THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - August 11, 2014

MEETING NO. 2014-22: 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 7:03 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker (telephonic), Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, Kate Troll and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Jane Sebens, Acting City Attorney; Beth McEwen, Acting Municipal Clerk; Patty delaBruere, Airport Manager; Bob Bartholomew, Finance Director; Rich Etheridge, Fire Chief, Greg Chaney, Lands and Resources Manager; Brent Fischer, Parks and Recreation Director

II. SPECIAL ORDER OF BUSINESS

A. Capital City Fire/Rescue Fire Captain, Lynn Ridle

B. Capital City Fire/Rescue FF/EMT I, Marc Ormsby

Mayor Merrill Sanford and Fire Chief Rich Etheridge recognized Capital City/Fire Rescue Firefighter/EMT I Marc Ormsby and Fire Captain Lynn Ridle for their many years of service at CCFR both in their professional and volunteer capacities and all the Assemblymembers thanked them and their families and wished them well in their retirement.

III. APPROVAL OF MINUTES

A. July 10, 2014 Special Assembly Meeting 2014-19 Minutes

Mayor Sanford noted a correction to the minutes of the July 10, 2014 Special Assembly Meeting 2014-19 in which the motion for the Airport Board should reflect 6 ayes, 2 nays rather than the 5 ayes that were in the draft minutes. *Hearing no objection, the minutes were approved with correction.*

B. July 17, 2014 Special Assembly Meeting 2014-20 Minutes

Hearing no objection, the minutes of the July 17, 2014 Special Assembly Meeting 2014-20 were approved.

C. July 21, 2014 Regular Assembly Meeting 2014-21 Minutes

Ms. Becker noted a spelling correction on page 10 that was needed. *Hearing no objection, the minutes of the July 21, 2014 Regular Assembly Meeting 2014-21 were approved with correction.*

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

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

MOTION by Mr. Wanamaker to approve consent agenda and asked for unanimous consent. Hearing no objection, the motion carried.

1. Ordinances for Introduction

a. Ordinance 2013-11(BE) An Ordinance Appropriating to the Manager the Sum of $11,900 as Funding for the Purchase of Artwork for the Juneau-Douglas City Museum; Grant Funding Provided by the Rasmuson Foundation Art Acquisition Fund.

This ordinance would appropriate a private grant of $11,900 administered through the Rasmuson Foundation Art Acquisition Fund.

The grant provides for the purchase of artwork such as Boat in Berners Bay, Trophy Bear # 1, Under the Canopy, Observatory, Alaskan Devil Jungle, Keet Gweili, and Woven Octopus Bag.

There is no CBJ match requirement for this grant.

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

b. Ordinance 2014-24(C) An Ordinance Appropriating to the Manager the Sum of $2,266,000 as Funding for the State of Alaska's Designated Legislative Grant Projects; Grant Funding Provided by Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate $2,266,000 for 4 Alaska Department of Commerce, Community and Economic Development legislative grants to the below new or existing programs or Capital Improvement Projects (CIP's).

Last Chance Basin Well Field Upgrades: $1,350,000

Project Description: Last Chance Basin Well Field needs critical infrastructure upgrades for Juneau's primary water source. This includes drilling 2 new production wells and re-drilling/rehabbing existing wells to meet system capacity needs that will allow wells to cycle and regenerate.

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

Salmon Creek Water Treatment Facility Secondary Disinfection: $650,000

Project Description: Salmon Creek Water Treatment Facility secondary disinfection system improvements to meet ADEC/EPA LT2 rule by October 2015. Not only will this meet the disinfection requirement but it will allow the plant to operate during high turbidity related times when it has to be shut down. This will make the Salmon Creek facility a more reliable source of treated water for the Borough.

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

Fire Department Mobile Data Terminals $66,000:

Project Description: Install mobile data terminals in first response fire department apparatus.

School District Curriculum Materials: $200,000

Project Description: To purchase new texts and related materials for elementary students.

At its April 28, 2014 meeting the School Board reviewed and approved this request.

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

c. Ordinance 2014-24(E) An Ordinance Appropriating to the Manager the Sum of $110,000 as Funding for the Emergency Management Performance Grant; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance would appropriate $110,000.00 for the 2014 Emergency Management Performance Grant (EMPG) from the Alaska Department of Military and Veterans Affairs for the City and Borough of Juneau Alaska. State Grant Number: 14EMPG-GR35586

These funds would be provided to reimburse the City and Borough of Juneau, Emergency Programs Division, for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant. This includes employee payroll for three CBJ Staff members in the performance of Emergency Management functions in planning, training, and exercise within the grant performance period.

EMPG Performance includes, but is not limited to the following tasks:

Preparing the jurisdictions Local Capability Assessment (LCA) Document for the State.
Required attendance at the Bi-Annual Conference State's Multi-Year Training and Exercise Plan Workshop (TEPW), and development of a local

jurisdiction Multi-Year Training and Exercise Plan to be submitted to DHS&EM at the TEPW.
Participation in exercises during the performance period.
Continued utilization and work towards compliancy with the National Incident Management System (NIMSCAST).
Completion of the FEMA Independent Study Professional Development Series.
Timely submission of quarterly progress reports.

