

# THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 16 2013

MEETING NO. 2013-31: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

## I. ROLL CALL

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

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Jane Sebens, Deputy City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Director; Sarah Bronstein, Planner; Rorie Watt, Engineering Director; Carl Uchytel, Port Director; Robert Barr, Library Director; and Ed Mercer, Deputy Police Chief.

## II. SPECIAL ORDER OF BUSINESS

### A. Proclamation - Amazing Bookstore

Mayor Sanford honored Donna Denton for her 20 years of service to the Friends of the Library Board and her direction of the operation of the Amazing Bookstore. The bookstore had turned donated books into revenues, which contributed to the support of the Juneau Public Library System and donated books to Juneau classrooms and to international efforts. Mayor Sanford offered the Assembly's appreciation to Ms. Denton for her lasting contribution to the people of Juneau, and many others near and far, who benefited from her tireless efforts to make the Amazing Bookstore a special place and an important part of the community.

### B. LID Board of Equalization: Resolution 2669 - A Resolution Confirming the Assessment Roll for LID No. 93, Which Provided Municipal Sewer to the Residents Along the Uphill Side of Douglas Highway From Street Number 2601 to 2631, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.

*MOTION, by Becker, to recess and convene as the Board of Equalization, to hear Resolution 2665, and confirm the assessment roll for LID No. 93. Hearing no objection, it was so ordered*

#### 1. Resolution 2669b

**A Resolution Confirming the Assessment Roll for Local Improvement District No. 93, Which Provided Municipal Sewer to the Residents Along the Uphill Side of Douglas Highway From Street Number 2601 to 2631, Fixing the Time and Method of Payment of Assesements, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.**

Administrative Report: This resolution confirms the assessment roll for LID 93 for the purpose of constructing a sanitary sewer system serving the property owners along an uphill portion of Douglas Highway, between # 2601 and # 2631, not currently being served with municipal sewer within the LID 93 boundary. The proposed assessment per lot is \$2,750.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that they would have this opportunity to make their views known to the Assembly.

At the time of the hearing, the Assembly will sit as the Board of Equalization for the purpose of considering the assessment roll, will consider any objections made and will modify the roll if necessary at the conclusion of the hearing, before returning as the Assembly.

The manager recommended adoption of the Assessment Roll in Resolution 2665.

Public Comment: None.

Assembly Action:

MOTION, by Becker, to confirm the Assessment Roll for Local Improvement District No. 93, and recommend to the Assembly adoption of Resolution 2669(b). Hearing no objection, it was so ordered.

MOTION, by Becker, to return to regular session. Hearing no objection, it was so ordered.

The Board of Equalization adjourned and the Assembly reconvened.

MOTION, by Becker, to adopt Resolution 2669(b). Hearing no objection, it was so ordered.

### **III. APPROVAL OF MINUTES**

#### **A. November 25, 2013 - Regular Assembly Meeting 2013-29**

Hearing no objection, the minutes of the November 25, 2013 Regular Assembly Meeting 2013-29 were approved with a correction.

#### **B. December 5, 2013 - Special Assembly Meeting 2013-30**

Hearing no objection, the minutes of the December 5, 2013 Special Assembly Meeting 2013-30 were approved.

### **IV. MANAGER'S REQUEST FOR AGENDA CHANGES**

None.

### **V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Matt Musslewhite, CBJ Director of Animal Control and Protection, spoke about two recent events regarding aggressive and dangerous dogs. He said for an animal to be classified as dangerous, the animal must have a propensity to attack, have caused injury to a person, or have killed another domestic animal – all unprovoked. The owner's history of compliance with the animal code pertaining to the animal involved was also taken into consideration. Once an animal was classified as dangerous, special requirements were put into place to ensure public safety. Violations in any of the requirements required an automatic court appearance. Dangerous dog requirements included: \$100,000 in liability insurance to be carried by the owner, signs posted that indicated a dangerous animal lived on the premises, the animal must wear a special dangerous animal collar and tags and when outside the residence, must be controlled by a muzzle and leash no longer than four feet. Owners are required to register their residence location and

note any changes with Animal Control and each dangerous dog was monitored by Animal Control. Repeat offense rates by dangerous dogs were low and problems included failure to maintain posted signs or failure to pay for the \$100 annual dangerous dog registration fee. Safety was Animal Control's main concern and they provide education to the public and animal owners, encourage licensing and vaccinating, spay and neutering and behavioral training. They provide a safe place for unwanted and neglected pets.

