THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - March 17 2014

MEETING NO. 2014-09: 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 (telephonic), Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, Kate Troll and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Department Director; Travis Goddard, Planning Manager; Ben Lyman, Senior Planner; Rorie Watt, Engineering Director; Tom Mattice, Emergency Program Manager; MJ Grande, Youth Services Librarian; George Schaaf, Parks and Landscape Superintendent; Patti deLaBruere, Airport Manager; Ken Nichols, Airport Engineer.

II. SPECIAL ORDER OF BUSINESS

None.

III. APPROVAL OF MINUTES

A. February 24, 2014 - Regular Assembly Meeting 2014-06

Hearing no objection, the minutes of the February 24, 2014 Regular Assembly Meeting 2014-06 were approved as presented.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Bridget Smith was present to speak on behalf of the Juneau League of Women Voters. She thanked Kim Kiefer and the Assemblymembers who attended the League meetings to discuss the mutual goal to increase voter turnout after the last election, at which there was a 19% turnout. The League created a Youth Voter Registration Project with a grant they received from the national organization. She spoke about their efforts to register people age 18 – 25. She said the League was ready and willing to partner with the Assembly in these efforts. Mayor Sanford thanked her and the League for their work.

Zack Worrell said he was in the process of subdividing some property in the upper Lemon Creek Valley that was not accessible by road and was working with the Community Development Department. He would like to use the code section that outlines the parameters of a remote subdivision, however, the property was not within the area defined by the remote subdivision maps. He asked for the Assembly’s assistance to amend the map to include his property. He distributed the code section and map. Ms. Kiefer said she would contact Mr. Worrell following a conversation with the Community Development Department.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda as presented. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

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

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

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

d. 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 directed by the Assembly to make two changes to the code governing motorized uses on Auke Lake.

This amendment to CBJ 67.01.095 would eliminate the restriction on the length of vessel allowed, currently limited to vessels 16 feet overall or less, in order to increase enforceability, and would add a restriction prohibiting the flushing of boat motors in the lake.

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

e. 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 multifamily residential building, is served by transit, and is within the Urban Service Area. However, the entire lot is currently zoned D5, where multifamily 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 D-5 density.

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

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

f. 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;
3. allow a 25% increase in allowable vendor space size; and
4. require sidewalk vendors to provide proof of "open flame" permits when appropriate.

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

2. Resolutions

a. Resolution 2683 - A Resolution Approving Amendments to the Bylaws of the Board of Directors of Bartlett Regional Hospital.

This resolution would adopt the bylaw amendments, as proposed by the Bartlett Regional Hospital Board of Directors, which include:

1. a clarification of the Board's authority to delegate and establishing parameters for the CEO's negotiation and execution of contracts;
2. a supplementation to the vacancy conditions contained in CBJ Code;
3. changes to the quorum, calling of meetings, and voting sections to be consistent with CBJ Code;
4. addressing the hearing rules and procedures when the Board hears Medical Staff issues;
5. deleting the bylaw authorizing the Board to establish auxiliary and associated organizations; and
6. clarifying the section on executive sessions.

The Manager recommends adoption of Resolution 2683.

b. Resolution 2684 - A Resolution Authorizing the Manager to Submit to the Rasmuson Foundation a Grant Application for Furniture, Fixtures, and Equipment for the Mendenhall Valley Public Library.

In December 2012, the City and Borough submitted a letter to the Rasmuson Foundation notifying the Foundation of the City and Borough's intent to apply for grant funding to pay for furniture, fixtures, and equipment for the Mendenhall Valley Public Library. In response, the Rasmuson Foundation invited the City and Borough to submit a grant application in an amount up to $495,000.

Resolution 2684 would authorize the City Manager to submit the prepared grant application to the Rasmuson Foundation for $495,000 for the purpose of funding furniture, fixtures, and equipment for the Mendenhall Valley Public Library.

The Manager recommends adoption of Resolution 2684.

3. Liquor License

a. Liquor License Renewals, Transfers, & Applications for Restaurant Designation Permit

The following liquor license applications are before the Assembly to either protest or waive its right to protest these renewals or transfers. One of the applicants has also applied for a Restaurant Designation Permit which is before the Assembly to approve or deny.

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Public Works, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code.

