THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – June 3, 2013

MEETING NO. 2013-13: 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; Bryce Johnson, JPD Chief; Rorie Watt, Engineering Director; Myiia Whistler, Parks and Recreation Director; Bonnie Chaney, Budget Analyst; Jane Sebens, Deputy Attorney; Hal Hart, Community Development Director; Greg Chaney, Lands and Resources Manager; Kelly Mercer, HR Consultant II; Patricia Delabruere, Acting Airport Manager; Matt Lillard, Eaglecrest Manager;

II. SPECIAL ORDER OF BUSINESS

A. Introduce New Police Chief Bryce Johnson

Chief Johnson said it was an honor to be here and his family would be here shortly. He had viewed many police departments and JPD was now a very “well-oiled machine.” He credited Chief Browning and Asst. Chief Decker for their work. He said he would work hard to make the Juneau Police Department responsive to the community.

III. APPROVAL OF MINUTES

A. May 13, 2013 – Regular Assembly Meeting 2013-12

Hearing no objection, the minutes of the May 13, 2013 Regular Assembly Meeting 2013-12 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Lorraine Murray said that Juneau needed its own fireworks ordinance that fit the needs of the community, and should not be using the “one size fits all” state fireworks law. During the last New Year’s celebration, the fireworks noise exceeded 130 db of her sound meter near her home. She said the noise lasted 8 hours. She said during the past summer she sustained hearing damage from a neighbor’s fireworks 100’ away. Fireworks should not be allowed in a residential area. She said fireworks were unintentionally legalized in Juneau with the adoption of Title 19 Building Code in 2006. She spoke about the health problems associated with
excessive noise and asked the Assembly to allow a conversation to take place on this topic. Historically the use of fireworks was limited to public displays on July 3. When she complained in the past she was told by JPD dispatch that fireworks are legal. She asked the Assembly to create an appropriate firework policy so the issue could be discussed publicly.

Mayor Sanford asked Ms. Murray to review Ordinance 2013-14 that was on the agenda for introduction at this meeting and would have a public hearing at the next meeting.

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 2013-14
      *An Ordinance Relating to Noise, and Amending the Disturbing the Peace Code.*
      
      Administrative Report: Attached. The manager recommended Ordinance 2013-14 be introduced and set for public hearing at the next regular meeting.

   b. Ordinance 2012-20(AS)
      *An Ordinance Appropriating to the Manager the Sum of $16,164 as Funding For The Law Enforcement Liaison Program, Grant Funding Provided by the State of Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.*
      
      Administrative Report: Attached. The manager recommended Ordinance 2012-20(AS) be introduced and set for public hearing at the next regular meeting.

2. Bid Award
   a. Bid No. E13-243
      *Lawson Creek Lift Station Replacement*
      
      Administrative Report: Attached. The manager recommended award of this project to Admiralty Construction, Inc. in the total bid amount, for a total award of $1,063,250.00.

   b. Bid Award DH13-437
      *Taku Dock Reconfiguration*
      
      Administrative Report: Attached. The manager recommended award of this project to Trucano Construction Company in the total bid amount, for a total award of $940,517.03.

3. Resolution
a. Resolution 2646

A Resolution Reestablishing the Parks and Recreation Advisory Committee and Repealing Resolutions 711 and 1082.

Administrative Report: Attached. The manager recommended adoption of Resolution 2646.

b. Resolution 2649

A Resolution Regarding Personnel Rule Revisions

Administrative Report: Attached. The manager recommended adoption of Resolution 2649.

c. Resolution 2650

A Resolution Ratifying the Labor Agreement Between the City and Borough and the Marine Engineers Beneficial Association (AFL-CIO), Southeast Alaska General Government Unit Number 1.

Administrative Report: Attached. The manager recommended adoption of Resolution 2650.

VII. PUBLIC HEARING

A. Ordinance 2013-16

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


Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2013-16. Hearing no objection, it was so ordered.

B. Ordinance 2013-18

An Ordinance Amending the Land Management Code.


Public Comment: None.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2013-18.

Jesse Kiehl asked for the reasoning for removing the qualifications for who could purchase lots in lottery sales to those who had not won a right to purchase within the preceding ten years, and removing the limitations on auction sales to one lot per buyer.

Mr. Chaney said his understanding was that in previous sales there had been ways to “gain the system” and those provisions had essentially be unenforceable.
Ms. Crane asked if the code changes would provide any requirement to require follow-through on a land development project, in order that the land did not sit undeveloped.

