila Cosgrove for her HR guidance to Haines and Petersburg, and Bob Bartholomew for his service on a statewide Oil and Gas Commission.

B. Committee Reports

*Committee of the Whole*: Chair Becker reported on the October 6 meeting at which tobacco tax, and biosolids treatment and disposal were discussed. The next meeting was set for October 27. Ms. Troll asked to add a report about the Tongass Advisory Committee to that agenda.

*Tax Exemption Review Committee*: Chair Becker said the next meeting was set for October 23 at 5 p.m. and the topic would focus on the senior sales tax exemption.

*Lands and Resources Committee*: Mr. Jones said the last meeting discussed the sale of land at Lena Point to the Juneau Housing Trust to use for the High School Building Program to build affordable housing.

*Treadwell Arena Task Force*: Chair Jones said the next meeting was set for October 30. Three public hearings were scheduled: November 6 at the Douglas Library, November 13 at the Mendenhall Library and November 25 in the Assembly Chambers.

C. Liaison Reports

*Docks and Harbors Board*: Liaison Jones said the next meeting was set for October 30. The Statter Harbor bids came in and the Engineer Estimate was $10.6 million, the low bid came in at $11.2 million, so staff would return the matter to the board.

*Planning Commission*: Liaison Nankervis said the PC met on October 14 and issued a conditional use permit to the Haven House. The next meeting is October 28, 6 p.m. for the COW and 7 p.m. for the regular meeting.

*Airport Board*: Liaison Nankervis said the board met on October 8 to discuss the regulations on the Assembly's agenda tonight. The next meeting was set for October 22 and it was a special meeting at 5 p.m. about the CIP.

*Juneau Commission on Sustainability:* Liaison Troll said the JCOS was meeting to review the Biosolids report from Engineering and would make recommendations for energy efficiency. They also have dusted off the old scope of services for the Energy Plan and provided it to the city manager.

*Bartlett Regional Hospital:* Liaison Crane said the BRH Board recently conducted a retreat with the Foraker Group which was a very good meeting to prioritize goals for staff. The next meeting was set for October 28.

*Downtown Business Association:* Mr. Kiehl said the DBA met and continued work on the idea of a downtown circulator bus, is planning for Gallery Walk and is looking for opportunities to convert some loading zones to additional on-street parking.

*Juneau School Board*: Liaison Kiehl said the Board would meet October 21 and hold a budget worksession at 4:30 p.m. with a regular meeting at 6 p.m. at Thunder Mountain High School.

*Affordable Housing Commission:* Liaison Kiehl said the commission heard from Barb Sheinberg about town meetings and the initiatives of the economic development plan. The Housing Action Plan was discussed in light of the Economic Development Plan. Mayor Sanford was interested to understand the project schedule of the Housing Action Plan for Assembly planning purposes.

*UAS Campus Council:* Liaison Becker reported on the last meeting whic focused on gender equity and Title 9.

*Chamber of Commerce*: Liaison Becker said the Chamber had worked hard on a survey for use and discussion by the Tax Exemption Review Committee.

*Student Activities Committee*: Liaison Becker said the middle school philosophy has been recently discussed and the focus is on less competition and an emphasis on the whole child and developing teamwork skills.

D. Presiding Officer Reports

None.

## XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford passed on thanks from the Rear Admiral of the U.S. Coast Guard for the welcome in Juneau. He passed on thanks for the work on the election and asked for information on combining the local election with the state election.

Mr. Kiehl said the Fallen Firefighters Memorial was a very moving ceremony. He explained the 14th annual outdoor skills program at the middle schools and spoke about the importance of the hunter education course and of teaching fire arm safety. He invited community participation in the teaching.

*MOTION, by Crane, to allow progress to start for early entry by the School District building program onto the lot at Lena referenced in the ordinance for introduction for this meeting,to allow them to move forward*. Hearing no objection, it was so ordered.

Ms. Gladziszewski thanked everyone for the work on the election, including the League of Women Voters and Juneau Votes. She would like to have the answer to the question about why the municipality does not combine elections with the state.

Ms. Troll welcomed the newly elected members to the Assembly. She noted a recent article which rated Juneau as one of the best capital cities. She participated in the NAMI Walk on October 11. She congratulated JPD for the Coffee with a Cop program and said the next event was set for November 6.

Mr. Nankervis said he would like more information on the high school home building program in the Manager's report to explain the project and process. He welcomed the new members to the Assembly. He was also interested in the question of why the city election was when it was. He said he was tired of the political surveys on the phone and that was seconded by the rest of the Assembly.

Mr. Jones spoke about the programs he had attended about the internment of the Japenese in WWII and the Empty Chair movie put together by Greg Chaney and said it was marvelous. He said he had attended the Auke Bay Planning Meetings which he thought were well run by CDD staff. As Chair of the Treadwell Task Force, he asked if there was a plan for bringing forward the ordinance regarding an empowered pool board and said he thought it would inform the Treadwell discussions. Mayor Sanford said he did not want to start that until the middle of January as there were too many issues in front of the Assembly and staff at the moment. We should discuss in COW in December if the Assembly wants to move forward with an empowered board. In the meantime, Mr. Mertz and some of the Advisory Board members would work on some of the draft proposals that were already out there.

Ms. Troll asked if the Assembly would have the benefit of the review taking place within the Parks and Recreation Department to hear from staff to understand how they think the program could be run more efficiently. Ms. Kiefer said that effort would be completed by the end of December.

Ms. Crane said she had many questions on the topic and asked if it was appropriate to forward those to the City Manager? She said she understood waiting but thought the questions would generate work by staff and wanted answers at the January meeting. Mayor Sanford said he did not want any work generated in the next few months. He said it was fine to forward questions to staff but he did not want any expectation of immediate response at this time.

Ms. Gladziszewski said she could wait but wanted to understand the process. She did not want to see a lack of progress until January. She wanted to see the plan from advocates outlining why their plan would be better than that of Parks and Recreation. Mayor Sanford said that would start in January. He said the Assembly needed to settle the score on whether or not it wanted to move forward with an empowered board. Ms. Gladziszewski said that was why the information was needed.

Mr. Jones said he was struggling to answer questions that remain unasked on Treadwell and if Parks and Rec would not be finishing their information on the pools by December and he had to have a report for Treadwell by January, the issues were plowing some of the same ground.

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

None.

## XIV. EXECUTIVE SESSION

A. Update on Gastineau Apartments from City Attorney

*MOTION, by Becker, to enter into executive session, for a matter, the immediate knowledge of which would clearly have an adverse effect on the finance of the City and Borough of Juneau, the topic is the Gastineau Apartments.* Hearing no objection, the Assembly recessed into executive session at 9:25 p.m. and returned to regular session at 10:09 p.m.

Ms. Becker said that during executive session the Assembly received a report from the Municipal Attorney and provided direction.

## XV. ADJOURNMENT

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

Signed:__________________________
Laurie Sica, Municipal Clerk

Signed:______________________________
Merrill Sanford, Mayor