THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – November 5, 2012

MEETING NO. 2012-30: The Rescheduled Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order on Wednesday, November 7, at Noon by Mayor Merrill Sanford. The meeting was rescheduled due to the fire at the Gastineau Apartments on Franklin Street on Monday, November 5.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Johan Dybdahl, Loren Jones, Jesse Kiehl, Merrill Sanford, Carlton Smith, and Randy Wanamaker.

Assembly Absent: Jerry Nankervis.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy City Clerk; Rorie Watt, Engineering Director; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Kirk Duncan, Public Works Director; Jim Penor, Solid Waste Coordinator; Heather Marlow, Lands and Resources Manager; Jane Sebens, Deputy City Attorney; Jeannie Johnson, Airport Manager; Carl Uchytil, Port Director.

II. SPECIAL ORDER OF BUSINESS

Mayor Sanford read a proclamation, proclaiming the week of November 11 – 17, 2012, “USS Juneau Remembrance Week.”

III. APPROVAL OF MINUTES

A. October 15, 2012 - Special Assembly Meeting 2012-28

Hearing no objection, the minutes of the October 15, 2012 Special Assembly Meeting 2012-28 were approved as corrected.

B. October 22, 2012 - Regular Assembly Meeting 2012-29

Hearing no objection, the minutes of the October 22, 2012 Special Assembly Meeting 2012-29 were approved.

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

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 objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2012-20(U)
An Ordinance Appropriating To The Manager The Sum Of $1,628,164 As Funding For A Habitat Mapping and Analysis Project, Grant Funding Provided By The Alaska Department of Commerce, Community, and Economic Development.

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

b. Ordinance 2012-20(V)
An Ordinance Appropriating To The Manager The Sum Of $7,000,000 As Funding For the State of Alaska’s Designated Legislative Grant Projects For The Dimond Park Library, Grant Funding Provided By The Alaska Department of Commerce, Community and Economic Development.

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

c. Ordinance 2012-20(W)
An Ordinance Appropriating To The Manager The Sum Of $177,419 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 Ordinance 2012-20(W) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2012-43
An Ordinance Designating Certain Tax-Foreclosed Properties, Located in the Indian Village Subdivision, for Disposal to the Central Council of the Tlingit and Haida Indian Tribes of Alaska, Through a Negotiated Sale.

Administrative Report: Attached. The manager recommended Ordinance 2012-43 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2630
A Resolution Authorizing the Manager to Apply For, and Enter Into, a Loan Agreement With the Alaska Department of Environmental Conservation, Alaska Drinking Water Fund, State Revolving Loan Fund, for the Eagles Edge Water System Replacement Project.
Administrative Report: Attached. The manager recommended Resolution 2630 be adopted.

3. Bid Award

a. 13-112 Bio-Solid Containers

Administrative Report: Attached. The manager recommended Bid 13-112 be awarded to Wastequip Manufacturing Company, LLC, based on total bid, for $101,050.

4. Liquor License Transfer

a. Beverage Dispensary License #1081
   Transfer FROM: Auke Bay Inn, Inc. d/b/a Auke Bay Inn
   Transfer TO: Shayz, LLC d/b/a Squires
   Location: 11806 Glacier Hwy., Juneau, AK

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the above liquor license transfer.

VII. PUBLIC HEARING

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 adopted.

   Public Comment: None.

   Assembly Action:

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

B. Ordinance 2012-41
   An Ordinance Repealing the Sunset Date on the CBJ Hardship Exemption.


   Public Comment: None.

   Assembly Action:

   MOTION, by Crane, to adopt Ordinance 2012-41. Hearing no objection, it was so ordered.
C. Ordinance 2012-42  
An Ordinance Relating to Shooting Ranges.


Public Comment:

Mark Miller said the proposed facility was dangerously inappropriate. AK 47’s, machine guns and other assault weapons were designed for assault operations. Assault is the purview of the police and military and requires a chain of command ultimately responsible to elected officials serving the citizens whom they are sworn to protect. He asked the Assembly not to place police, military and citizens in more danger by promoting the use of assault weapons as casual entertainment for the public.

Dan Miller said he was President of the Juneau Mercantile and Armory, which would like to build an indoor shooting range and gun store. He said contrary to the article in the Juneau Empire, they would not allow people to take guns away from the range. There would be a firing range with a total containment trap and noise would not be an issue. They would have AK47’s for rent, but every person allowed to shoot those would be escorted to the firing line and trained on the use. The facility would be open for use by local police and state troopers. A big portion of the people who used these facilities worked in law enforcement.