Officer Musslewhite said there were 76 dog bite cases reported to Animal Control in 2012. Only 14% were from stray and loose pets, the rest were from the victim's family pet. The top three breeds for reported bites were Labrador Retrievers, Shih Tzus, and Jack Russell Terriers. All 26 breeds were represented. He asked the Assembly to not place any restrictions by ordinance on any specific breed. Animal Control would seek changes to the current ordinances to improve reporting requirements for dog bites and rabies vaccinations and asked for the Assembly's support. Ms. Crane asked if Animal Control had the authority to recommend a dog be euthanized. Officer Musslewhite said Animal Control could recommend that to the court for a court order.

Ms. Crane asked if Animal Control was getting all of the information on dog bites based on current reporting requirements. Officer Musslewhite said of the 76 reported bites, the majority of those were by health care providers by state law. They do not typically get reports from minor bite injuries that do not require medical care. Owners were responsible to report bites. Ms. Crane supported a review of Title 8.

Mayor Sanford said City Manager Kiefer was looking into this and would coordinate all requests for any changes.

Mr. Kiehl asked about monitoring dangerous dogs. Officer Musslewhite said Animal Control did spot checks to ensure signage was posted and verified vaccinations, and if they saw an animal out, would ensure they were muzzled. He said there were currently only 14 dogs on the designated dangerous list.

Mr. Smith asked about the statistics and Officer Musslewhite said the reported bite statistics were fairly flat from year to year.

Ms. Becker asked how Animal Control determined if court action was required and Officer Musslewhite said the process was outlined in Title 8.

Mr. Jones asked if the 76 bites reported were animals biting humans and Officer Musslewhite said yes, that there were no reporting requirements for animals biting other animals.

Ms. Troll asked if the dangerous animal designation was one of last resort and Officer Musslewhite said yes. She asked if 14 designations was high or low, and he said it fluctuated, the process to remove the designation was extensive.

Mr. Nankervis asked about the determination that an animal has the potential to be dangerous the designation can be made and said he thought any animal had the potential to cause injury – so asked about the criteria for crossing the threshold. Officer Musslewhite said if no bite had occurred but an animal had an extensive history of aggressive behavior, the classification could be considered.

## **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. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

- a. Ordinance 2014-01 An Ordinance Providing for the Issuance and Sale of Port Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed \$29,000,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions; and Repealing and Rescinding Ordinance Serial No. 2012-28.

This ordinance would repeal and replace Ordinance 2012-28, adopted August 27, 2012, which authorized the issuance of \$29 million in Port Revenue bonds. The dollar amount of bonds authorized is not being changed, at this time. We will be selling \$6.5 million in bonds for the Seawalk in February 2014 so it is necessary to amend the ordinance to address the following issues:

1. The bonds will be sold in up to 3 issues, to match the project schedule, versus all at once.
2. The bond proceeds are intended to fund 2 projects: 1) Cruise Ship Dock Enhancement & Related Uplands and 2) Additional Seawalk following the Waterfront Development Plan.
3. The Dock project is considered a "Private Activity" project. Meaning there are payments (revenues) from private business, for the use of the dock, available to pay back some of the bonds. Bonds issued under this situation are not tax exempt and carry a slightly higher interest rate.
4. The Seawalk project is considered a "Governmental Project" and the bonds are tax exempt.
5. Section 9 provides for delegating the adoption of interest rates contained in the eventual interest rate resolution. The resolution would still go through the standard Assembly process.
6. The term of the bonds is extended to 25 years.

The debt service will be paid from local port development fees. The estimated total cost of the debt service, including interest at an average rate of 4.52%, for the 25-year bonds is \$49.6 million.

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

- b. Ordinance 2013-11(AA) An Ordinance Appropriating To The Manager The Sum Of \$150,000 As A Transfer To The Last Chance Basin Hydro-Geo Capital Project; Funding Provided By Water Utility Fund Fund Balance.

This ordinance would transfer \$150,000 to the Last Chance Basin Hydro-Geo capital project from the Water Utility Fund fund balance. This transfer will partially fund the design for the rehabilitation of the Last Chance Basin Well Field in order to meet peak drinking water demands that occur in the summer months. This demand is largely driven by the desire of cruise ships to fill up with drinking water while in our port.

