

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – May 13, 2013

MEETING NO. 2013-12: 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, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Tricia Everson, Manager's Office; Rorie Watt, Engineering Director; Brent Fischer, Parks and Recreation Director; George Schaaf, Parks and Landscape Superintendent; Robert Barr, Library Director; Bob Bartholomew, Finance Director; Jane Sebens, Deputy Attorney; Christopher Orman, Assistant City Attorney – Prosecutor; Mila Cosgrove, HRRM Director; Hal Hart, Community Development Director; Beth McKibben, Senior Planner; Greg Chaney, Lands and Resources Manager; Greg Browning, Police Chief; Kris Sell, JPD Lieutenant – Special Ops; Bob Dilley, JPD Lead CSO; Tommy Penrose, JPD Officer; Patricia Delabruere, Deputy Airport Manager; Carl Uchtyl, Port Director; Glen Gelbrich, Juneau School District Superintendent; David Means, Director, Administrative Services, JSD.

II. SPECIAL ORDER OF BUSINESS

A. Juneau Human Rights Commission – Essay Contest Prize Awards

Alavini Lata and Steven Wolf, members of the Juneau Human Rights Commission, presented certificates and \$100 checks to Hannah Harvey, 6th Grade and Charity Lumba, 7th Grade, winners of the 2013 JHRC Essay Contest. Alyssa Nauska, was the winner in the 8th grade category but was not present.

B. Police Chief Greg Browning

Kim Kiefer congratulated Chief Browning upon his retirement. He came to Juneau as Assistant Chief in 2000 and was promoted to Chief in 2006. He has brought new technology to the department and ensured that JPD was the first department in the state to be accredited. He served on numerous state and federal task forces. Ms. Kiefer thanked him for his service to the community.

Chief Browning said JPD was in good shape and that in 2012 CBJ experienced a 20% drop in crime, and it appeared to be decreasing in 2013. He thanked the Assembly for their difficult work and his wife for 34 years of marriage and her contribution to his success in a stressful career.

C. Introduction of new CBJ Prosecutor – Chris Orman

Mr. Hartle introduced Christopher Orman to the CBJ Law Department as a Prosecutor. He would be replacing August Petropolis and most recently had been working for the Palmer District Attorney doing trial work.

III. APPROVAL OF MINUTES

A. April 22, 2013 – Regular Assembly Meeting 2013-10

Hearing no objection, the minutes of the April 22, 2013 Regular Assembly Meeting 2013-10 were approved.

B. April 29, 2013 – Special Assembly Meeting 2013-11

Hearing no objection, the minutes of the April 29, 2013 Regular Assembly Meeting 2013-11 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Ms. Kiefer noted two revised items in the Red Folder – an updated member regarding the IAFF tentative agreement and a new version of Ordinance 2013-15 (c).

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Peter Metcalfe said there was a loophole in the bear nuisance ordinance and referred to an email he sent to the Assembly with a suggestion for amending the code. Last year on Distin Avenue there were repeated bear intrusions into the dumpster of a multi-unit residential building. The problem was that tenants were not ensuring the latch was secured on the lid of the dumpster. He said the receptacle conformed with the code, however, the mis-use of the receptacle should also have a fine schedule attached to it so the enforcement officer could cite repeated offences. Last year was a particularly difficult bear season and one of the bears had to be put down.

Eddie Reyes said he was present to introduce his organization, “A Helping Rock,” which provided language assistance to the non-English speaking Latino community. Their intention was to allow citizens to be productive and contribute to the community and he offered his assistance to the CBJ.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

Mr. Wanamaker requested removal of Resolution 2648.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda, with the removal of 2648. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2013-16

An Ordinance Specifying a Penalty for Engaging in Commercial Solicitation Within the Downtown Historic District and Adjacent Areas.

Administrative Report: Attached. The manager recommended Ordinance 2013-16 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2013-18

An Ordinance Amending the Land Management Code.

Administrative Report: Attached. The manager recommended Ordinance 2013-18 be introduced and set for public hearing at the next regular meeting.

2. Bid Award

a. Bid No. DH13-438

CBJ Fisheries Terminal Dock Replacement

Administrative Report: Attached. The manager recommended approval of award of this project to Trucano Construction Company in the total bid amount, for a total award of \$106,489.00.

Removed from the consent agenda:

3. Resolution

a. Resolution 2648

A Resolution Ratifying the Labor Agreement Between the City and Borough and the International Association of Fire Fighters, Local 4303, AFL-CIO.

Administrative Report: Attached. The manager recommended adoption of Resolution 2648.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Resolution 2648, for purposes of discussion.