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

Restaurant Eating Place License #848 - transfer of ownership, name change, and application for a Restaurant Designation Permit
Transfer from: Olivia Castaneda d/b/a Olivia's De Mexico
Transfer to V's Grinders, LLC d/b/a V's Cellar Door
Location: 222 Seward Street, Juneau

Package Store License #828 Transfer of ownership, name change and location
Transfer from: Jack D. Tripp d/b/a Tripps Viking Liquor
Transfer to: Thibodeau’s Market Inc. d/b/a Thibodeau’s Liquor
Location: No Premises

The Manager recommends the Assembly waive its right to protest the above liquor license renewal, transfers and approval of the Restaurant Designation Permit application.

VII. PUBLIC HEARING

A. Ordinance 2014-09 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of the Following Five Properties Located at 11890 and 11893 Glacier Highway: Lots 4, 5, 6, and 7, Woodacres Subdivision, from Waterfront Commercial to General Commercial; and a Fraction of Lot B, USS 2391, from Light Commercial to General Commercial.

This ordinance would rezone five properties in the Auke Bay area from Waterfront Commercial and Light Commercial to General Commercial, resulting in the expansion of an existing General Commercial zone.

The Planning Commission reviewed this request at its November 26, 2013 meeting, and its January 14, 2014, meeting and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of Ordinance 2014-09.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2014-09. Hearing no objection, it was so ordered.

B. Ordinance 2014-10 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 3246 Tracts, 1A, 2A1 and 2A2, Located at 4660, 4664 and 4670 Glacier Highway, from D-5 to D-15.

This ordinance would rezone three properties located between Twin Lakes and the Lemon Creek area from D-5 to D-15 as an expansion of an existing D-15 zone.

The Planning Commission, at its November 26, 2013 meeting, reviewed this request and recommended forwarding to the full Assembly for approval.

The Manager recommends adoption of Ordinance 2014-10.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2014-10. Hearing no objection, it was so ordered.

C. Ordinance 2014-12 An Ordinance Amending the Code Formatting Requirements to Allow for Underlining, Rather Than Italicizing, of New Material When Amending an Ordinance, and to Delete the References to Typewritten Ordinances in Chapter 01.20.20.

CBJ 01.20.020 specifies the formatting requirements to be used for all ordinances. The code currently requires that ordinances proposing code amendments specify the language being added by the use of italics. This requirement causes confusion when the code section being amended includes italics in the original. This ordinance would require that ordinances proposing amendments to code sections identify any new language by the use of underlining, rather than italicizing.

Additionally, it would delete the reference to typewritten ordinances.

The Manager recommends adoption of Ordinance 2014-12.

Public Comment: None.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2014-12. Hearing no objection, it was so ordered.

D. Ordinance 2013-11(AG) An Ordinance Appropriating To The Manager The Sum Of $775,000 As Partial Funding For The New Mendenhall Valley Library; Funding Provided By The Friends of the Juneau Public Libraries

This ordinance would appropriate $775,000 from the Friends of the Juneau Public Libraries (FOJPL) for the construction of the new Mendenhall Valley Public Library.

The Friends of the Juneau Public Libraries have pledged $1,000,000 towards the construction of the Mendenhall Valley Public Library in Dimond Park. The first installment of $225,000 was appropriated in January 2013 for the planning, permitting and design work. This appropriation represents the second and final installment and is part of the local match for the $7,000,000 State grant received for this project.

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

Public Comment:

Paul Beran spoke on behalf of the Board of the Juneau Friends of the Library and said it was so much fun to be able to give away $1 million. That money was made up of donated books sold for a nickel, a dime, a quarter and a dollar, and many volunteer hours of labor for over 30 years. Currently there were approximately 70 volunteers each week working between three and over 20 hours per person a week. He asked all volunteers, librarians and board members to stand to be recognized. He thanked Senator Donny Olson and others who supported the 50% state match for library construction.

Bridget Smith spoke as a past president of the Juneau Friends of the Library with a great thanks to the volunteers and the support of the community. She spoke about the past efforts of the Boards to develop the program and the freedom to read as the foundation of democracy. She thanked the people who donated books, then turned around and purchased books to take home.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2013-11(AG). Hearing no objection, it was so ordered.

The Assembly took a few moments to pose for a picture with a very large check and all present who made the donation possible.

E. Ordinance 2013-11(AH) An Ordinance Appropriating To The Manager The Sum Of $18,175 As Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

This ordinance would appropriate an additional $18,175 for the 2011 State Homeland Security Program, an existing grant from the Alaska Department of Military and Veterans Affairs that was previously appropriated. The new total award is $184,033.

These funds are slated to reimburse the City and Borough of Juneau, Capital City Fire and Rescue for travel costs, backfill, and overtime for participation in the Kodiak Hazmat Training Event.

