

LAW OFFICE OF
BRANDON C. MARX
408 OJA WAY, SUITE B, P.O. BOX 6171
SITKA, ALASKA 99835

PHONE: (907) 747-7100
FAX: (907) 966-3100

EMAIL: marxlaw@gci.net
WWW.SITKALAWYER.COM

June 28, 2018

VIA US MAIL & EMAIL

Mr. George Schaaf
Director
Parks & Recreation
City & Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

RE: Enforcement of CBJ 67.01.090(e) over
the driveway that runs across Chicken Yard Park

Dear Mr. Schaaf:

I represent Mr. Jackson Gitchell III and Ms. Vicki Van Fleet ("G & V") concerning the above referenced matter. I have reviewed your June 20, 2018 letter, and have also reviewed a rather extensive historical record concerning the a private driveway that has been in existence since the 1930's and has benefited G & V's parcel and burdens Chicken Yard Park. My review has convinced me that the G & V parcel acquired an appurtenant easement well before the City & Borough of Juneau acquired Chicken Yard Park in 1950. For this and other reasons, set forth below, the City has no authority to enforce CBJ 67.01.090(e) and any attempt to do so will necessitate a lawsuit to quiet title to the easement and to enjoin the City from enforcing CBJ 67.01.090(e) in this context.

BACKGROUND

This matter concerns a dispute over the legal status of a private driveway that runs across property currently owned by the City & Borough of Juneau commonly known as Chicken Yard Park, and legally described as: all of Lots five (5) and six (6) in Block 113, according to the plat of the City of Juneau, and deed recorded at Page 291 Volume 22 in the Juneau Recording District ("Chicken Yard Park" or "Parcel 1"). The private driveway has been used by the predecessors in interest to G & V since at least the 1930s to access their adjacent parcel known as Lot three (3), Block 113, Townsite of Juneau, Juneau Recording District. ("Parcel 2"). See photo attached at EXHIBIT 1.

This private driveway was and remains the exclusive vehicular access to Parcel 2 since at least the 1930s. From the photographic records we can see that the owners of Parcel 2 relied on their right of access and the belief in a permanent right of access when they elected to invest in substantial improvements to create the driveway itself and to construct a garage for their vehicle with a concrete foundation. A picture of the garage can be seen from an aerial photo taken in 1959. See photo attached, at EXHIBIT 2.

The City purchased Parcel 1 from the Sisters of St. Ann, a religious corporation organized under the laws of the Territory of Alaska in 1950. At the time the City acquired Parcel 1, this private driveway had been in use for approximately two decades and ran through a garden that helped feed the nuns who lived and worked at the Sisters of St. Ann. The use was open and notorious and well established then, in much the same way as it is now. Thus, not only did the City of Juneau acquire Parcel 1 with the knowledge of this use, but it took subject to its use, whether its vesting deed uses the term "Subject to" or not. *Compare*, Vesting Deed, attached at EXHIBIT 3, with, *Methonen v. Stone*, 941 P.2d 1248 (Alaska 1997)(discussing how inquiry notice defeats claim of bona fide purchaser attempt to deny existence private unrecorded easement).

Since Juneau acquired Parcel 1 from the Sisters of St. Ann, the property has been converted to a playground for public use known as Chicken Yard Park. In the 1980s the owners of Parcel 2 purchased a new car, and did not want the old garage to collapse on their new car, so they tore the garage down and parked their car on the concrete slab instead. A photo of owners from the 1970s with their vehicle and boat on the property is attached at EXHIBIT 4. In 1972 a map was recorded at Book 102 and Page 84 in the Juneau Recording office showing a hand drawn access easement benefitting Parcel 2, and burdening Parcel 1, referring to Parcel 1 as "Chicken Yard Playground".

At a regular Assembly meeting held September 4, 1980, the issue of "access to a garage" was addressed. A copy of the meeting minutes is attached at EXHIBIT 5. The minutes discuss various options for how to address the conflict between the increased liability of vehicles coming and going in a City park with the long established use by the owners at the time, the Crondahls. The staff recommended the City cease to allow the Crondahls to use the park as a driveway and deny access. Assemblyman Wakefield said the "Assembly should take some definitive action now that this has come to its attention and that to do otherwise would only strengthen the Crondahl's position if something happens legally as a result." Ultimately, after hearing from the public, the City voted to table the issue indefinitely.

