

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 22, 2014

MEETING NO. 2014-29: 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, Maria Gladziszewski, Jesse Kiehl (telephonic), Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Loren Jones.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Charlie Ford, Building Official; Bob Bartholomew, Finance Director; Rorie Watt, Public Works / Engineering Director; Carl Uchytel, Port Director; Bryce Johnson, Police Chief; Blaine Hatch, JPD Officer; and many JPD staff, family and friends.

II. SPECIAL ORDER OF BUSINESS

A. Bicycle Friendly Community Designation - Juneau

Ms. Kiefer said Juneau was first designated as a Bicycle Friendly Community by The League of American Bicyclists in 2011. CBJ has worked hand in hand with DOT on bike amenities, and Juneau has been awarded this status again.

B. AML Municipal Employee of the Year- Blain Hatch

Mayor Sanford recognized JPD Officer Blaine Hatch as the Alaska Municipal League Municipal Employee of the Year in 2014. He said Officer Hatch serves as the sole school district police officer, running the DARE program and patrolling the schools. In 2014, he led a response to a student bringing a gun to school. He provided CPR to an unresponsive man who survived, thanks to his efforts. During the prom celebrations, he was seen vacuuming the floors in uniform to ensure the event was a success. He is a friend to young people and holds them accountable, and can be seen "high fiving" with students through the halls of school.

Mr. Nankervis spoke as a former JPD officer and said that Juneau had the best police department in the state and said the entire department had the support of the community.

The Assembly took an "at ease" to shake hands with Officer Hatch and all of the JPD staff present.

III. APPROVAL OF MINUTES

A. November 10, 2014 Regular Assembly Meeting 2014-26

Hearing no objection, the minutes of the November 10, 2014 Regular Assembly Meeting 2014-26 were approved as corrected.

B. November 24, 2014 - Assembly Retreat

Ex. 074, p. 1

Hearing no objection, the minutes of the November 24, 2014 Assembly Retreat were approved.

C. December 10, 2014 Special Assembly Meeting 2014-28

Hearing no objection, the minutes of the December 10, 2014 Special Assembly Meeting 2014-28 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Ms. Kiefer asked the Assembly to remove Ordinance 2014-24(X) from Public Hearing. Hearing no objection, it was so ordered.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

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 2014-48 An Ordinance Amending the Administration Code Relating to the Appeal Process for Civil Violations.

This is a housekeeping ordinance to correct an inconsistency in the civil fine citation appeal timelines specified by CBJ 03.30.075 and 03.30.085. Under the current code, an appeal must be filed within 20 days of the issuance of the citation. However, if the citation is not paid within 30 days, the CBJ sends a notice permitting an appeal if the individual presents evidence that he or she did not receive the notice of violation. This inconsistency creates an equal protection issue. This ordinance clarifies that a timely notice of appeal must be received within 30 days of the citation issuing, and allows for a process by which the hearing officer may accept late-filed appeals upon a satisfactory showing that the original citation had never been received.

This ordinance would also amend CBJ 03.30 to allow the hearing officer some discretion in reducing fine amounts in the interest of justice, unless prohibited from doing so by ordinance.

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

b. Ordinance 2014-50 An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to

Marijuana Establishments.

On November 4, 2014, Alaskan voters approved a ballot measure related to the legalization of marijuana. The initiative, which goes into effect on February 24, 2015, allows the State nine months to enact regulations concerning the registration and oversight of marijuana establishments, defined by the initiative as marijuana cultivation, testing and product manufacturing facilities and marijuana retail stores. The initiative requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act. The initiative authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments (for example, hours of operation, allowable locations, and limitations on the number of establishments allowed within the municipality .)

The purpose of the moratorium is to allow the CBJ time to consider and enact legislation concerning the operation of marijuana establishments in the CBJ. The moratorium is set to expire within one year of adoption, which is after the date the State is required to enact regulations given the fact that it may be necessary to coordinate our local legislation with the State's regulatory scheme, but before the time the State is required to begin processing applications.

The Manager recommends this ordinance be referred to the Lands Committee, and set for public hearing at the next regular Assembly meeting

- c. Ordinance 2014-51 An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.

This ordinance would amend the Second-hand Smoke Control Code, Chapter 36.30, to provide for the regulation of marijuana smoking in the same way the smoking of tobacco products is regulated within the City and Borough.