There is no match requirement for this grant.

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

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(AH). Hearing no objection, it was so ordered.

F. Ordinance 2013-11(AI) An Ordinance Appropriating To The Manager The Sum Of $20,000 As Funding For Support Services To Provide A Coordinated Emergency Management Program, Funding Provided By The University Of Alaska Southeast

This ordinance would appropriate $20,000 for support services (wages and benefits) for the period April 15, 2014 through June 30, 2014 to provide a coordinated Emergency Management Program at all University of Alaska southeast regional campus locations.

Funding is provided by the University of Alaska Southeast.

This position will be under the supervision of the CBJ's Emergency Program Manager.

The Assembly Finance Committee reviewed this proposal at its January 15, 2014 meeting and directed staff to proceed with preparing a memorandum of agreement between the CBJ and UAS and to prepare an ordinance to appropriate funds for the position.

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

Public Comment: None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2013-11(AI).

Mr. Jones asked for about if this position would be considered a permanent position and would be accounted for in the future budget cycle. Ms. Kiefer said yes, this grant funding was to finish the current fiscal year and the next year's funding would be incorporated into the Emergency Management Division's budget for the funding for the next year.

Hearing no objection, it was so ordered.

G. Ordinance 2013-11(AJ) An Ordinance Appropriating To The Manager The Sum Of $350,604 As Funding To Pay Bond Debt, Funding Provided By General Obligation Bond Interest Income

This ordinance would appropriate $350,604 in bond interest income to pay bond debt.

Funding provided by unexpended bond interest income from the following completed school district capital projects. These projects will be closed when this ordinance is approved:

Dzantik'i Heeni Covered Play Area	$ 3,794
Adair Kennedy Turf Field Resurfacing	$ 414

Additional funding provided by unexpended bond interest income from the following active school district capital projects. The funding for these projects exceeds the amount needed to complete the projects:

New High School in the Mendenhall Valley	$69,339
Districtwide Major Maintenance Upgrades	$9,656
Glacier Valley School Renovation	$257,357
Harborview School Renovation	$7,724
Juneau School District Site Improvements	$2,320

The Public Works and Facilities Committee approved this action at its January 13, 2014 meeting.

The Juneau School Board approved this action at its February 11, 2014 meeting.

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

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(AJ). Hearing no objection, it was so ordered.

H. Ordinance 2013-11(AK) An Ordinance Appropriating To The Manager The Sum Of $1,150,000 As Partial Funding For Glacier Highway Sewer Capital Improvement Project, Loan Funding Provided by the State of Alaska Department of Environmental Conservation

This Ordinance would appropriate to the Manager $1,150,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska Clean Water Fund (ACWF). The estimated total project cost is $2.5 million.

Resolution 2667, adopted on November 25, 2013, authorized the City Manager to enter into this loan agreement with ADEC. Resolution 2678, adopted on February 24, 2014, authorized the City Manager to request an additional $1 million for this project.

The Public Works and Facilities Committee reviewed this action at its February 6, 2014 meeting and recommended forwarding it to the full Assembly for approval.

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

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(AK). Hearing no objection, it was so ordered.

I. Ordinance 2013-11(AL) An Ordinance Appropriating To The Manager The Sum Of $200,000 As Partial Funding For Water Main Replacement – Egan Drive, 10th To Main Street Capital Improvement Project, Loan Funding Provided by the State of Alaska Department of Environmental Conservation

This ordinance would appropriate to the Manager $200,000 of loan funds from the State of Alaska, Department of Environmental Conservation (ADEC), Alaska Drinking Water Fund (ADWF).

The ADWF loan funds will be used to partially fund the design phase of the Water Main Replacement – Egan Drive, 10th to Main Street capital improvements project.

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

The Public Works and Facilities Committee reviewed this action at its February 6, 2014 meeting and recommended forwarding to the full Assembly for approval.

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

Public Comment: None.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2013-11(AL). Hearing no objection, it was so ordered.

J. Ordinance 2013-11(AM) - An Ordinance Appropriating To The Manager The Sum Of $2,163,096 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration And The Alaska Department Of Transportation And Local Funding Provided By The Juneau International Airport

This ordinance would appropriate $2,163,096 for the Runway Safety Area capital project.

Funding is provided as follows:

Federal Aviation Administration (FAA)grant:	$2,037,219
Alaska Department of Transportation (ADOT) matching grant:	$61,039
Juneau International Airport (JNU) match:	$64,838

The FAA funds up to 95% of the project, with the remainder being split between ADOT and Juneau International Airport. This appropriation results from increases to two current FAA grants, two ADOT matching grants, and the local match requirements. If the grant funds are not received, this ordinance will be de-appropriated.

The Juneau International Airport match represents the value of fill material provided to the Federal Aviation Administration for this project.

The Airport Board reviewed this action at its February 12, 2014 meeting and recommended forwarding to the full Assembly for approval.

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

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2013-11(AM). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Appeal Of Planning Commission Notice Of Decision Approving A Conditional Use Permit USE20130027 To Landscape Alaska For A Commercial Greenhouse In A D-3 Zoning District.

On February 11, 2014, the Planning Commission issued a final decision granting Conditional Use Permit USE20130027 for a commercial greenhouse in a D-3 zoning district to David Lendrum. A petitioner's group including members Anthony Zenk, G Ole Olson, David W. Wilson, Ruth Baumgartner and Elizabeth Miyasato, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on February 26, 2014.

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 CBJ 01.50.030(e):

"Action by Appeal Agency Upon Receipt of a Notice of Appeal.

(1) Within thirty days of receipt of a notice of appeal by the appeal agency, the appeal agency shall notify the appellant of the acceptance or rejection of the appeal and, if rejected, the reasons for the rejection.

(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant. The appeal agency may reject the appeal for failure to comply with these rules or if the notice of appeal does not state grounds upon which any of the relief requested may be granted."

The appellants, the permit holder, and the Planning Commission have been advised that this matter is before the Assembly. The following procedural issues should be decided:

1. Will the Assembly accept the appeal?
2. Will the Assembly hear the appeal itself or assign to a hearing officer?
3. If the Assembly hears the appeal itself, will the Mayor preside, or will he designate another member as presiding officer?

This matter is before the Assembly sitting in its quasi-judicial capacity. Accordingly, members should avoid discussing the case outside the hearing process.With respect to this issue, the Appellate Code provides as follows:

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."

Because this is an appeal, there is no manager's recommendation on whether or how the Assembly should hear the appeal.

Ms. Mead said on Page 3 of the Notice of Appeal, point of appeal #2, it stated "…Planning Commissioner Miller's misuse of official position citing 01.45.010…" She recommended that the Assembly not accept that point of appeal as the Assembly did not have jurisdiction to hear that question. CBJ 01.45.150 governed complaints against commission members regarding conflict of interest questions and refers questions to the Municipal Attorney for review to determine if the complaint contained allegations, which if true, would constitute a violation of the conflict of interest code. She said she received the complaint, reviewed it and did not accept it did not find that even if the allegations were true, that it would have risen to an actionable conflict.

<u>MOTION</u>, by Jones, to accept the appeal, with the deletion of Point #2 on Page 3 of the Notice of Appeal. Hearing no objection, it was so ordered.

<u>MOTION</u>, by Jones, to hear the appeal itself. Hearing no objection, it was so ordered.

There was no objection to Mr. Jones volunteering to serve as the Presiding Officer.

B. Liquor Licenses - Competing New Restaurant/Eating Place Liquor Licenses: Joan Deering d/b/a Paradise Cafe & Bakery and Timberwolf Ventures Inc. d/b/a Lunchbox

Your packet contains the following two applications for new Restaurant/Eating Place liquor licenses and applications for Restaurant Designation Permits:

Joan Deering d/b/a Paradise Café & Bakery located at 9351 Glacier Hwy., Juneau

Timberwolf Ventures, Inc. d/b/a Lunchbox located at 495 South Franklin Street, Juneau

Alaska Statutes 04.11.400 imposes population limitations on the number of the various types of liquor licenses per community. Juneau's net population currently allows for 22 Restaurant/Eating Place licenses. We presently have 21 licensed premises with Restaurant/Eating Place licenses, meaning these two applicants are competing for the last allowable restaurant/eating place license.
CBJ Code Section 20.25.025 sets out the criteria for Assembly review of license issuance, renewal, transfer, relocation, or continued operation of liquor licenses and the grounds under which a license may be protested, and CBJ staff has recommended the Assembly waive its right to protest either application, however the code is silent on the process by which a local preference for competing applications are to be considered.

State regulations provide that where there are competing petitions, the ABC Board will consider a number of factors, including the "preferences or priorities expressed by the local governing body."

Both applicants were sent the letter and attachments found in your Assembly packets as notice of these proceedings.

This issue was considered at the Assembly Human Resources Committee just prior to this meeting and I recommend the Assembly proceed according to the recommendations of the Human Resources Committee.

MOTION, by Kiehl to accept the recommendation of the Human Resources Committee and waive the Assembly's right to protest both liquor license applications from Joan Deering d/b/a/Paradise Café and Bakery, and Timberwolf Ventures, Inc. d/b/a Lunchbox. Hearing no objection, it was so ordered.

Mr. Kiehl said the Human Resources Committee did not express a preference or priority regarding the issuance of the last competing allowable restaurant/eating place license. There was no further comment from the Assembly on the matter.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford reported that the past week had been busy and included meetings with the Southeast Conference in Juneau.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW met on March 10 and hear budget projections, discussed the Planning Commissions review of the Transit Plan and forwarded the plan to the Assembly with a recommendation for adoption. The COW received information about building maintenance and asset management with estimated costs, and heard information on the Cell Tower Master Plan with dates for meetings and leading up to the May 19 date, at which time action would be taken on the Cell Tower Ordinance. Two neighborhood meetings were schedule on March 20, 6-8:30 p.m. in the Assembly Chambers and on March 27, 6-8:30 at the UAS Glacier View Room. After hearing an update on the Spuhn Island Cell Tower, the COW passed a motion to discontinue the investigation. The next meeting was set for March 24.

Public Works and Facilities Committee: Chair Wanamaker said the PWFC met and reviewed the Airport Runway Replacement Project. The PWFC reviewed proposed changes to Title 19 Building Code and this was referred back to the Building Code Advisory Committee with the understanding that members would give directive questions to Mr. Ford and the advisory board, including the issue of how cell towers would fit in to the Building Code. The PWFC reviewed a mitigation plan for Statter Harbor and heard an update on Project Labor Agreements for the Airport Runway, the Library and Aurora Harbor. The PWFC reviewed the CIP 2015-2020 and forwarded to the Finance Committee. The next meeting was set for March 24.

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

1% for Arts Selection Panel for the Eaglecrest Learning Center:

Jess Parks and Sherri Von Wolf – Juneau Arts and Humanities appointees

Alexis Howard, Eaglecrest Board - Manager's appointee

Jeffra Clough, Eaglecrest Employee – Department's appointee

Susan Jabal and Barbara Lindh – Assembly appointees

Board of Equalization:

Reappointment of Paul Nowlin to a term expiring December 31, 2016.

Personnel Board:

Rodney Hesson and Cindy Spanyers for Labor Seats to terms expiring January 31, 2017.

Juneau Affordable Housing Commission:

Russ McDougal to a term expiring January 31, 2015.

Chair Kiehl said the HRC considered renewal of a Liquor License for the Tides Complex / Dragon Inn Chinese Restaurant and Motel, License #4405 and recommended that the Assembly at its next meeting consider protesting the license due to unpaid water/sewer accounts.

Chair Kiehl tentatively set July 10 and July 17 as full Assembly meetings as the Human Resources Committee for interviewing applicants for the Airport, Docks and Harbors and Eaglecrest Boards.

Finance Committee: Chair Crane said the next meeting was set for March 19 and packets were distributed. In April, the Finance Committee would meet every Wednesday.

Lands and Resources Committee: Chair Smith said the next meeting was set for March 24.

C. Liaison Reports

Downtown Business Association: Liaison Jones said the next meeting was set for March 21. The Willoughby District Plan update meeting was set for March 26, 4:30 – 6 p.m. at Centennial Hall.

Docks and Harbors Board: Liaison Jones was serving on the RFP review for contract administration for Dock Project 16b and would meet March 25 as a committee.

Local Emergency Planning Committee: Liaison Jones said the LEPC met and on March 27 at 10:15 a.m. would hold a Tsunami alert – just a test…and on March 27 at 1:36 p.m., the 1964 Earthquake would be commemorated. This was an opportunity to review home and business preparedness plans.

Juneau Commission on Sustainability: Liaison Troll said the JCOS met and found out that the program would only be able to afford one electric car charging station at this point. The JCOS heard about the airport sustainability plan and would meet with the consultants on the economic development plan.

Juneau Convention and Visitors Bureau: Liaison Smith said the JCVB met with the McDowell Group and will be offer specific input on the economic development plan as part of their strategic plan.

Bartlett Regional Hospital Board: Liaison Crane said a press release would be issued soon regarding the search for a CEO. There were five candidates who would be meeting the public on March 26 from 5 – 6:30 p.m. at BRH.