Mr. Hartle said that 53.09.200 (d) required that the terms and conditions for each land sale would be approved by the Assembly by ordinance, and the Assembly could address specific timelines within each disposal.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Ordinance 2013-11b
An Ordinance Appropriating Funds From The Treasury For FY14 City and Borough Operations.


Public Comment:

Vickie Williams, parent and treasurer of the Glacier Swim Club, was concerned about the impacts of the closure of the Dimond Park Pool on Mondays after 10:30 a.m. There was a program that ran at both pools with 200 students and said she had tried to figure out the impacts of fees not charge and paid and said she did not think that had been taken into consideration in the numbers. There were other users at the Valley Pool and she asked if those users knew what was happening and if this decision had been reviewed by the Aquatics Facility Advisory Board (AFAB). There could be ways to increase use to offset costs rather than just closing the pool. The Glacier Swim Club contributed funds towards adding equipment at the Augustus Brown Pool in an attempt to assist to increase use. Other users impacted would be the lesson program at the Juneau School District, which was run by the Glacier Swim Club Monday – Friday from 1 – 2 pm and there were approximately 400 4th grade students in the program. There was no discussion about this other than the pool would close after 11 am on Mondays.

Dorothy Kuterbach, daughter and member of the Glacier Swim Club, said that she and her friends had swim practice from 3:30 – 5 p.m., Monday through Friday, during the school year. She asked what else those kids would do on Mondays, especially if it was raining. Keeping the pool open offered a healthy alternative to watching TV and playing video games.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-11b. Hearing no objection, it was so ordered.

Mayor Sanford suggested to Vickie Williams and Dorothy Kuterbach to follow up with the AFAB, Ms. Kiefer, and the Parks and Rec staff to see how the hours at the pool work out.

B. Ordinance 2013-12b
An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2013 For Fiscal Year 2014.

Public Comment: None.

Assembly Action:

**MOTION, by Nankervis, to adopt Ordinance 2013-12b.** Hearing no objection, it was so ordered.

C. Resolution 2640b

**A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2014 Through 2019, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2014.**

Administrative Report: Attached. The manager recommended Resolution 2640b be adopted.

Public Comment: None.

Assembly Action:

**MOTION, by Crane, to adopt Resolution 2640b.** Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Regulation Regarding Juneau International Airport Rates and Fees

Administrative Report: Attached. The manager made no recommendation. Mr. Hartle said the Assembly could take up the regulation and approve it, do nothing with the result that the regulations would be approved, or actively disapprove and return it to the Airport Board.

**Patricia Delabruere** said the Airport Board had four finance committee meetings with tenants. Although tenants were never in favor of increases, they received comments and they had worked well together. She asked Mike Wilson to come forward from the Airport Tenants User Group and said they were continuing to work together on issues.

Mr. Kiehl asked what the phased in schedule was. Ms. Delabruere said the schedule was in the regulation. In a few areas – the land lease rates and float plane – they were outlined.

Ms. Crane asked about the discussion on retroactive adjustments and what was planned for those. Ms. Delabruere said they would continue to talk about this issue and perhaps make adjustments in FY14. The reason they would do retroactive would be if the regulations did not go into effect July 1, there were certain things that were tied to the transients and collection of landing and fuel flowage fees, and there was no way to recap that as a retroactive fee.

**Mike Wilson**, Coastal Helicopters said the tenants have had discussions over the past several weeks and with the Airport Manager and Finance Committee chair and had come to an agreement that the tenants and managers would work with the Airport Board, starting at the June 12 meeting, to use some emergency funds to adjust some of the rates and fees instead of saddling the tenants and users with these fees. The Airport Manager and Board have agreed to work with the tenants and users.
Ms. Crane asked if the regulations were adopted and they changed the rates and fees, would this matter return to the Assembly.

Mr. Hartle said that the airport set its fees by regulation – the Airport Board may be able to make small changes, such as delay implementation. He had not studied the phase-in aspect of the regulations.

Mayor Sanford asked if the Airport Board would need to review the regulations again and again return them to the Assembly for approval. Mr. Hartle said that would be the best process as it gave the public the best opportunity to act on the regulations.

Mr. Jones asked if they changed the regulation and reduced the fees, they would need to amend their budget, and he asked if that would be back before the Assembly. Mr. Hartle said that the Airport could not spend outside of the approved budget without amendment from the Assembly.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, it was so moved, and the regulations were allowed to become effective.

