THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 9 2014

MEETING NO. 2014-17: 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, Merrill Sanford, Carlton Smith, and Randy Wanamaker (teleconference).

Assembly Absent: Jerry Nankervis, Kate Troll.

Staff Present: Kim Kiefer, City Manager; Amy Mead, Municipal Attorney; Jane Sebens, Assistant Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Director; Travis Goddard, Planning Manager; Charlie Ford, Building Official; Greg Chaney, Lands and Resources Manager; Bryce Johnson, Police Chief; Kris Sell, Lt. Special Ops; Krag Campbell, Sergeant; Kirk Duncan, Public Works Director; Brent Fischer, Parks and Recreation Director; Myiia Wahto, Recreation Superintendent; Kathrin Millhorn, Aquatics Manager; Lauren Tibbits-Travis, Purchasing; Carl Uchytil, Port Director; Patty DeLaBruere, Airport Manager; Ken Nichols, Airport Engineer; and Matt Lillard, Ski Area Manager.

II. SPECIAL ORDER OF BUSINESS

A. Lemonade Day Proclamation

Mayor Sanford read a proclamation and proclaimed that Saturday, June 14, would be observed as "Lemonade Day," an event promoted by the Southeast Conference and Juneau Economic Development Council, to provide children with the opportunity to learn and apply entrepreneurial thinking.

B. Juneau Pride Proclamation

Mayor Sanford read a proclamation and proclaimed the week of June 16 to be Juneau Pride week, highlighted by the annual Pride Picnic, held at Sandy Beach on Saturday, June 21st from 12:00-4:00 p.m. Juneau Pride 2014 promoted dignity, equality, and self-affirmation for LGBT Alaskans, supporting all Juneau residents' efforts to participate fully in the social and economic life of the city.

III. APPROVAL OF MINUTES

A. May 19, 2014 - Regular Meeting 2014-15

Hearing no objection, the minutes of the May 19, 2014 Regular Assembly Meeting 2014-15 were approved with minor corrections.

B. June 2, 2014 - Special Assembly Meeting 2014-16

Hearing no objection, the minutes of the June 2, 2014 Regular Assembly Meeting 2014-16 were approved with minor corrections.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Ms. Kiefer said a joint motion was filed by the Sealaska Heritage Institute and CBJ to request that the matter of the SHI Appeal of the CBJ Assessor Decision regarding property taxation be removed from this agenda for further discussion between the parties. If no resolution was arrived at, the matter would appear before the Assembly at its next meeting.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Joanie Waller submitted a letter to the Assembly and said there should be more public process and notification to adjacent land owners when city land is up for sale. When she bought her place there was a plan to build a downtown parking garage on the property next to her. She understood that there was not a plan to sell the land to a private property developer to build multi-family housing. Other than the newspaper ad, there was no indication the property was for sale. Althought it was discussed at the Lands Committee, it seems it is too late for the public to have input into the process. She would like to see more public notice and public process early on, especially when there is was a change of use of the property.

VI. CONSENT AGENDA

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

Dixie Hood requested removal of Resolution 2686 and Resolution 2693.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda, with the removal of Resolutions 2686 and 2693. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

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

This Ordinance would impose certain record-keeping obligations on secondhand dealers, and would require dealers to retain property purchased for resale for a period of 30 days. This ordinance would codify a similar reporting and hold requirement for secondhand dealers as the State imposes upon pawnshops.

According to the Juneau Police Department, there has been a significant increase in theft reports since 2011 concerning stolen property sold to secondhand dealers. Because secondhand dealers are not regulated by the State in the same way pawnshops are, in most cases the stolen property has already been re-sold, altered, or shipped out of Juneau before the investigation has even begun, resulting in the irrevocable loss of the victim's property.

If adopted, this ordinance would assist JPD with its ability to successfully recover stolen items on behalf of victims and would aid the police and prosecutors in holding accountable those sellers who are knowingly purchasing stolen property for resale.

The Manager recommends this ordinance be introduced, referred to the June 30, 2014 Assembly Human Resources Committee, and set for public hearing at the July 21, 2014 regular Assembly meeting.

b. Ordinance 2014-17(b) An Ordinance Amending the Commercial Passenger Vehicle Code.

This ordinance would prohibit persons who have been convicted of certain criminal sex offenses from holding commercial passenger vehicle permits. Currently, the CPV ordinance authorizes the immediate suspension of a Professional Driver's Permit upon the receipt of a criminal charging document or verifiable information disclosing the circumstances of an arrest of the driver for criminally offensive sexual behavior.

The current ordinance does not allow JPD to immediately deny an application under the same circumstances. Thus under the current code, the application would theoretically need to be issued, and then immediately revoked.

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

c. Ordinance 2014-19(b) An Ordinance Amending the Building Regulations Code.

This ordinance would amend CBJ Title 19, the Building Regulations Code, by deleting references to the 2006 model codes and replacing them with references to more recent model codes, as modified by the Building Code Advisory Committee (BCAC).

The model codes addressed are the 2009 International Building Code, Fire Code, Fuel Gas Code, Property Maintenance Code, Existing Building Code, and Mechanical Code, the 2009 Uniform Plumbing Code, and the 2011 National Electrical Code.