In 2009, the Crondahls sold Parcel 2 to Lisa Eisner. Two years later, in 2011, the City again took up the issue of the driveway. See Minutes, Monday October 3, November 9 and December 6th, 2011, Parks & Recreation Advisory Committee, attached at EXHIBIT 6. In these minutes the City openly acknowledges:

Chicken Yard Park has a driveway that runs through the park and that won't be changed. The park can be better configured to accommodate the driveway and make it safer...

Emphasis Supplied. EXHIBIT 6 at p.7. Again in December, the Committee reiterated:

He clarified the information on the Chicken Yard Park section that they're not going to change the existing traffic patterns in the park. They are looking to make the park safer and make some improvements to the community garden portion.

In 2014, Jackson Gitchell, III and Vicki P. Van Fleet, husband and wife, purchased Parcel 2, taking the City at its word that it would not take any action to interfere with its driveway access, and relying upon the rather extensive historic record of use dating back well before the City's ownership of Chicken Yard Park.

In June of 2016, G & V obtained a building permit for a new roof and hired a roofing contractor. G & V specifically asked their contractor to work only during weekdays and to ensure they worked normal work hours to reduce potential conflicts and risk with any park users. After tearing off the old metal roof, they discovered the original cedar shake which required removal. As such, the anticipated one month repair ended up taking three months, during which time the driveway was in use by the contractor and the City never said anything orally or in writing. In June of 2018, G & V poured a concrete slab into the existing foundation of the old garage. On or about June 21, 2018, G & V received Mr. Schaaf's letter informing them they could no longer access their home using the easement they had used for the past 4 years, and that their predecessors have used for at least 90 years, well before the City even acquired its interest in the park.

LEGAL ARGUMENT

A private easement or "servitude" can be created in a number of ways, by express grant in a deed or other instrument, by dedication, by estoppel, implication, necessity or prescription. See generally, RESTATEMENT (THIRD) OF PROPERTY: SERVITUDES § 2.1 et seq.; *Williams v. Fagnani*, 175 P.3d 38, n.20 (2007) (relying on Restatement 3rd of Property: Servitudes in its discussion of elements of appurtenant easements); see also, TIFFANY, REAL PROPERTY § 776, at 240 (3d ed. 1939). Obtaining rights in another's property by prescription is similar to obtaining rights by adverse possession. But the term "prescription" applies to servitudes while "adverse possession" applies to possessory estates in land. *Interior Trails Preservation Coalition v. Swope*, 115 P.3d 527, 529 (Alaska 2005).

Easement by Prescription

In order to acquire a prescriptive right of access over someone else's property an Alaskan claimant must show (1) the use was continuous and uninterrupted for the same ten-year period that applies to adverse possession; (2) the claimant acted as an owner and not merely as a person having the permission of the owner; and (3) the use was reasonably visible to the record owner. *Id.*

Normally, the claimant must additionally overcome the presumption that their use is permissive by clear and convincing evidence. See, *Dault v. Shaw*, 322 P.3d 84, 93-4 (Alaska 2013). But there is no such presumption of permissive use in cases where the "roadway was not established by the owner of the servient estate for its own use." *McGill v. Wahl*, 839 P.2d 393, 397-98 (Alaska 1992); see also, *McDonald v. Harris*, 978 P.2d 81, 83-85 (Alaska 1999).

Here, the servient estate is Parcel 1, currently owned by the City of Juneau, and the dominant estate is Parcel 2, owned by G & V. There is no dispute that the private drive in question was created by and for the sole and exclusive use of the owners of Parcel 2. The Sisters of Ann, while certainly neighborly, did not go to the trouble of building their neighbor a driveway that crossed over their land. In Alaska, such an act is, by itself, hostile to the

ownership interests of the Sisters of Ann. The determination on hostility turns on the distinction between permission and acquiescence. *Swift v. Kniffen*, 706 P.2d 296 (Alaska 1985). The photographic evidence showing the existence of a garage and vehicles on the property in the 30s shows the driveway use was open and notorious, and shows that the Sisters at least acquiesced in this occupation of their land. Parcel 2 was owned and occupied throughout the 30s and 40s and the driveway was the sole access to the property throughout that time. Accordingly, title vested by prescription in G & V's predecessors around the time of the First World War, well before the City acquired any interest in Chicken Yard Park. But this isn't the only theory upon which G & V can perfect title to their driveway.

