THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 7 2014

MEETING NO. 2014-11: 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 (telephonic), Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, Kate Troll and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Amy Mead, City Attorney; Rob Steedle, Deputy Manager; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Department Director; Ben Lyman, Senior Planner; Sarah Bronstein, Planner; Brent Fischer, Parks and Recreation Director; George Schaaf, Parks and Landscape Superintendent; Myiia Wahto, Recreation Superintendent; Kirk Duncan, Public Works Director; John Kern, Transit Manager; Robert Barr, Library Director; Greg Chaney, Lands and Resources Manager; Gary Gillette, Port Engineer.

II. SPECIAL ORDER OF BUSINESS

A. Honorary Mayor - Penn Lamb from Yaakoosge Daakahidi High School

Mayor Sanford introduced Ms. Penn Lamb from Yaakoosge Daakahidi High School, who served as Honorary Mayor for the day. Ms. Lamb joined the Assembly at the dias for the meeting.

III. APPROVAL OF MINUTES

A. February 26, 2014 - Special Assembly Meeting 2014-07

Hearing no objection, the minutes of the February 26, 2014 Special Assembly Meeting 2014-07 were approved as presented.

B. March 10, 2014 Special Assembly Meeting 2014-08

Hearing no objection, the minutes of the March 10, 2014 Special Assembly Meeting 2014-08 were approved as presented.

C. March 17, 2014 - Regular Assembly Meeting 2014-09

Hearing no objection, the minutes of the March 17, 2014 Regular Assembly Meeting 2014-09 were approved as presented.

D. March 24, 2014 - Special Assembly Meeting 2014-10

Hearing no objection, the minutes of the March 24, 2014 Special Assembly Meeting 2014-10 were approved as presented.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Dave Hanna spoke about and idea he had heard discussed in the community regarding having an independent party evaluate the operation of each department and its finances. He suggested that there could be local people that were qualified to do this and said that often we all become accustomed to doing things a certain way, which we think it is efficient, but we might convene a panel of volunteers to look at CBJ operations for efficiencies.

Mr. Sanford said that the Assembly planned to discuss that following adoption of the budget.

VI. CONSENT AGENDA

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

Dixie Hood requested that Resolution 2685 regarding the Transit Plan be removed from the Consent Agenda for discussion.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

_MOTION_*, by Becker, to adopt the consent agenda with the removal of Resolution 2685.* Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2014-16 - An Ordinance Amending the Land Use Code Relating to Lands Available for Leasing.

This ordinance would clear up an ambiguity in the CBJ Code related to the leasing procedure used for CBJ property.

CBJ 53.20.020 provides that no CBJ property may be leased unless the Assembly has declared the property to be available for leasing either by resolution or by identifying it in the land management plan, unless the lease is specifically authorized by ordinance.

CBJ 53.09.260 allows for an exception to the general leasing procedure upon application by an interested person or business, and final approval by the Assembly by ordinance.

This ordinance clarifies that CBJ 53.09.260 is an exception to the general leasing procedure codified in CBJ 53.20.

The Lands Committee unanimously adopted a motion supporting this Code change at its March 24, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be introduced and set for public hearing.

b. Ordinance 2014-23 An Ordinance Approving the Creation of Local Improvement District No. 60 to Improve the Roadways Within Tanner Terrace Subdivision.

This ordinance would create Local Improvement District No. 60, for the purpose of improving the roadway in Tanner Terrace Subdivision by replacing the gravel roadway with asphalt pavement; installing sidewalks, gutters and curbs; and improving the water, sewer and underground storm drainage systems. Tanner Terrace Subdivision is located in Auke Bay, and consists of Bayview, Seaview and Cross Street. The total cost of the project is estimated to be $1,000,000. $933,400 was appropriated with FY14 CIP – R72-065 Tanners Terrace LID. The remaining $66,600 would come from assessments against the properties to be benefitted. The proposed assessment per lot is $3,700.
An informal poll was conducted of the property owners in this proposed LID area. Out of a total of fifteen, six responses were received. Six responded in favor, with none opposed.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that this ordinance will be introduced on April 7, 2014, with the Public Hearing scheduled for April 28, 2014. The notices informed property owners that they would have this opportunity to make their views known to the Assembly.

At the public hearing the Assembly shall hear objections from any owner affected by the formation of the district and may make changes in the proposed boundaries or in the plans for the proposed improvements. The Assembly may not change the boundaries of the district to include property not previously included without first giving new notice to owners in the manner and form and within the time provided for the original notice.

