

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – July 29, 2013

MEETING NO. 2013-20: 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, Johan Dybdahl (Teleconference), Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Myiia Wahto, Parks and Recreation Superintendent; Hal Hart, Community Development Director; Kirk Duncan, Public Works Director; Patricia DeLaBruere, Airport Manager.

II. SPECIAL ORDER OF BUSINESS

Amy Mead introduced Sherri Petticrew, newly hired Assistant City Attorney – Prosecutor, who was recently from Wrangell, AK.

III. APPROVAL OF MINUTES

A. July 15, 2013 – Regular Assembly Meeting 2013-19

Hearing no objection, the minutes of the July 15, 2013 Regular Assembly Meeting 2013-19 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Rob Steedle asked the Assembly to substitute Ordinance 2012-20 in the red folder for the version provided in the packet, for introduction on the consent agenda.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Larri Spengler, spoke on her own behalf, not for the Thane Neighborhood Association. She said that Resolution 2536, approving a long standing CBJ/AJT Mine Property management agreement, was presented as a matter of course and adopted despite a number of good faith questions that were not discussed or answered. She asked the Assembly to reconsider Resolution 2656. The language describing the resolution on-line was troubling in that it said “the reason for this action was to demonstrate to potential lessees the commitment of the CBJ and AJT to make the mineral properties available for responsible development.” This language sounded as if the decision to reopen the AJ Mine had been made. Since the AJ Mine Advisory Committee met, there had been no discussion with or before the public whether circumstances were such that the city should seek to reopen the AJ Mine, yet it sounded as if there was an

underlying assumption that the city was going to open the mine. On such an important matter it would be crucial to proceed transparently and keep the public informed at each step.

Paula Terrell, spoke on her own behalf and not for the Thane Neighborhood Association. She was concerned about the process taken regarding the Resolution 2656. Ms. Terrell said she was president of the Thane NA 20 years ago when the AJ mine was investigated. Because the present Assembly members were not public officials during the Planning Commission and Assembly consideration of this issue in the past, with the exception of Johan Dybdahl, she shared some history. The issue of opening the AJ was far more than community fracturing; it was 5 years of public process, looking at the Kensington and then the AJ Mines. She distributed her written testimony. The Thane NA never took a position supporting or opposing the mine, but their interest was to have decisions made with a transparent process, with public involvement and that any decision to open the mine should be based on in depth research, accurate and meaningful information, and that the project would be founded on responsible development. She spoke about the impacts of the mine on Thane and the comprehensive public process for the last review. She said each week there were Planning Commission meetings and significant research was done by the staff, commissioners and the public. There was respect among all involved, including the potential mining company with the NA. She said in her 40 years in Juneau, the issue of the AJ was the most divisive issue that she could remember, more than the road, tourism, flightseeing, and there were very hard feelings on all sides. If not for the public process, there would have been far more problems. She urged the Assembly to take the time to have a comprehensive public process for this issue.

Bob Sylvester, spoke in favor of the public process Ms. Terrell spoke about and said that democracy was time consuming and inefficient, however, the public had a right to be heard in a thorough public process.

Guy Archibald, the Mining and Clean Water Project Coordinator for Southeast Alaska Conservation Council, said that any consideration of re-opening the AJ mine was likely the most divisive thing that could happen in Juneau. The wounds from the Echo Bay days were still fresh. There could not be any action regarding the AJ mine that could be dismissed as “routine processing of paperwork” without dismissing the strong feelings and emotions from a large portion of the community. If the AJ mine was to gain legitimacy in the community or with a mine developer, there could not be the appearance that this issue was not openly and publicly vetted. Dropping this resolution on an agenda without any committee discussion or prior public notice added to the divisiveness. The Assembly could demonstrate tonight that this issue would be open and transparent, or not. He urged reconsideration of Resolution 2656.

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, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2013-11(E)

An Ordinance Appropriating To The Manager The Sum Of \$245,053 As Funding For the State of Alaska's Designated Legislative Grant Projects, Grant Funding Provided By Alaska Department of Commerce, Community and Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2013-11(E) be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2013-11(F)

An Ordinance Appropriating To The Manager The Sum Of \$19,564 As Partial Funding For The Design And Installation Of A New Roof Structure For The Treadwell Salt Water Pump House At The Treadwell Mine Historic Park. Grant Funding Provided By The Alaska Department of Natural Resources, Office Of History And Archaeology.