Easement by Estoppel

A private easement can also be created through the application of the equitable doctrine of estoppel. When there is an "attempted oral grant of an easement, and the intended grantee makes improvements for the purpose of exercising the easement, equity will recognize and enforce the easement on the theory of what is ordinarily referred to as that of part performance but which is essentially the theory of estoppel." *Freightways Terminal Co. v. Industrial & Commercial Const. Inc.*, 381 P.2d 977, 984 (Alaska 1963) citing 3 TIFFANY, REAL PROPERTY § 801, at 318-319 (3d ed. 1939). Courts look at the subjective understanding of the claimants when deciding whether they changed their position based upon statements made by the servient owner or developer. *Swift v. Kniffen*, 706 P.2d. 296 301 (Alaska 1985).

Here, the Sisters of St. Ann appear to have at least attempted to grant an easement to their neighbor who then relied upon the attempted grant to make substantial improvements, including improving and maintaining the drive itself and constructing a garage on a concrete foundation at the terminus of the driveway. In addition, G & V took title to Parcel 2 in 2014 relying on the repeated public statements and affirmations by the City of Juneau confirming that "Chicken Yard Park has a driveway that runs through the park and that won't be changed..." The City is "not going to change the existing traffic patterns in the park." EXHIBIT 5. G & V relied on these statements to their detriment in purchasing the property given the City's recent change of heart. The City should accordingly be estopped from enforcing its ordinance in a manner that would unreasonably interfere with G & V's sole vehicular access to their property.

Inquiry Notice

The City is not a bona fide purchaser for value and took title subject to existing uses and appurtenances on its land. In 1950, when Juneau acquired Parcel 1 from the Sisters of Ann, the driveway had been in use for at least 20 years. According to elders who grew up tending the gardens at St. Ann's and at Chicken Yard Park over the years, the driveway has "always been there". The City's own minutes from Parks and Rec meetings confirm that the driveway has remained in use as the sole and exclusive vehicular access to Parcel 2 from 1950 to the present. So the City was not only on inquiry notice, it had actual notice of the driveway at the time it acquired the property. As such the City likely had actual knowledge of the driveway, but should have known of the history of use and of any oral grants meaning it could not claim BFP status to void the easement that burdened its land. *Methonen v. Stone*, 941 P.2d 1248, 1252 (1997).

Inverse Condemnation

Article 1, section 18 of the Alaska Constitution provides that “[p]rivate property shall not be taken or damaged for public use without just compensation.” A property owner may recover damages through an inverse condemnation action where the State or municipality employs land use planning regulations or ordinances which deprive a property owner of the “economic advantages of ownership.” *City of Kenai v. Burnett*, 860 P.2d 1233, 1239 (Alaska 1993). The taking of an easement qualifies as a taking and is compensable. *Id.* The “fundamental goal of “just compensation” is to make the property owner whole. *Id.* In *Kenai v. Burnett*, the court affirmed the “cost to cure” alternate measure of damages in a situation like this, and allowed the claimants to seek damages for the \$250,000-\$300,000 the City’s own experts determined it would cost to construct comparable alternate access. *Id.* So Juneau has exposed itself to significant liability by trying to enforce its ordinance against G & V, and it should immediately retract its notice of enforcement.

OFFER OF COMPROMISE

My client would appreciate avoiding the cost and burden of litigation and has authorized the following settlement on the following terms and conditions:

1. If the City immediately provides a written retraction of its letter of enforcement of CBJ 67.01.090(e) against G & V; and
2. Executes a grant of easement in favor of G & V, and their invitees, that will “run with the land” consistent with historic use and occupation for recording satisfactory to G & V;

G & V will agree to do the following:

1. Pay the City \$5,000 in cash upon execution of the easement with appropriate covenants and indemnities regarding liability, and release the City from any and all claims and damages related to this issue.