There is a dollar-for-dollar, in-kind match requirement which is provided through CBJ Emergency Management staff personnel services.

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

d. Ordinance 2014-24(F) An Ordinance Appropriating to the Manager the Sum of $18,448 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 $18,448 for the 2015 LEPC Grant from the Alaska Department of Military and Veterans Affairs for the Local Emergency Planning Committee. State Grant Number- 15LEPC- GR35602

These funds are slated to support the goals and activities of the Juneau Local Emergency Planning Committee (LEPC). Activities funded by this grant include:

LEPC Support Services (Admin Labor)
LEPC Support Services (Postal Services, Printing/Copying)
LEPC Equipment
Outreach Projects and Media Campaigns
Emergency Preparedness Brochures/ Handouts/ and Flyers
Local Training Events
Community Emergency Response Team Training Support.

There is no CBJ match requirement for this grant.

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

e. Ordinance 2014-24(G) An Ordinance Appropriating to the Manager the Sum of $93,750 as Funding for the Juneau International Airport Runway 26 MALSR Capital Improvement Project; Grant Funding Provided by the Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate $93,750 for the Runway 26 MALSR (Medium-Intensity Approach Lighting System with Runway Alignment Indicator Lights) capital project. Funding is provided by a Designated Legislative Grant from the Department of Commerce, Community, and Economic Development (DCCED).

Additional project funding is anticipated from the Federal Aviation Administration (FAA).

The Airport Board will address this action at its August 13, 2014 meeting.

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

2. Resolutions

   a. Resolution 2694 - A Resolution Designating State of Alaska, Department of Environmental Conservation Grant Funds for the Salmon Creek Filtration Project as the Number One Local State Funding Priority for Fiscal Year 2015.

   The City and Borough is applying for Alaska Department of Environmental Conservation (ADEC) grants through the Alaska Drinking Water Fund Grant program. The application process has a ranking system whereby projects from around the state are evaluated based on such criteria as, benefits to public health, plans completed by the community, support by the community, and supplementary source of funding.

   To achieve maximum points, thereby assuring the best chances for grant monies, the ADEC requests a resolution of support by the community's elected leaders identifying this project as the community's number one priority for the fiscal year.

   This resolution requests that the Salmon Creek Secondary Disinfection Project be considered Juneau's number one priority for State grant funding this fiscal year. The proposed project will add microfiltration treatment to the Salmon Creek water system.

   The CBJ is requesting $3.0 Million of Grant funding for this project, which requires a 40% match.

   The Salmon Creek water source is required to be upgraded to meet the ADEC LT2 disinfection requirements by installing microfiltration. Addition of this treatment process will also make Salmon Creek a fully redundant water source, (listed as a priority of the CBJ 2012 Municipal Drinking Water Supply Plan) that will not be interrupted any longer by the turbidity events that have caused predictable shutdowns in the past.

   The Assembly Public Works and Facilities Committee reviewed this request at its July 14, 2014 meeting and recommended forwarding to the full Assembly for approval.

   The Manager recommends this resolution be adopted.

3. Transfers

   a. Transfer T-956 Transfers $67,000 of Sales Tax from CIP P44-073 Deferred Bldg Maintenance to CIP P46-097 JDCM Remodel/New Exhibit

   This ordinance transfers $67,000 from CIP P44-073 (Deferred Building Maintenance) to CIP P46-067 (JDCM Remodel/New Exhibit).

   Due to several unforeseen conditions, including discovery of contaminated soils during removal of the underground fuel oil storage tank and the requirement to upgrade the electrical service, the funds remaining in the JDCM HVAC Upgrades CIP will not be sufficient to complete the project.

The Public Works and Facilities Committee approved a transfer of $50,000 on July 14, 2014. Notification of the requirement to upgrade the electrical service for approximately $17,000 did not occur until the week of July 21st.

The Manager recommends approval of this transfer.

VII. PUBLIC HEARING

A. Ordinance 2014-08(c) - An Ordinance Amending Title 20 of the City and Borough Code to Provide for the Regulation of Secondhand Dealers of Certain Property and Providing for a Penalty.

This ordinance was introduced at the June 9, 2014 Assembly meeting, referred to the June 30 Assembly Human Resources Committee (HRC) meeting, and set for public hearing to be held by the Assembly on July 21.

The HRC, at its June 30, 2014 meeting, reviewed the ordinance and asked to continue it to a future HRC meeting for additional work.

The HRC took public testimony at its July 17, 2014 Special Human Resources Committee meeting and discussed the ordinance. Version b of the Ordinance was distributed at this meeting.

At the July 21, 2014 Assembly meeting, HRC Chair Jesse Kiehl moved to continue the Public Hearing to the August 11, 2014 regular Assembly meeting to allow the committee to continue its review at a Special HRC meeting on July 31, 2014. The HRC moved version (c) of the secondhand store ordinance to the Assembly.