The International Residential will remain as the 2006 version. The BCAC, CBJ Building Code Official, and the CBJ Fire Marshal met over the past 3.5 years and carefully reviewed each of the model codes listed above, making modifications as they deemed appropriate.

At its meeting on April 14, 2014, the Public Works and Facilities Committee recommended an ordinance be prepared for the Assembly's consideration. With this ordinance, the CBJ code would reference and incorporate the same edition of the model codes currently utilized by the State of Alaska, which would greatly assist designers, contractors, and CBJ staff.

Version (b) of this ordinance differes from the version reviewed by the Public Works and Facilities Committee by making two changes to the section adopting the International Property Management Code: it reverses the deletion of 304.1.1, 305.1.1, and 306.1.1 (Unsafe Conditions), and it amends the ordinance to include Section 106, Violations. Amendments to the fee schedule will be brought forward in a separate ordinance.

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

d. Ordinance 2014-32 An Ordinance Amending the Land Use Code of the City and Borough to Provide for the Regulation of Wireless Communication Facilities and Providing for a Penalty.

This ordinance would establish regulations for the placement, construction and modification of wireless communication facilities within the City and Borough. It would also adopt a master plan to guide future decision making with respect to the permitting and accommodation of wireless communication facilities within the CBJ.

The Planning Commission reviewed this ordinance at its May 28, 2014 meeting and recommended forwarding 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 2014-34 An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Electronic Cigarette Vapor.

This ordinance would amend the Second-hand Smoke Control Code, Chapter 36.30, to include in the definition of "smoking" the use of electronic cigarette vapor. The rational for expanding the City and Borough's non-smoking ordinance to include electronic cigarette vapor is as follows:

1. The contents of electronic cigarettes are presently unregulated by the Food and Drug Administration (FDA) and electronic cigarettes are not approved as smoking cessation devices.

2. A study by the American Heart Association has shown that the exhaled vapor can contain chemicals that increase indoor air pollution and, depending on the specific manufacturer of the product, contain toxins and carcinogens in the exhaled vapor.

3. A study by the Center for Disease Control determined that e-cigarette use more than doubled among US middle and high school students from 2011-2012 and that e-cigarette use led to new or increased traditional cigarette use.

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

f. Ordinance 2014-35 An Ordinance Amending the City and Borough Code Relating to Penalty Classifications and the Traffic and Animal Control Fine Schedules.

This ordinance would amend the General Penalty Code relating to penalty classifications by increasing the maximum penalty amount for an infraction from $300 to $500, and would amend the Traffic and Animal Control fine schedules in order to make the penalties imposed by the CBJ more consistent with penalties imposed for similar offenses by the State of Alaska and other Alaska municipalities.

The purpose of imposing fines is to bring about voluntary compliance through deterrence. Fines work both as a specific deterrence to the individual wrongdoer and as a general deterrence for the public. Neither the Traffic fine schedule nor

the Animal Control fine schedule has been adjusted in many years.

After comparing the CBJ's fine schedule to the State of Alaska's, it was found that our fines were 40% lower for the same violations. In comparison to other municipalities (such as Anchorage and Fairbanks), with respect to many violations, other municipalities have a much more aggressive fining schedule.

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

g. Ordinance 2014-36 An Ordinance Increasing the Rates for Water and Wastewater Utility Services.

This ordinance would increase the water and wastewater customer service rates by 9.5 percent per year for fiscal years 2015, 2016, and 2017, with effective dates of September 1, 2014, July 1, 2015, and July 1, 2016.

Financial elements taken into consideration in the revenue requirement analysis included: ongoing operations and maintenance expenses; capital-related system replacement through depreciation funding less debt principal; debt service (repayment of existing bonds and loans); debt financing; revenue growth through increased customer base; inflation; operating and capital reserve fund balances; and cash sufficiency and coverage testing for bond health.

At its April 2014 Utility Advisory Board (UAB) meeting, the Board approved recommending to the Assembly that it implement the top scenario for funding improvements contained within the rate study in regards to the rate increases.

At its May 2014 meeting, the UAB voted to recommend an “across the board” rate increase in lieu of adopting a “cost of service” model.

The Committee of the Whole reviewed this ordinance at its May 5, 2014 meeting, and recommended forwarding to the full Assembly the proposal to increase the water and wastewater rates by 9.5 percent for fiscal years 2015, 2016, and 2017.

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

h. Ordinance 2014-37 An Ordinance Amending the Election Code.

In addition to minor changes to 29.07.150 and 29.10.080 made for clarity, this ordinance would propose the following amendments to the election code:

1) Amends section 29.07.050(e) Candidates relating to the final date to withdraw. The final date to file for office is 50 days before the election and is always on a Monday. Currently the final date to withdraw from the ballot is 40 days prior to the election, or the following Thursday. This amendment would reduce the time for a candidate to withdraw from the ballot from 10 days to 4 days. This change could provide the Election Official more time to prepare and print the ballot, as in some years the ballot measures are finalized and the only issue pending is the candidate withdrawal date before approving the ballot to print;

2) Adds a requirement that initiative and referendum petitions contain the petition signers' mailing and residence addresses (currently only residence is required);

3) Adds a new section to allow for on-line publication of an official candidate statement provided by the candidate, similar to that published by the State of Alaska. The intent of this change is to provide the voters with more information about candidates. The labor to post this information to the city's election website is a minimal cost; and

4) Amends 27.05.100 by removing the 15 day window for voting by absentee ballot. This amendment would allow for absentee ballot voting upon the receipt of a completed application, as soon as the ballots are available as determined by the election official.