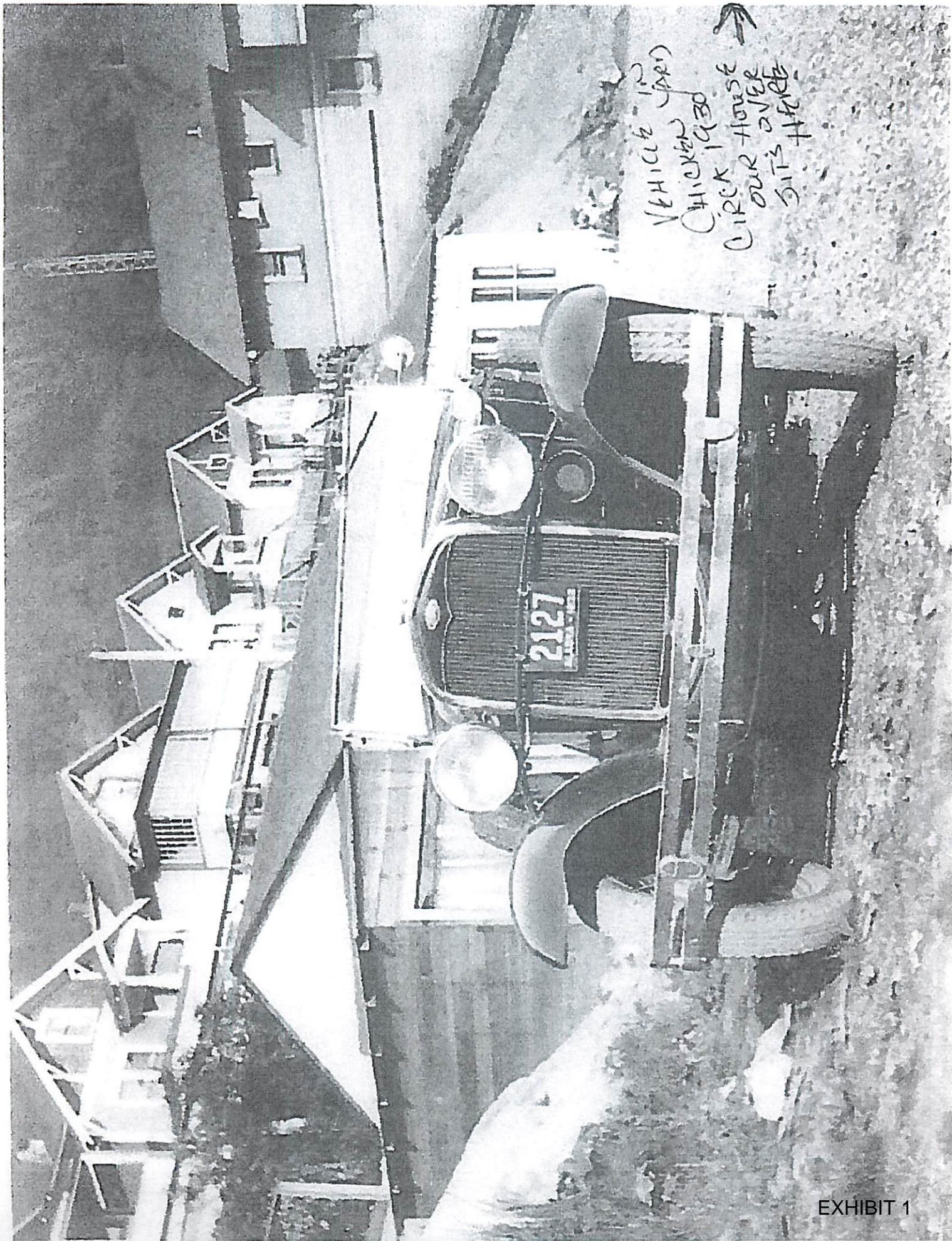
This offer shall remain open through Wednesday of next week on the condition that the City take no enforcement action in the meantime against G & V or their invitees. Please call or write with any questions or concerns.