The substantive difference between version (a) and versions (b) and (c) are a narrowed scope of the regulation to seven categories of items (precious metals, precious gems, firearms, coins, bullion, and electronic equipment, and tools valued over $50.) All required actions under the ordinance are related solely to those items.

The Manager recommends this ordinance be adopted.

Mayor Sanford limited public testimony to five minutes per person. Public Testimony was taken from the following individuals:

Frank Mesdag asked a number of questions as to how this ordinance would remedy recovery of stolen items different than what is already in place and suggested a system by which a security camera could be used to identify perpetrators as well as giving JPD the opportunity to identify stolen goods. Mr. Mesdag stated that he represented the new gun range and they have a security camera in place that records every person and they also have the log identifying who sold the items.

Mayor Sanford asked Ms. Kiefer to respond to Mr. Mesdag's questions if possible. Ms. Kiefer explained that there are ordinances in place for pawnshops but there is nothing in place for second hand dealers. She said if someone was to bring in something, there is no way for that item to be held so that someone could come and identify it and the police could then go forward to try to recover those stolen goods. The intent in bringing this ordinance forward was for a system to be in place for a limited number of items that would record what those items were, who brought them in so there was a system in place to be able to track it back where they came from to begin with to allow the police to do their work.

Mayor Sanford asked Mr. Kiehl to provide the perspective from the Assembly Human Resources Committee (HRC). Mr. Kiehl said he appreciated Mr. Mesdag's comments and they heard testimony with similar comments from the public during the HRC meetings. Mr. Kiehl said there is no magic reason 30 days was chosen over 45 days or 15 days. He said it was a proposal that JPD brought forward as they felt it was a reasonable amount of time for people to realize their property had been stolen and report it to the police and have an opportunity to recovery property. He said it did not seem appropriate to lengthen the time beyond 30 days because of the carrying costs to businesses and he said shorten the time frame would risk the benefit this ordinance provides in returning stolen goods to individuals. Mr. Kiehl pointed out the electronic reporting feature that this ordinance implements which improves law enforcement's ability to find items that have been reported stolen. Rather than dedicating an officer to property crime to have to go to look at every licensed second hand dealer in the City and Borough of Juneau, they could look at the electronic reporting system to find out if something matching the description comes in. Crimes against people come first and we have limited police resources so this electronic reporting system affords JPD the opportunity to recover a lot more stolen property without the increased costs of adding officers to the force.

Mayor Sanford asked Mr. Mesdag's if his objection was to the 30 day period. Mr. Mesdag explained his objections and gave suggestions for how it could be changed to record each transaction electronically through their security system which could be made available to the police upon request.

Graham Rountree owner of George's Gift Shop. His first question was whether this ordinance would be defendable in court and said that should be the Assembly's first consideration. He also asked how JPD is going to determine ownership of any privately owned merchandise that is reported as stolen. Mr. Rountree numerated many different scenarios where the police may be challenged to prove ownership of items that may have been reported as stolen and he asked how they would go about proving right of ownership. Mr. Rountree explained that in the past JPD would circulate a list of stolen property which was very helpful and worked very well. He said that practice has been discontinued and now they are creating something that will become an elephant in a china shop. Mayor Sanford explained to Mr. Rountree that there is a small list of seven types of items covered in the ordinance and that it does not apply to all second hand items.

Ray Cox owner of RayCo Sales. He said his is a sporting goods store that mainly sells firearms, shooting related materials, camping gear, and miscellaneous second hand items. He explained that many times someone is packing up items and moving and will bring a box or two to his store and will trade him the box of ammunition. He said under this new ordinance, he would have to take every item to the back of the store, sort it, number it, and secure it for 30 days. He said he understands that by secure, the ordinance means it has to be kept under lock and key and he currently has no place to put it where it could be secured under lock and key and he would have to build a special cabinet, closet or room. He said he will then have to sit on that merchandise for 30 days which constitutes 30 days of interest that he has to pay for the money that he is paying for that merchandise. He said he feels the costs to the dealers for this ordinance is absurd. There is too much time and staff involvement to keep these records. He said he did not think he could do it with his present staff.

Mr. Cox also stated that he was not notified by CBJ about this ordinance and found out through someone else. He said he did not know if the other stores were notified or not but that he had not been. He had a number of suggestions for changes to the ordinance. One suggestion was to require, if it does pass, that anyone caught stealing and found guilty, pay the same penalty that the dealers will have to pay, which is $500. Mr. Cox explained instances in which stolen items were sold to him in the past and due to the list of stolen items JPD used to distribute they were able to identify the items and resolve the case. He gave another example of a gun theft that he is still waiting to get restitution for after a year and half. Mr. Cox said his store gives their customers a sheet of paper that they can list all of their firearms and the associated serial numbers for identifying their firearms.