Ron Swanson spoke in favor of the amendment to the ordinance. When the original ordinance was created, it was likely an oversight that shooting ranges were not an exception. There were many parts of the country in which machine gun and gun ownership was restricted and he thought that tourists would be interested in being able to say they had shot a machine gun while in Alaska. Mr. Swanson said he owned three machine guns, which were under lock and key, and they had been used at the current shooting range, but there was not a place where they could be rented.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2012-42.

Mr. Jones said the manager’s report discussed the discharge of “certain” weapons. He asked if there was any restriction on the type of guns at the Hank Harmon range. Mr. Hartle said the Mendenhall Game Refuge only allowed shotguns, which was why he wrote the ordinance in that way. Mr. Sanford said that each facility had its own restrictions, but it was not a restriction by municipal code.

Hearing no objection, Ordinance 2012-42 was adopted.

VIII. UNFINISHED BUSINESS

Mayor Sanford added continued discussion of the Assembly Goals to the November 19 Assembly Committee of the Whole meeting. Mr. Jones said he would be attending the meeting by phone and asked that any meeting materials be provided electronically.
IX. NEW BUSINESS

Mayor Sanford asked if the Assembly was willing to direct staff to draft and review a non-code ordinance regarding the planning process for the Sealaska Heritage Center facility and the historic district standards. Sealaska would like to have a non-code ordinance for that site, remove the site out of the historic district, and eliminate some of the proposed requirements.

Mr. Wanamaker said this would be appropriate given the complexity of the historic district requirements. This would provide an opportunity for the Assembly to learn more.

Mr. Kiehl asked if this would be a complete removal of the site from the historic district or a relaxation of some of the requirements. He said he discussed the project with Sealaska representatives. The Front Street side was different from the Seward Street side regarding design standards. Mayor Sanford said the review should cover the entire site. He said the Assembly should not vary from the parking requirements that applied to all buildings downtown but he would be willing to look at other requirements, such as vegetative coverage.

Mr. Hartle said two ideas were suggested – a code ordinance changing the boundary of the district, or a non-code ordinance exempting that particular development from portions of the code.

Mr. Wanamaker said he discussed this with the Sealaska Heritage representatives and they preferred a non-code ordinance.

MOTION, by Wanamaker, to direct the attorney to develop a non-code ordinance for the Sealaska Heritage Institute Walter Soboleff Cultural Center, for consideration and introduction by the Assembly.

Mayor Sanford asked Mr. Wanamaker if that included holding meetings with Sealaska Heritage staff and CDD to draft the ordinance and maintaining the parking standards. Mr. Wanamaker was in agreement.

Mr. Jones asked if an ordinance would change the rules under which the Planning Commission would issue a permit and if the purpose was to instruct the Planning Commission? Mr. Hartle said yes, to pass an ordinance for this specific project exempting it from the rules specified by the Assembly. Mayor Sanford said this would be back before the Assembly for review.

Mr. Jones asked how this type of Assembly action would affect the project if it were appealed to the Assembly. Mr. Hartle said a non-code ordinance would not change the land use code but would be specific to this project, so it would avoid an appeal on that project. Mr. Jones asked if by giving instructions to the Planning Commission, if it was an attempt to avoid an appeal. Mr. Hartle said as he understood this situation, the project as proposed would not meet the code, so it would not be able to get a conditional use permit, so this would change the code.

Ms. Crane said she would be interested in hearing from the Historic Resources Advisory Committee on this proposal.

Mr. Smith asked Mayor Sanford to explain the costs that would be incurred by Sealaska in order to redesign the structure to comply with the existing rules. Mayor Sanford said that CDD
staff worked with the Sealaska staff in the development of the project. The historic district regulations were written in accordance with the mining era, and in his opinion, did not take into consideration other parts of the community, so that it appeared that the native culture did not fit into the design standards of the historic district. Mayor Sanford said this did not seem appropriate. The building would meet safety requirements of code, but would not look like a mining era building. Some of the proposed colors were not allowed in code. He wanted to see that this important building could be built.

Mr. Jones thanked Mayor Sanford for the information and said he hoped to learn a lot from this as a new member, and be able to understand the code.

Hearing no objection, it was so ordered.

X. STAFF REPORTS

Ms. Kiefer thanked the Assembly for being flexible in rescheduling the meeting due to the fire. She thanked the public for the support offered during and after the fire and said she would be pulling together a list of people to thank for their contributions.

Mr. Hartle said the Hearing Officer in the Mattson Appeal had delivered a decision and it was circulating to the parties, it would come back to the Assembly on the November 26, 2012 meeting. He noted that the appeal hearing for the Dock Project 16b was on November 26.

Mr. Jones asked if it was appropriate for Assemblymembers to contact the attorney with questions regarding the materials in the appeal packet. Mr. Hartle said yes, the Assembly could contact him with any questions but should refrain from discussing the matter with other members or the parties.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mayor Sanford set a Special Assembly meeting with the Planning Commission on December 10 at 6 p.m. in the Assembly Chambers.

Mayor Sanford said the response to the fire emergency was amazing, and thanked the Fire Department and Water Department for the water supply. He asked the Assembly to thank the firefighters, and the businesses and residents who came out to support the firefighters at the event with food, beverages and moral support. The Sitka Fire Department helped by bringing six firefighters to town for relief. The Governor and Juneau’s legislators called to offer support. Ms. Crane said she talked to a neighboring firefighter who said they had just gone over the plans to that building a week before because the design was so difficult for fighting a fire in that location. Mayor Sanford said that as a former Fire Chief that fire did worry him as it was difficult to foresee all the possibilities. Ms. Becker said the Red Cross, United Way, the Glory Hole and CBJ staff with Centennial Hall Shelter all came to the aid and were still working on this.
B. Committee Reports

**Human Resources Committee** Chair Kiehl said the Committee met Monday, November 5, and said the one thing the board did not get to was reviewing the advance questions for applicants, and asked the assembly to submit their comments to the Clerk. The full Assembly would meet as the Human Resources Committee on Wednesday, December 19, at 5:30 p.m. to interview applicants for the Planning Commission, and the Bartlett Regional Hospital and Airport Boards, followed by a Special Assembly Meeting for appointments to these boards.

Hearing no objection, the following HRC recommended Board appointments were approved:

**Historic Resources Advisory Committee:**
~ Elizabeth Eskelin to a term expiring 6/30/2015

**Juneau Commission on Aging:**
~ Louise Wertheimer and Dixie Hood both to terms expiring 6/30/2015

**Juneau Commission on Sustainability:**
~ Kate Bevegni to a term expiring 6/30/2013
~ Robert Deering to a term expiring 6/30/2015

**Juneau Economic Development Council:**
~ Kurt Fredriksson to the at-large seat for a term expiring 10/31/2015
~ Dru Garson to the at-large seat expiring 10/31/2015
~ Anthony Yorba to the at-large seat expiring 10/31/2015
~ Lauren MacVay to complete a term expiring 10/31/2014

**Local Emergency Planning Committee:**
~ Roger Rettig to the American Red Cross Seat to a term expiring 12/31/2013
~ Paul Nowlin to the Haz-Mat Transporter Seat to a term expiring 12/31/2014

**Wetlands Review Board:**
~ Nina Horne to a term expiring 12/31/2013

The HRC also made the following meeting scheduling changes for November 2012- January 2013:

- The Monday, November 26 HRC meeting moved to Noon instead of 6pm due to an Assembly Appeal Hearing that night.
- The Monday, January 7, 2013 HRC meeting moved to Noon instead of 6pm due to an Assembly Appeal Hearing that night.
- The Monday, December 17 HRC meeting remains unchanged at 6pm in the Chambers.

Mayor Sanford said he would like to thank K. Koski publicly at a future Assembly meeting for 20 years of service on the Wetlands Review Board.

**Committee of the Whole:** Chair Becker reported that the project team for the State Library, Archives and Museum (SLAM) gave a presentation at the last meeting. Brent Fischer, Director of CBJ Parks and Recreation, reported on the request for a Dimond Park Ice Rink. The COW
requested the manager meet with Juneau Community Foundation to discuss a feasibility study. The manager was asked to find a cost for a feasibility study for a second sheet of ice at Savikko Park. Rorie Watt, CBJ Engineering Director, reported on Auke Bay transportation planning and Southeast Region DOT Al Clough was present to answer questions. The COW did not make any recommendations for any changes to the project or to the proposed speed limits and determined to allow the project to follow its normal course.