Mr. Wanamaker thought it was unusual to ratify a negotiated agreement on the consent agenda, as the practice had been to receive an analysis, briefing and recommendation from the staff in executive session, laying out the reasoning behind the proposed agreement, in order for the Assembly to make an informed decision. He said this had not happened and he would prefer to get the analysis and recommendation from the staff and have an opportunity to ask questions in

an executive session. He asked if the Assembly wished to table this resolution to get more information.

Ms. Crane and Mr. Kiehl said they had received information in executive session and in the packet and were satisfied.

Mr. Nankervis said the topic was mentioned in executive session but not to the detail he expected. Mr. Smith said he did not see the full agreement in detail.

Ms. Kiefer said the staff provided a briefing in executive session, there was some discussion in executive session following the detail provided in executive session, and there was information provided in the packet.

MOTION, by Dybdahl, to call for the question. Hearing no objection, Resolution 2634 was adopted.

VII. PUBLIC HEARING

A. Ordinance 2013-10

An Ordinance Appropriating Funds From The Treasury For FY14 School District Operations.

Administrative Report: Attached. The manager recommended Ordinance 2013-10 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2013-10.

Mr. Wanamaker asked if the \$70,000 to fund pupil transportation were funds provided above the cap. Ms. Kiefer said yes. Mr. Wanamaker said that each year the school district received funding for pupil transportation from the state and each year there were some funds left over that were converted to another use within the school district. He asked if there were funds left over this year, could those be applied to defray this funding above the cap.

David Means, JSD, said the \$70,000 for pupil transportation was for specialized service, which included \$35,000 for homeless students and \$35,000 for afterschool activities. There was a \$100,000 transfer from the pupil transportation fund into the general school operations fund in the proposed FY14 budget. He projected that by the end of next fiscal year there would be little fund balance left, and it would be difficult to fully fund those services and not have a deficit in the next year without the \$70,000.

Mr. Nankervis asked how the homeless student transportation was provided. Mr. Means said that service was provided through the homeless liaison program by a local taxi company from wherever the student was living to the school and back.

Mr. Wanamaker said some homeless students did not have a permanent residence and so this program was used to keep those students “in the same building.” He asked if the program was mandated by the federal or state government. Mr. Means said it was a federal mandate and

there were federal funds that could be applied for, and if the funds were available, JSD would use federal funds. Those funds were highly restricted and other funds were needed as well.

Mr. Nankervis said he would prefer that the numbers were broken into two ordinances – the funding to the cap and the funding over the cap. Mayor Sanford said that the Assembly made a motion at the Finance Committee and determined that the ordinance would not be separated.

Hearing no objection, Ordinance 2013-10 was adopted.

B. Ordinance 2013-13

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of West Juneau Block D, Lots 11-14 Fraction, Lot 9 and 10 Fraction, Lots 7 Fraction and 8 Fraction, and Lot 6 and 7 Fraction, Located at the West End of the Douglas Bridge and Currently Zoned D-5, to D-18.

Administrative Report: Attached. The manager recommended Ordinance 2013-13 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2013-13. Hearing no objection, it was so ordered.

C. Ordinance 2013-15(c)

An Ordinance Relating to Parking, Other Violations, Civil Fines and Civil Fine Procedure, and Providing for a Penalty.

Administrative Report: Attached. The manager recommended Ordinance 2013-15(c) be adopted.

Public Comment:

Paul Thomas, Downtown Business Association member and owner of Alaska Cache Liquor, would like to see a drop box at city hall for traffic fines and asked that JPD continue to issue warnings so that downtown did not take the negative hit of bad parking. The word was out that there was no enforcement and he encouraged the city to issue a press release saying that there was enforcement taking place.

Dennis Harris, spoke as a taxi driver and was concerned about the legal training or qualifications for the hearing officer. He was also concerned about the reference to allowing hearsay evidence. He said there were 40 cabs on the street during the summer and there were ten designated parking places for cabs. He said the fine was minimal for parking in a taxi zone and he suggested increasing the fine and putting new signs on them indicating they were “tow-away” zones.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2013-15(c) for purposes of discussion.

Mr. Nankervis asked for more information about hearsay evidence and the preliminary plans for the function of the hearing officer.

Mr. Hartle said that regarding hearsay evidence, the ordinance allowed it with limitations in section 03.30.085.d.2.D, "Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that is more probative on the point for which it is offered than any other evidence the proponent can procure by reasonable efforts." This section was in lieu of adopting the rules of evidence (a basic rule is that hearsay is not allowed) but there were 24 exceptions to the rules of hearsay which could be summed up with this statement in the ordinance. It was taken from Ketchikan's ordinance. The Supreme Court required due process on a scale, based on the possible deprivation, and the amount of process turned on whether the scale was high, such as loss of liberty, job or significant amount of money, and low if it were a \$25 parking ticket. A full and fair hearing was needed, but this was a short cut way to allow evidence.