Dylan Hammonds owner "The Juneau Gold Buyer" said he would like to clear up some misinformation and misconceptions. He said, first to clear up the misconceptions, he fully supports what the police department and the Assembly is doing and gives his stamp of approval to Ordinance 2014-08 with a few reservations. The second misconception he'd like to clear up is that he does not melt gold at his shop. As to the misinformation, about six weeks ago, he heard a news announcement on the radio that there was a theft of eighty-three one ounce gold krugerrands. He said that report was incorrect, in fact the correct information was that one gold krugerrand dated 1983 had been stolen.

Mayor Sanford asked Mr. Hammonds to stick to testimony on the ordinance. Mr. Hammonds said that with respect to his reservations about 2014-08, he would like to see raw gold and bullion exempt from this ordinance, mainly because the 30 day hold period makes it almost impossible to pay a fair price and provide a good service for these items due to market fluctuations. He said he currently pays 80-90% of the value of these items. He said he would like to see the 30 day hold order on electronics be reduced to 2 weeks due to the rapid depreciation of electronics. He said, other than that, he appreciates what the police department is trying to do and that people have adequate time to recover their items.

Dennis Watson said he had not planned on speaking tonight but he he has been both a victim and benefactor of the categories listed under a) *precious metals*, b) *precious gems*, d) *electronic equipment with a resale value over $50.00,* and f) *tools with a resale value of over $50.00*. Mr. Watson said this happened in another community and if it hadn't been for some stringent regulations that they had in place, they we would not have been able to recover some very valuable, irreplaceable family items. He said that while this may not be perfect but he had not seen any perfect ordinances within the borough but it is a start. He said on the other side of the coin, as a businessman, he has to go and search out a stolen computer system and he was able to provide JPD with the information they needed to try to recover the items. He said right now our community has little protection for these things and it needs more and he appreciates the Assembly's efforts in trying to implement this ordinance. He said there needs to be a give and take and he feels it is important for the Assembly to take action on this ordinance.

Mayor Sanford closed public comment and asked for Assembly action on Ordinance 2014-08(c).

MOTION *by Mr. Kiehl to adopt Ordinance 2014-08(c).*

AMENDMENT #1: *Mr. Kiehl said the Law Department asked that he make a motion to add clarifying language at the beginning of the sentence on page 9, line 16 under Section 20.05.120 Violations to read: "Except as otherwise provided in this chapter, any person, firm, co-partnership violating any provision..." Hearing no objection, the amendment passed.*

Mayor Sanford asked if there were any objections to the ordinance as amended moving forward.

Mr. Wanamaker asked the City Attorney if there is anything in the recording and handling of firearms in this version ordinance that is beyond what is already required under federal (Alcohol, Tobacco, Firearms) ATF laws. Ms. Sebens said she did not believe so that this ordinance was drafted in way that it would not be any stricter than state or federal law.

Mayor Sanford asked if Lt. David Campbell, could come forward to answer questions, including Mr. Wanamaker's question. Lt. Campbell stated that his understanding is that there is nothing that goes beyond what the ATF requires or than what is in statute.

Discussion took place regarding the 30 day hold period of time. Mr. Kiehl said he did not think there was a magic number with the 30 day but following testimony, the HRC was unwilling to extend time beyond the 30 time frame and to go much shorter than that make it less effective. He said that one thing he did not address earlier is the parity between pawnshops and secondhand dealers and while he acknowledges there are some big differences between pawnshops and secondhand stores, the 30 day hold period has been very effective with identifying stolen items at pawnshops and has actually served as a deterrent for people taking stolen items to pawnshops.

Additional discussion took place regarding the requirements under state law, federal law, and how it applies to pawnshops vs. secondhand dealers and what this ordinance would require. Mr. Kiehl clarified that currently under state law, if a pawnshop has a Federal Fire Arm license, they must report electronically to JPD, they must hold for 30 days before they can sell a firearm. He said the state does not require that for secondhand dealers but it does require the information gathering but does not currently have to report it to JPD. He said he does not believe that the federal government places a hold period on any firearms dealer. Mr. Kiehl said that two members of the public asked about what would constitute proof of ownership and he said there is nothing in this ordinance that would change how proof of ownership requirements would change from what is presently required for legal standards. Ms. Sebens also explained that a secondhand dealer does have rights in these situations as well and if something becomes evidence in a criminal case, there can be a civil case between the business and the property owner.

Mr. Smith asked if staff could provide statistics on how prevalent the problem is that this ordinance is trying to address. Lt. Campbell said he did not have specific numbers to cite but based on his experience, he believes this is a massive problem. He explained that the issues with pawnshops are not quite as extensive because of the recording/reporting mechanisms they have in place. He said in talking with property Detective Krag Campbell, the main issue was that they would get a lead about an item which may have been sold to a secondhand store and there was not enough time before the item was resold or the record keeping was not such that it was not certain that it was in fact the stolen item. This made for a big loophole between what was being recorded and reported from pawnshops vs. what the process was for secondhand stores. Additional discussion took place about the prevalence of the problem and Lt. Campbell explained that three of the five detectives at JPD are assigned to work on property crimes. Mr. Jones mentioned that when he looked at JPD statistics over last 3 years, there were almost 3,000 thefts and close to 400 burglaries.