Sincerely,



Brandon C. Marx

Cc: Rorie Watt, rorie.watt@juneau.org
Robert Palmer, Esq., Robert.palmer@juneau.org
Mila Cosgrove, mila.cosgrove@juneau.org



Vehicle - (open)
Chickens 1930
Driver House
over
SIT'S
HERE



EXHIBIT 1

CHICKEN
YARD

SHED

HOUSE

1959

WARRANTY DEED
(Alaska)

THIS INDENTURE, Made this _____ day of _____ 19____, between the SISTERS OF ST. ANN, a corporation organized and existing under the laws of the Territory of Alaska, party of the first part, hereinafter called Grantor, and the CITY OF JUNEAU, ALASKA, a municipal corporation party of the second part, hereinafter called Grantee.

WITNESSETH: That said Grantor, for and in consideration of the sum of - - -Four thousand - - (\$4,000.00) - - - Dollars, lawful money of the United States of America, and other valuable consideration, to it in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to its heirs and assigns, the following described real property situated in the city of Juneau, Alaska, to-wit:

All of Lots numbered five (5) and six (6) in Block numbered One hundred and thirteen (113) as designated upon the official map and plat of the city of Juneau, said lots being formerly the site of Simpson Hospital, and the same lots referred to in a deed recorded on Page 291 of Volume 22 of Deeds of the Juneau Recording Precinct, First Judicial Division, Territory of Alaska.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the same, with the appurtenances thereunto belonging, or in anywise appertaining, unto it, the said Grantee, and to its heirs and assigns forever.

AND the said Grantor, its heirs, executors and administrators, does, by these presents, covenant, grant and agree to and with said Grantee, its heirs and assigns, that it, said Grantor, its heirs, executors and administrators, all and singular, the premises hereinabove conveyed or mentioned, with the appurtenances, unto the said Grantee, its heirs and assigns, and against each and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, shall and will WARRANT and FOREVER DEFEND.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year in this instrument first above written.

Signed, Sealed and Delivered
in the Presence of

SISTER M. MODESTE
SISTER MARY MARCELLUS

SISTERS OF ST. ANN
By SISTER MARY HENRIETTA OF JESUS (SEAL)
President

SISTER MARY ROSE EVA (SEAL)
Secretary

UNITED STATES OF AMERICA,
Territory of ALASKA. } SS.

Individual Acknowledgment (Alaska)

THIS IS TO CERTIFY that on this Ninth day of June, 1950, before me the undersigned, a Notary Public in and for the Territory of Alaska, duly commissioned and sworn, personally appeared - - -SISTER MARY HENRIETTA OF JESUS and SISTER MARY ROSE EVA- - - to me known to be the persons described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

FRANK A. BOYLE
Notary Public for Alaska

FILED FOR RECORD at 4:00 o'clock, P.M., June 12, 1950. RECORDED in Book 42 of DEEDS at page 364.

Carlton J. Jones
United States Commissioner, Ex-Officio
District Recorder.



GARAGE @ House CIRCA 1970's
(THEY TORE IT DOWN IN '80' BECAUSE
THEY BOUGHT A NEW CAR & DIDN'T
WANT THIS VERY OLD GARAGE TO
FALL DOWN ON IT)

Yeas: Bergstrom, Hoke, Jensen, Wakefield, Wells, Aase, Baxter and Overstreet.

Nays: Polley.

Motion carried 8-1.

Assemblyman Aase moved to direct staff to convey the Assembly's position to Mr. Pool of the Southeast Conference, and he asked unanimous consent.

There being no objections, it was so ordered.