Administrative Report: Attached. The manager recommended Ordinance 2013-11(F) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2013-20

An Ordinance Amending the Real and Personal Property Tax Code to Permit Deferral of Taxes on Certain Subdivided Property.

Administrative Report: Attached. The manager recommended Ordinance 2013-20 be introduced and set for public hearing at the next regular meeting.

1. Transfers

a. Transfer T-946

Transferring \$37,000 of ADEC Grant funding from the completed Bayview Subdivision Sewer Outfall and \$32,000 the nearly completed North Douglas Sewer Extension Capital Improvement Projects (CIP) to the existing Lawson Creek Lift Station Replacement CIP.

Administrative Report: Attached. The manager recommended approval of Transfer T-946.

VII. PUBLIC HEARING

A. Ordinance 2012-20(AU)

An Ordinance Appropriating To The Manager The Sum Of \$57,000 As Additional Funding For The Downtown Parking Fund Fiscal Year 2013 Operating Budget, Funding Provided By Additional Downtown Parking FY13 Revenues.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2012-20(AU).

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2012-20(AU).

Mr. Nankervis said that the manager reported at the last meeting that CBJ had spent \$400,000 on a system that did not work and he objected to spending any more funds on the system until it did work and enforcement was possible.

Ms. Crane said these expenses had already been incurred in FY13. Mr. Steedle said staff was seeking to use FY13 revenues to match the expenses over the FY13 amount.

Mr. Kiehl asked if staff had a timeframe for getting the system working again. Mr. Steedle said not at this time but he was working with CDD, Law and Parks and Recreation staff to develop a strategy to work with Aparc.

Mr. Nankervis withdrew his objection.

Hearing no further objection, Ordinance 2012-20(AU) was adopted.

B. Ordinance 2013-11(A)

An Ordinance Appropriating To The Manager The Sum Of \$650,000 As Funding For Juneau Douglas Bridge Water Repairs, Backloop Water Repairs, Areawide Water Main Repairs, Biosolids Management and Backloop Sewer Repairs Capital Projects; Funding Provided By The Water and Wastewater Enterprise Funds Fund Balances.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(A).

Public Comment: None.

Assembly Action:

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

C. Ordinance 2013-11(B)

An Ordinance Appropriating To The Manager The Sum Of \$61,414 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Alaska Department of Transportation.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(B).

Public Comment: None.

Assembly Action:

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

D. Ordinance 2013-11(C)

An Ordinance Appropriating To The Manager The Sum Of \$8,940 As Funding To Provide For Commercial Motor Vehicle Inspections, Grant Funding Provided By The Alaska Department Of Transportation and Public Facilities.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(C).

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2013-11(C).

Mr. Wanamaker said CBJ collected funds from the Commercial Passenger Vehicle program to monitor commercial vehicles inspections of the taxis/shuttles, and asked about the difference in the funding source.

Mr. Nankervis said this was for inspection of industrial commercial vehicles such as dump trucks and loaders, which required specialized training, and was funded through a state grant.

Mr. Jones asked if the funding was going into the police budget and Mr. Steedle said yes.

Hearing no objection, it was so ordered.

E. Ordinance 2013-11(D)

An Ordinance Appropriating To The Manager The Sum Of \$3,000,000 As Partial Funding For The Juneau International Airport Snow Removal Equipment Facility Capital Improvement Project, Grant Funding Provided By The State of Alaska.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(D).

Public Comment: None.

Assembly Action:

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

VIII. UNFINISHED BUSINESS

MOTION, by Kiehl, to reconsider Resolution 2656.

Mayor Sanford asked Ms. Mead about Mr. Wanamaker's question regarding whether this was an allowable course of action. Ms. Mead said reconsideration was allowable.

Mr. Nankervis objected to reconsideration.