Mr. Nankervis noted objection to this ordinance. Mr. Wanamaker asked to hear Mr. Nankervis' reasons for objection. Mr. Nankervis explained that he participated in the HRC meetings and heard all the public testimony and with his previous profession, he is sympathetic with what JPD is trying to do with this ordinance. However, he said he is not willing to sacrifice what he considers to be a closely held right of the people in unreasonable searches and seizures and he feels this goes over that line. He said these are not pawnbrokers but we are implementing a pawnbroker law and asking them to hold onto things for 30 days, where a pawnbroker holds onto it for 30 days, they receive interest, but these secondhand dealers get nothing and are loosing money if they hold onto it. With the exception of one business owner, there was no testimony during the HRC meetings in support of this ordinance from the businesses. He said he does not like the 30 day hold and does not like all the language regarding the police hold order because he does not believe that just because a business takes in something secondhand that the bar ought to be lower for them on what the police can and cannot tell them what to do. He said if an item is believed to have been stolen, a search warrant is order and that should be the process for confiscating that item. He said what they are trying to do here is very well intentioned but this lowers the bar. He said he thinks this ordinance needs a whole lot more work.

Ms. Troll said she also participated in the HRC meetings and heard the testimony and she felt that this ordinance is closing the loophole on behalf of the victims and was a minimal burden on the business owners.

Mr. Wanamaker said he very reluctantly will support this as he believed that Mr. Nankervis brought up some valid points.

Roll Call Vote on Ordinance 2014-08(c) as amended:
Ayes: Becker, Crane, Jones, Kiehl, Smith, Troll, Wanamaker
Nays: Nankervis, Sanford
Motion carried: 7 ayes, 2 nays.

B. Ordinance 2014-24(B) An Ordinance Appropriating to the Manager the Sum of $9,939 as Additional Funding for the Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate an additional $9,938.55 for the Runway Safety Area (RSA) capital project. The original appropriation 2013-11(AM) was less than what the FAA had actually awarded. This increases the FAA Airport Improvement Program grant to match the grant agreement. Funding is provided as follows:

Federal Aviation Administration Grant:	$9,938.55

This phase of the RSA project includes a construction contract (SECON), contract administration costs, and a pass-through payment to FAA for FAA facilities installation.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT/PF and Juneau International Airport.

The Airport Board reviewed this action at its July 9, 2014 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

<u>MOTION</u> *by Mr. Wanamaker to adopt Ordinance 2014-24(B) and asked for unanimous consent. Hearing no objection, the motion carried.*

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Docks and Harbors - Contract Amendment for Professional Services

PND Engineers is currently under contract for professional engineering services for Phase I of the Aurora Harbor Re-Build project. Northern Construction Service was the successful low bidder for the project.

This professional services amendment would modify the contract to include construction administration and inspection services during construction of the project. PND Engineers was selected to provide professional services for the project and the RFP included the provision that services may be modified to include construction administration and inspection tasks.

The proposed fee for CA/I is on a time and materials basis to a maximum of $630,130.00 as indicated in the PND letter dated July 10, 2014.

This contract amendment was reviewed and recommended for approval by the Docks and Harbors Board at its July 31, 2014 meeting.

Mayor Sanford asked if this could be done through "Orders of the Day."

Ms. Crane asked if this would carry this through the entire Phase I. Port Director Carl Uchytil came forward and answered "yes" to Ms. Crane's question. Ms. Troll asked why we contract this out and if it is because we do not have the in-house expertise within our Engineering Department. Mr. Uchytil said that was correct. Ms. Troll asked if there was time and the ability to acquire this expertise so we can use these grant funds to support our own Engineering staff.

Mayor Sanford explained this is the way the Assembly does business with these types of contracts and there had been a policy call approximately 10 years ago to put these things out to bid for local engineering companies so CBJ did not have to have in-house engineers hired part-time waiting for projects. He said this particular project happens to be a long project that could be paid for in-house but most of them are shorter-termed projects and they did not want to pay staff for the intervals in which no projects needed that type of expertise.

<u>MOTION</u> *by Mr. Wanamaker to move Orders of the Day. Mayor Sanford asked if there were any objections to Orders of the Day.* Mr. Kiehl asked if a contract amendment can be approved by Orders of the Day or if a motion was needed. Mr. Sanford said he'd asked this question earlier in the day and was told it could be done through Orders of the Day.

Ms. Sebens said she was not entirely sure but when in doubt, a motion to approve would be the safe answer. Mayor Sanford said it could be covered both ways if Mr. Kiehl would like to make a motion.

<u>MOTION</u> *by Mr. Kiehl to move approval of the contract amendment as proposed. Hearing no objection, the motion carried.*

Mayor Sanford asked for staff to follow-up making it clear to let them know when the use of Orders of the Day is appropriate so they only use it during those times that it would be appropriate.