The Manager recommends this ordinance be referred to the Lands Committee, and set for public hearing at the next regular Assembly meeting

- d. Ordinance 2014-24(S) An Ordinance Appropriating to the Manager the Sum of \$64,282 as Funding for the Implementation of the Police K-9 Program at Juneau Police Department, \$48,091 in Grant Funding Provided by United States Department of Justice, Drug Enforcement Agency Grant and a \$16,191 Match Provided by the Roaded Service Area Fund Balance, Asset Forfeiture Reserve.

This ordinance would appropriate \$64,282 to the manager for the new K-9 Program. Funding is provided as follows:

United States DOJ, Drug Enforcement Agency Grant:	\$48,091
Asset Forfeiture Reserve Fund:	\$16,191

The grant funding provides for the purchase, travel, training and maintenance of a Police K-9 through September 30, 2015. The K-9 will be utilized for controlled substances interdiction, investigations and enforcement operations. Grant funding is provided by the United States Department of Justice, Drug Enforcement Agency as a part of Operation DIPNET. The grant period is October 1, 2014 ending September 30, 2015. For FY15, the grant funding to be appropriated is \$35,000.

Ex. 074, p. 3

The Police K-9 will be assigned to a current officer of the Juneau Police Department.

Overtime costs incurred upon start-up of the program and continued K-9 upkeep for the grant period will be paid by funds in the Asset Forfeiture account, the amount appropriated for FY15 is \$16,191.

The Assembly Finance Committee endorsed this action at their November 12, 2014 meeting.

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

- e. Ordinance 2014-24(Y) - An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for Phase I of the Amalga Harbor Fish Cleaning Station Project; Grant Funding Provided by the Alaska Department of Fish and Game.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would receive funding from the Alaska Department of Fish and Game (ADF&G) for the purpose of determining the most appropriate and feasible fish cleaning station at Amalga Harbor.

The ADF&G cooperative agreement grant is in the amount of \$50,000 for Phase I of the project that would include planning, design, permitting, if applicable, and determining the most appropriate and feasible fish cleaning station at Amalga Harbor. It is anticipated that ADF&G would amend the cooperative agreement for construction funding if a feasible solution is vetted through the Phase I process.

The Docks and Harbors Board will consider this item for recommendation to the Assembly at its regular meeting on December 11, 2014.

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

- f. Ordinance 2014-24(Z) - An Ordinance Appropriating to the Manager the Sum of \$650,000 as Funding for the new Waste Management Baler Project; Funding Provided by the Waste Management Fund Balance and the Waste Management Fleet Reserve.

This ordinance would transfer \$650,000 to the new Waste Management Baler CIP from the Waste Management Fund Balance and Fleet Reserve.

The request is to transfer \$650,000 to the new Waste Management Baler CIP to bid and award to a Contractor, the installation of a new industrial recycling baler at Capitol Disposal.

Funding of \$450,000 would be provided by the Waste Management Fund Balance. Funding of \$200,000 would be provided by the Waste Management Fleet Reserve.

The Public Works and Facilities Committee reviewed this transfer at its regular meeting on December 8, 2014 and recommends that it be forwarded to the

Ex. 074, p. 4

Assembly.

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

2. Resolutions

- a. Resolution 2699 A Resolution Confirming the City and Borough's Support of the State Library Archive Museum ("SLAM") and Acknowledging the State's Mitigation Efforts.

This resolution would recognize the SLAM project's efforts to mitigate the demolition of the old State Museum by reusing the concrete flicker feather panels, and would reconfirm the CBJ's request that the State provide a publication and interpretive exhibit on the history of the original museum in the new SLAM facility.

By letter dated August 12, 2014, the SLAM project coordinator notified the CBJ that the flicker panels could not be saved as they were structurally unsound and not capable of being safely moved. Though ultimately unsuccessful, this resolution acknowledges the State's good faith efforts to mitigate the old museum's demolition by attempting to reuse the panels.

The Assembly Committee of the Whole reviewed the project at its meeting of October 27, 2014 and recommended that a resolution be forwarded to the Assembly.

The Manager recommends adoption of this resolution.

- b. Resolution 2701 - A Resolution Certifying That the City and Borough of Juneau Did Suffer Significant Effects During the Program Base Year From Fisheries Business Activities That Occurred Within the FMA 17: Northern Southeast Fisheries Management Area.