B. Confirmation of 1% for Art Panel Appointments

Administrative Report: Attached.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly approved the following appointments:

Mendenhall Library Project
• Juneau Arts & Humanities Council appointees Jeff Bush and Janet Schempf
• City Manager appointee Rai Behnert
• Department Representative Robert Barr

Juneau Cruise Berth Project
• Juneau Arts & Humanities Council appointees Annie Calkins and Jeff Bush
• City Manager appointee Kirby Day
• Department Representative David Logan (Docks & Harbors Boardmember)

Gastineau Elementary School Project
• Juneau Arts & Humanities Council appointees Rachael Juzeler and Miah Lager (DZ Art Teacher)
• City Manager appointee Kris Dorsey (Gastineau School Teacher)
• Department Representative Brenda Edwards (Principal)
X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

Mayor Sanford met with the Consulate General and the Ambassador from the Philippines in the Chambers and spoke about increasing ties and economic development. The Consulate General from San Francisco would still come to Juneau for certain duties, such as passports.

B. Committee Reports

Committee of the Whole: Chair Becker said the committee met on May 20 and heard from members of the Juneau Affordable Housing Commission, whose work agreed with the Ad Hoc Housing Subcommittee and included the need for a housing study and developing a housing plan. Rorie Watt updated the committee on the snow storage study and ongoing project. Ms. Kiefer distributed a status report updating the Assembly 2012-13 goals.

Ad Hoc Housing Subcommittee: Chair Becker said the subcommittee met on May 23. According to Mr. Watt, the approximate cost estimate of road construction per foot was $1,219.00, which included a 24 ft. paved roadway, sidewalk on one side, open ditch on the other side, water, sewer, gutter, and storm drainage system. The draft matrix with comments from staff would be reviewed at the next meeting. CDD Director Hal Hart presented information on a market study report and items to do to remove building barriers in the Downtown Willoughby District. Land Manager Greg Chaney discussed the housing development potentials of Pedersen Hill, “Under Thunder” and Switzer Creek areas. A comparison of costs for permit and plan review for Juneau, Anchorage, Ketchikan and Fairbanks showed Juneau was lower than all with the exception of Ketchikan for single family residential and lower than all for four-plex construction. The subcommittee contacted permit holders with active residential building permits to ask how things were going and the reports back were mostly positive. Ms. Becker would work with staff to determine the next meeting date.

Finance Committee: Chair Crane said the committee had completed the adoption of the budget and would take a short break from Wednesday night meetings. Mayor Sanford thanked Ms. Crane and the staff for the great work. He suggested that if there was anything that members observed in this process, to give suggestions to Ms. Crane for improvement for next year. There were also some follow up issues for perhaps a once a month meeting to better the process for next year.

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:

Aquatic Facilities Advisory Board:
  Reappointment of Tom Rutecki to a term expiring June 30, 2016,
  Reappointment of Phil Loseby as school district liaison to a term expiring June 30, 2016,
  Reappointment of Kate Walters as the Parks and Recreation Advisory Committee liaison to a term expiring March 2, 2014.
Juneau Commission on Sustainability
Reappointment of Duff Mitchell, Kate Bevegni and Jenni Lefing to public seats with terms expiring June 30, 2016,
Appointment of Amy Skilbred to a public seat with a term expiring June 30, 2014.

Mr. Kiehl noted there were open seats on the Historic Resources Advisory Committee, along with other open board seats, and encouraged people with interest to apply.

Ad Hoc City Attorney Hire Subcommittee: Chair Kiehl said the application period closed June 10, and the subcommittee would convene shortly after that.

Lands and Resources Committee: Chair Smith said Mr. Chaney was preparing a work plan and the next meeting was rescheduled to Monday, June 17, at 5 p.m.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was rescheduled to Monday, July 1, at Noon.

C. Liaison Reports

Planning Commission: Liaison Smith said the Planning Commission met on May 28. The major issue was the reconsideration of the Conditional Use Permit for a 2 lane boat launch ramp at Statter Harbor. The Planning Commission continued the item for further fact-finding.

Juneau Convention and Visitors Bureau: Liaison Smith said a regular meeting was held May 23 to approve the FY14 budget and a membership meeting breakfast was set for June 28, at 8:30 a.m. at a location to be announced.