B. Late Filed Senior Citizen Hardship Exemption Application - McKinley

On May 8, 2014, Sophia McKinley filed a late application for the 2014 Senior Citizen Real Property Hardship Exemption. The code places the authority for approving late claims with the Assembly.

Per 69.10.020(C): The assembly, for good cause shown, may waive the claimant's failure to make timely application for an exemption under subsection (A) or CBJ 69.10.0210 and authorize the assessor to accept the application as if timely filed.

Ms. McKinley has consecutively filed late for the past 4 years. The basis for filing late has primarily been due to medical issues. Approval of this late filing would result in a loss of $989.83 in revenue to the City . The Assessor's Office has reviewed the application and has determined Ms. McKinley has an income ratio that would qualify her for the exemption had it been filed in a timely manner.

The Manager recommends the Assembly authorize the assessor to accept the application as if timely filed with acknowledgement the applicant's late filings are repetitive.

Discussion took place regarding this being the 4th consecutive year of filing a late exemption request due to medical issues.

MOTION *by Ms. Troll to approve this and asked that instead of acknowledgment of the applicant's late filing, that this be considered the last time a late filed request from this applicant be accepted so that it doesn't continue to become repetitive.*

Mayor Sanford explained that there are extenuating circumstances and asked if staff could follow up before it gets to the Assembly level to make sure this does not happen again.

Mr. Nankervis said he objected just like last time based on principle.

Roll Call Vote:
Aye: Becker, Crane, Jones, Kiehl, Smith, Troll, Wanamaker, Sanford
Nay: Nankervis
Motion carried 8 Ayes, 1 Nay.

C. Application for Dedesignation of Liquor Licensed Premises - Suite 907

A liquor license dedesignation application is subject to approval by the local law enforcement agency as well as the local governing body. Deputy Police Chief Ed Mercer has approved this application on behalf of Juneau Police Department with the condition that it is subject to revocation in the event there are law enforcement issues that arise as a result of this permit. Applicant Cindy Isaak stated that she agreed with that condition when she met with staff and submitted her application.

This is an application to dedesignate 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. Rather than scheduling this application for the July 21 Assembly meeting, the City Manager asked that this be considered by the Human Resources Committee prior to Assembly action on the application.

If approved by the Assembly at its August 11, 2014 meeting, the remaining event dates/times indicated on the application subject to approval would be from 9p.m. - 1a.m.

the nights of August 14, August 19, September 25, October 16, November 6, and December 29, 2014.

The Human Resources Committee is reviewing this matter at its meeting on August 11 and will forward its recommendation to the Assembly for action.

The Manager recommends the Assembly act according to the recommendation by the Assembly Human Resources Committee.

Human Resources Committee (HRC) Chair Jesse Kiehl reported that at the HRC meeting immediately preceeding the Assembly meeting, the committee heard from the applicant and considered this application. There were many questions about the plan and how the premises would be prepared for the no-alcohol nights and the HRC recommends approving the application for dedesignation for six dates listed in the packet.

Hearing no objections, the application for dedesignation permit was approved as recommended by the HRC.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford reported that he had just come from the traditional backing in ceremony for the new fire engine at the Douglas Fire station. This is a $650,000 fire engine. He said when he first started back in the 1960's in the Fire Department, the engine they received at that time was for $16,000 for a fully equiped fire engine with 1,000 gallon pumper and 1,000 gallon tank. Tonight's new rig pumps 1,500 gallons per minute 7,500 gallons of water in its tank fully equiped and at $650,000 they are not getting any cheaper.

B. Committee Reports

Public Works and Facilities:
Chair Wanamaker reported that the next meeting is scheduled for Monday, August 18 at Noon.

Human Resources Committee:
Chair Kiehl reported that the HRC meeting earlier in the evening, they received the Aquatic Facilities Advisory Board annual report and there was no annual report submitted by the Sales Tax Board of Appeals since the board did not receive any appeals during the previous year.

MOTION by Mr. Kiehl for the Assembly to make the following committee appointments as recommended by the HRC. *Hearing no objections, the appointments were approved as presented below:*

Juneau Commission on Aging: Charles Wilson to a term beginning immediately and expiring June 30, 2017.
Juneau Human Rights Commission: Reappointment of Caitlin Teaster and Haifa Sadhigi to terms expiring May 31, 2017.
Sales Tax Board of Appeals: Pat Watt to a term expiring December 31, 2016.

As Mr. Kiehl reported earlier in the meeting, the HRC discussed and took testimony on the Suite 907 liquor license dedesignation permit and forwarded its recommendation to the Assembly for approval. Mr. Kiehl stated that during the discussion of the dedesination application, the HRC recommends that future dedesignation permits go through the staff review process and unless there are concerns raised by staff, that they go directly to the Assembly for approval rather than having to go through the HRC first. *Hearing no objection, that procedure change was approved.*

Assembly Finance Committee: Chair Crane reported the next meeting will be held Wednesday, August 20 at 5:30p.m.