Mr. Kiehl said he did not believe the taxpayers of Juneau had adequate information and an opportunity to speak about the resolution at the last meeting. In the two weeks since, the Assembly had heard from over 140 residents, through an on-line petition, emails and tonight's testimony. The public was still not sure what resolution did and they would like an opportunity to learn more and to speak about it. The Assembly had not seen a single comment suggesting that the better move was to "be done." Mr. Kiehl said some people thought this resolution did more than he thought it did and the answer to that was to give people more information. Some

said this resolution changed the way the city government worked and he still had questions about that. When the unit agreements were approved in 1976, there was an Assembly committee, and in 1979, when changing from one unit to two, there was not an Assembly committee. The public needed to know what the committee's special job was and why it was in the resolution. It was good to respond to individual emails but on this issue the Assembly needed to invest the time to work through the issues without the heat and the pressure. He had some conversations with ardent mine supporters and they all supported public discussions and felt they had the stronger arguments and that good information would win. He had spoken to those who did not support any development, and many of those believed that a deal was done to keep their arguments out of the public eye. Mr. Kiehl said no secret deals had been made but that getting the truth out in a public meeting, with discussion of what the unit agreements did and did not do would follow the recommendation of the AJ Mine Advisory Committee, which recommended thorough public discussions to build "enduring agreements."

Roll call:

Aye: Crane, Jones, Kiehl

Nay: Becker, Dybdahl, Nankervis, Smith, Wanamaker, Sanford.

Motion failed, 3 ayes, 6 nays.

IX. NEW BUSINESS

A. Appeal to Assembly – Senior Citizen Real Property Hardship Exemption – O'Brien

Administrative Report: Attached. The manager made no recommendation. Ms. Mead said that there was some interest in coordinating the two appeals on the agenda by assigning a single presiding/hearing officer and conducting the hearings on the same date.

Assembly Action:

Mr. Nankervis suggested that both Appeal A and B be assigned to a hearing officer.

Mayor Sanford said that Mr. Jones expressed an interest in serving as presiding officer.

MOTION, by Jones, to accept the appeal, that the Assembly would hear the appeal, and that he would be willing to serve as the Presiding Officer. Hearing no objection, it was so ordered.

B. Appeal to Assembly – Senior Citizen Real Property Hardship Exemption – Cavagnaro

Administrative Report: Attached. The manager made no recommendation.

Assembly Action:

MOTION, by Jones, to accept the appeal, that the Assembly would hear the appeal, and that he would be willing to serve as the Presiding Officer. Hearing no objection, it was so ordered.

X. STAFF REPORTS

A. Attorney Report

Mayor Sanford said that Ms. Mead had accomplished a number of duties and was moving forward on several matters that the Assembly had given her. All personnel evaluations were caught up to date and she was doing a good job.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford noted the ground breaking ceremony for the Soboleff Building on Thursday, August 1, at Noon on the site at the corner of Front and Seward St.

Mayor Sanford announced that a Special Assembly meeting would be held on Monday, August 5, immediately following the Committee of the Whole meeting, which started at 6 p.m. The committee would meet in executive session to discuss personnel matters at Bartlett Regional Hospital.

Mayor Sanford said he and Ms. Crane welcomed 20 Japanese students who were visiting Juneau from a small community of fewer than 1500 people in Japan that had a long term agreement (over 20 years) – with the Juneau School District. Students and teachers had exchanged places and he said this was one of the best ways to improve relationships between countries.

Mayor Sanford met with the Douglas Advisory Board and discussed several issues, including the junk pile on First Street, some issues on the cliff on St. Ann's Street, issues on North Douglas and working to get bus stops on Douglas Highway.

B. Committee Reports

Committee of the Whole: Chair Becker said the next meeting was set for August 5.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was set for August 5.

Human Resources Committee: Chair Kiehl said the HRC reviewed and recommended the following board appointments. Hearing no objection, the following appointments were made:

Aquatic Facilities Advisory Board:

Reappointment of Robert Storer to a term expiring June 30, 2016.

Juneau Commission on Aging:

Appointment of Pat Watt to a term expiring June 30, 2016

Juneau Human Rights Commission:

Reappointment of Washington Parks to a term expiring May 31, 2016

Appointment of Gail Marvin to a term expiring May 31, 2015

Mr. Kiehl said staff would offer training for CBJ board members and for staff who provide support to boards on August 16 and 23, from Noon – 1:30 p.m. and on August 28 in the

evening. There were over 300 people who volunteered and he thanked all board members for their service.

Lands Committee: Chair Smith said that Dan Bleidorn was introduced as the new Deputy Lands Manager, and the committee heard information about zoning, a cell tower application at Eaglecrest, aerial photography, and a professional photo shoot taking place on some CBJ property.

Mr. Wanamaker asked if earnings from a cell tower lease would be receipted into the Eaglecrest budget or to the CBJ general fund. Mr. Steedle said it would go to Eaglecrest, similar to the lease of harbor land going to the Docks and Harbors budget.