Parks and Recreation Advisory Committee: Liaison Nankervis said the PRAC meeting/retreat scheduled for Tuesday, June 4, was cancelled.

Juneau Commission on Sustainability: Liaison Nankervis said the next meeting was set for Wednesday, June 4, at 5:30 p.m. in the Downtown Library.

Docks and Harbors Board: Liaison Jones said the Board had worked on its planning for the Statter Harbor permits before the Planning Commission. CDD staff and the Port Director met with some of the citizens in the area about the project. Two representatives of the Corps of Engineers were at the last Docks and Harbors Board meeting to discuss the status of the Douglas Boat Harbor project and they are hoping the federal EPA will be dropping its dispute resolution if certain conditions are met and the Board was eager to finish the Douglas project. The Assembly would be interviewing candidates for the Board on Thursday, June 6.

Juneau Economic Development Committee: Liaison Jones said the next meeting was set for Wednesday, June 5, at Noon.

Affordable Housing Commission: Liaison Kiehl said the next meeting was set for Tuesday, June 4.

Airport Board: Liaison Dybdahl reminded Mayor Sanford that he may want to reappoint an Assembly Liaison to the Airport Board as his schedule prevented him from attendance and he was a “short timer.”
**Hospital Board:** Liaison Crane said the Hospital Board was working on a number of issues, including bringing their by-laws into conformance with CBJ. The Board was working with the CBJ Law Department on that project.

**Alaska Committee:** Liaison Becker said the next meeting was set for July 10.

**Juneau Chamber of Commerce:** Liaison Becker said the next meeting was set for Wednesday, June 5.

**Southeast Conference:** Mayor Sanford said the SEC would hold its annual conference in Sitka on Sept 17 – 19, and encouraged Assemblymembers to participate.

### XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford noted that updated Assembly Goals for 2012-13 were in the Assembly’s notebooks and he encouraged members to review the updated list.

Ms. Becker said she spoke on behalf of the Mayor at the May 15 opening of Phase I Statter Harbor. On May 19, she paddled into the Maritime Festival with the One People Canoe ride. On May 27, she attended a Juneau Convention and Visitors Bureau plaque exchange with the Celebrity Solstice. She also attended a well done retirement party for Chief Browning.

Mr. Kiehl said he attended a National Trails Day event on Saturday, June 1, a work party at Outer Point organized by Trail Mix to complete an ADA accessible trail to the beach. He noted the joint work of several groups, including SAGA, ORCA, CBJ Parks and Recreation and many volunteers.

Ms. Crane said she attended the dedication of the new Forestry Services Building at the UAS Campus. The Alaska Coastal Rainforest Center now has an office in the new building. She and Ms. Becker attended the Southeast Regional Resource Center’s GED graduation and the graduation for ESL students, which was a very moving ceremony.

Mr. Smith recognized Ms. Crane for her work as the Finance Committee Chair and the time above and beyond, working with staff on the budget. She consistently asked if we had information requests in advance of the agenda, ran the meetings well, and had timely adjournments.

Mr. Nankervis also thanked Chief Browning and Asst. Chief Decker who both retired. He saw the level of dedication and time put in by both employees and had done a wonderful job. In two weeks he would begin the fishing season and he would attempt to phone in to meetings. He reported that a great time was had by all with Haines neighbors at the recent Beer Fest in Haines and he encouraged people to attend this event in the future.

Mayor Sanford met with League of Women Voters and discussed many issues. He was a guest speaker at Yaakoosge Daakahidi graduation service with 39 graduates. He spoke at the Memorial Day Service at Evergreen Cemetery with about 150 people in attendance and he encouraged attendance at the downtown and valley services.

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

A. Appeal of USE2012-0019 – Lemon Creek Gravel Extraction—Continuation of Deliberation

*MOTION*, by Becker, to enter into executive session to continue deliberation on the Appeal of
USE2012-0019.

Mr. Dybdahl was excused as he had not participated in the hearing. Mr. Smith noted a conflict
of interest and without objection, did not participate in the deliberations.

Hearing no objection, the Assembly entered into executive session at 8:20 p.m. and returned to
regular session at 9:15 p.m.

Mayor Sanford said that while in executive session, the Assembly deliberated upon the matter
on appeal and gave direction to the City Attorney regarding its decision.

Mayor Sanford said the Assembly would take up the City Manager evaluation in executive
session at the next meeting.

XV. ADJOURNMENT

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