This past summer, the Water Utility was unable to supply cruise ships with a stable or predictable water supply. Last month, staff from Engineering, Public Works and Manager's Office met with cruise ship representatives to discuss the issue. Well field rehabilitation is a priority of the Water Utility, Assembly and cruise industry. At that meeting, there was support from the industry representatives to use CBJ Marine Passenger Fees for well field rehabilitation and T-949, which was approved at the November 25, 2013 Assembly meeting, transferring \$150,000 from the Waterfront Seawalk CIP to the Last Chance Basin CIP. With the addition of this appropriation, \$300,000 will be available.

The \$300,000 is an initial amount of funds to develop a design and assist in aligning us with funding sources to maintain the main CBJ water supply. This preparatory funding leverages us to react quickly if and when grants, loans, CBJ marine passenger fees, or Legislative and/or State marine passenger fee funding becomes available in the Spring of 2014, instead of having to wait another whole year.

At its November 18, 2013 meeting, the Public Works and Facilities Committee reviewed this request and recommended forwarding to the full Assembly for approval.

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

## 2. Resolutions

- A. Resolution 2671 - A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's 2014-2015 (FY15) Addendum to the 2008 Transit Development Plan: Coordinated Human Services Element, to be Submitted to the State of Alaska Department of Transportation.

In order to be eligible for federal grant funding, human services agencies that provide community transportation services, such as Southeast Alaska Independent Living, AWARE, Juneau Youth Services, JAMHI, REACH, and Catholic Community Service/Southeast Senior Services Care-A-Van, must coordinate their efforts. Grant applications must be prioritized by participating agencies in Juneau, and the prioritized list needs to be accompanied by a resolution of support from a governing body. The Juneau Coordinated Transportation Coalition (JCTC), which represents and coordinates the efforts of these agencies requests a resolution of support from the Assembly endorsing JCTC's funding priorities for FY2015.

**I recommend this resolution be adopted.**

## VII. PUBLIC HEARING

- A. Ordinance 2013-11(Y) An Ordinance Appropriating To The Manager The Sum Of

\$12,505 As Funding For The Purchase Of Law Enforcement Equipment; Funding Provided By The Roaded Service Area Fund Balance, Asset Forfeiture Reserve

This ordinance would appropriate \$12,505 for the purchase of six Nikon D5200 cameras for use by the Criminal Investigations Drug Unit and one Tac Ops Delta Sniper Rifle with a Nightforce 3.5-15X50 Illuminated Mil Dot riflescope to be assigned to the SWAT Unit. Funding is provided by the asset forfeiture reserve, which is a portion of the Roaded Service Area fund balance.

The funding source is from asset forfeiture and seizure monies the police department has received as a result of major drug investigations. Under state and federal asset seizure statutes, monies that are realized as a result of the seizure and disposal of personal assets of individuals involved 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 asset forfeiture reserve currently has \$295,000 available for use.

**I recommend this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to adopt Ordinance 2013-11(Y). Hearing no objection, it was so ordered.*

- B. Ordinance 2013-11(Z) An Ordinance Appropriating To The Manager The Sum Of \$75,000 As Funding For Enhanced Security And Monitoring Capabilities At The Downtown Cruise Ship Docks; Grant Funding Is Provided By A US Department of Homeland Security Port Security Grant

This ordinance would appropriate \$75,000 for the design, procurement and installation of new security cameras for the downtown cruise ship docks and for enhanced portable radios. Grant funding is provided by the US Department of Homeland Security – Port Security Grant Program.

This is an operating grant and requires a \$25,000 match for a total approved project amount of \$100,000. This match will be met by the Docks Fund existing FY14 adopted budget and there is no need to appropriate the \$25,000 from the Docks Fund fund balance.

This project will provide greater security and monitoring capabilities consistent with federal law and the CBJ Docks & Harbors Facility Security Plan.

The Docks & Harbor Board reviewed and recommended approval of this grant funding at its October 31, 2013 meeting.

**I recommend this ordinance be adopted.**

Public Comment: None.

Assembly Action:

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

## **VIII. UNFINISHED BUSINESS**

### **A. O'Brien v CBJ Assessor Appeal - Review of DRAFT Decision**

Ms. Mead noted a revised decision was circulated by email to the Assembly today. She said the Assembly had the option of discussing the matter publicly or in executive session, based on the Open Meetings Act. Mr. Jones distributed the revised draft, which addressed some of the comments Mr. O'Brien submitted and stated the Assessor had made no objections to the draft decision. All members nodded that they had read the revised draft and no motion was made to enter executive session.