Finance Committee: Chair Crane said the next meeting was set for September 11.

City Manager Evaluation Subcommittee: Mayor Sanford said the next and final meeting would be on Friday, August 2 at 1:30 p.m. to discuss pay range and finalize evaluations.

City Attorney Search Subcommittee: Mayor Sanford said the work was done and the subcommittee was dissolved.

Ad Hoc Housing Subcommittee: Mayor Sanford said the subcommittee was previously dissolved. Mayor Sanford thanked the Assemblymembers for their extra work on these tasks.

C. Liaison Reports

Juneau Economic Development Council: Liaison Jones said the next meeting was set for Wednesday, August 7. He was gathering information from JEDC on economic development plans and was currently serving on an Alaska Municipal League subcommittee on Economic Development.

Docks and Harbors Board: Liaison Jones said the Pusich family held a reunion and on Saturday, July 27, they unveiled an interpretive sign about Rudy Pusich at the Douglas Harbor. The public hearing on Aurora Harbor was well attended and the feedback he heard was that the Board listened from the first meeting and incorporated many of the public comments into the plan. At a recent meeting, Greg Busch was elected Chair and Tom Donek was elected Vice Chair. Mike Peterson would represent D&H at the Assembly Lands Committee. The Board combined its Operations Committee and CIP Committee, and still had a separate Finance Committee. The Board would review its By-Laws at future meetings.

Parks and Recreation Advisory Committee: Liaison Nankervis said PRAC had received over 400 comments on the Cope Park Remodel.

Juneau Commission on Sustainability: Liaison Nankervis said the commission continued work on its energy plan.

Airport Board: Liaison Nankervis said the Board was working on the food concession for the airport and also the deterioration of the runway.

Planning Commission: Liaison Smith said there was significant shared interest between the Assembly and Planning Commission on developing an economic development plan.

Hospital Board: Liaison Crane said the Board spent significant time reviewing a detailed financial report for the end of the fiscal year and found themselves at \$4 million over projected revenues.

Affordable Housing Commission: Liaison Kiehl said the next meeting was set for Tuesday, August 6. A subcommittee was meeting to review ways to put the \$400,000 in the Affordable Housing Fund to work, as large projects had not come in for “small bites” of funding.

School Board: Liaison Wanamaker said the Board was in summer recess. He planned to attend the next JEDC meeting.

Chamber of Commerce: Liaison Becker said there was a good report on the Willoughby District at the last Chamber meeting and there is a high interest in planning for that area.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford said the community was invited to celebrate the 50th Anniversary of the State Ferry System on Saturday, August 24, from 11 a.m. – 5 p.m. at the Ferry Terminal in Auke Bay.

Ms. Crane spoke about emails received about problem bears in multi-tenant building dumpsters and the problems with enforcement. She would like more information about what can be done to address the problem. Mayor Sanford asked Mr. Steedle to provide an update and look into the situation, with a report back at the next meeting.

Mr. Wanamaker said that Tuesday, July 30 was Alaska National Guard Day and there would be a dinner for all Guard families at the Juneau Arts and Culture Center from 4:30 – 7 p.m.

Mr. Nankervis suggested that CBJ consider adopting the State of Alaska Statutes for commercial vehicle violation enforcement. Currently CBJ officers were doing the enforcement but writing state tickets and the money went to the state. When the backlog in the Law Department was addressed, this could be a win-win for the CBJ.

Mr. Nankervis noted the paving on Riverwood Drive and Linda Avenue, and Northland Drive was done and looked great.

Mr. Nankervis clarified for the record that when he said he was “out fishing,” he was commercial fishing and was actually working.

Mr. Smith asked for hands of those planning to attend the ground breaking ceremony for the Soboleff Center. All hands were raised.

Ms. Becker offered congratulations to Mr. Dybdahl and to Icy Straight Point for their recent environmental tourism award.

Mr. Dybdahl said it was a pleasure to spend Monday night with his peers once again.

Mr. Kiehl said there would be a “Celebration of Equality” on Friday, August 2, at the JACC to celebrate the recent Supreme Court Case on marriage equality. He attended a ribbon cutting

ceremony in Skagway for the rebuilt small boat harbor, which had new floats, pilings, electrical work and would be enjoyed by Skagway residents, commercial fishermen and Canadian neighbors.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT: 8:10 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor