MEETING NO. 2012-31: 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; Bob Bartholomew, Finance Director; Rorie Watt, Engineering Director; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Teri Camery, Senior Planner; Mila Cosgrove, HRRM Director; Carl Uchytil, Port Director; and Barbara Berg, Library Director

II. SPECIAL ORDER OF BUSINESS

A. Dr. K. Koski recognition for service on the Wetlands Review Board

Mayor Sanford honored Dr. Koski for twenty years of service on the Wetlands Review Board, since the board’s inception in 1992, saying his expertise in the field had been invaluable to the community. Dr. Koski said it had been a pleasure to serve and contribute to the board, and the community, which was full of wetland areas.

B. Alaska Municipal League (AML) Awards

Mayor Sanford presented an Alaska Community Award of Excellence for the Auke Bay Loading Facility to Carl Uchytil, Port Director, Michael Williams, current Docks and Harbors Board member and Greg Fisk, former Docks and Harbors Board member. Mr. Uchytil said this project had been ten years in the making and the vision and leadership of the Board made it come to fruition. Mr. Fisk thanked the Fisheries Advisory Committee for its inspiration and support of the project. Mr. Williams thanked the Board Members, the staff of Docks and Harbors, the community and the Assembly for its support.

Mayor Sanford presented an Alaska Community Award of Excellence for the innovative idea of “Creating and Measuring Employee Engagement” to Human Resources and Risk Management Director Mila Cosgrove. Ms. Cosgrove said she was a point of coordination and it was a city wide effort to get employees to discuss what it is to be engaged at work and get feedback about what is working well and what can be better. This has been an ongoing program since 2002 and the program has been nationally recognized as a best practice in the public sector and has appeared in some articles in trade journals.
III. APPROVAL OF MINUTES

A. November 07, 2012 - Regular Assembly Meeting 2012-30
   (2012-30 rescheduled from November 5, 2012 due to Gastineau Apt fire)

Hearing no objection, the minutes of the November 7, 2012 Special Assembly Meeting 2012-30 were approved as corrected, noting that Mr. Nankervis did not attend that meeting.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Albert Judson spoke in favor of a second bridge from Juneau to Douglas. The justification existed – it was healthcare – the crossing built near Bartlett would increase access to healthcare and a ferry terminal at North Douglas would allow those in Southeast to travel by ferry to Douglas, across the Gastineau Channel and to the health care center. He would like to see a ferry terminal built on North Douglas for Juneau and Southeast residents, especially the villages in Southeast. Please make it convenient for villagers to come in to Juneau to get medical care at Bartlett and SEARHC. He would also like to see a ticket office for the Marine Highway at the Nugget Mall or at the Mendenhall Mall. You could only find the office of the Ferry System to find a lost and found item or to file a complaint in Timbuktu. The voice of the people was cut off to the legislature regarding making improvements to the Alaska Marine Highway, and he asked the Assembly to make resolutions regarding these needed improvement projects.

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

1. Ordinances for Introduction

   a. Ordinance 2012-20(X)

   An Ordinance Appropriating to the Manager the Sum Of $138,500 As Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

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

   b. Ordinance 2012-20(Y)

   An Ordinance Appropriating To The Manager The Sum Of $275,000 As Funding For The Juneau-Douglas City Museum Remodel Capital Improvement Project, Grant Funding Provided By The National Endowment for the Humanities.
Administrative Report: Attached. The manager recommended Ordinance 2012-20(Y) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2012-20(Z)
An Ordinance Appropriating To The Manager The Sum Of $50,000 For The Mendenhall River Community School Renovation Capital Project, Funding Provided By The Harborview Elementary School Renovation Capital Project Unexpended Bond Interest.

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

d. Ordinance 2012-44
An Ordinance Providing For The Issuance And Sale Of General Obligation Bonds In One Or More Series To Provide Net Proceeds Not To Exceed $25,000,000; And Providing For The Form And Terms Of The Bonds And For Unlimited Tax Levies To Pay The Bonds.

Administrative Report: Attached. The manager recommended Ordinance 2012-44 be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2012-47
An Ordinance Designating a Tax-Foreclosed Property Located at 650 St. Ann’s Avenue for a Public Purpose.

Administrative Report: Attached. The manager recommended Ordinance 2012-47 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2631
A Resolution Adopting the Alternative Allocation Method for the FY13 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity In Fisheries Management Area 17: Northern Southeast.

Administrative Report: Attached. The manager recommended adoption of Resolution 2631.

3. Bid Award

a. Bid No. 13-054
New Sewer Jet-Vac Truck

Administrative Report: Attached. The manager recommended Bid 13-054 be awarded to Yukon Equipment, based on total bid, for $377,197.

4. Transfer

a. Transfer T-937
Transferring $9,555.31 from DZ Improvements and JSD Site Improvements Capital Project to DZ Roof Replacement Capital Project.

Administrative Report: Attached. The manager recommended approval of Transfer T-937.

5. Liquor Licenses

a. Liquor License 2013/2014 Renewal
   **Club License #4034**
   **Loyal Order of Moose #700**
   **Location: 8335 Airport Blvd., Juneau, AK**

   Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the renewal of liquor license #4034.

VII. PUBLIC HEARING

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.**


   Public Comment: None.

   Assembly Action:

   **MOTION, by Dybdahl, to adopt Ordinance 2012-20(U).**

   Mr. Nankervis objected and said CBJ used a LIDAR project previously for mapping and it mapped some areas behind the federal building in the flood plain but the federal building out of the flood plain. He referred to another example near Jordan Mall of some houses in and some houses out of the flood plain according to this mapping system.

   Mr. Chaney said the process used in the past was used for flood mapping and the difference would be the quality of images, as the previous product was done ten years ago. Significant improvements in technology were made since that time, and that previous dataset was flawed. This information would be substantially better.

   Mr. Nankervis said his concern was that CBJ could potentially lock up land that was low value wetlands and he had his own arguments with the Corps of Engineers on this topic. Mr. Chaney said the purpose of this project was the inverse of that. CBJ had the Wetland Review Board to establish and retain local control of low value wetlands. The authority lapsed and CBJ was hoping to get that back and one of the main tools to use to evaluate wetlands was an atlas to be developed from this project, and hopefully CBJ could get its authority back to permit fill in low value wetlands and expedite development. He thought this project was ultimately pro development. Mr. Nankervis removed his objection.
Mr. Sanford asked if this project would reflect glacial rebound. Mr. Chaney said as lands rose, they drained, so it would be site specific and could be an outcome.

Mr. Wanamaker asked if during this project or during site analysis and permitting after the project was complete, would there be field checking of the data so correct permitting decisions could be made. Mr. Chaney said it would be a general overview, and not a site analysis similar to one by the Corps of Engineers. Permitting could not be done solely on this information but it would be assistive and there would be field verification with remote sensing in the project.

Hearing no further objection, it was so ordered.

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 adopted.

Public Comment: None.

Assembly Action:

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

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.


Public Comment: None.

Assembly Action:

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

D. Ordinance 2012-43(b)
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(b) be adopted.

Public Comment: None.
Assembly Action:

*MOTION, by Smith, to adopt Ordinance 2012-43(b).* Hearing no objection, it was so ordered.

**VIII. UNFINISHED BUSINESS**

   **A. Hearing Officer’s Decision on Appeal of SGE2011-0003 – Montana Creek Rock Crusher**

   Mr. Hartle explained that the clerk distributed the proposed decision to the parties and received one comment regarding a spelling error in the footer. The Assembly should consider the opinion in an executive session, which could come later in the meeting. The OMA did not apply to quasi-judicial proceedings of the Assembly. The code directed that if the Assembly took no action, the decision was deemed adopted.

   *MOTION, by Wanamaker, for orders of the day.*

   Mr. Kiehl objected, stating that he had a substantive concern about the decision.

   *MOTION, by Becker, to defer discussion on the hearing officer’s decision to a time later in the meeting during an executive session.* Hearing no objection, it was so ordered.

**IX. NEW BUSINESS**

   **A. Property Tax – Senior Hardship Exemption Request**

      1. **Sophie McKinley – Parcel Number 5B1601010320**

      **Administrative Report:** Attached. The manager recommended the Assembly authorize the assessor to accept the application as if timely filed with acknowledgement the applicant’s late filings were repetitive.

      **Public Comment:** None.

      **Assembly Action:**

      *MOTION, by Crane, to authorize the assessor to accept the application as if timely filed.*

      Mr. Dybdahl asked about the comment regarding the repetitive filing. Ms. Kiefer said that staff would be working with a number of other agencies to ensure future timely filing in the coming year.

      Mr. Nankervis objected to the motion. He said this late file looked like a pattern rather than an accident and asked what was to prevent this from happening again in the future.

      Mr. Sanford said there were circumstances that did lead to repeat occurrences and the manager was trying to work with groups to ensure that this application and others were filed in a timely manner. The record was available to the Assembly members from the manager regarding the specifics of the hardship and reasons for the late filing.
Roll call:
Aye: Becker, Crane, Dybdahl, Jones, Kiehl, Smith, Wanamaker, Sanford.
Nay: Nankervis
Motion passed, 8 ayes, 1 nay.

X. **STAFF REPORTS** – None.

XI. **ASSEMBLY REPORTS**

A. Mayor’s Report

Mayor Sanford commented on the recent set of tragedies, including the Gastineau Fire, the passing of former Assemblymember David Stone, and the loss of two young men to a drowning accident over the weekend. He was proud of the community for its support during these difficult times.

B. Committee Reports

*Committee of the Whole:* Chair Becker said the committee met on November 19 and heard reports regarding the ice rink at Dimond Park, fireworks in the community, and the committee chose not take any action on either topic.

*Public Works and Facilities Committee:* Chair Wanamaker said the next meeting was December 10 at Noon.

*Human Resources Committee:* Chair Kiehl said the next meeting would be December 17 and there would be a full Assembly as HRC on December 19 to interview applicants for the Planning Commission, Airport and Hospital Board. Any changes for interview questions should be provided to the Clerk’s office.

Mayor Sanford asked the Assembly to keep Mondays open for Assembly activity and meetings as there were many issues coming before the Assembly.

*Finance Committee:* Chair Crane said the next meeting would be December 5 at 5:30 p.m.

*Lands and Resources Committee:* Chair Smith said the committee met on November 19 and reviewed Ordinance 2012-49 amending the disposal section of the Land Use Management Code. This was forwarded to the Docks and Harbors and Airport Boards for review and comment before its return to the Lands Committee.

C. Liaison Reports

*Parks and Recreation Advisory Committee:* Liaison Nankervis said a meeting was set for December 6 for public comment on Auke Lake Comprehensive Plan and Public Use. The next regular PRAC meeting was set for December 11.

*Juneau Economic Development Council:* Liaison Wanamaker said the JEDC forwarded a copy of the Housing Needs Assessment to the Assembly and it was well worth reading.
Chamber of Commerce: Liaison Becker said there was a Chamber Board meeting set for November 27 at 4 p.m. and Friday, November 30, was the Annual Chamber of Commerce Dinner event. Mayor Sanford asked Ms. Kiefer to clarify if CBJ had a reserved table at the annual dinner. Ms. Kiefer said she did not believe so but would check.

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

D. Presiding Officer Reports

a. Dismissal of Thrower Appeal of USE2012-0012 Professional Plaza Berner’s Ave. Driveway

Mr. Wanamaker said that the parties in the appeal had reached an agreement and asked to withdraw the appeal. The one issue before the Assembly was that Ms. Thrower had requested a refund of the filing fee.

MOTION, by Wanamaker, to refund the filing fee to the appellant.

Mr. Hartle said the recommendation was in the policy of encouraging settlements.

Hearing no objection, it was so ordered.

XII. ASSEMBLY COMMENTS AND QUESTIONS

MOTION, by Becker, to direct staff to draft a resolution expressing Assembly support for electrification of the Veteran’s Memorial Highway to Cascade Point.

Ms. Becker said this was a result of discussions at the retreat and Committee of the Whole on Assembly Goals.

Mr. Wanamaker disclosed that he was a member of the Board of Goldbelt, Inc. which had land in the area. Mr. Hartle said the proper way to address any conflict would be when a resolution was before the Assembly.

Mr. Dybdahl asked about the timing of the resolution and suggested there was a deadline of December 15 for projects for funding in the Governor’s budget. Following discussion, it was determined that the matter would appear before the Assembly at the special Assembly meeting scheduled for December 10 with the Planning Commission.

Ms. Becker said the Assembly Committee of the Whole Ad-Hoc Committee on Housing would have its first meeting on December 29 at 1:30 p.m. in City Hall.

Mr. Wanamaker said the Assembly scheduled an important meeting with the Planning Commission on December 10, but the Assembly was also on record expressing commitment to improve the graduation rate in community. On December 10, KTOO was hosting a community forum on improving the graduation rate. The Assembly should be there – it was an important issue – and it was worthwhile for the Assembly, through staff, to see if the Assembly meeting could be rescheduled. Ms. Kiefer said she would check with the Planning Commission members. Mayor Sanford said he did not want to lose either opportunity.
Mr. Smith said at the last meeting, there was a request to get a briefing on the fire risk in downtown Juneau at an appropriate time and he would like to reaffirm that request. Mayor Sanford said this was done about 4 – 5 years ago, and the Assembly looked for ways to facilitate paying for sprinkler systems in the downtown area. There was a lot of information in existence for distribution to the Assembly now, in addition to getting an update. This matter was referred to the Committee of the Whole.

Mayor Sanford said he would like to give appropriate recognition for those who helped with the fire response.

Mr. Nankervis said the story about Mr. Evenson in the Juneau Empire was very heartwarming and the quality of that young man’s character was apparent. Mayor Sanford said he would like to have Mr. Evenson recognized at a future assembly meeting.

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

XIV. EXECUTIVE SESSION

MOTION, by Becker, to enter executive session, in order to discuss matters on appeal.

Mr. Hartle said the Open Meetings Act did not apply to the Assembly in deliberations upon appeal.

Hearing no objection, the Assembly recessed into executive session at 8:03 p.m. and returned to open session at 9:09 p.m.

Mr. Dybdahl said that concerning the appeal of Dock Project 16b, the Assembly gave direction to the City Attorney to draft the Assembly’s findings and decision, to come back before the Assembly at a future meeting.

MOTION, by Wanamaker, for orders of the day, concerning the Hearing Officer’s decision to uphold the decision of the Planning Commission in the matter of the Appeal of SGE2011-0003 – Montana Creek Rock Crusher.

Mr. Kiehl objected.

Roll call:
Aye: Becker, Crane, Dybdahl, Jones, Nankervis, Smith, Wanamaker, Sanford.
Nay: Kiehl
Motion passed, 8 ayes, 1 nay. The Hearing Officer’s decision was upheld.

XV. ADJOURNMENT: 9:11 p.m.

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