Mr. Kiehl said the legal analysis was good. He did not believe footnote six added anything to the decision.

MOTION, by Kiehl, to delete footnote six, and to adopt the revised decision as amended. Hearing no objection, it was so ordered.

## **IX. NEW BUSINESS**

None.

## **X. STAFF REPORTS**

Ms. Kiefer provided an amended calendar for the 2014 Assembly meetings, moving meetings from the week of November 17 to the week of November 10 to address the Alaska Municipal League Conference the week of November 17.

Hearing no objections, the amended Assembly Meeting Calendar for 2014 was adopted.

## **XI. ASSEMBLY REPORTS**

### **A. Mayor's Report**

Mayor Sanford said he would deliver the Proclamation for the Amazing Bookstore to Donna Denton.

Mayor Sanford said he would deliver a Proclamation for the Filipino Community at their Christmas Party on Saturday, December 21.

### **B. Committee Reports**

Committee of the Whole: Chair Becker said the COW met on December 9 and heard information about voter turnout and by-mail elections, information about the new valley library, discussed the "Disturbing the Peace" ordinance and made an amendment, and heard a report about the Utility Rate Study.

Finance Committee: Chair Crane said that packets were distributed for the December 18 Finance Committee meeting.

Human Resources Committee: Chair Kiehl said that packets were distributed for the meeting of the Full Assembly sitting as the HRC on December 17 to interview and consider applicants for appointment to the Planning Commission. At the HRC meeting prior to this meeting, the HRC

heard a presentation from the Juneau Homeless Coalition regarding a Housing First project to meet a tremendous need for chronically homeless due to addiction and mental health needs. The coalition was investigating financial options to move the project forward.

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

Building Code Advisory Committee: Reappointment of Pat Gorman to a term expiring November 30, 2016.

Public Works and Facilities Committee: Chair Wanamaker said the PWFC met last week and heard the utility rate study update information. A Special PWFC Work session was set for Dec. 17 at Noon to review draft guidelines for Project Labor Agreements.

#### C. Liaison Reports

Local Emergency Planning Committee: Liaison Jones said the LEPC recently met during a snowstorm.

Docks and Harbors Board: Liaison Jones said the Board met on December 12. The Department of Natural Resources was reviewing the permit on the submerged tidelands related to Dock Project 16b and had received on comment. Docks and Harbors had requested an expedited review, which was forthcoming at the end of January. Docks and Harbors held its annual Boat Lighting Contest and would announce the winners in a press release. The Board subcommittee on by-law review met and completed its first draft, which would be submitted to the Law Department and then on to the Assembly for approval.

Airport Board: Liaison Nankervis said the Airport Board met on December 11. The runway repair project was anticipated to be completed in July. There was a possibility of relocating the snow removal equipment to an area closer to the sewage treatment plant to maximize lease space on the airport property. Abby's Kitchen submitted notice declining the contract for provision of food and beverage at the Airport. Staff from the FAA was in Juneau recently for several issues, including inspections of airport hangars. Some airport lighting issues were resolved with the assistance of the Alaska delegation.

Planning Commission: Liaison Nankervis said the Planning Commission met on December 10. The PC approved the Eaglecrest Learning Center, a Conditional Use Permit for a second story to a residence on Martin Road, and did not support the DOT safety project plans at Glacier Highway / Old Dairy Road / Trout Street. Regarding the Honsinger Pond Rezoning, the Planning Commission made a motion to adopt the "Findings of Fact" from the prior map amendment request by the owner on April 9, 2013. The request was to modify two conditions. One commissioner served notice of reconsideration.

Juneau Commission on Sustainability: Liaison Troll said the commission got a review on the energy plan which was going out to bid in mid-January. The commission would send a letter to the architect for responding to the JCOS suggestions. The commission is discussing how to integrate with city's decision making process for checking projects for energy efficiency.

Juneau Convention and Visitors Bureau: Liaison Smith said the JCVB met December 13 meeting and it would be doing strategic planning in January. JCVB would like to meet with the City Manager, and the Directors of Public Works, Parks and Recreation and Docks and Harbors, to

engage in the strategic planning.

*Bartlett Regional Hospital Board:* Liaison Crane said the next meeting was set for Thursday, December 19.

*Alaska Municipal League:* AML President Crane said she attended a rural governance conference in Anchorage with the First Alaskans Institute. The Northwest Region of National Association of Counties (NACO) met in Juneau with delegates from Alaska, Washington, Oregon, Idaho and Montana, and elected its board. Good news included that municipal revenue sharing was part of the Governor's budget. The funding formula was changed when the oil taxation was changed, but it was been included.