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

i. Ordinance 2014-39 An Ordinance Amending the Official Zoning Map of the City and Borough to Amend the Remote Subdivisions Area Map to Include Hidden Valley Tract B, Located in the Upper Lemon Creek Valley.

In April 2014, the applicant applied to have Hidden Valley Tract B, located in the upper Lemon Creek valley, to be designated as remote per the Remote Subdivision Area map of the City and Borough of Juneau Zoning Atlas.

The subject parcel is currently zoned Rural Reserve and conforms to the CBJ Land Use Code requirements for a Remote Subdivision Area.

The Planning Commission review this request at its May 13, 2014 meeting and recommended forwarding to the full Assembly for approval.

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

j. Ordinance 2013-11(AN) An Ordinance Appropriating to the Manager the Sum of $1,514,583 as Additional Funding for the Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided by the Lands Fund Fund Balance.

This ordinance would transfer $1,514,583 to the Open Space Waterfront Land Acquisition capital project from the Lands Fund Fund Balance reserved for noise abasement loans.

Ordinances 2003-19(L), 2004-14(O), and 2007-21(C) transferred a total of $1,514,583 to the Lands Fund from the Heliport Plan and Flightseeing Noise Abatement Capital Improvement Project, funded with Marine Passenger Fee funds, for the purpose of providing loans to reduce the noise impact of small aircraft in the downtown area.

No noise abatement loans have been applied for in the past several years. There have been loans and interest paid to the Lands fund and now Lands is returning Marine Passenger Fee funds into the Open Space Waterfront Land Acquisition

capital project.

In 2002 the Assembly moved that any marine passenger funding not allocated for any other purpose will be placed in the Open Space Waterfront Land Acquisition capital project fund.

The Assembly Finance Committee reviewed this ordinance at its May 7, 2014 meeting and recommended forwarding to the full Assembly for approval.

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

k. Ordinance 2013-11(AT) An Ordinance Transferring $10,030,792 of Budget Reserve Fund Balance from the Roaded Service Area and Sales Tax Special Revenue Funds to the General Fund.

This ordinance would transfer $10,030,792 to the General Fund from the Roaded Service Area ($1,000,000) and Sales Tax funds (9,030,792). The CBJ "Budget Reserve" balance currently resides in 3 separate funds: 1) the General Fund, 2) Roaded Service Area and 3) Sales Tax Special Revenue funds. The Finance Director recommends consolidating the reserve in the General Fund so the reserve balance is easy to identify for the Assembly, public and bond rating agencies.

Over the years, the reserves have followed various rules, retained in various funds, and had several names (e.g. Rainy Day reserve & Sales Tax Budget Reserve).

On October 8, 2012 the Assembly adopted Resolution 2629 establishing the CBJ "Budget Reserve" and adopting rules for the size of the reserve and defining rules for when funds could be withdrawn from the reserve.

At its May 21, 2014 meeting, the Assembly Finance Committee reviewed the ordinance and recommended forwarding to the full Assembly for approval.

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

l. Ordinance 2013-11(AU) An Ordinance Appropriating to the Manager the Sum of $6,086 as Partial Funding for the National Alliance of Preservations Commissions Conference; Grant Funding Provided by the Alaska Department of Natural Resources.

This ordinance would appropriate $6,086 as partial funding to send two CBJ employees to a National Alliance of Preservations Commissions Conference. Grant funding is provided by the Alaska Department of Natural Resources. This travel and training grant is a 60/40 match. The State of Alaska will reimburse the City for conference registration fees, food (per diem), air fare, hotel and transportation costs. The City provides their 40% match in staff time. The entire estimated cost of this project is $10,144.

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

m. Ordinance 2013-11(AV) An Ordinance Appropriating to the Manager the Sum of

$12,015 as Additional Funding for the 2012 State Homeland Security Program; Grant Funding Provided by the Alaska Department of Military and Veterans Affairs.

This ordinance would appropriate an additional $12,015.00 for the 2012 State Homeland Security Programs (12SHSP) Grant from the Alaska Department of Military and Veterans Affairs. Amendment 6 increases the budget from $223,628 to $235,643 to cover approved cost over-runs that were on the 11SHSP Grant. The 12SHSP Grant was originally adopted in FY13 with ordinance number 2012-12(X) and additional funding was appropriated in FY14 with ordinance number 2013-11(AQ).

These funds would be used to support the goals and activities of the Emergency Management through funding of training, exercises and equipment purchases.

These additional funds pay approved over-runs that were on the 11SHSP Grant for the following items:

Video Surveillance for JPD/CCFR (new) = $187.91
Digital Fingerprint Scanner for JPD (new) = $4,742.59
Night Vision Equipment for JPD (new) = $2,596.00
ID Tracking & Credentialing System for CCFR (new) = $4,278.39
Thermal Imaging Equipment for CCFR (new) = $ 232.00
Kodiak HAZMAT Exercise with AK Shield for CCFR (new) = $6,272.23

The term of this grant is October 01, 2012 through June 30, 2014.