Lands Committee: Chair Smith reported the next meeting is scheduled for Monday, August 25 at 5p.m.

Tax Exemption Review Committee: Mr. Kiehl noted that while Ms. Becker had been out, he sat in as chair of the July 24 and August 7 TERC meetings. The committee has been reviewing data. They have not yet come up with any recommendations. He said they have received data on various categories under the exemptions, especially the cap on single items or single services, out of borough sales, and then some detailed breakdowns on what makes up the roughly $2.8 million that the city does not collect from seniors and the roughly $5.5 million we do not collect on food. Ms. Becker thanked Mr. Kiehl for filling in for her and she reported that the next TERC meeting will be held on Thursday, August 14.

C. Liaison Reports

Alaska Coastal Rainforest Center: Liaison Troll reported that she received a letter acknowledging that the Alaska Coastal Rainforest Center no longer needs to acknowledge or renew their prior agreement as they are now administered by the University of Alaska Southeast and incorporated into that process as well as a being university partners with UAF and they are also in partnership with the Juneau Economic Development Council among other partnerships. She explained the Assembly helped launch the whole program but are no longer intimately connected in the day to day oversight of the board of directors. Mayor Sanford asked if CBJ had put any land into that. Ms. Troll reported that CBJ did not put any land or money into it but we did help spur the idea and facilitate the collaboration to bring in the University, the Institute of Socio-Economic Research, and other southeast interest and that has been achieved so this should be looked at as a milestone of success. Mayor Sanford said he hopes CBJ will not loose contact with them. Ms. Troll said they are keeping JEDC informed and Ms. Troll is still receiving their monthly newsletters and updates and she will report anything that needs to come to the Assembly's attention.

Planning Commission: Liaison Nankervis reported that there will be a Planning Commission Committee of the Whole meeting August 12 at 6p.m. and a regular Planning Commission meeting at 7p.m.

Airport Board: Liaison Nankervis reported that the regular Airport Board meeting will be held Wednesday, August 13 at 6p.m. at the Airport.

Local Emergency Planning Committee: Liaison Jones reported that the LEPC will be meeting on Wednesday, August 13.

Downtown Business Association: Liaison Jones reported that the DBA canceled their end of July meeting so they could participate with the other businesses downtown in the clean up day and then they rescheduled and canceled due to no quorum.

Docks and Harbors Board: Liaison Jones reported that at the last Docks and Harbors Board meeting they dealt with Aurora Harbor. The Statter Harbor project is about 95% and they expect the bid documents to be ready approximately September 1. The Department of Law has been working with Docks & Harbors and they have been negotiating with Goldbelt on the Tram lease and the draft lease has been drafted up by Law and the negotiations seems to be gathering momentum and it appears to be moving forward. At their recent meeting, they elected David Logan as the Chair and Tom Donek as Vice-Chair for this next year.

Mr. Wanamaker reported that he had not been able to attend either of the most recent meetings of the Juneau Economic Development Council or the Parks and Recreation Advisory Committee.

Juneau Affordable Housing Commission: Liaison Kiehl reported that the commission is working over the RFP for the Housing Action Plan and they are holding a special meeting August 12 at Noon to focus on the action items they wish to have included in the final plan.

School Board: The School Board will have its first meeting of the new school year on August 12.

Bartlett Regional Hospital Board: Liaison Crane reported at the last meeting, they spent a considerable amount of time going over the FY14 financial results. They completed FY14 with a total excess of revenues over $5.1 million, it was $200,000 less than FY13 but $1.7 million better than budget. From an FY14 cash receipts standpoint, the hospital's receipts exceeded disbursements by $7.8 million. She said some cash receipts were received in the first half of FY14 and were attributable to a Meditech repricing issue and also money from the Federal Government related to transitional outpatient funds. In addition $898,000 in an electronic medical records incentive funds were received in December 2013. These funds will be spent beginning in FY15 as part of Meditech electronic records system conversion which will total approximately $4.6 million over FY15 and FY16. The FY14 excess cash receipts will fund the Meditech project and will also help offset anticipated loss in FY16 of $3.7 million in federal funds related to the rural hospital demonstration program.

Mayor Sanford asked if they expect changes in the federal rural funds. Ms. Crane said they expect those funds will be going away and it looks like we will be loosing that demonstration project.

Eaglecrest Board: Liaison Smith reported that the Eaglecrest Board met on August 7 and two main items on their agenda included their Manager's evaluation and an update on the Learning Center construction update and everything is on schedule with that project.

Juneau Convention and Visitor's Bureau: Liaison Smith reported that the next JCVB meeting is scheduled for August 21.

Juneau Chamber of Commerce: Liaison Becker reported that the Chamber Board would be meeting on Wednesday, August 13. She said the DIG (Downtown Improvement Group) project clean-up and that she has had many reports that it was such a successful event and people are pumped up and kudos should be given to the CBJ staff and everyone involved. She said this will not be the last event as the DIG group is in force and wants to continue.