The Manager recommends this ordinance be introduced and set for public hearing.

c. Ordinance 2014-24 An Ordinance Appropriating Funds From The Treasury For FY15 City and Borough Operations.

This ordinance would appropriate $307,406,400 for the City and Borough of Juneau's FY15 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditure within the funds themselves. These transfers account for $81,927,900 of the FY15 operating budget. Excluding the transfers and School District, the CBJ FY15 operating budget, debt service and capital projects is $225,478,500.

The Charter requires that a public hearing be held on the FY15 operating budget by May 1, 2014, and adoption by June 15, 2014.

The Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

d. Ordinance 2014-25 An Ordinance Appropriating Funds From The Treasury For FY15 School District Operations.

This ordinance would appropriate to the School District an FY15 operating budget of $95,915,700. The FY15 school budget is supported with a combination of funding sources that includes local funding of $24,904,400. This consists of

$24,134,400 for general operations, $565,000 for student activities, $70,000 for pupil transportation, and $135,000 for Community Schools. The $24,134,400 in general operating support is the same level of funding as provided in FY14, and is $200,000 less than the maximum amount allowed under the State's Education Foundation Funding Formula.

State Statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding CAP, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2014.

On April 28th, the Assembly must state, by motion, the amount of local funding to be provided to the School District. This amount cannot be lower than the minimum required by State law, which is $13,094,500 but can be as high as the maximum allowed amount, which is $24,326,400.

The Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

e. Ordinance 2014-26 An Ordinance Establishing the Rate of Levy for Property Taxes.

This ordinance would establish the mill rates for property taxes for 2014, which funds the City and Borough of Juneau's FY15 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY15 Proposed Budget that is currently being reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

This ordinance proposes a total mill levy of 11.20.

The Manager recommends this ordinance be introduced, referred to the Assembly Finance Committee for further review, and set for public hearing at the regular Assembly meeting scheduled for April 28, 2014.

f. Ordinance 2013-11(AP) An Ordinance Appropriating to the Manager the Sum of $50,000 as Funding for the State of Alaska's Brotherhood Bridge Project; Funding Provided by Alaska Department of Transportation.

This ordinance would appropriate $50,000 from the Alaska Department of Transportation (DOT) for the inspection of the waterline replacement necessary due to the State of Alaska's Brotherhood Bridge replacement project.

DOT has requested that CBJ inspect the water line replacement that is part of the Brotherhood Bridge Replacement Project. DOT will pay CBJ for staff time and an inspection consultant to ensure the work is completed to CBJ specifications. If the work requires more inspection than the $50,000 initially provided, DOT will provide additional funds to cover the expense.

The Public Works and Facilities Committee reviewed and approved this request at its March 24, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be introduced and set for public hearing.

2. Resolutions

a. Resolution 2685 - A Resolution Approving the 2014 City and Borough of Juneau Transit Development Plan.

The 2014 Transit Development Plan is a short-term implementation plan that sets the course for any changes to the transit system that might take place in the next five years. The Transit Development Plan is used by Capital Transit and the State of Alaska Department of Transportation and Public Facilities to identify capital costs and schedule funding so as to ensure that the transit fleet is updated and replaced in accordance with Federal Transit Administration schedules. There is no immediate or attendant cost to adopting the Transit Development Plan; operational funds allocated to Capital Transit are used on an as-available basis to enact the changes called for in the plan.

The Committee of the Whole reviewed this plan at its March 10, 2014 meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of Resolution 2685.

This item was removed from the Consent Agenda.

Public Comment:

Dixie Hood said she was speaking on behalf of Juneau Senior Citizens, many of whom had attended public presentations and given input on the plans. There are concerns about safety and winter clearance of the bus stops, which could be a problem for many seniors and those with disabilities. The other issue presented by the Juneau Commission on Aging was for holiday service by Capital Transit. On the holidays, many seniors wanted to spend time with family or friends and on that day the buses and caravan service did not run, so there was only taxi service. She said the cost was minimal to add this service and she hoped the Assembly would consider including this in the budget this year. Employees working on the holidays would also benefit from being able to use public transportation. She asked for support of this idea.

Assembly Action:

MOTION, by Crane, to adopt Resolution 2685.

Ms. Troll said the Planning Commission also recommended the clearance of bus shelters and asked if the adoption of the plan would incorporate the recommendations of the Planning Commission, as those recommendations had no cost. Mr. Steedle said that it was an operational goal to keep the bus stops cleared of snow, but there was a cost associated. The plan did not include the holiday service in the short term, but in the mid-term. Ms. Troll said the Assembly had the option of addressing that through the budget discussions and Mr. Steedle said that was correct.

Hearing no objection, Resolution 2685 was adopted.

3. Liquor License

a. Liquor License Renewal

The following liquor license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development, and Public Works Departments have reviewed the below business and found it to be in compliance with CBJ Code and recommends the Assembly waive its right to protest the renewal.

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

Midnight Ninja Ventures Inc. d/b/a The Rookery Café; Location: 111 Seward Street (Restaurant/Eating Place License #5153)

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

VII. PUBLIC HEARING

A. Ordinance 2014-15 - An Ordinance Amending Non-code Ordinance 2010-02, Authorizing the Port Director to Lease a Portion of Alaska Tidelands Survey No. 357 to Alaska Glacier Seafoods, Inc., to Allow the Lessee to Use the Auke Bay Loading Facility to Access the Leased Premises.

Ordinance 2010-02 authorized the Port Director to enter into a lease agreement with Alaska Glacier Seafoods, Inc., for a portion of tidelands located near the Auke Bay Loading Facility (ABLF). One of the conditions of the ordinance incorporated into the 2010 lease was a prohibition against Alaska Glacier Seafoods using the ABLF to access its processing facility.
Alaska Glacier Seafoods submitted a request to the Docks and Harbors Board to allow it temporary access through the ABLF while Alaska Glacier Seafoods works to improve access to and from its facility via Glacier Highway.

Alaska Glacier Seafoods request was approved by the Docks and Harbors Board at its regular board meeting on January 30, 2014, where the Board envisioned a temporary amendment to the lease agreement to allow access for up to three years. Amending the lease would require an amendment to Ordinance 2010-02 to remove the provision prohibiting the lessee access to the leased premises via the Loading Facility.

The Manager recommends adoption of Ordinance 2014-15.

Public Comment:

Greg Fisk spoke, representing Alaska Glacier Seafood. He said this action helped the company plan for future expansion and hopefully would increase seafood landings in Juneau

Mr. Smith asked about the three year term, and Mr. Fisk said he thought that would provide sufficient time to complete the planning process regarding development of the parcel and for obtaining access off the highway from the Department of Transportation.

Ms. Mead said the original ordinance included a blanket prohibition against access through the ABLF, and this change would allow the Docks and Harbors Board the ability to extend the access agreement without another ordinance change. Ms. Mead said that leases came to the Assembly for final approval and lease changes went through a process. This would allow that process to occur without the ordinance needing to be changed.

Mr. Kiehl asked why the initial ordinance included the prohibition on access.

Mr. Gillette said the lease of the AGS property went through its process and at the time the Board did not want to grant access go through the property because Alaska Glacier Seafoods uses of the property were unknown. The facility still has not seen its full potential so the board did not want to grant a permanent easement at this time, but recognizing the needs of AGS the Board agreed to temporary access until it saw final plans. Mr. Kiehl said DOT has a tendency to not allow access to Glacier Highway if there are other options, so he was concerned that this access would result in a "No" from the state.

Mayor Sanford asked if AGS could access their own property now. Mr. Gillette said they could but it was difficult with their trucks. Their ultimate plan is access their property via Glacier Highway.

Assembly Action:

MOTION, by Wanamaker to adopt Ordinance 2014-15. Hearing no objection, it was so ordered.

B. Ordinance 2014-20 - An Ordinance Amending the Recreation, Parks and Community Centers Code Relating to Motorized Uses on Auke Lake.

Parks and Recreation staff provided an update on Auke Lake Management to the Committee of the Whole on January 13, 2014. Following that meeting, staff was requested, by Assemblymember Nankervis, to make two changes to the code governing motorized uses on Auke Lake: eliminate the current code section limiting use of the lake to vessels with a maximum length of 16 feet or less, and add a restriction prohibiting the flushing of boat motors in the lake.

The ordinance was introduced at the March 17, 2014 Assembly meeting.

The Lands Committee reviewed the ordinance at its March 24, 2014 meeting and recommended the ordinance be amended to only prohibit the flushing of boat motors, while retaining the current language in CBJ 67.01.095 imposing a maximum vessel length limit.

A version (b) of the ordinance, reflecting the Lands Committee's suggested amendment, is included in the packet.

The Manager recommends adoption of Ordinance 2014-20(b).

Public Comment:

Neil Atkinson said he was out of town during these discussions. He was concerned that he and other jet boat owners would no longer have a freshwater location to flush their engines, as it was not possible to hook un an external flushing system. He had been flushing his engine at Auke Lake since 1976. His boat was 26' and he had no intention of operating his boat on Auke Lake. He had been told by JPD that he could not flush at Twin Lakes.

Mike Peterson spoke in support of the Lands Committee recommendation the 16' or less length restriction on vessels. The lake could be a beehive of activity and he was concerned about safety.

Dave Hanna said he had the longest continuous residence on Auke Lake and spoke in favor of removing the length restriction on vessels. The speed of the boats was more of a concern than the size. 18' boats were the smallest boats recommended by water skiers for providing stability. He said he had mixed feelings about flushing and the concern was bilge water. He said the outfall was reconfigured to address this problem.

Assembly Action:

MOTION, by Wanamaker to adopt Ordinance 2014-20.

The Assembly requested Parks and Recreation staff to comment on the length restriction. George Schaaf said the length limit was fairly easy to enforce because the Department of Motor Vehicles could provide the length limit of a boat. The problem was that many vessels on the length were not registered, and this was the purview of the State Troopers. The staff's statistics on use only broke down the vessel types between personal watercraft/jet skis and anything else. Personal watercraft were more of a problem than other types of crafts. He said the staff had presented information previously to the Committee of the Whole on lake usage and staff would continue to gather information throughout the year.

Mr. Kiehl said he was not comfortable making changes to the length limit as data would continue to be collected and also the Assembly had heard concerns about the possibility of increased number of large vessels on the lake.

Ms. Troll asked if the Parks and Recreations Advisory Committee had made a recommendation on vessel length. Brent Fischer said the recommendation was not on length, but on speed, and recommended a limit of 10 hp on the lake.

Ms. Troll asked about flushing of flushing jet boats and if the community had to choose, which would be better for that activity, Auke Lake or Twin Lakes. Mr. Schaaf said the flushing issue on Auke Lake related back to the vessel length limit, so it came down to boats over 16 feet using the lake for any use. Auke Lake was a state lake and Twin Lakes was a CBJ park. Within city parks, no motorized vehicles of any kinds were allowed outside of parking lots. Mr. Schaaf said staff had not looked at the environmental impacts of rinsing and flushing at Twin Lakes. The concerns about rinsing and flushing came primarily from the public and the State of Alaska Department of Environmental Conservation.

Mr. Kiehl asked if there was a 10hp limit on Auke Lake. Mr. Fischer said no.

MOTION, by Kiehl, to amend Ordinance 2014-20 by substituting version b, which included the vessel length restriction.

Roll call:
Aye: Crane, Jones, Kiehl, Troll
Nay: Becker, Nankervis, Smith, Wanamaker, Sanford
Motion failed, 4 ayes, 5 nays.

Roll call on main motion:
Aye: Becker, Nankervis, Smith, Wanamaker, Sanford
Nay: Crane, Jones, Kiehl, Troll
Motion passed, 5 ayes, 4 nays, and Ordinance 2014-20 was adopted.

C. Ordinance 2014-21 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 1.3 Acres of Lot 2, Two Lot Subdivision, a Fraction of USS 1075, Located at 3410 Glacier Highway, from D5 to General Commercial.

This ordinance would rezone a 1.3 acre portion of a single lot in the Salmon Creek area along Glacier Highway from D5 to General Commercial. The applicant, AWARE, has obtained grant funding for the construction of a 12 unit residential facility to serve as a long term shelter for victims of domestic abuse leaving the organization's emergency shelter.

The lot in question is large enough to support a multi-family residential building, is served by transit, and is within the Urban Service Area. However, the entire lot is currently zoned D5, where multi-family residential development is not allowed. If this rezone is approved, the property owner will subdivide the lot and sell the rezoned southwestern portion to AWARE, retaining the northeastern portion for future residential development at the existing D5 density.

On February 25, 2014, the Planning Commission unanimously adopted staff's findings and moved to forward a recommendation for approval to the full Assembly.

The Manager recommends adoption of Ordinance 2014-21.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis to adopt Ordinance 2014-21. Hearing no objection, it was so ordered.