VII. New Business:

(a) Chicken Yark Park: Administrative Report: As shown in the attached information in your packet, access to a garage has been allowed or tolerated for a good number of years. Staff has now made a recommendation that the access cease. The primary reason being the safety of the children and the liability which the City and Borough assumes for allowing such use. Several solutions are proposed to the Assembly. One is that all vehicular traffic be disallowed in the area. Second would be to set aside or in some manner convey to the Crondahls a driveway of sufficient width to reach their property and fence off the driveway. They would pay a valuable consideration for either an easement or an outright sale of the property. This would reduce the size of the park area. The Parks and Recreation Committee makes another suggestion that the Crondahls be allowed to continue to use the property, but if and when they sell their property, such use would cease and would not be carried forward to any future owners. Also, all parking or use of the facility by any vehicle or other type use would not be allowed in the park area itself. Staff recommendation is that we cease allowing the Crondahls to use the park as a driveway, thereby denying access.

Mr. Emery read into the record a letter from Mr. William Winn, local resident, indicating that he has no objection to this access.

Public Participation:

Judy Crondahl said there is no safety hazard in their use of this property as a driveway. She stated that it would not be acceptable to have the access terminated or to reduce the park area, or to have access cease when they no longer reside in the house, at least at this time. She said she felt this was a "non-issue" as no one in the neighborhood was concerned about it. In response to a question from Assemblyman Wakefield, Ms. Crondahl said she would not agree with the recommendation of the Parks and Recommendation Committee to allow access as long as the Crondahls resided in the house.

Brenda Knapp told the Assembly that she has no objection to the present use of the property as an access for the Crondahls.

An unidentified member of the audience expressed agreement with the previous speaker.

Janet Cussard spoke in support of the access being allowed and added that it was a help to know that the Crondahls keep an eye on the children. She noted that parking in this area is at a minimum and any off-street parking is a benefit for everyone.

Carolyn Berg stated that improvements are needed at the park.

Linda Lowe said she felt there was no hazard in the access provided it is restricted to the Crondahls and their own vehicle.

Pat Henry told the Assembly he has no problem with continued access for the Crondahls through the park.

Assembly Action: Assemblyman Wakefield moved to accept the staff recommendation, noting that Ms. Crondahl had indicated objection to the recommendation from the Parks and Recreation Committee. Assemblyman Jensen said he felt Mr. Ritchie's suggestion should be utilized but at a lower cost to the Crondahls. Assemblyman Hoke moved a supplanting motion to adopt the Parks and Recreation Committee's recommendation and Mayor Overstreet ruled that motion out of order. Assemblyman Bergstrom spoke against Assemblyman Wakefield's motion indicating that she felt Ms. Crondahl would be willing to attempt to work something out. She asked for a "no" vote on the motion. Assemblyman Wells moved to postpone this indefinitely. Assemblyman Wakefield said the Assembly should take some definitive action now that this has come to its attention and that to do otherwise would only strengthen the Crondahl's position if something happens legally as a result. Assemblyman Polley commented that there are many similar problems in the Borough that could be made into an issue. Following further brief discussion, a roll call vote was taken on the motion to postpone indefinitely.

Yeas: Bergstrom, Polley, Wells, Aase, Baxter and Overstreet.

Nays: Hoke, Jensen and Wakefield.

Motion carried 6-3.

(b) Local Service Roads and Trails Three-Year Program: Administrative Report: Enclosed is a list of the bike path projects taken from the Master Plan which was adopted a couple of years ago. Under Class 1, items 1 and 3 are state projects and under Class 2, all items except number 6 are state projects. Projects under Class 3 are split about 50-50 between the State and us. Staff recommends that we use the list as prioritized as there has been little change since this list was originally drawn up. Mr. Emery added that staff has information regarding the classes and criteria.

Public Participation: None.

MINUTES
PARKS & RECREATION ADVISORY COMMITTEE
Monday, October 3, 2011
Assembly Chambers, 6PM

I. ROLL CALL: 6:00pm

Members Present: Odin Brudie, Jim King, Melissa Goldstein, Dixie Hood, Jeff Wilson, Jeff Sloss, Gerry Landry, Kate Walters, Chris Mertl

Assembly Liaison: Peter Freer

Staff Present: Brent Fischer, Parks & Recreation Director; George Schaaf, Parks & Landscape Superintendent; Jessica Beck, Administrative Assistant II