There is no match requirement for this grant.

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

n. Ordinance 2013-11(AW) An Ordinance Appropriating to the Manager the Sum of $25,000 as Funding for the Retro-fit of the City and Borough of Juneau's Valley Street Sweeper to Meet the PM-10 Certification; Grant Funding Provided by the State of Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate to the Manager the sum of $25,000 as funding for a retro-fit to CBJ's valley street sweeper to meet the PM-10 certification which was a grant requirement of the initial purchase. Funding provided by the State of Alaska Department of Transportation and Public Facilities (DOTPF).

In 2011, CBJ purchased a street sweeper with funding received from the Federal Government Congestion Mitigation/Air Quality program and received through the Alaska Department of Transportation and Public Facilities. These funds were appropriated with ordinance number 2011-11(G). These funds were to be used for projects that could be proven to reduce traffic congestion and/or improve air quality in federally designated non-attainment areas. The Mendenhall Valley is a non-attainment area.

In March of 2014, DOTPF notified CBJ that they weren't able to close out the grant as the street sweeper was not PM-10 certified. DOTPF acknowledged they

failed to inform CBJ of the requirement. The retro-fit will result in PM-10 certification of the street sweeper. DOTPF will reimburse CBJ for the cost of the retro-fit and draft an addendum to the memorandum of agreement between DOT and CBJ to increase the original grant amount to $275K to allow for the cost of the retro-fit.

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

o. Ordinance 2013-11(AX) An Ordinance Appropriating to the Manager the Sum of $5,257 as Funding for the Purchase of Law Enforcement Equipment and licenses; Funding Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

This ordinance would appropriate $5,257 from the Asset Forfeiture Reserve, of the Roaded Service Area fund balance, to the Juneau Police Department, of which $2,395 will cover an annual license fee for the period June 5, 2014 to June 5, 2015. The license fee allows the Juneau Police Department to securely store investigative recordings on the Law Enforcement Telephone System, and have immediate access to the recordings.

The remaining $2,862 will be JPD's match for a Forensic Recovery Evidence Device, (Internet Crimes Against Children program will match 50% of the total $5,724 purchase price). This device is a highly specialized computer system that has the ability to gather forensic evidence of criminal activity from computer software. Most often used in drug cases, child pornography cases, and child sexual abuse cases.

If this ordinance is approved the Asset Forfeiture Reserve account will have a balance of $303,394.

The revenue source for this expenditure is from asset forfeiture and seizure monies JPD has received as a result of major drug investigations. Under state and federal asset seizure statues, monies that are realized as a result of the seizure and disposal of personal assets of individuals in drug trafficking can be equally divided among the various agencies involved in the investigation. Once those assets are allocated to the agencies involved, the monies seized must be expended in the area of law enforcement/drug enforcement efforts.

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

p. Ordinance 2013-11(AZ) An Ordinance Appropriating to the Manager the Sum of $22,281,250 as Partial Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project, Grant Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.

This ordinance would appropriate $22,281,250 for the Runway Rehabilitation capital project.

Funding is provided as follows:

Federal Aviation Administration grant:	$21,562,500

Alaska Department of Transportation match: $ 718,750

This project will resurface the runway, and install new drainage.

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport. Airport matching funds will be appropriated at a later date.

The Airport Board approved this action at its March 5, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Public Works and Facilities Committee reviewed this action at its March 17, 2014 meeting and recommended forwarding to the full Assembly for approval.

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

q. Ordinance 2013-11(BA) An Ordinance Appropriating to the Manager the Sum of $5,740 as Partial Funding to Send Two CBJ Employees to an Association of State Floodplain Managers Conference; Grant Funding Provided by the State of Alaska Department of Commerce, Community and Economic Development.

This ordinance would appropriate $5,739.80 as partial funding to send two CBJ employees to an Association of State Floodplain Managers Conference. Grant funding is provided by the State of Alaska Department Commerce, Community and Economic Development.

This travel and training grant is a 75/25 match. The State of Alaska will reimburse the City for conference registration fees, food (per diem), air fare, hotel and transportation costs. The City provides their 25% match in staff time.

The estimated cost of this project is $9,321.43.

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

2. Resolutions

a. Resolution 2686 A Resolution Repealing Resolution 2662 and Reestablishing the Rules of Procedure for Assembly Advisory Boards

Resolution 2686 is a housekeeping measure to address an inadvertent omission that occurred in the adoption of Resolution 2246, relating to the Advisory Board Rules of Procedure, in 2004.

One of the purposes of Resolution 2246 was to consolidate what was then six separate resolutions governing advisory boards into a single resolution. One of those six, Resolution 421 adopted in 1976, provided that advisory board, committee and commission members serve at the pleasure of the Assembly. Though intended to be repealed and incorporated into Resolution 2246, Resolution 421 was accidentally only repealed.

This resolution would correct that oversight by amending the Advisory Board

Rules of Procedure to include the removal provision adopted in 1976 by Resolution 421. The new language is found in Rule 8.