This resolution would authorize the acceptance of the CBJ's share of the FY2015 State Shared Fisheries Business Tax. This distribution represents CBJ's share of state fishery revenues generated in the Northern Southeast Fisheries Management Area (NSFMA), but outside the boundaries of the organized communities.

The funds are allocated by the DCCED (State of Alaska's Department of Commerce, Community, and Economic Development) to each community in the NSFMA (Angoon, Gustavus, Haines Borough, Hoonah, Juneau, Skagway, and Tenakee Springs). Because the NSFMA's FY2015 allocation falls below the DCCED's long-form threshold value, the short-form method of allocation, as approved by DCCED, is used this year. It is anticipated that the CBJ will receive approximately \$4,399.91 in FY2015.

The Manager recommends adoption of this resolution.

VII. PUBLIC HEARING

- A. Ordinance 2014-24(W) An Ordinance Appropriating to the Manager the Sum of \$800,000 as a Transfer to the Statter Harbor Improvements Capital Project; Funding Provided by the Harbors Fund Fund Balance.

This ordinance would transfer \$800,000 to the Statter Harbor Improvement CIP Account from the Harbors Fund balance.

The request is to transfer \$800,000 to the existing Statter Harbor Improvements CIP account for planned improvements of the Statter Harbor Master Plan, specifically for the construction of a two-lane boat launch facility. Funding would be provided by the Harbor Fund available fund balance with a current balance of \$3,417,730.

The Public Works and Facilities Committee reviewed this request at its meeting on October 27, 2014 and recommended forwarding it to the full Assembly for approval.

The Docks and Harbors Board reviewed this request at its October 30, 2014 meeting and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2014-24(W). Hearing no objection, it was so ordered.

- B. Ordinance 2014-24(X) An Ordinance Appropriating to the Manager the Sum of \$500,000 as a Transfer to the Downtown Cruise Ship Berth Enhancement CIP account for Corrosion Protection of the Existing Dock Structure at the Steamship Wharf; Funding Provided by the Docks Fund Fund Balance.

This ordinance would transfer \$500,000 to the Downtown Cruise Ship Berth Enhancement CIP Account from the Docks Fund balance.

The request is to transfer \$500,000 to the existing Cruise Berths Enhancement CIP account for corrosion protection of the existing dock structure at the Steamship Wharf. Funding would be provided by the Docks Fund available fund balance with a current balance of \$3,531,061.

The Public Works and Facilities Committee reviewed this request at its October 27, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Docks and Harbors Board reviewed this request at its October 30, 2014 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Removed from the agenda - no public testimony.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

- A. Late Filed Senior Citizen Property Hardship Exemption - Bennett

Alice J. Bennett applied late for the 2014 senior citizen hardship exemption. The

Ex. 074, p. 6

hardship exemption form and appeal letter were received on September 29, 2014 by the Assessor's Office. Ms. Bennett passed away on October 28, 2014.

CBJ 69.10.020(10)(C) places the authority for approving late claims with the Assembly.

Alice J. Bennett stated that she filed late due to the fact that she was 98 years old and suffered from a slew of medical issues dating to 2012. Her son had been helping her out but overlooked applying for the exemption by the April 30, 2014 deadline.

Listed below are the assessed values of the property in question, in addition to a breakdown of the financial impact of the requested exemption:

Assessment:	Land	130,700
	Improvements	217,200
Exemption:		<u>- 150,000</u>
Taxable amount:		197,900
Total Tax:		2,129
2% of GHI (Tax Due):		- 383.52
Allowable Hardship Exemption		1,745.88

Approval of this late filing would result in a loss of \$1,745.88 in revenue for the City.

The Assessor's Office determined that the filer had an income ratio that would have qualified her for the exemption if it had been filed in a timely manner. The 2014 taxes were paid in full. Mrs. Bennett's son requested that any refund be applied to the property's utility accounts.

The Manager recommends the Assembly authorize the Assessor to accept the application as if filed timely.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to accept the late filed senior citizen property hardship exemption application from Alice J. Bennett, as if timely filed. Hearing no objection, it was so ordered.

B. Late Filed Senior Citizen Property Hardship Exemption - Frank

Sophie Frank applied late for the 2014 senior citizen hardship exemption. The hardship exemption form and appeal letter were received on July 30, 2014 by the Assessor's Office.

CBJ 69.10.020(10)(C) places the authority for approving late claims with the Assembly.

Ms. Frank stated that she filed late due to medical issues.

Listed below are the assessed values of the property in question, in addition to a breakdown of the financial impact of the requested exemption:

Assessment:	Land	105,000
	Improvements	274,300

Exemption:	<u>- 150,000</u>
Taxable amount:	229,300
Total Tax:	2,467.27
2% of GHI (Tax Due):	799.92
Allowable Hardship Exemption	1667.35

Approval of this late filing would result in a loss of \$1,667.35 in revenue for the City.

The Assessor's Office determined that the filer had an income ratio that would have qualified her for the exemption if it had been filed in a timely manner. The 2014 taxes were paid in full.

The Manager recommends the Assembly authorize the Assessor to accept the application as if filed timely.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to accept the late filed senior citizen property hardship exemption application from Sophie Frank, as if timely filed. Hearing no objection, it was so ordered.

C. Porcupine Lodge 1% for Art Proposal

The 1% for Art Committee has selected two artists for the 1% for Art for Eaglecrest Learning Center, now called the Porcupine Lodge. The budget for this project is \$25,000.

Toby Harbanuk will create an aerial view of Eaglecrest snowboard mural, along with snowboard signs to hang over select doorways such as rental area, retail/repair, and the classroom area. Mary Williams will create 5 snowflakes made from painted and textured old wood ski's, ranging in size from 33"x33" to 50"x50" and vary in color.

Installation for both pieces will occur in early spring. The committee believes the artists have done an excellent job proposing art that will be durable and will require minimal maintenance.

In accordance with CBJ 62.65 all 1% for Art selections are subject to final approval by the Assembly.

The Manager recommends approval of the 1% for Art Proposals for Porcupine Lodge.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to approve the 1% for art selections for the Porcupine Lodge as presented. Hearing no objection, it was so ordered.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

MOTION, by Becker, to contribute up to \$5,000 from the Assembly Hosting account for the expenses of the inaugural ball, as money was available in the fund and this was a traditional contribution that had been made from the community in the past. Hearing no objection, it was so ordered.

Mayor Sanford asked the Assembly to be sure to read all of the recently distributed reports and those that would be distributed soon, including the Auke Bay Plan, the Economic Development Plan, the NOAA Task Force Report and the Treadwell Arena Task Force Report.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW met on December 8 and discussed the Gastineau Apartments and the Capital Transit Plan. The next meeting was set for December 29 and an extra meeting was set for January 5, which would focus on the Economic Development Plan.

Tax Exemption Review Committee: Chair Becker said there had been quite a few meetings of the TERC. A public meeting was scheduled for January 8 at 5:30 p.m. and the committee would take open testimony but would specifically seek comments on the TERC draft recommendations as follows: The TERC is not recommending removing the lobbyist sales tax exemption, not recommending removing the out-of-borough sales tax exemption, has forwarded no opinion on the rebate program, was recommending a cap on single sale exemption of \$14,000, was recommending eliminating the senior out-of-borough exemption, and was recommending senior sales tax exemptions on food, fuel and electricity for all, and then establishing an income base for the senior exemption of 250% of the poverty level, and continue all other exemptions that were currently in effect. Mayor Sanford anticipated the topic would move from the TERC to the Finance Committee to continue the discussion and he thanked the TERC for its work.

Finance Committee: Chair Crane said the committee met and received information from the manager on planned budget reductions and efficiencies for FY16, and the committee pared down the list of CIP requests to the State. The next meeting was set for January 21.

Human Resources Committee: The next meeting was set for January 12.

Lands and Resources Committee: Chair Kiehl said the next meeting was set for December 29.

Public Works and Facilities Committee: Chair Nankervis said the committee met on December 8 and approved transfer requests, for Jackson St. in Blueberry Hills, for parking management contract, heard information on the recycling baler, and discussed underground utilities. It appears the option to moving to above ground vs. under ground utilities seems to be a wash. The next meeting was set for December 29.

C. Liaison Reports

Airport Board: Liaison White said she took a tour of the airport and was getting up to speed, but the meetings had conflicted with Assembly meetings.

Bartlett Regional Hospital Board: Liaison Crane said BRH Board hired a new Chief Financial Officer, Allan Ulrich, and a comptroller, Karen Taug and the top management positions were full. There was no success with hiring a pediatric psychiatrist yet. The BRH Board reviewed

training opportunities for the board and developed a letter of support for Housing First which was delivered to the Assembly.

Docks and Harbors Board: Liaison Nankervis said next meeting was set for January 6, at 5 p.m. to review dock fees.

Eaglecrest Board: Liaison Nankervis said Eaglecrest would like everyone to sing "let it snow." The ski area opened on December 6. The Porcupine Lodge is nearing completion in January. The CIP request was reduced by \$50,000. The next meeting was set for January 8 at 6:15 p.m.

Afterschool Activities Committee: Ms. Becker reported on BAM, which was chosen as a model after school program and she went to Washington, DC to represent Juneau on this topic. People were impressed with what had been done in Juneau with a limited budget and many volunteers.

Affordable Housing Commission: Liaison Troll said the next meeting was set for January 6.

Alaska Committee: Liaison Becker said the Legislative Reception would be held January 22 at Centennial Hall, 5 - 6:30 p.m. and the theme would focus on "Alaska under Construction."

Juneau Commission on Sustainability: Liaison Troll said the JCOS met on December 17 and discussed the presentation the Green Team gave to CBJ staff on the Climate Action Plan, the Auke Bay Plan, and an interest in working with Building Code Advisory Committee to incorporate energy issues into the building code.

Juneau Convention and Visitors Bureau: Liaison White said the JCVB held elections for new officers, presented a list of conventions and meetings solicited in 2015-2016. They have revamped website and the Juneau Travel Guide.

Local Emergency Planning Committee: Liaison Gladziszewski said the LEPC met on December 10 and planned for the Preparedness Expo. The next meeting was set for January 14 and the location of the meeting was changed to the CCFR training room.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the PRAC met on December 2 and heard reports on Treadwell and the pools from the managers of the facilities. They also heard from the Juneau-Douglas Motocross Association, which is interested in using land above the ballfields in Lena as an OHV park. The discussion is very preliminary. The next meeting was set for January 6.

School Board: Liaison Kiehl said the School Board met on December 16, heard about the AVID program and anti-bullying, student performance data, and approved an application to have the Montessori Borealis program to become a full alternative school and to add a children's program to that that would not be state or city funded but would charge tuition. The Board gave management direction to work closely with the private non-profit Montessori program when setting tuition and hours so the public program would not disadvantage the private non-profit program.

UAS Campus Council: Liaison Kiehl said the Council met and heard extensive presentations on some of the programs focused on Alaska Native students and Alaska Native scholarships, the Alaska Native teacher preparation program, and the language programs. UAS recently finished finals week, and there would be upcoming budget reductions discussions.

D. Presiding Officer Reports

Presiding Officer Nankervis reported that the Tall Timbers NA v Planning Commission Appeal was on track.

Ms. Mead said that the Bicknell v Planning Commission appeal was underway with assistance from Hearing Officer John Corso.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford thanked the staff for the work to pull together the packets for the meetings. Ms. Kiefer said it was a big team that pulled it all together.

Ms. Becker said she handed out certificates of achievement to DZ students. She served at the Governor's Open House. She attended a suicide prevention workshop at the high school sponsored by Rotary with many young people in attendance.

Ms. White spent some time at JPD and would do a ride along after the holidays.

Mr. Kiehl said the gubernatorial swearing-in ceremony and the Governor's open house were heavily staffed by Juneau volunteers and well attended. The community has done a great job welcoming the new governor to Juneau. He attended a ceremony for Thunder Mountain High School recognizing students for extra efforts. He was traveling to see family and wished everyone a happy Christmas, New Year and Hanukkah.

Ms. Crane wished everyone happy holidays and thanked Ms. Troll for her article about Juneau volunteers in the Juneau Empire.

Ms. Gladziszewski - wished all happy holidays and congratulated the staff of Centennial Hall for their extra efforts with the public market and the swearing-in ceremony.

Ms. Troll said the Tongass Advisory Council would be meeting in Juneau in January and the Assembly was encouraged to attend a reception hosted by JEDC on Tuesday, January 13. She thanked Ms. Mead for the timing of the ordinance on the moratorium on marijuana. She wished all a Merry Christmas and Happy Holidays.

Mr. Nankervis suggested that over the holidays, people spend time with family, friends or someone they love, or all three.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 7:55 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor

Ex. 074, p. 12