D. Presiding Officer Reports

Presiding Officer Jones reminded the Assembly that the Zenk et. al. re: Landscape Alaska appeal hearing will be held on Monday, August 18. and everyone should have received their binders. He said that will be held before the Committee of the Whole meeting that same evening so the appeal hearing is scheduled to begin at 4:30p.m. with the COW meeting beginning at 6p.m.

Mayor Sanford asked for any other presiding officers' reports. He noted that the Bicknell case is still pending.

Ms. Sebens reported that the draft decision in the Vick vs. Animal Hearing Board case had been sent out to the parties with responses due August 15.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Becker thanked the Assembly for all its good wishes during her hospital stay and said she was happy to be back in town on the road to recovery.

Mayor Sanford thanked Mr. Wanamaker and Mr. Jones for working on a draft document outlining the composition and objectives for the Treadwell Ice Arena Task Force. He explained the draft document lays out the composition of the seven-member group consisting of one member each from the Eaglecrest Ski Area Board, the Ice Rink User Group from both the hockey and figure skating perspectives, a member of the general public, a member from the Parks and Recreation Advisory Committee, a member from the City Manager's Office and one Assemblymember. He asked if anyone had changes to the charging document to get that to him and if they had any names for individuals to fill one or more of the above seats to get those to him. He said they will be sending letters out to each of the groups asking for representatives to be recommended to him for appointment. *Hearing no objection, he will proceed as outlined in creating this new task force.*

Mr. Wanamaker said he was speaking with a member of the Filipino community and he would like to explore doing something this year in October on the 70th anniversary of the beginning of the liberation of the Philippines if CBJ and the Filipino community to acknowledge and remember this important event. He said he will discuss this in the community further and bring back additional details in the future.

Mr. Kiehl said the Juneau Soccer Club had a girls team go down to Washington state and play the largest tournament on the West coast. He said that not only did they win that tournament outright, they allowed only one goal in the entire tournament. They are called Team Surge and he congratulated them and their coach John Newell. Mr. Kiehl said he would also like to compliment the police chief on his presentation to the Juneau Chamber of Commerce. He said he feels it is important for the police chief to get out in the community. He said Chief Johnson has a pretty good approach with outreach and keeping the community informed about what JPD is up to and hearing from the community on what they think JPD needs to be up to.

Ms. Troll said she has received several comments from people who live near the airport regarding the excessive noise from the helicopters and that it has been growing in intensity and frequency and she thought it would be appropriate to address these concerns as the Airport Master Plan is going through an update. She asked if Mr. Nankervis as the liaison to the Airport Board could bring this up during those discussions and see if the neighborhood concerns could be incorporated as they go through the Master Plan update. She said it is a growing problem and she would like to see it addressed through an update planning process before it gets worse. Mayor Sanford said the Master Plan incorporates a whole chapter on noise at the Airport so that will already be in the report. He said the comments that have been received so far have been forwarded to the Airport

Manager for consideration. Ms. Troll said she also had an opportunity to meet with the Downtown Improvement Group, view their video and be part of the discussion and cleaning up the downtown area. She said that while the images in the video were rather concerning, the energy and the community outreach for people trying to change the image of the downtown is very encouraging. She said Mayor Sanford to her that as the DIG group moves further and have recommendations, the Assembly would meet to discuss the suggestions. She applauded the community at large for its work and for being part of the process.

Mr. Jones commented that he attended the last two Friday meetings of the DIG. He said this past Friday, they discussed the smoking ordinance and its impact. He said one interesting piece of information was that the NCADD smoking cessation person and several of the staff people of the Glory Hole and about five days after the downtown clean-up they reported that they collected in about two hours, almost more than 1/3 of a five gallon bucket of just cigarette butts. He said that was a considerable amount of cigarette butts to collect just five days after the general clean up. He said there was quite a bit of discussion as to whether the cause was tourism related, local, or a combination of the two. Mr. Jones also reported that he and several others attended the Assisted Living needs assessment session. He said he heard some good things and some bad things about that process. Some people were somewhat critical as they did not feel they had enough information about why their were there and other people thought it was very well done and well worth the three-hours of effort. He also reported that he and Karen Crane will be attending Alaska Municipal League meetings August 13-15.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. ASRC McGraw Litigation and Settlement Negotiations

MOTION *by Mr. Kiehl that the Assembly recess into Executive Session to discuss a matter, the immediate knowledge of which would have a detrimental effect on the finances of the City and Borough of Juneau, specifically the ASRC McGraw Litigation and Settlement Negotiations.*

Mayor Sanford asked if there were any objections to the motion. He then asked for public comment on the Assembly going into executive session.

Hearing no objections, Executive Session convened at 8:49p.m. and regular session reconvened at 9:06p.m.

Mr. Kiehl noted that during executive session, they heard a report from staff with recommendations and the Assembly gave direction to staff to follow up on those recommendations.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:07 p.m.

*Signed:*__________________________ *Signed:*______________________________

Laurie Sica, Municipal Clerk *Merrill Sanford, Mayor*