Ms. Kiefer said the current plan was to have the Hearing Officer serve in the Manager's Office but it was yet to be determined who the specific employee would be. The Attorney's Office and the CSO's would be developing a manual for the procedures. Ms. Kiefer said it would be a current employee and because the parking system bugs were still being worked out, staff anticipated more requests for a hearing to start with, but in the future, there would be a lessened need. A traffic court set time would be set up, likely over the lunch hour.

Mr. Hartle said the ordinance did not change the substantive law on parking and only addressed how the tickets would be handled.

Mr. Wanamaker asked about the training for the hearing officer and what would be done to ensure the hearing officer was immune from command influence. Mr. Hartle said that was important because the recourse had been the state court, which was viewed to be independent. The manager had discussed using the law department intern to start this position and to draft a job manual. This person had some law experience already. Mr. Hartle said that the legislature could reverse this situation in the forthcoming year.

Ms. Crane asked about a potential conflict between the statement in the ordinance that the hearing officer should not substitute their judgment for that of the enforcement officer or the manager, but the ordinance also provided the hearing officer with reasonable discretion.

Mr. Hartle said that the hearing officer should not substitute their judgment for issues such as how the parking spaces are designated or anything related to the parking plan, but had reasonable discretion in situations in which a person transposed a number in their license plate but had paid for a parking space to dismiss the ticket, for example. Some discretion was necessary. He said questions such as this would inevitably require judgment calls and future changes to the ordinance as the system developed.

Mr. Wanamaker asked what type of training a hearing officer would receive. Mr. Hartle said the program would start with the law department intern, who had worked for the Fairbanks District Attorney. The intern could write a desk manual for the next hearing officer. Staff would do its best to assign a qualified person and train them appropriately. Mr. Hartle said that Anchorage hired municipal judges and Ketchikan put its manager's administrative assistant in charge, so there was a broad spectrum.

Mr. Kiehl asked about authorizing code enforcement officers to give tickets. Mr. Hartle said under present law, the manager could designate which employees could issue citations and the scope of the code for those citations. Each individual employee got a letter from the manager designating their scope, and was provided a training class on ticket writing.

Mr. Jones said the ordinance seemed to say service was only on vehicles and asked how that related to litter or wood smoke citations. Mr. Hartle said the ordinance also referenced conspicuously affixing citations to buildings and to personal service.

Mr. Kiehl asked about the structure of the fine schedule and Mr. Hartle explained that some offenses were still subject to review in state court, others to municipal court, and that was outlined in the ordinance. Mr. Kiehl wanted to ensure the ordinance provided an opportunity for people to pay without an appeal and thought the drop box suggestion was good.

Mr. Jones asked about making changes to the fines in the taxi zones. Mr. Hartle recommended a separate ordinance for that with appropriate public notice, as this ordinance had made not changes to the existing laws regarding parking, only the method of citations.

Hearing no objection, Ordinance 2013-15(c) was adopted.

D. Ordinance 2012-20(AM)

An Ordinance Transferring To The Manager The Sum of \$75,554 For The Open Space Waterfront Land Acquisition Capital Improvement Project From Unexpended FY12 Marine Passenger Fees Budgeted To The General, Visitor Services, And Roadside Service Area Funds.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AM) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2012-20 (AM). Hearing no objection, it was so ordered.

E. Ordinance 2012-20(AN)

An Ordinance Transferring To The Manager The Sum Of \$300,000 To Return Funds To The Waterfront Seawalk Capital Project Fund, Funding Provided By The General Fund Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AN) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2012-20(AN). Hearing no objection, it was so ordered.

F. Ordinance 2012-20(AO)

An Ordinance Appropriating To The Manager The Sum Of \$250,000 As Funding For The Auke Lake Wayside Boat Launch Ramp, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.

Administrative Report: Attached. The manager recommended Ordinance 2012-20 (AO) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2012-20(AO) and refer the amounts in this matter to the Finance Committee pending list.

Ms. Kiefer said the ordinance put \$250,000 in the Auke Lake Wayside CIP and referred the matter to the Finance Committee to determine how to spend the funds, whether it would go to Parks and Recreation or into the Lands fund, or another expenditure.

Hearing no objection, Ordinance 2012-20(AO) was adopted and the matter was referred to the Finance Committee.