*Affordable Housing Commission:* Liaison Kiehl said the AHC scheduled a retreat for Saturday February 1. School Board: Liaison Kiehl said the next meeting was Tuesday, December 17, which conflicted with the HRC meeting.

*Parks and Recreation Advisory Committee:* Liaison Wanamaker said the PRAC met and discussed options for an OHV park and recommended establishing an agreement with Goldbelt for property in their Sand and Gravel quarry near Echo Cove. If that was not successful, the next option was area at 35 mile Glacier Highway. The PRAC recommended dropping all other options under review.

*Chamber of Commerce:* Liaison Becker said she attended the annual Chamber Dinner, where Jim Wilcox was announced Citizen of the Year. On Thursday, December 18, Governor Parnell would be the guest speaker.

*Alaska Committee:* Liaison Becker said The Prospector Hotel was chosen as the caterer for the legislative reception. The Chamber heard information on Phase II of the capitol building renovations.

#### D. Presiding Officer Reports

*Cavagnaro v Assessor:* Presiding Officer Jones said there would be a draft of the decision distributed prior to the January 6 Assembly meeting.

*Harris v Planning Commission:* Presiding Officer Nankervis said the documents were distributed to the Assembly and the hearing was set for January 6 at 5 p.m.

## **XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Smith said a selection was made regarding the bidder on the Economic Development Plan and an announcement was pending through the city manager's office.

Mr. Jones said the public meeting for the Utility Rate Study was very lightly attended.

Ms. Troll asked about a letter from Serene Hutchinson regarding the cruise ship terminal staging area and accommodating van operators for whale watching operations. She asked how the concerns could be addressed. Ms. Kiefer said she would follow up with Mr. Uchytel and ask him to respond to the Assembly. Mr. Jones said he spoke to Mr. Uchytel about the letter, which was addressed two days after the letter writer met with the engineer responsible for the project. Mr. Uchytel was meeting with staff on the topic and would pull together the interested parties. The larger bus operators had been involved and had approved but this company had some different

sized vehicles. The Docks and Harbors staff would be consulted regarding the need for traffic patrol in the area.

Ms. Troll said she was very impressed with the slate of candidates for the Hospital Board and the Planning Commission.

Mr. Smith said he wanted to know more about the Housing First project. He said people reported to him three main problems in downtown: parking, homeless inebriates and the perception of overall decay in downtown. He encouraged the Assembly to refocus on those three issues and put some energy into those topics. In the interim period with the existing system he thought the city should publicly announce that parking charges were abated as people were not certain whether the machines were working or not.

Mr. Kiehl said he attended the utility rate study public information session and hoped that more public attend would attend as there would be significant ramifications upon the public. He attended the 101st Governor's Holiday Open House, which was a great tradition.

Mr. Kiehl asked about the possibility of using the Marine Park Deck over for interim parking while several construction projects were happening downtown. There was reinvestment and development going on in downtown so whatever we CBJ could do to keep from detracting from that was good.

Mr. Wanamaker asked to review the dangerous dog issue and supported a review of the current ordinance.

Ms. Becker said she met with the IBEW and spoke to that group. She was encouraged by the opening of the new radiation oncology center.

The Assembly shared holiday wishes for all.

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

Joyce Thoreson, government teacher at Yaakoosge Daakahidi, introduced students present to see government in action. Mayor Sanford and Ms. Troll said they were investigating a program to appoint high school students as honorary Mayors. Ms. Troll said she would look into tying it in with the AML Legislative meetings.

### **XIV. EXECUTIVE SESSION**

A. Parking Management

B. Update on Juneau School District 2012 Oregon Incident

*MOTION, by Becker, to enter into executive session, in order to discuss matters, the immediate knowledge of which, could have a detrimental effect on CBJ finances, namely parking management, and a matter that might tend to prejudice the reputation and character of an individual, in the case of an update on Juneau School District 2012 "Oregon Incident."*

Public Comment: None.

Hearing no objections, the Assembly adjourned at 8:25 p.m. and returned to regular session at

9:35 p.m.

Upon returning to regular session, Mayor Sanford said the Assembly gave direction to staff on parking issues and about the JSD 2012 Oregon Incident.

**XV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting adjourned at 9:40 p.m.

Signed: \_\_\_\_\_

Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_

Merrill Sanford, Mayor