D. Ordinance 2014-22 - An Ordinance Amending the City and Borough of Juneau Code Relating to Street and Sidewalk Vending.

This ordinance would amend the City and Borough Code relating to sidewalk and street vending. It would remove entirely the references to street vending permits, which, according to CDD, are not utilized. With respect to sidewalk vending, it would do the following:

1. correct CBJ 42.20.210 to clarify that persons with sidewalk vending permits are exempt from the off-street solicitation provision;
2. increase the monthly permit fee from $100 to $150;

3. allow a 25% increase in allowable vendor space size from 15 to 20 square feet;
4. require sidewalk vendors to provide proof of “open flame” permits when appropriate; and
5. specify that goods handcrafted or characteristic of the heritage or culture of Southeast Alaskan Natives sold directly by the artist are one type of goods allowed to be sold with a permit.

The Manager recommends adoption of Ordinance 2014-22.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2014-22 for the purpose of discussion.

Ms. Crane said she had concerns about the removal of street vending and the removal of public liability insurance requirements. Ms. Mead said the insurance was covered in another section of the code that was not referenced in this ordinance.

Mr. Kiehl said he appreciated desire to clean up code sections that were not used, but deleting the opportunity for street vending may not be the right road to take. The food cart business was growing and perhaps it would be better to review the code to make the activity more attractive.

MOTION, by Kiehl, to refer Ordinance 2014-22 to the Committee of the Whole. Hearing no objection, it was so ordered.

E. 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's Fund Balance.

This ordinance would transfer $1,514,583 to the Open Space Waterfront Land Acquisition capital project from the Lands Fund balance reserved for noise abatement 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 (which was funded with Marine Passenger Fees) 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 MPF 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 Manager recommends adoption of Ordinance 2013-11(AN).

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker to refer Ordinance 2013-11(AN) to finance committee for purposes of review and recommendation. Hearing no objection, Ordinance 2013-11(AN) was adopted.

F. Ordinance 2013-11(AO) An Ordinance Appropriating To The Manager The Sum Of $11,893 As Partial Funding For The Design And Installation Of A New Roof For The Treadwell Salt Water Pump House At The Treadwell Mine Historic Park.

This ordinance would appropriate $11,893.00 to the Treadwell Salt Water Pump House roof replacement project; funding provided by the Treadwell Historic Preservation and Restoration Society.

CBJ was awarded a matching grant from the Alaska Department of Natural Resources Historic Preservation Fund in the amount of $19,564 (Ord 2013-11 (F)) to replace the roof structure and roofing material on the Pump House at Sandy Beach. The grant required a 40% match which is being provided through in-kind services of volunteers and cash by the Society, which raised the funds through private and corporate contributions and a fund raising event.

The Manager recommends adoption of Ordinance 2013-11(AO).

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-11(AO). Hearing no objection, Ordinance 2013-11(AO) was adopted.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Docks and Harbors - In-Lieu Fee for Mitigation - Tidelands Fill for Statter Harbor Launch Ramp Project

This request would authorize the Port Director to make an In-Lieu Fee payment to the Southeast Alaska Land Trust for mitigation of impacts resulting from fill required for the construction of the new Statter Harbor Launch Ramp. The Army Corps of Engineers issued a permit to allow placement of fill with a special condition requiring compensatory mitigation for the unavoidable impacts to waters of the U.S. SEALTrust will use the funds to purchase lands with similar habitat values for preservation through a conservation easement. This concept has been utilized in past CBJ projects most recently at the Airport.

The In-Lieu Fee is $32,101 per acre for a total of $329,838. The project budget anticipated this expenditure and funds are available in the CIP account for this project.

The Docks and Harbors Board, at its February 27, 2014 meeting recommended the Assembly approve this expenditure.

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

The Manager recommends approval of this expenditure.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, for orders of the day. Hearing no objection, it was so ordered.

B. Request for Manager to Enter Into Negotiations with Juneau Legacy Properties LP., for CBJ Property Located at at the Corner of 2nd and North Franklin Streets.

The Lands Division received an application from Steve Soenksen of Juneau Legacy Properties LP., to purchase the CBJ parcel of land across from the Baranof Hotel, located at 2nd and North Franklin Streets, currently being used as an hourly parking lot.

The legal description of these lots is: Juneau Town Site, Block 11, Lot 1 and fraction of Lot 8, and Lot 2 and fraction of Lot 3; properties total roughly 0.28 acres.

According to CBJ 53.09.260, Juneau Legacy Properties' proposal "shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of the City and Borough land."

Assembly Action:

Mr. Kiehl said he needed to recuse himself as he had discussions about investing in this project. Ms. Mead said she had reviewed the code, and said it was a close call to whether there was an actual conflict or the appearance of a conflict. Mayor Sanford excused Mr. Kiehl from the meeting without objection.

Ms. Becker asked how many parking places were on the property and Mr. Steedle said 25.

Ms. Crane said she supported housing projects as good for the community but there was not a lot of information provided. The public has shown a recent interest in public property leases. She suggested opening up the opportunity for 30 days to see if there would be other proposals.

Mr. Smith asked staff what type of review would be done. Mr. Chaney said he would get an appraisal and the interested parties would need to provide a more specific plan

Mr. Wanamaker said the manager was requesting the ability to negotiate a lease but the manager did not have the authority to enter into a lease. Parking would be one issue and all issues affecting the public interest would need to be taken in to account. He did not object to opening the option up for 30 days, but thought there should be some definition of what the community was looking for in leasing the property. He suggested 90 days.

Mr. Chaney said he would like as much guidance as the Assembly could give, such as timing, if it should focus on only housing project or if it should be public use projects, etc. He said Mr. Soenksen's preference was to purchase the property.

Steve Soenksen said they prefer to purchase the property and would put together a housing proposal. Downtown housing was a vexing issue and it had impacts on the capital issue and economic development. They needed a site.

Mr. Nankervis asked about parking. Mr. Soenksen said surface parking was not the highest and best use of the property but there was no geotechnical information about the site so he did not know yet what the possibilities were

Mr. Jones said the CBJ code refers to competition after invitation from further proposals and what that meant. He was not sure about setting a deadline for proposals

Ms. Mead said there were no guidelines relative to this code section that defined invitation for further proposals. She suggested the need for a an opportunity for full and fair participation, with a publication period, proposals received, and run through a process. She recommended a manager's policy be laid out before this starts. There was a process at the airport for concessions and something like that would be good. "Reasonable" is not defined in the code.

<u>MOTION</u>, *by Wanamaker, to authorize the City Manager to negotiate with the parties that had submitted a proposal and any other party that submitted a proposal within 30 days of April 8, and to work the proposal through the Lands Committee.* Hearing no objection, it was so ordered.

Mr. Kiehl returned to the meeting.

C. Liquor License #4192 Renewal - Seong's Sushi Bar & Chinese Takeout

Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout; Location: 740 W 9th Street (Restaurant/Eating Place License #4192)

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its renewal. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Department is recommending the Assembly protest the license renewal based on outstanding sales tax returns and the corresponding penalties and interest for a total amount of $28,982.60 owing through April 2014.

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

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

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

<u>Public Comment</u>: None.

<u>Assembly Action</u>:

<u>MOTION</u>, *by Kiehl, to accept the recommendation of the Human Resources Committee to protest*

renewal of License #4192, Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout, based on unpaid and unfiled sales tax amounts. Hearing no objection, it was so ordered.

D. Liquor License #673 Renewal - Peterson Pacific Holding Inc. d/b/a Louie's Douglas Inn

Peterson Pacific Holding, Inc. d/b/a Louie's Douglas Inn; Location: No Premises (Beverage Dispensary License #673)

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its renewal. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Department is recommending the Assembly protest the license renewal based on outstanding utility billing owing in the amount of $652.31.

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

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

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

Public Comment: None.

Assembly Action:

MOTION, by Kiehl to waive the Assembly's right to protest the License #673, due to recent payment in full of outstanding accounts. Hearing no objection, it was so ordered.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Honorary Mayor Penn Lamb said she discovered how hard the Assembly works to manage the community. She was thankful for Yaakoosge Daakahidi High School, which was committed to student graduation.

Mayor Sanford thanked Ms. Troll for her work on the honorary mayor program.

Mayor Sanford recommended appointment of Dr. Stanley "Jeep" Rice to the NOAA Task Force. Hearing no objection, it was so ordered.

Mayor Sanford spoke about the construction that would be done following session on the Capitol Building. He said that the current Legislative Session had many moving pieces. The SLAM received its full funding from the Senate at this point and he thanked the work of Kevin Jardell and others on this project.

Mayor Sanford spoke about the new weekly hazardous waste disposal program. He said the rollout of the Economic Development Plan was popular with the community. There were two CBJ lots for sale now at Lena. There would be a meeting with CBJ staff and APARC on Monday, April 14 regarding mediation

1. City Manager Annual Evaluation

Mayor Sanford asked the Assembly to check their calendars and tentatively set a meeting on April 21 at 5 p.m. to conduct the City Manager's evaluation. He distributed some evaluation materials.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW met on March 24 and heard about Afterschool Activities Program in the middle schools. The request for funding was forwarded to the Finance Committee. The committee also heard about a successful Housing Forum conducted by CBJ staff for builders, discussed the West Douglas Road extension of a gravel road, 12-14 feet wide for approximately 3 mines, Lemon Creek access, and the next meeting was set for April 14.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was set for April 14, 2014.

Human Resource Committee: Chair Kiehl provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

Board of Equalization:

Barbara Sheinberg for a term expiring December 31, 2016.

Wetlands Review Board:

Reappointment of Andrew Campbell, Lisa Hoferkamp and Nina Horne for terms expiring December 31, 2016.

Chair Kiehl said the HRC reviewed changes to the CBJ Harassment code and forwarded an ordinance to the Assembly for introduction.

Finance Committee: Chair Crane said the next meeting was set for April 9 and every Wednesday following until budget adoption.

Lands and Resources Committee: Chair Smith said the Lands Committee met and reviewed lands available for lease, discussed the St. Nicholas easement, reviewed potential donation of Smith family acreage off Killewich, motorized use at Auke Lake, and the next meeting was set for April 7.

C. Liaison Reports

Planning Commission: Liaison Nankervis said the next meeting was set for April 8.

Airport Board: Liaison Nankervis said the next meeting was set for April 9.

Eaglecrest Board: Liaison Smith said the contractor was moving ahead with plans for the Learning Facility.

Hospital Board: Liaison Crane said the Board met with five finalist for the CEO position. She sat in on the interviews, and Ms. Cosgrove did an excellent job setting up the process. She was glad to see so many people at the meet and greet.

School District: Liaison Kiehl said education funding was actively in motion in the Legislature.

Alaska Committee: Liaison Becker said the committee met on March 12 and discussed the Economic Development Plan. The AK Committee website was updated; they discussed the legislative reception, the constituent fares, the operation of Delta Airlines for three summer months and with the possibility of a longer term operation.

Chamber of Commerce: Liaison Becker said that CBJ Public Works Director Kirk Duncan provided an excellent overview of the Public Works Department at the last meeting.

Campus Council: Liaison Becker said the Board of Regents was working to get all campuses on the same academic schedule. An alumni dinner was set for April 11.

D. Presiding Officer Reports

Vick v Animal Hearing Board: Presiding Officer Kiehl said the pre-hearing conference was held and a pre-hearing order had been issued. The hearing was set for July 21.

Zenk, et. al v Planning Commission: Presiding Officer Jones said a pre-hearing conference was held and a pre-hearing order had been issued. The hearing was set for August 18 at 4:30 p.m.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Nankervis clarified that the money for the West Douglas Road extension was state money dedicated to that purpose.

Ms. Troll said she appreciated all of the suggestions that the public had provided to the Assembly regarding the budget. She said positive things were happening in downtown with two new restaurants and the proposal for housing.

Mr. Smith thanked the Mayor for participating in the Senate Finance Committee and testifying on Juneau Access, which was an important issue for Juneau.

Mr. Kiehl said the funding for the SLAM project was looking good. He said there was a perception that CBJ sold water to cruise ships at a deep discount, but that was not correct. The ships paid the same rate as all other large commercial enterprises. The full rate study was still underway. There was no subsidization of water to cruise ships.

Mr. Wanamaker said it was good practice to sell timber from a road project and he encouraged this to happen in the West Douglas Road project

Mr. Wanamaker said it was time to reexamine the policy of putting unspent marine passenger fees into the waterfront open space land acquisition fund.

Ms. Becker thanked Charlie Ford, Travis Goddard and Hal Hart for their work to clarify building code regulations. The Southeast Conference would be awarding ten $1000 scholarships.

Mayor Sanford said he, Ms. Mead and Ms. Kiefer sat in on interviews with all BRH CEO candidates and discussed the relationship between CBJ and BRH.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:00 p.m.

Signed:__________________________ Laurie Sica, Municipal Clerk

Signed:__________________________ Merrill Sanford, Mayor