MEETING NO. 2013-28: 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, Loren Jones, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Carlton Smith and Randy Wanamaker.

Assembly Absent: Kate Troll.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Director; Travis Goddard, Planning Manager; Ben Lyman, Senior Planner; Rorie Watt, Engineering Director; Dan Bleidorn, Deputy Lands Manager; Patty DeLaBruere, Airport Manager; Kris Ritter, Dana Ritter, and Mark Likins, Airport staff members.

II. SPECIAL ORDER OF BUSINESS

A. Eagle Scout Award - Recognition of Morgan Nichols

Airport Manager Patricia DeLaBruere and Mayor Sanford thanked Morgan Nichols for his work at the Juneau International Airport to landscape the front entrance. They congratulated him on attaining the rank of Eagle Scout.

B. Interim CEO of Bartlett Regional Hospital - Jeff Egbert

Alex Malter introduced Jeff Egbert as the new interim CEO. He thanked the Assembly for Ms. Cosgrove’s services in the search and in finding good candidates. The Board is very happy to have Mr. Egbert in Juneau; he is recently from Phoenix and a CEO from mid-sized and large hospitals. The Board was looking forward to gaining from his experience in the next six months.

Mr. Egbert said Bartlett Regional Hospital was a beautiful hospital with many good employees and he saw nothing but positive opportunities there. He thought it would be an easy task to serve as interim CEO as there were many good services there now.

C. LID Board of Equalization

*MOTION, by Becker, to recess and convene as the Board of Equalization, to hear Resolution 2665, and confirm the assessment roll for LID No. 91.* Hearing no objection, it was so ordered.
1. Resolution 2665

**A Resolution Confirming the Assessment Roll for Local Improvement District No. 91, Which Provided Municipal Sewer to the Residents Along the Uphill Side of North Douglas Highway From Street Number 4355 to 5795, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.**

Administrative Report: Attached. The manager recommended adoption of the Assessment Roll in Resolution 2665.

Public Comment:

*Robert Warfield*, 4535 No. Douglas Road, was present to discuss his sewer assessment. He said he was not protesting the assessment. He thought there was a time limit of two years and it had been almost three years since it had been installed. He was still looking for information to that effect.

Mr. Watt said that all LID installations took significant time to go through the process and it was not abnormal for the process to take this long from start to finish. There was not a time limit in the code.

Assembly Action:

*MOTION*, by Wanamaker, to reduce the assessment of Gary and Robin Paul from $7,088 to $2,600.

Mr. Wanamaker said the PWFC reviewed and recommended this reduction (outlined in a memo to the Assembly in the PWFC packet). The justification for this reduction was that it would be impractical to further develop the property based on the location of the existing structures, the proximity of Eagle Creek running through the property, and the steep slope and cliff topography behind the existing structures.

Mr. Jones asked if that would change the total on the last page and reduce the total by the difference. That was confirmed to be true.

Hearing no objection, the reduction was approved.

Mr. Kiehl asked if there was any legal reason why this LID would not be timely. Ms. Mead said she could not find anything in code that would prohibit confirming the assessment role.

*MOTION*, by Becker, to confirm the Assessment Roll for Local Improvement District No. 91, and recommend to the Assembly adoption of Resolution 2665, as amended. Hearing no objection, it was so ordered.

*MOTION*, by Becker, to return to regular session. Hearing no objection, it was so ordered.

The Board of Equalization adjourned and the Assembly reconvened.

*MOTION*, by Becker, to adopt Resolution 2665, with an amended Assessment Roll for LID 91. Hearing no objection, it was so ordered.
III. APPROVAL OF MINUTES

A. October 14, 2013 - Regular Assembly Meeting 2013-26 Minutes

Hearing no objection, the minutes of the October 14, 2013 Regular Assembly Meeting 2013-26 were approved as corrected, noting a change in the roll call vote on page 13 to account for all votes.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Ms. Kiefer requested removal of the staff report regarding the Law Department Offices until the next meeting when Lands and Resources Manager Chaney would be available. Hearing no objection, the item was removed from the agenda.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Sylvia Kreet, said she lived in one of four homes at Atwater Estates on Douglas Highway. The new flood maps showed that their units were in the VE zone with a flood elevation of 25 feet. The construction of the units was initiated in 2007, completed in 2010 and the elevation certificate showed the base floor elevation of her unit was at 24 feet. At the time, 24 feet exceeded the flood elevation for the flood maps in place at the time of 23 feet. In August 2013, the newly adopted flood maps went into effect and though there was a benefit to 270 people who were removed from the flood zone, there were 226 units that were then considered into the flood zone and she was one of those affected. CDD’s website acknowledges that the new maps may contain error or insufficient data for mapping. Her bank is now requiring that she purchase flood insurance at the cost of $11,000 per year. This was onerous, and just for one unit, multiplied throughout the community, there would be an outcry. She said she was not sure how the flood designation was arrived at for her unit. The tidal data may not be the most current and CDD noticed that the current published tide charts use 2002 – 2006 information and isostatic rebound may not have been taken into account. FEMA used the 2001 LIDAR maps and the elevation was rounded up to the nearest whole number. The actual flood elevation could be recalculated to show that it was 24.2 feet, for example, but it was listed at 25. She urged the city to address the issue and to look at the problems on a neighborhood scale. There was a memo from CDD outlining the problems and proposed ways to fix them and she encouraged quick action, such as 1) hiring a coastal hydrologist to study the conditions to determine appropriate base flood elevations or reach of flood zone line to better represent storm conditions on a neighborhood scale, 2) incorporate latest tidal information to take isostatic rebound into consideration and 3) use 2013 LIDAR to help refine flood locations and insist that FEMA use exact numbers rather than rounding up to the next largest number.

Mayor Sanford asked if she had her name in to CDD for assistance. She said she spoke with Eric Feldt at CDD and he had been helpful, but he said it was up to the Assembly to authorize hiring a hydrologist to do the work to rectify the situations.

Gary Patton, said he was Ms. Kreet’s neighbor. There were concerns about the accuracy of the flood maps and FEMA gave the city a deadline of August to adopt the maps. The CDD gave a number of action items to improve the maps and one was to hire a hydrologist to give a better picture of the real flood potential. FEMA was all about using the best data available and the city was on the hook to spend the money. FEMA’s information was not specific to
neighborhood levels. Flood insurance costs were atrocious. He was five feet above the flood plain but may have to pay the insurance because he was in an attached home. They were also looking at the loss of assessed valued due to the flood zone issues. He said that for every $5,000 of flood insurance required, the property value was lowered by $100,000. This type of decreased assessment across the community would be a real loss. The recommendations were made to the Assembly on how to increase the accuracy overall to the borough.

*Jack Kreinheider,* also a neighbor, and said he supported the points made. There was a potential loss in property value. Someone who was paying $11,000 in flood insurance a year over the life of a mortgage was $330,000 and when selling the house there could be $200,000 in reduced assessed value, so this could create a $.5 million loss because of the change in the flood maps. If we are the first ones coming to you with this it is because the banks are just sending out the letters about the issue. He attended the public meetings but people are not alarmed until they get the insurance quote. The hydrologist should review the Gastineau Channel areas, North Douglas, Auke Bay and Fritz Cove Road.

*Lorraine Murray,* spoke about the “Disturbing the Peace” ordinance and said she did not think that the ordinance would assist people with fireworks in residential areas. She spoke about the reasonable person standard. The question should not be whether fireworks noise is reasonable on the Fourth of July, but should fireworks be a reasonable activity in a residential area. She felt it was a form of bullying or abuse to people and pets that fireworks were allowed in a residential area. Loud explosive noises were harmful. Gastineau Humane Society has said that the day after the 4th of July was their busiest time. All people have a right to enjoy their property. The people have a right to use fireworks until that use infringes on others. Fireworks are explosives and blasting was prohibited in residential districts. She referred to zoning laws and she thought that the zoning laws conditioned objectionable activities and should be available to residents who objected to fireworks. She said she has collected 80 signatures from reasonable people who felt that fireworks were an objectionable use in residential neighborhoods.

*Lance Stevens and Lorene Palmer* were present from the Juneau Chamber of Commerce. They are co-chairs of the Chamber’s Government Affairs Committee. Max Mertz was recently elected president. They were eager to help the Assembly achieve their goals and looked forward to a partnership in moving the community forward. Ms. Palmer said she looked forward to facilitating and exchange of information and to providing feedback from the business community.

### 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 as presented. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2013-11(W)
An Ordinance Appropriating To The Manager The Sum Of $145,550 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 2013-11(W) be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2013-28

Administrative Report: Attached. The manager recommended Ordinance 2013-28 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2013-29
An Ordinance Establishing the Human Resources and Risk Management Department.

Administrative Report: Attached. The manager recommended Ordinance 2013-29 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2013-11(X)
An Ordinance Appropriating To The Manager The Sum of $58,000 As Funding For Law Department Office Space To Accommodate Additional Staff; Funding Provided By The General Fund Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2013-11(X) be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2662
A Resolution Reestablishing the Rules of Procedure for Assembly Advisory Boards, and Repealing Resolution 2246.

Administrative Report: Attached. The manager recommended adoption of Resolution 2662.

b. Resolution 2664
A Resolution De-Appropriating $299,490 From The Bayview Subdivision Sewer Outfall, $250,000 From The Juneau-Douglas Treatment Plant Jet Truck And Septage Receiving Facility And $219,832.

Administrative Report: Attached. The manager recommended adoption of Resolution 2664.
3. Liquor License

a. Liquor License Renewals

1. Package Store License #271: Alaska Cache Liquor Inc. d/b/a Alaska Cache

2. Beverage Dispensary - Tourism License #3824: Hospitality Group LLC d/b/a Frontier Suites Hotel, location: 9400 Glacier Hwy.

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

4. Transfer

a. Transfer T-947

Transfer of approximately $4.098 million to existing or newly-created Capital Improvement Projects and the closure of twenty-two completed CIPs.

Administrative Report: Attached. The manager recommended approval of these transfers.

VII. PUBLIC HEARING

A. Ordinance 2013-11(U)

An Ordinance Appropriating To The Manager The Sum Of $10,000 As Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided By A Memorandum of Understanding With The Alaska Department Of Environmental Conservation.


Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(U). Hearing no objection, it was so ordered.

Mr. Nankervis asked for a copy of the MOU to be provided to him.

B. Ordinance 2013-11(V)

An Ordinance Appropriating To The Manager The Sum Of $110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.


Public Comment: None.
Assembly Action:

**MOTION, by Kiehl, to adopt Ordinance 2013-11(V).**

Mr. Jones asked if the grant paid for part of the salary for three people and CBJ matched the salary or were there six people employed by this grant – how were personnel costs being paid and reimbursed in-kind? Ms. Kiefer said it was a 50-50 match and for the grant CBJ provided part of the match requirement. The three people were the two Emergency Program staff and the Fire Training Officer.

Hearing no objection, it was so ordered.

C. Ordinance 2013-25

**An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lots 1-3, Seven Mile Subdivision, Located Near Seven Mile Glacier Highway, Currently Zoned D-5, to D-18.**


Public Comment: None.

Assembly Action:

**MOTION, by Wanamaker, to adopt Ordinance 2013-25.** Hearing no objection, it was so ordered.

D. Ordinance 2013-26

**An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.**


Public Comment:

Dennis Watson, Planning Commissioner, spoke in support of adoption of the Comprehensive Plan and said he was speaking as a private citizen as well. Many good things had already come of this plan – the economic development plan, the transit planning, and the Planning Commission inherited a much bigger product than what was before the Assembly and we had made it much smaller. It was an update.

Assembly Action:

**MOTION, by Smith, to adopt Ordinance 2013-26.**

Mr. Nankervis said he did not have an objection but the plan but it was still too long and had too many areas of conflict. It was a valiant effort by many good people and it should be condensed. He thanked all for their time and energy.
MOTION, by Becker to amend Ordinance 2013-26 on page 1 of 6, in the last line of the first paragraph, to delete the words, “over the next 20 years to the year 2033,” and asked for unanimous consent.

Mr. Jones objected.

Roll call:
Aye: Becker, Crane, Nankervis, Wanamaker, Sanford
Nay: Jones, Kiehl, Smith
Motion passed, 5 ayes, 3 nays.

Ms. Becker said that if this plan was adopted, she hoped that following adoption of the pending Economic Development Plan, the Comprehensive Plan would be edited and revised.

Mr. Wanamaker supported the plan as an important step in the community’s development and said there were significant improvements made to this edition and he appreciated the work that had gone into it.

Mr. Jones said the Ordinance called for the “Commission to undertake a general review of the comprehensive plan two years after the adoption of the most recent update.” He said he assumed this meant the Planning Commission and did this statement in any way limit or require that the Planning Commission to start the review of the Comprehensive Plan if the Assembly were to review Chapter 5 based on the new economic development plan by the Assembly. Did the ordinance require the review to start with the Commission? Did the Assembly have the right to review the Comprehensive Plan without review by the Planning Commission. Ms. Mead said the intent was that the Planning Commission engage in a review every two years and make recommend amendments to the full Assembly as necessary, but did not prohibit the Assembly from undertaking a review at any time it deems necessary. The intent was that the Commission stay as a part of the process, but the process could be initiated by the Assembly.

Mr. Smith said that he stated that it was unfortunate that the Assembly was involved at the end of the process and he would like to meet with the Planning Commission at the front end of the next review of the plan.

Hearing no objection, the Ordinance 2013-26 was adopted as amended.

E. Ordinance 2013-27
An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.


Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-27.
Mr. Wanamaker said he had no objection. He had heard numerous requests from citizens that CBJ should come up with a “swipe card” for the senior exemption.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit License #5231 Suwanna Cafe, LLC d/b/a Suwanna Cafe, Location: 8800 Glacier Hwy. Ste. #100, Juneau

Administrative Report: Attached. The manager recommended the Assembly proceed according to the recommendations of the Assembly Human Resources Committee in this matter.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to accept the recommendation of the Human Resources Committee and waive its right to protest the issuance of a new restaurant eating place liquor license and application for a restaurant designation permit for Suwanna Cafe. Hearing no objection, it was so ordered.

X. XI. STAFF REPORTS

A. Law Office Follow-up – removed from the agenda

XI. XII. ASSEMBLY REPORTS

A. Mayor's Report

1. USS Juneau Proclamation - Assemblymember Wanamaker Presenting in New Jersey

Mayor Sanford said that copies were available and Mr. Wanamaker would be attending the November 13 ceremony to deliver the proclamation in New Jersey.

Mr. Jones asked about the Law Department Office report and if it would be provided in writing. Ms. Kiefer said there was a written report attached to the ordinance on the consent agenda for introduction. There would be additional updates provided in writing. Ms. Crane said that information could be provided at the Finance Committee meeting if appropriate.

B. Committee Reports

Committee of the Whole: Chair Becker said the next meeting was set for November 18.

Finance Committee: Chair Crane said the next meeting was set for November 13.
**Human Resource Committee:** Chair Kiehl provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

- **Americans with Disabilities Act (ADA) committee:**
  - Melanie Zahasky for a term expiring August 31, 2014
  - Pam Mueller-Guy for a term expiring August 31, 2016
  - Matthew McGuan for a term expiring August 31, 2016

- **Juneau Economic Development Council:**
  - Corey Baxter for an organized labor seat, term expiring October 31, 2016
  - Sydney Mitchell for a public seat, term expiring October 31, 2016
  - Mitch Jackson for a public seat, term expiring October 31, 2016
  - Alec Mesdag for a public seat, term expiring October 31, 2015

- **Fisheries Development Committee:**
  - Greg Fisk for a public seat, term expiring October 31, 2015

- **Juneau Commission on Aging:**
  - Mary Lou Spartz for a public seat for a person over 65, for a term expiring June 30, 2015

- **Juneau Human Rights Commission:**
  - Patricia Hill for a term expiring May 31, 2015

Chair Kiehl scheduled the Full Assembly to sit as the Human Rights Commission on Thursday, December 5, at 5:30 p.m., to interview candidates for the Planning Commission and the Docks and Harbors Committee.

**Lands and Resources Committee:** Chair Smith said the next meeting was set for November 18.

**Public Works and Facilities Committee:** Chair Wanamaker said the next meeting was set for November 18.

C. **Liaison Reports**

- **UAS Campus Council:** Liaison Becker met with the council today and the topics included the dual enrollment program in high school and college, an outline of the Alaska Performance Scholarship, and explanation of the Alaska Learning Network – a computer based program with the Department of Education and the University of Alaska to provide all 54 school districts with access to higher level classes.

- **Alaska Committee:** Liaison Becker said the committee sent out the RFP for the food for the legislative reception.

- **Juneau Economic Development Council:** Liaison Wanamaker said the next meeting was set for Tuesday, November 5.
Parks and Recreation Advisory Committee: Liaison Wanamaker said the next meeting was set for Tuesday, November 5. He said he had a good meeting with Director Fischer to get up to speed on PRAC issues.

Ms. Crane and Mr. Kiehl asked for a report on the OHV issue as she would be unable to attend the meeting.

Affordable Housing Commission: Liaison Kiehl said the next meeting was set for Tuesday, November 5.

School Board: Liaison Kiehl said the next meeting was set for November 12.

Juneau Convention and Visitors Bureau: Liaison Smith said the next meeting was set for November 21. Hal Hart and Dennis Watson would be guest speakers discussing the comprehensive plan and ways for industry representatives to participate in the planning process.

Docks and Harbors Board: Liaison Jones said the Board met last Thursday and was making progress with negotiations with Goldbelt regarding the Tram Lease. The Board would be reviewing its bylaws.

Local Emergency Planning Committee: Liaison Jones said he would be meeting with Tom Mattice to understand his role and responsibilities as liaison.

Mr. Jones said that the Department of Transportation was holding a public meeting on November 5 at Gruening Park about sidewalk and bicycle issues in the Lemon Creek area.

D. Presiding Officer Reports

Mr. Jones said the O’Brien v Assessor appeal hearing was held and a decision was pending. The Cavagnaro v Assessor appeal was on track and the hearing would be held on November 25.

Mr. Nankervis said a pre-hearing conference was held regarding Harris v Planning Commission on the Atlin Drive Rezoning, and the hearing would be held on January 6, 2014.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Nankervis said it was important to involve the Assembly at the beginning of the review of the next edition of the Comprehensive Plan and would like to see it be a shorter plan.

Mr. Kiehl reported on the Dolly Parton Imagination Library program, which sent books to children. The First Lady Sandy Parnell would be giving out the 100,000th book in Alaska at the JACC on November 8.

Mr. Kiehl encouraged people to attend the Sealaska Heritage Institute brown bag lunch series. This year’s theme was native spirituality and the program had tremendous lectures.

Mr. Kiehl asked for information on any planned Veteran’s Day Observances.
Mr. Kiehl asked if there was any objection to staff providing information for the Assembly to review the code regarding the Assembly acting as the Board of Equalization for Local Improvement Districts. Hearing none, staff was asked to return information to the Assembly about the possibility of the Assembly appointed Board of Equalization to handle these matters.

Mr. Wanamaker reiterated the public interest in electronic sales tax exemption swipe cards. He said several people also suggested considering moving the date for which property taxes are due to fall behind the issuance of the Permanent Fund Dividend checks so it could be easier for some people to pay.

Ms. Crane said she would like staff to review the possibility of making quarterly payments on their property taxes.

Ms. Becker spoke about meeting with the Mayor of Terrace, BC at the Canadian American forum. She thanked Mr. Kiehl and Mr. Nankervis for their work on the Outdoor Skills training classes. She mentioned attendance at the groundbreaking ceremony for the Seward Statue and said that there had been good meetings on the transit system.

Mayor Sanford declared Nov 8 – 16 Dolly Parton Imagination Library week and encouraged people to attend the ceremony.

Mayor Sanford said there was a news report about the sale of Mr. Corbus’ portion of the electric company in Juneau and encouraged people to thank him and his family for their long service.

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

XIV. EXECUTIVE SESSION

A. Parking Management

MOTION, by Becker, to recess into executive session, to discuss parking management, a financial matter, the immediate knowledge of which could have an adverse effect on the finances of the municipality. Hearing no objection, the Assembly moved into executive session at 8:27 p.m. and returned to regular session at 9:53 p.m.

Mayor Sanford said that the Assembly provided direction to staff on parking issues during executive session.

XV. ADJOURNMENT – 9:54 p.m.

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