**Lands Committee:** Chair Smith said the committee met and recommended acquisition of a parcel at 650 St. Ann’s Avenue. The committee recommended donation of a small easement to DOT on Thane Road for installation of avalanche cameras. The committee reviewed Ordinance 2012-42 regarding shooting ranges. The next meeting was set for Monday, November 19.

C. Liaison Reports

**Docks and Harbors Board:** Liaison Jones said the Board would be changing the times of their regular meetings in January to 5:30 p.m. instead of 7 pm.

**Juneau Economic Development Council:** Liaison Jones said he, along with Mr. Wanamaker, attended a recent meeting and he was in a learning mode.

**Planning Commission:** Liaison Smith said CDD presented proposed land disposal areas for affordable housing in a matrix with positive and negative aspects for each. This information would be presented to the public and Assembly in the new year. He said it was very positive to see planning on this issue. The long awaited completion of the update of Title 49 - the land use code - was forthcoming to the Assembly in a matrix, describing the major changes to the code.

**Airport Board:** Liaison Dybdahl said the next Airport Board meeting would be November 14.

**Eaglecrest Board:** Liaison Kiehl said the Board met recently and was eager for the planned opening and encouraged everyone to think snow. They were looking at their equipment needs and purchases and planning for some significant savings by getting ahead of the maintenance and cost curve.

**Affordable Housing Commission:** Liaison Kiehl said the AHC has a subcommittee revising the task list and working on a number of issues brought forward to the commission by the homebuilding community. The AHC continued to focus on the steps the city could take to address the housing crunch. The fire eliminated 40 – 50 units of affordable housing and this was a major concern.

**Local Emergency Planning Committee:** Liaison Kiehl said the next meeting of the LEPC would be November 14.

**School Board:** Liaison Wanamaker said the Board met in special session today at Noon to discuss use of funds for extra teachers at Harborview and Glacier Valley.

**Juneau Economic Development Council:** Liaison Wanamaker said the JEDC received an update on the Juneau Economic Indicators Report. There was interesting information in there for the community. He spoke about the growth in the senior population and tax implications that would need to be addressed. The report was newly available from JEDC. He said there
was a net gain of 500 people in the community. JEDC was reviewing downtown revitalization and he hoped to have JEDC report to the COW on some of those issues.

**Alaska Committee:** Liaison Becker said the next meeting was set for November 14.

**Chamber of Commerce:** Liaison Becker said that Kelly Shattuck was the new President and the next Board meeting was set for November 27. The weekly lunch meetings were on Thursdays.

**UAS Campus Council:** Liaison Becker said the next meeting was set for December 10.

**Juneau Convention and Visitors Bureau:** Liaison Smith noted a recent management change and that JCVB was recruiting for a new CEO.

D. Presiding Officer Reports

**Thrower v Planning Commission re: USE2012-0012 – appeal of Professional Plaza Driveway onto Berners Ave.** Presiding Officer Wanamaker said the Pre-Hearing Conference was held October 29, a tentative hearing date of January 7, 2013 at 5 p.m. was set and he was hopeful for settlement discussions.

**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.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker said the recent fire highlighted the need for affordable housing and the problem would be exacerbated when the legislature arrived. He suggested that the COW chair appoint a subcommittee or chair to meet with the building community to find out how to encourage development. He suggested that he and Mr. Smith participate. Mayor Sanford asked Mr. Kiehl if he could work on this subcommittee and bring forth the information from the Affordable Housing Commission.

Mr. Kiehl thanked the firefighters for their response to the fire. The rest of the team worked well – the manager was on top of the staff’s response to the fire. The rumor mill spins fast in the electronic age. The clerk’s office has worked on this issue in the past regarding getting this information out and he would like to work with the managers and clerk’s office regarding the distribution of information. Mayor Sanford said this would be part of the debriefing. There were several new people that had not had incident command training. Calling in the PIO was a decision of the manager and it was an incident dependent decision.

Ms. Crane thanked all who worked on the fire and as bad as it was, it could have been much worse. Mayor Sanford said part of the incident command training would involve the Assembly’s role in the response system.

Mr. Smith said at the appropriate time it would be good to get an update of the fire risk in the downtown area and future strategies to monitor this.
Mr. Jones said he followed the police scanner and it was interesting. He heard a question about who at incident command could talk to the press and was told the person that could do so was too busy to talk, so this was an issue.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 1:09 p.m.

Signed: ____________________________  Signed: ____________________________
Laurie Sica, Municipal Clerk  Merrill Sanford, Mayor