School Board: Liaison Kiehl said the Board met last week and elected not to revisit its decision to discontinue middle school travel and had the first reading of the proposed budget. The Board awarded the food service contract to Chartwell.

Affordable Housing Commission: Liaison Kiehl said the next meeting was set for March 18.

Juneau Economic Development Council: Liaison Wanamaker said the JEDC would meet with the McDowell Group on March 18 regarding the economic development plan.

NOAA Task Force: Co-Chair Wanamaker said the group held its first meeting on March 12 and Greg Fisk would co-chair, and members include Kate Troll, Jim Becker and the group was seeking a representative with NOAA orientation and background. The goal is to determine what can be done to enhance fisheries economic and employment opportunities in Alaska through the NOAA facilities across the state. Mayor Sanford encouraged the group to reach out to other coastal communities and Mayors for input and help.

Alaska Committee: Liaison Becker said the Alaska Committee heard from Barbara Sheinberg about the economic development plan. The COW would hear from the contractor on April 14. There would be community outreach starting with a town meeting on April 3, 7-9 p.m. at Centennial Hall, a household survey, on-line survey, and meetings with many groups in the community.

Juneau Chamber of Commerce: Liaison Becker said the Chamber heard from Jim Calvin on the economic development plan and received a plan overview. The goal is to have an action plan to the Assembly by December 2014.

D. Presiding Officer Reports

1. Richard Harris–RH Development-Appeal Of A Planning Commission Notice of Decision Regarding AME2013-0006 – Denial of a Request for a Zone Change from D-10 – LC at 9050 Atlin Drive or 2600 Mendenhall Loop Road.

On January 6, 2014, the Assembly heard the appeal of AME20130006, a Planning Commission decision denying a request to rezone USS 381 FR from D10 to Light Commercial. The final decision is before the Assembly for adoption.

CBJ Code 01.50.140, Decisions on Appeal, provides that the proposed decision and any objections to the proposed decision shall be placed before the appeal agency at the first regular meeting at which the matter may be scheduled or at a special meeting called for that purpose. No written objections were received from the parties.

<u>MOTION</u>*, by Presiding Officer Nankervis, to enter into executive session to review and adopt the decision of the Assembly*. Hearing no objection, the Assembly entered executive session at 8:08 p.m. and returned to regular session at 8:22 p.m.

<u>MOTION</u>*, by Nankervis, to adopt the written decision in the Richard Harris appeal of Planning Commission Notice of Decision AME2013-0006 to be appended with the dissenting opinion of the Assembly.* Hearing no objections, it was so ordered.

<u>*Vick v Animal Hearing Board*</u>: Presiding Officer Kiehl said the pre-hearing conference was set for March 21 at Noon.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones appreciated the comments about the efforts to date on the economic development plan, but felt that the contractor had by-passed reporting to the Assembly and that the first meeting with the Assembly would not be until April 14. He would like more communication with the planners on their work and schedule of meetings. Ms. Kiefer said she would follow up on his request.

Mr. Nankervis said he would have preferred to see a marked-up version for the BRH by-law amendments in the packet. Ms. Mead said that was the plan and would forward the corrected version.

Ms. Troll appreciated the opportunity to be connected with a thriving part of the community as evidenced by the work of the Friends of the Library. She referred to the transfer of funds into the Waterfront Open Space Land Acquisition Fund and hoped that the Assembly would consider gaining easements to CBJ land and tidelands across the Mental Health Lands at the subport. She had heard discussion about subdivision of property in that area. Regarding the letter sent by Mayor Sanford on Juneau Access, the accurate letter was based on a Resolution adopted in 2007 and many things have changed since that time, and this might be revisited at an appropriate time. Regarding the budget dilemma, she reviewed the 2012 Budget Survey and found it useful and recommended the Assembly review this document.

Mr. Smith said he was looking forward to the accelerated schedule of the Finance Committee and the discussions that would take place.

Ms. Becker said the Assembly had reconfirmed its goals regarding Juneau Access this year. She enjoyed the meetings at Southeast Conference and hearing from the Southeast Mayors – it was a very good conference.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Dennis Watson was concerned about the SLAM project which was short-funded and asked about Assembly support. Mayor Sanford said the lobbyist had been given direction to work on that project. Mr. Watson said there have been many people in and out of town for legislative meetings and he has heard many positive comments about Juneau as a Capital City.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 8:36 p.m.

Signed:____________________________ Signed:________________________________

Laurie Sica, Municipal Clerk Merrill Sanford, Mayor