The Manager recommends this resolution be adopted.

Removed from the Consent Agenda:

Public Comment:

Dixie Hood was concerned about the imposition of term limits and said that continuity of membership was helpful to a board and she did not see a necessity for the clause to remove people from service. She also was concerned about the changes to the agenda template of the Parks and Recreation Advisory Committee and thought that it was helpful to have a section of the meeting dedicated to Board Member comments and questions.

Assembly Action:

Ms. Mead said the only new language was in provision 8, nothing else had changed.

Mr. Fischer said that the Clerks office was trying to have an agenda set up that was similar to the Assembly's agenda for all of the Boards and Commissions.

Mayor Sanford suggested Ms. Hood work with the PRAC regarding her issues with the PRAC agenda.

Mr. Kiehl said this resolution does not speak to term limits, the term limits are found in other areas of the code. The Assembly had not dictated to its advisory boards how to draft their agendas. He was willing to meet with the PRAC and discuss this.

MOTION, by Kiehl, to adopt Resolution 2686. Hearing no objection, it was so ordered.

b. Resolution 2690 A Resolution Amending the Docks and Harbors Bylaws.

The Docks and Harbors Board approved changes to its bylaws at its January 30th, 2014 regular Board Meeting. Upon recommendations from the CBJ Clerk's Office, additional corrections were approved at the May 29, 2014 Docks and Harbors Board meeting. Changes to the bylaws require Assembly approval. The bylaws were last updated in May 2005.

In addition to administrative housecleaning issues, some of the changes include:

1. Reducing the number of standing committees from three (Operations, CIP/Planning and Finance) to two (Operations & Planning, and Finance).
2. Defining the quorum of a standing committee to be a minimum of three members.
3. Aligning the Docks and Harbors' meeting agenda to more closely align with the protocols used by the Assembly.
4. Adding an indemnification section for Board member consistent with the language provided to the Eaglecrest Board of Directors bylaws.

CBJ Law reviewed the proposed changes and found them to be legally sufficient.

The Manager recommends this resolution be adopted.

c. Resolution 2692 A Resolution Reaffirming the City and Borough Assembly District Boundaries and Renumbering the City and Borough Precincts.

The new redistricting changes were approved by the Alaska Supreme Court in December 2013. The Division of Election implemented the changes in February 2014. As there were no changes requiring the City and Borough to adjust its current district boundaries, this resolution would reaffirm the current boundaries.

In March, 2014, the Division of Elections mailed all voters in Alaska new voter ID cards, indicating the new precinct number to which each voter is assigned. CBJ 29.07.030 requires that CBJ voting precincts be the same as those used for State elections. This resolution would update the CBJ Voting Precinct identification numbers to be the same as those used for state elections.

The Manager recommends this resolution be adopted.

d. Resolution 2693 A Resolution Repealing Resolution 1828 and Reestablishing the Schedule of Fees for Appeals.

This resolution would amend the amount of the appeal filing fee from $250 to $500. There have been no increases to the filing fee in 18 years.

This increase is consistent with the filing fee imposed in other municipalities, both in Alaska and nationally, which range from $250 in Seward, AK to $4,000 in Sacramento, CA. It is also consistent with CBJ development permit application fees, which range from $350 to $1650. Additionally, this increase more closely represents the true costs incurred by the CBJ in managing appeals. The resolution would maintain a provision allowing the Manager to waive the filing fee, in whole or in part, upon a showing that the appellant is unable to pay.

The Manager recommends this resolution be adopted.

Removed from the Consent Agenda:

Public Comment:

Dixie Hood said there should be a waiver for people who had an inability to pay.

Ms. Kiefer said that the only change to the resolution was a filing fee increase from $250 to $500. The process for a waiver was not changing from the original resolution. Ms. Mead said that it was the balancing test based on an analysis of income that was used by the State of Alaska to determine if the appeal fee should be waived.

Assembly Action:

MOTION, by Becker, to adopt Resolution 2693.

Ms. Crane objected, stating that if there was a problem with frivolous appeals, the Assembly could address this, however, there did not seem to be that problem and $250 seemed to be a good amount and $500 might prevent someone from moving forward with an appeal. This change would make it more difficult for some people to interact with local government.

Mr. Smith asked about the costs to the city. Ms. Sica said the costs were for copying and labor.

Mr. Kiehl said appeals were not a fee for service business, even though he understood the cost of the service.

Mr. Wanamaker said he supported the resolution.

Roll call:
Aye: Becker, Jones, Smith, Wanamaker, Sanford
Nay: Crane, Kiehl
Motion passed, 5 ayes, 2 nays.

3. Bid Award

a. Bid Results - E14-199 Centennial Hall Renovations

This project is for Centennial Hall renovations consisting of: furnishing all labor, equipment and materials for the replacement of domestic piping in the building; renovation of existing public and staff bathrooms and the addition of new bathrooms and custodial areas.

Bids were opened on May 30, 2014. The bid protest period expired at 4:30pm on June 2, 2014.