G. Ordinance 2012-20(AP)

An Ordinance Transferring to the Manager the Sum of \$800,000 To Transfer Funds To The 2009 Special Capital Projects 1% Sales Tax Fund Fund Balance, Funding Provided By The Capital Improvement Projects Fund.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AP) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2012-20(AP). Hearing no objection, it was so ordered.

H. Ordinance 2012-20(AQ)

An Ordinance Appropriating to the Manager the Sum of \$300,000 as Partial Funding For The Eagles Edge Utility Local Improvement District Capital Improvement Project, Loan Funding Provided by the State of Alaska Department of Environmental Conservation.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AQ) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2012-20(AQ). Hearing no objection, it was so ordered.

I. Ordinance 2012-20(AR)

An Ordinance Appropriating to the Manager the Sum of \$9,399 as Funding For The Purchase Of Three Early Literacy Interactive Computer Stations, Grant Funding Provided by the State of Alaska Department of Education and Early Development.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AR) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2012-20(AR). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Regulation Port Development Fee

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, for orders of the day. The regulations were allowed to become effective.

X. STAFF REPORTS

Ms. Kiefer noted that Wednesday, May 15 was National Police Memorial Day and there would be a wreath laying ceremony at Evergreen Cemetery at Noon and an evening ceremony at the Police Department beginning at 6 p.m.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Becker said the committee met on April 29 and heard reports from the Juneau Commission on Sustainability and from the Utility Advisory Board. The UAB was recommending 5% increase in water/waste water rates, effective July 1, 2013, and the matter was referred to the Finance Committee. The committee also met on May 6 and heard a report and recommendation from the Parks and Recreation Department on the Auke Lake Management Plan. The Assembly recommended improved buoys, signage, education efforts regarding boating safety efforts, enforcement and data collection throughout the summer with a report back at the end of the summer to again look at the P&R recommendation.

Ad Hoc Housing Subcommittee: Chair Becker said the subcommittee met on May 9 and would meet next on May 23. The subcommittee members volunteered to call builders with open residential building permits to ask about their projects. The manager would work on a report on the matrix of suggestions to determine the responsible party to see action is taken, to identify if something could not be done and why, if there was present action on an item, what would be needed to accomplish the item and CDD and Engineering would contribute comment on this as well. CDD would report on a possible market study. Engineering was creating a “pie chart” on the cost for underground utilities, sidewalks, paved streets, curb and gutter and make a report. Greg Chaney would present a proposal for Pederson Hill and Switzer Creek. In June, the subcommittee would receive a report on the Major/Minor Subdivision Ordinance revisions and the committee agreed to increase a minor subdivision to 12 lots and under. In June, the subcommittee would receive a report on the tax deferral for subdivided property ordinance.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting would be May 20 at Noon in the Chambers.

Lands and Resources Committee: Chair Smith said the committee met on April 29 and heard a report from new Lands and Resources Manager Greg Chaney, who was transitioning from his former position as Planning Manager at the Community Development Department.

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

1% for Art Selection Panel – Juneau Cruise Ship Berth

Appointment of Chloe Watson and Dan Fruits to the two public seats

Board of Equalization

Appointment of Patricia Watt for a term expiring December 31, 2015

Appointment of Paul Nowlin for a term expiring December 31, 2013

Juneau Human Rights Commission

Reappointment of Alavini Lata for a term expiring May 31, 2016

Sales Tax Board of Appeals

Appointment of Patricia Watt for a term expiring December 31, 2013

Utility Advisory Board

Reappointment of Leon Vance for a term expiring May 31, 2016

Reappointment of Scott Willis for a term expiring May 31, 2016

Mr. Kiehl said the HRC reviewed Resolution 2646 Reestablishing the Parks and Recreation Advisory Committee and recommended it be forwarded to the Assembly.

The Assembly would meet as the Full HRC to conduct interviews for the Airport, Docks and Harbors and Eaglecrest Boards. The deadline for applications was May 22 and the HRC reviewed the interview questions. He asked other Assemblymembers to provide him with feedback regarding the interview questions.

Hearing no objection, the Assembly approved moving the June 3 Human Resources Committee meeting to Noon, in order to allow Assemblymembers time to attend the installation of the first honorary counsel to the Philippines from Juneau.

City Attorney Selection Subcommittee: Chair Kiehl said the advertisements had gone out and the position closed June 10. The next meeting was Tuesday, May 14, at 2:30 p.m. to discuss recommendations for action in the event the hiring did not move forward quickly.

Finance Committee: Chair Crane said she and Loren Jones were attending a Board meeting of the Alaska Municipal League this week and there would be no Finance Committee meeting on Wednesday, May 15. The next meeting was Wednesday, May 22.

City Manager Evaluation Subcommittee: Mayor Sanford encouraged the Assemblymembers to complete the “360” evaluation of the city manager via “Survey Monkey” or by hard copy provided by the Human Resources Division.

B. Liaison Reports

Juneau Economic Development Council: Liaison Jones said the next meeting was Tuesday, May 14.

Docks and Harbors Board: Liaison Jones said that Wednesday, May 15, would be a ribbon cutting ceremony at Statter Harbor, with a community event from 11 a.m. – 1 p.m. He said the Pusich family had proposed an interpretive display to be installed at the Douglas Harbor and it was under review by the Board.

Parks and Recreation Advisory Committee: Liaison Nankervis said the PRAC met on Tuesday, May 7, and discussed the Assembly’s comments on the Auke Lake Management Plan.

Juneau Commission on Sustainability: Liaison Nankervis said he had not attended due to conflicts with the Finance Committee meeting.

Airport Board: Liaison Dybdahl said he had not attended due to conflicts with the Finance Committee. Mayor Sanford appointed Mr. Nankervis as a substitute for Mr. Dybdahl when he was needed.

Juneau Convention and Visitors Bureau: Liaison Smith said the JCVB would hold its annual membership meeting on Friday, May 17, and Governor Sean Parnell would speak on the importance of tourism to the State of Alaska.

Affordable Housing Commission: Liaison Kiehl said the AHC met and presented to the Ad Hoc Housing Subcommittee, with several recommendations, which they would provide to the COW at a future meeting.

School Board: Liaison Wanamaker said the last meeting of the school year would be June 4 and the Board would recess for the summer and start meeting again in August.

Alaska Committee: Liaison Becker said the committee held its annual retreat on May 8 and updated its action plan, reviewed its By-Laws and a visitor satisfaction survey. They learned about planned updates to the Gavel to Gavel programming.

UAS Campus Council: Liaison Becker said the council recently met in the beautiful new Forest Science Lab, which officially opened on Community Day on Campus, May 18th at 3 p.m. She said UAS recently sold the Bill Ray Center property.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones asked if the Assembly would agree to have the City Attorney review parking fines for taxi parking and Mr. Metcalf's recommendations on the bear nuisance ordinance.

Mayor Sanford cautioned the Assembly to be aware of overburdening the Law Department, which was currently overtaxed with duties. He would like to put this on the list for later a later date, as the Assembly was pushing city staff to the maximum now and it needed to set priorities.

Mr. Jones asked to have it put on a list for review at a future date.

Mr. Dybdahl apologized for not attending the hearing and not being able to participate in the executive session. He thanked Mr. Nankervis for volunteering for the Airport Board and said he would volunteer to go fishing for Mr. Nankervis.

Mr. Wanamaker suggested that the modification to the bear nuisance ordinance seemed straightforward and could be reviewed in the Lands Committee, as it had been developed through that committee in the past.

Ms. Becker said there was a great Blessing of the Fleet recently, sadly with 8 new names added to the memorial, which was too many. The highlight was that the Alaska State ferry participated for its 50th anniversary. Reecia Wilson provided a wonderful meal for everyone at the Twisted Fish Restaurant.

Ms. Becker attended the First Lady Volunteer Awards and Juneau resident Earline Smith was recognized for her work at the Johnson Youth Center. Ms. Parnell said Ms. Smith was kind volunteer and a mentor – a rock of stability for young people during critically important times in their lives.

Ms. Becker said she attended the Miner's group and gave a talk about the impact of legislative bills on CBJ.

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

XIV. EXECUTIVE SESSION

A. Appeal of USE2012 0019 – Lemon Creek Gravel Extraction – Assembly Deliberation.

MOTION, by Becker, to enter in to executive session to deliberate on the Appeal heard earlier in the evening.

Public Comment: None.

Mr. Dybdahl said he did not attend the appeal hearing and therefore would not attend the executive session. Hearing no objection, Mr. Dybdahl was excused from the meeting.

Hearing no objection, the Assembly entered in to executive session at 8:45 p.m. and returned to regular session at 10:20 p.m.

Ms. Crane said that while in executive session, the Assembly gave direction to the City Attorney regarding Appeal USE2012-0019- Lemon Creek Gravel Extraction.

Mr. Hartle noted for the record that Mr. Smith discussed a possible conflict of interest with him at the break before executive session and following going off the record he declared a conflict of interest and he did not participate in the deliberation. Mayor Sanford noted Mr. Dybdahl's non-participation in the appeal deliberation as well.

XV. ADJOURNMENT

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor