THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – October 22, 2012

MEETING NO. 2012-29: 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. SWEARING-IN OF ASSEMBLYMEMBER JERRY NANKERVIS

Mr. Hartle gave the oath of office to Assemblymember Jerry Nankervis.

II. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Ruth Danner, Johan Dybdahl, Loren Jones, Jesse Kiehl, Jerry Nankervis, Carlton Smith, David Stone, 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; Beth McEwen, Deputy City Clerk; Bob Bartholomew, Finance Director; Rorie Watt, Engineering Director; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Mila Cosgrove, HRRM Director; Shawn Sypeck, Administrative Assistant, JPD, and Jeannie Johnson, Airport Manager.

III. SPECIAL ORDER OF BUSINESS

A. Assembly Organization

MOTION, by Wanamaker, to elect Mary Becker as Deputy Mayor. Hearing no objection, it was so ordered.

The Assembly chose a new seating order, from Mayor Sanford to Mary Becker, Randy Wanamaker, Jesse Kiehl, Karen Crane, Johan Dybdahl, Carlton Smith, Jerry Nankervis, and Loren Jones.

MOTION, by Dybdahl, to approve the Committee and Liaison assignments distributed by Mayor Sanford. Hearing no objection, it was so ordered.

Mayor Sanford encouraged the Assemblymembers to actively participate in their assignments. It was not a small job and was one of the important duties of the office. He asked the members to let him know if they could not attend meetings due to the timing and other considerations might be made.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES - None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.
Karla Hart said that last spring the residents collected over 1200 signatures of people wanting action on the Auke Bay planning, and they were waiting for planning to take place and she asked the Assembly to make this a priority. Plans are for a high-density “village” and it would not happen without a plan – the planning department needed the direction from the Assembly. The issue of the speed limit at Auke Bay was before the Committee of the Whole and people were interested in a lower speed limit. The longer CBJ waiting to comment on this issue, the further along the DOT was in their planning and the less time there was to have meaningful input to DOT.

VI. CONSENT AGENDA

B. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction None.

C. Assembly Requests for Consent Agenda Changes - None.

D. Assembly Action

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

1. Ordinances for Introduction

a. Ordinance 2012-20(T)

An Ordinance Appropriating To The Manager The Sum Of $5,689,247 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration, And The Juneau International Airport.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(T) be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2012-41

An Ordinance Repealing the Sunset Date on the CBJ Hardship Exemption.

Administrative Report: Attached. The manager recommended Ordinance 2012-41 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2012-42

An Ordinance Relating to Shooting Ranges.

Administrative Report: Attached. The manager recommended Ordinance 2012-42 be introduced and set for public hearing at the next regular meeting.

VII. PUBLIC HEARING

a. Ordinance 2012-39

An Ordinance Amending the Conflict of Interest Code Regarding the Definition of "Financial Interest."

Public Comment: None.

Assembly Action:

*MOTION*, by Wanamaker, to adopt Ordinance 2012-39.

Mr. Jones said the ordinance also applies to elected officials, and thought the purpose was to address staff or advisory groups. He spoke with Mr. Hartle and was satisfied with the answers to his questions, but he would be interested in seeing this not apply to elected officials, as there are different standards for elected officials. He also asked what the three-year period was and was told it was a “look back,” but the way it reads, it seemed unclear as to whether it was a “look back” or a “look forward.” He suggested referring this to committee.

Mayor Sanford asked if his changes were substantial. Mr. Jones said that Mr. Hartle suggested some changes would be required.

Mr. Hartle said Mr. Jones had several good questions on this. Crafting the language so that it applied differently to elected officials than to CBJ employees would be difficult. Currently the definition of financial interest applied to everyone who worked for the CBJ and to violate it was a misdemeanor. If the Assembly wanted to consider a change to the ordinance as written he recommended referral to committee so he would have time to do the drafting.

Ms. Crane asked if Mr. Jones wanted a stricter interpretation for elected officials or different in what way? Mr. Jones said there is a different standard for elected officials that the public expects – based on the result of the vote of the public to not opt out of the APOC financial reporting laws. He was not sure about the lookback period and if it applied to the time when an Assemblymember filed an intent to run or after elected and sworn, so being new he was concerned about voting on something he was unclear about.

Mr. Dybdahl said he agreed on lines 19 – 23 that this was not totally clear and it should be relative to the “look back,” so even that could be clarified.

Mr. Wanamaker said he was comfortable with this ordinance as written as there was a need for the limitation, but he suggested this be a topic of the Committee of the Whole (COW) if more work was desired. He was also supportive of adopting the ordinance and making a future amendment.

Ms. Kiefer reviewed the October 29 COW agenda and suggested the next opportunity for placement on the COW agenda was November 19. Mr. Hartle said he would be out of town on Nov. 19.

Mr. Smith said he had no problem with the questions asked, but this came out of committee and he had no problem voting on this.

Mr. Kiehl said he was open to have further discussion in committee.

*MOTION* by Jones, to refer the matter to the next COW meeting.

Mr. Nankervis objected.
Roll call:
    Aye: Crane, Kiehl, Jones, Sanford.
    Nay: Becker, Nankervis, Dybdahl, Smith, Wanamaker.
Motion failed.

Roll call on main motion:
    Aye: Becker, Crane, Dybdahl, Jones, Kiehl, Nankervis, Smith, Wanamaker, Sanford.
    Nay: None.
Motion passed, 9 ayes, 0 nays, and Ordinance 2012-39 was adopted.

b. Ordinance 2012-40
   An Ordinance Amending the Traffic Fine Schedule.


   Public Comment: None.

   Assembly Action:

   **MOTION, by Becker, to adopt Ordinance 2012-40.**

   Ms. Becker asked if this ordinance was decreasing the strength of the current ordinance or just putting a fine to it. Mr. Hartle said this did not change the law; it was restating the fines in the fine schedule and not substantively changing the rules set out in the ordinance. The fines were the same today – it was just setting the fine in the fine schedule and was a housekeeping ordinance for convenience.

   Mr. Jones asked for clarification of the charge and if it were an open container law. Mr. Hartle said this was an open container law and the penalties for driving under the influence were more significant.

   Ms. Becker asked why the language was not written more clearly. Mr. Hartle said he did not bring the whole ordinance and the ordinance did not reflect the substantive law. What was before the Assembly was only a matrix or spreadsheet that set the fine, not the entire ordinance.

   Mr. Nankervis said his was a housekeeping matter to add an optional court infraction like most similar infractions, with the option to pay rather than go to court. Mr. Hartle said Mr. Nankervis’ explanation was correct.

Hearing no objection, it was so ordered.

**VIII. UNFINISHED BUSINESS** – None.

**IX. NEW BUSINESS** – None.

**X. STAFF REPORTS** – None.
XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mr. Sanford said the next meeting would be the Assembly Retreat on October 27. He asked the Assembly to read through Resolution 2550 – Assembly Rules of Procedure and if there were questions or recommendations for changes, please provide them to the staff prior to the meeting. There would be presentations from various staff members on current topics. In the afternoon, the Assembly would meet with the McDowell Group to facilitate goal setting.

Mr. Dybdahl said it would be helpful to get a status report on the 2011-12 goals before the meeting.

B. Committee Reports

*Lands Committee:* Chair Becker said the Lands Committee met and recommended disposal of two tax-foreclosed properties to Central Council of Tlingit and Haida Tribes of Alaska.

*Public Works and Facilities Committee:* Chair Wanamaker said the next meeting was set for November 29.

C. Liaison Reports

*Affordable Housing Commission:* Liaison Kiehl said the AHC had appointed a subcommittee to review things that could be done to assist and streamline things for builders.

*School Board:* Liaison Wanamaker reported on the swearing in ceremony for the newly elected Board member Destiny Sargeant, and the results of the Board election of Sally Saddler, President, Sean O’Brien, Vice President, and Andi Story, Clerk of the Board. The Board discussed the pupil-teacher ratio at Harborview and the public interest for more staff. The Board stated that the reserves are low and was not willing to hire more staff at this time.

*Alaska Committee:* Liaison Becker said that the committee met on October 10 and discussed information that could be displayed at the airport, including historical displays. The SLAM project would like to house some Alaska Museum items at Centennial Hall during the construction of displays at the new facility.

*Docks and Harbors:* Liaison Becker said the planning for the 1% for art project for Dock Project 16b had not begun yet as the project was under appeal. The Board was reviewing updated construction costs for Douglas Harbor, Petro Marine signed off on lease language for Statter Harbor and the Board would approve. There was a well-attended public hearing regarding the planning for Aurora Harbor renovations. A decision from AK DOT was still pending regarding the South Franklin sidewalk removal. Port and Harbor staff would be attending the Alaska Harbormaster Conference in Sitka, and at that event, Joanna Young from the Auke Bay Harbor Office would be recognized as the CBJ Harbor Employee of the Year.
D. Presiding Officer Reports

**Thrower v Planning Commission re: USE2012-0012 – appeal of Professional Plaza Driveway onto Berners Ave.** Presiding Officer Wanamaker said a tentative Pre-Hearing Conference was set for October 29.

**Osborne, et.al. v Planning Commission re: USE2011-0030 – Dock Project 16b.** Presiding Officer Dybdahl said the hearing was set for Monday, November 26, 5:30 p.m.

**Cedar v. Planning Commission re: TMI2102-0003.** Presiding Officer Dybdahl. Mr. Hartle said he would draft an order of dismissal as the Assembly had adopted an Ordinance 2012-36 - Amending The Land Use Code To Remove The Geographical Restrictions On Reconstruction Of A Dwelling That Has Been Damaged, which made the appeal moot.

**Mattson, et. al v Planning Commission re: SGE2011-0003 – appeal of Sand & Gravel Permit to Coogan LLC/Montana Creek – awaiting decision from Hearing Officer Lessmeier.**

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Smith said he was looking forward to working with the new Assemblymembers.

Ms. Becker welcomed all new members and the entire Assembly for the start of a new year.

Mr. Wanamaker welcomed Mr. Nankervis to the Assembly.

Mr. Kiehl welcomed Mr. Nankervis and spoke about the Outdoor Education program for all sixth graders at Floyd Dryden Middle School under auspices of the Cooperative Extension Service, 4-H, the University of Alaska, the Alaska Department of Fish and Game, and many community volunteers. The students earn a hunter education card that could be used in all 50 states and they became much safer in the woods in Juneau.

Ms. Crane welcomed the new Assembly members.

Mr. Dybdahl welcomed all and said brevity was a good thing. He looked forward to serving as a Liaison to the Airport Board.

Mr. Smith was glad for the facilitated retreat and looked forward to spending time as a group on the goals.

Mr. Nankervis thanked the group for patience while he learned the ropes, and was very supportive of the Hunter Education Program.

Mr. Jones said as he had violated Mr. Dybdahl’s rule for brevity, he had nothing further to add.

Mayor Sanford said he was happy to be back on the Assembly and knew that the entire Assembly would do the best job it could for the public.

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

XV. ADJOURNMENT – 7:50 p.m.

Signed:_________________________  Signed:_____________________________
    Laurie Sica, Municipal Clerk     Merrill Sanford, Mayor