Results of the bid opening are as follows:

Bidders	**Base Bid**
North Pacific Erectors, Inc.	$1,250,000
Alaska Commercial Contractors, Inc.	$1,306,000
Silver Bow Construction	$1,370,000
Carver Construction, LLC	$1,451,117
Architect's Estimate:	*$1,067,790*

The Manager recommends award of this project to North Pacific Erectors, Inc., for the base bid amount of $1,250,000.

4. Transfers

a. Transfer T-954 Transferring $75,000 of Areawide Sales Tax from Berners Ave Reconstruction CIP to Hughes Way Improvements CIP.

Transferring $75,000 of Areawide Sales Tax from Berners Ave Reconstruction CIP to Hughes Way Improvements CIP.

Construction bids were opened on May 9th. The low bid of $155,743 was over the engineer's estimate and also over the amount of funds available. This transfer will allow construction to proceed to satisfy the CBJ commitment within non code ordinance 2012-02d – *Replatting of Hughes Way – Settlement of Keikkala Appeal of USE2011-010.*

Transfer From:		
R72-051	Berners Ave Reconstruction	$75,000
Transfer To:		
R72-102	Hughes Way Improvements	$75,000

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

The Manager recommends approval of this transfer.

VII. PUBLIC HEARING

A. Ordinance 2014-29 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 3873 and a Portion of USS 3406 FR, Located South of Auke Lake in the Pederson Hill Area, From D-1(T)D-5 to a Mix of D-10 and D-10SF.

In 2010, a study was done evaluating the potential development areas, potential development densities, and transportation access of the Pederson Hill area. That same year, sewer installation was completed. The area is currently classified as a transition zone, D-1(T)D-5.

The requested change to the zoning aligns with the MDR Comprehensive Plan designation, which calls for densities of 5-20 units per acre. The proposed D-10 and D-10SF both allow for a density of ten units per acre which is a higher density than the D-5 transition zone. This proposed density better implements the identified CBJ goals of providing low and moderate income housing.

The Planning Commission, at its March 25, 2014 meeting, reviewed this ordinance and recommended forwarding to the full Assembly for approval of the rezone of the described land from D-1(T)D-5 to a mix of D-10 and D-10SF.

The Manager recommends this ordinance be adopted.

Public Comment:

Dave Hanna spoke in favor of this ordinance. He said it was needed, even though he roamed around in those woods as a child, the property would serve a need the community had. The city pulled back the boundary out of the Auke Lake watershed, and might want to consider protecting the game migration corridors, in order to not impact a way of life the community enjoyed. He suggested modifying the plan to incorporate more D-10SF property and to have it directly abut adjacent land owners. Smaller homes on smaller lots would be closer to true affordable housing for purchase.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2014-29. Hearing no objection, it was so ordered.

B. Ordinance 2014-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 381 FR, Located at the Corner of Atlin Drive and Mendenhall Loop Road, from D-10 to Light Commercial.

This proposed ordinance is a result of the Harris v. CBJ Planning Commission appeal heard by the Assembly on March 17, 2014. In that case, Mr. Harris sought a rezoning of his property, located at 9050 Atlin Drive, from D-10 to Light Commercial.

After considering the parties' briefs and hearing oral argument, the Assembly granted Mr. Harris's appeal, directing that an ordinance providing for the requested rezone be drafted and forwarded to the Assembly for introduction.

This ordinance would amend the Official Zoning Map of the City and Borough to change the zoning of Mr. Harris's property at 9050 Atlin Drive from D-10 to Light Commercial, consistent with the Assembly's March 17, 2014 decision.

The Manager recommends this ordinance be adopted.

Public Comment:

Dixie Hood said that several years ago this same proposal was before the Planning Commission and Assembly and it was not approved. She opposed the zoning change and said it was not in line with the Assembly's goal of increasing affordable housing. There was a church there but no other businesses and this was suitable property for residential development.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2014-30.

Mr. Jones objected and reviewed the history of this ordinance through the Planning Commission, Assembly and appeals, and said he still maintained his objection to changing the zoning on this property.

Mr. Kiehl said he shared Mr. Jone's concerns. His objection focused on land use and there were many uses allowed in light commercial that were not consistent with the uses allowed in medium density residential. This rezone would not be in conformance with the Comprehensive Plan and it would not even be in substantial conformance. He had a concern for housing and the proponent of this rezone told the Assembly that there would be fewer units of housing developed with the rezone than without it.

Roll call:
Aye: Becker, Smith, Wanamaker, Smith
Nay: Crane, Jones, Kiehl
Motion failed, 4 ayes, 3 nays.

C. Ordinance 2014-31 An Ordinance Providing for a Penalty Relating to Motorized Uses on Auke Lake.

On April 7, 2014, the Assembly adopted Ordinance 2014-20, which amended code section 67.01.095 related to motorized uses on Auke Lake. Ordinance 2014-20 eliminated the prohibition against certain sized vessels and added a prohibition against the rinsing or flushing of boat engines in the lake, along the wayside, or within 50 feet of the lake shoreline.

This ordinance would amend the fine schedule by eliminating the penalty related to vessel length, and by providing for a $250 penalty for the illegal rinsing or flushing of boat engines, as prohibited by CBJ 67.01.095(e).

The Manger recommends this ordinance be adopted.

Public Comment:

Dave Hanna said he was in favor of the ordinance and the amendment to the fine itself, but he was concerned about refueling. He understood that this would prohibit refueling of vessels within so many feet of the lake. It was unenforceable due to all of the private property on the lake, and it should only pertain to public property.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2014-31. Hearing no objections, it was so ordered.

D. Ordinance 2013-11(AS) An Ordinance Appropriating to the Manager the Sum of $2,890 as Partial Funding for the Purchase of Bullet Proof Vests; Grant Funding Provided by the United States Department of Justice and Local Funding Provided by the Juneau Police Department.

This ordinance would appropriate $2,890 in grant funds from the U.S. Department of Justice, Office of Justice Programs for the purchase of bullet proof vests. The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. The grant funds are anticipated to pay fifty percent of the total costs for thirteen vests with the remaining 50% (the grant match) from JPD's operating budget.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2013-11(AS). Hearing no objections, it was so ordered.

VIII. UNFINISHED BUSINESS

Ms. Becker gave notice of reconsideration of Ordinance 2014-30.

IX. NEW BUSINESS

A. Tax Exemption Review Committee

Mayor Sanford announced the formation of the Assembly Tax Exemption Review Committee. Mary Becker would serve as Chair, Jesse Kiehl as Co-Chair, Jerry Nankervis and Kate Troll would also serve. Mayor Sanford said the committee would review all tax exemptions and this was last reviewed in 2005, when significant work was done and that information would be useful to the committee.

B. Appeal - Sealaska Heritage Institute v CBJ Assessor Regarding a Determination of the Taxable Portion of the Walter Soboleff Cultural Center.

On May 12, 2014, the CBJ Assessor issued a final decision regarding the taxable portion of the Walter Soboleff Cultural Center. The petitioner, Sealaska Heritage Institute, represented by Simpson, Tillinghast, Sorensen, & Sheehan, P.C., filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Tuesday, May 27, 2014. The appellant and the CBJ Assessor have been advised that this matter is before the Assembly.

The Notice of Appeal and the Notice of Decision are in your packet. The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the Appellate Code.

The Code requires that upon receiving an appeal, the Assembly must first decide whether to accept or reject it. The standards applicable to this decision are set out at CBJ01.50.030(e). You must liberally construe the notice of appeal in order to preserve the rights of the appellant. If, after doing so, you find that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If you decide to accept the appeal, you must then decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer.

If you decide to hear the appeal yourselves, you will be sitting in your quasi-judicial capacity and must avoid discussing the case outside of the hearing process. Additionally, you must comply with section 01.50.230 on Impartiality.

CBJ 01.50.230 Impartiality: "The functions of hearing officers and those appeal agency members participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings. Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties."

As a matter on appeal before the Assembly, the Manager made no recommendation.

This item was removed from agenda.

X. STAFF REPORTS

A. Airport Supplemental

Ms. Kiefer said per CBJ Code 53.50.040(c) that she had approved a supplemental agreement for the Airport. She did approve a supplemental for the Airport before with a "not to exceed" $250,000, and it was slightly less than that for the work needed to have Delta Airlines replace the old passenger boarding bridge. There were some pieces of the work that were not able to happen under that supplemental and a second supplemental was needed, for no more than $15,000 to finish that work, and some paving was added to the work. She said the funding would come from the Airport CIP.

XI. ASSEMBLY REPORTS

A. Mayor's Report

1. Empowered Board Memo - June 6, 2014

Mayor Sanford referred to his memo in the packet and asked for a motion from the Assembly to give direction to staff regarding the investigation of an empowered board for the pools.

Ms. Crane said she did not object to the idea of an empowered board, but there were a number of issues to decide before this went before the public. She asked Ms. Kiefer if there was sufficient time to get this on the October ballot. Ms. Kiefer said there would always be questions about how to move this forward, and some work had been done on the ordinance that would need to be drafted if the measure passed on the ballot as a charter amendment. She suggested introduction on June 30, referral to the Finance Committee on July 9 for discussion, and potential public hearing on July 21. Some of the questions were answered in the draft ordinance provided by the interest group.

Ms. Crane said the Assembly had also discussed moving Treadwell to be managed by the Eaglecrest Board, and asked if that would require a charter amendment. Ms. Mead said there was not a clear answer. The Charter provision spoke about the empowered board for the ski area overseeing the "ski area." There was a past practice of expanding that scope to manage another recreational facility in CBJ, the Diamond Park Field House. The Assembly was allowed to flesh out the authorities of the empowered board by ordinance.

Ms. Crane said she had no firm opinion but would like information to make a decision and asked if this would be timely.

Mayor Sanford said that the Assembly had enough balls in the air and thought that would be better left to the next election cycle. Ms. Kiefer said it would depend on whether the issue needed to go to the voters. She was not sure whether the Eaglecrest Board had discussed the issue.

MOTION, by Jones, to direct the City Manager to bring forward language for a charter amendment to establish a Juneau pool empowered board. Hearing no objection, it was so ordered.

Mr. Kiehl said he would like to see this discussion expanded to allow Eaglecrest the authority to manage the ice arena as well. He said managing the city-owned ice arena was different than contracting for managing a non-city owned field house.

MOTION, by Kiehl to direct the City to bring forward appropriate language to allow the Ski Area board to manage the Treadwell Ice Arena. Hearing no objection, it was so ordered.

B. Committee Reports

Mayor Sanford noted the beginning of Celebration with the Parade on Wednesday, June 11 and a Grand Entrance on Thursday at Centennial Hall.

Committee of the Whole: Chair Becker said there were two pending meetings. On June 16 there would be discussion of the Wireless Ordinance and the Rezoning Ordinance. On June 23, there would be discussion about the Economic Development Plan, the Election Code Ordinance and the e-Cigarette Ordinance.

Human Resources Committee: Chair Kiehl said the HRC would next meet on June 30.

Finance Committee: Chair Crane said the packet was available for June 11. Mayor Sanford asked the Assembly to bring their budget books and if need be there would be a place to store them at City Hall.

Lands and Resources Committee: Chair Smith said the committee met and recommended that the Assembly direct staff to continue negotiations with Juneau Legacy Properties. He said the question before the Assembly was whether the Assembly wanted to further pursue this. Mayor Sanford asked if he was looking for Assembly action regarding that. Mr. Smith said if there was interest on the Assembly's part to discuss it further Mr. Chaney was present. There were concerns expressed regarding the public process.

Mr. Kiehl stepped down from the meeting due to a conflict of interest.

Mayor Sanford asked if the Assembly had already given Mr. Chaney direction to move forward. Ms. Kiefer said the Lands Committee did move it forward, and staff would move it forward to the full Assembly, unless they heard otherwise. Mr. Chaney said there was a question about public notice and he said the Juneau Legacy Properties proposal was unsolicited by the Lands Office. He was seeking the Assembly's direction regarding its interest in proceeding forward. As directed by the Assembly the staff advertised the property and only received one proposal, from Juneau Legacy Properties. The Lands Committee did vote to move it forward to the Assembly for consideration.

MOTION, by Wanamaker, to direct staff to work out details regarding the Juneau Legacy Properties proposal and return them to the Assembly when complete. Hearing no objection, it was so ordered.

Mr. Kiehl returned to the meeting.

Public Works and Facilities Committee: Chair Wanamaker said the PWFC met on June 2 and received information on the Hughes Way LID and the project there to pave the street, the Last Chance Basin and Salmon Creek water rehabilitation project, and forwarded legislative and administrative grant applications to appropriate funds to the Assembly level.

C. Liaison Reports

Downtown Business Association: Liaison Jones said he attended a meeting and they had questions related to a contract with the CBJ, which he relayed to the City Manager, and then back to the DBA.

Local Emergency Planning Committee: Liaison Jones said the next meeting was June 11.

Docks and Harbors Board: Liaison Jones was pleased with the joint meeting with the Assembly, and updated the Assembly about the damaged floats at Statter Harbor.

Eaglecrest: Liaison Smith said the Board met and approved a memorial plaque display policy. The Board reviewed the operations report, the budget, and discussed the manager's evaluation.

Bartlett Hospital Board: Liaison Crane said the Board was dealing with a continuing issue of on-call for physicians and the Board gave direction to the new CEO in that area.

Affordable Housing Commission: Mr. Kiehl said the Commission met and discussed the Housing Action Plan RFP and were awaiting some feedback from staff to finalize the RFP and to discuss the timing in order to build on, rather than duplicate, the Economic Development Plan.

School Board: Liaison Kiehl said the Board was meeting to interview the finalists for the school

superintendent. The meetings with the finalists were very well attended.

Alaska Committee: Liaison Becker said a retreat was planned for June 11.

Campus Council: Liaison Becker said the council was on summer break.

Chamber of Commerce: Liaison Becker reminded the Assembly that the meetings moved to the Airport community room for the summer.

D. Presiding Officer Reports

Zenk v Planning Commission: Presiding Officer Jones said he ruled on a motion to expand the record, a transcription was ordered and the costs of such would be split based on no objection from the parties, and a clarification of the request to supplement the record would be reviewed. There was some delay on the briefing schedule, but the hearing date would remain the same.

Vick v Animal Hearing Board: Presiding Officer Kiehl said the appeal was on track.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones said he and Mr. Kiehl had a meeting with Water Superintendent Crabtree at the water wells and he appreciated the time and explanation of the operation.

Mayor Sanford said he was in contact with some officials in Whitehorse and the Royal Canadian Mounted Police were invited to Juneau to be in the parade.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. Litigation update from City Attorney related to the Bicknell matter currently under appeal.

B. City Attorney Evaluation

MOTION, by Becker, to enter into executive session to discuss litigation related to the Bicknell Appeal, and to discuss the Municipal Attorney's performance evaluation. Hearing no objection, the Assembly entered into executive session at 8:45 p.m. and returned to regular session at 9:33 p.m.

Upon returning to regular session, Ms. Becker said the Assembly discussed the Attorney's evaluation and gave direction on how to continue in that process at a future meeting. The Assembly discussed the Bicknell matter and assigned work to the Municipal Attorney and Manager, to come up with a recommendation for the Assembly when they were able.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:35 p.m.

Signed:_____ Signed:_____

Laurie Sica, Municipal Clerk Merrill Sanford, Mayor