II. PUBLIC TESTIMONY ON NON-AGENDA ITEMS – none

III. APPROVAL OF AGENDA – Agenda approved.

IV. APPROVAL OF MEETING MINUTES

A. September 6, 2011 – Mr. Mertl motioned to approve with minor changes. Approved.

V. REPORT FROM ASSEMBLY LIAISON – no report

VI. CHAIR REPORT

Mr. Wilson said the goal for this falls meetings is to get a list of parks projects, trail projects and other projects to take to the Manager's Office and Assembly to be included on the ballot for the 1% sales tax for 2012. Currently they are looking at asking for \$5-6 million of funding. There are two action items on the agenda. They are two letters that he wrote. One is for the Mendenhall Glacier Recreation Area Plan Revision. This is important because they are looking at putting a pedestrian bridge across the Mendenhall River which would connect the visitor's center to the Under Thunder Trail. The second action item is a letter to the Assembly in response to Goldbelt not wanting the Seawalk in front of their property.

VII. DIRECTOR'S REPORT – no report

VIII. ACTION ITEMS

A. USFS Mendenhall Glacier Recreation Area Plan Revision – Letter of Support

Mr. Wilson said he has spent the last month walking the area. He would like the PRAC to approve the letter for the Forest Service to create a hardened trail from the visitor's center to the campground. Mr. Brudie asked if Mr. Wilson thought the old road is a good site for a bridge. Mr. Wilson said it is a good site. The old road bed was on higher ground out of the wet ground. He would like to see a trail on the waters edge with more interpretive views of the glacier. Mr. Wilson said it will have to be a partnership with the Forest Service and they will make the final decisions. We are trying to initiate the process. Mr. Mertl asked when the comment period closes. Mr. Schaaf said November 1st is the last day. Mr. Mertl said he supports it but there may be some other items that could be tacked onto the letter, to expand it. Mr. Wilson said a place holder needs to be put in now. How the management works, funding, etc. will be taken care of by the Forest Service. Mr. King asked if it was too late to add a couple of items. He said the way people use that area is they walk up the survey line. The trail could be easily built into a loop for people to use. If you start at Skater's Cabin you can walk up the shore of the lake until you get to the rock face. Then there's a short trail from there going up to West Glacier Trail and the mud is knee deep and needs some attention. Mr. Wilson said that he recommends people submit letters as individuals if they want to add information. *Mr. Mertl motioned to accept the letter of support for a new trail and bridge connection between the campground and visitors center. Approved.*

B. Construction Easement on CBJ Tidelands for Seawalk Extension – Letter of Recommendation

Mr. Wilson said they are trying to get a seawalk connector between Marine Park and the Douglas Bridge that would cross in front of Merchant's Wharf and Seadrome Building. Goldbelt wrote a letter to the CBJ saying that they respectfully decline the CBJ's offer to construct the seawalk adjacent to and through the seawalk property. The CBJ does however own the tidelands. He wrote a letter to the Assembly stating that we still want to see a seawalk there, perhaps through the tidelands. The CBJ would like to work with the owners of the property. Mr. Merti thinks it's a great idea. The CBJ did something similar at Peoples Wharf. *Letter of support to the Assembly approved with minor changes.*

IX. INFORMATION ITEMS

A. Project Playground – ADA Phase II Construction

Joan O'Keefe said she has a quick review, update and a few simple questions regarding the ADA updates for Project Playground. She is a former PRAC member and hopes most are aware of Project Playground. Project Playground began with a group of 12 dedicated people who educated people and made it a reality. That group came to SAIL to look for a nonprofit umbrella to run the project through. SAIL's objective was to make it as accessible to everyone as possible. The project was built in 2 weeks and they surpassed their fundraising goal. When it was originally designed the surfacing was sold as ADA accessible but the reality is that it is not accessible. The shredded rubber is not easily rolled through for people in wheelchairs. Sarah Boesser, a SAIL staff member, along with Chris Merti, a volunteer from Corvus Design, worked on a plan with SAIL and Marc Matsil. They gave a couple options to improve the accessibility. They chose a poured in place rubber for resurfacing. A budget and map of the areas they would like resurfaced are included in the PRAC packet. The total budget for Phase II ADA Upgrades is about \$150,000. They have about \$10,000 left over from their original fundraising efforts and have received \$25,000 from the Crossett Fund. That leaves them with \$115,000 still to be raised. They would like a letter of support for the Phase II Upgrades. At this point she is not asking for any money, just support. Ms. Hood asked if CBJ is noncompliant with ADA regulations. Ms. O'Keefe said that at the time when it was built the playground was compliant and it still is but could be way better. She had hoped that the surfacing would compact with weathering where it would become usable. Mr. Brudie clarified that some would be left as rubber and some would be poured. Ms. O'Keefe said that is correct, some of the areas would remain the shredded rubber. Ms. O'Keefe said a letter would be good to take to funders, for SAIL to use. Mr. Fischer said a letter drafted for approval for the November meeting would be a good timeline. Mr. Wilson asked what the durability was of the poured product. Mr. Merti said it would last approximately 20 years but it depends on use. Mr. Wilson said it will come back to PRAC next month.

B. Treadwell Society's Historical Signs – Update

Paulette Simpson said there are 5 main topics she will be talking about. The first item is that the Treadwell Historical Preservation and Restoration Society is requesting that the PRAC recommend to the Assembly that the Treadwell town site, that has been the focus of our efforts, be formally named The Treadwell Mine Historic Park. The area extends from the beginning of the historical trail near the 5-stamp mill to the cave-in. Mr. Wilson said this will be the second historic park in Juneau, with the first being Last Chance Basin.

Ms. Simpson said the second item is that they're exploring the concept of erecting a simple wood structure to protect the 5-stamp mill at beginning of the historical trail. This would serve as a gateway to the park. The idea for this came from Mary Lou King who has been urging Gary Gillette to do this for years. This structure would also feature three introductory signs. Ms. Simpson said it will basically be four posts with a historic looking roof.

In order to implement any of the elements of the Treadwell Master Plan that was adopted by the PRAC and Assembly 3 years ago, they first had to complete a historic resources survey and then complete a structural analysis of the New Office Building. With those projects now completed, by the end of the

year they would like to work with Parks & Recreation and the PRAC to come up with a phased plan for implementation of key elements of the master plan. The condition of the structures and foundations that continue to deteriorate cannot be ignored for much longer. Mr. Wilson said it is vegetation management.

Also deteriorating, is the roof on the salt water pump house. Conversations among Gary Gillette, Wayne Jensen and Sandy Williams from the Douglas 4th of July Committee are leading toward an effort to replace the roof on this iconic Douglas landmark.

Lastly, ten interpretive signs are now in production for the park. If weather permits, the posts for the signs will be installed this fall. They expect the signs to go up by spring.

Mr. Brudie asked how much of the beach area is included in the historic park. Ms. Simpson said it's hard to put a number on it. The area they're talking about is 17 acres if you're talking uplands. If you're talking about the salt water pump house which includes all the pilings it's about 50 acres but that includes land that isn't owned by the CBJ. The area they're talking about for the historic park will include the salt water pump house. Mr. Merti asked if they've talked about restoring historic trails. There are a lot of trails and they could mark where the old boardwalks and railroads were. Ms. Simpson said every one of the trails there are not historic, they were either put in by the cross-country people or roads that were put for equipment to get through to check the safety of the buildings.

C. CBJ Areawide Parks Needs & Planning

George Schaaf gave a list of suggested parks to potentially be funded if the 1% sales tax is renewed in October 2012. We're looking at possibly getting \$3-4 million being given to Parks & Recreation. With a list he came up with for parks the total arrived at a little over \$4 million. \$75,000 would be for equipment replacement and security updates. A lot of the fixtures are old, water fountains, benches, etc. \$50,000 would be for an off-leash dog park. Juneau is a dog friendly town. It would allow people to take their dogs, have them off leash and know they're not going to run away. \$150,000 would be for Jensen-Olson Arboretum. The arboretum has a parking problem. This would allow for more parking. This would allow for 20 parking spots. This would include some money for a conservatory to be built. Currently the CBJ greenhouse is used but there isn't much room in there anymore. Local groups would also be able to have projects in the conservatory. \$50,000 would be for an OHV park construction. \$50,000 would be for park assessment, planning and design.

Mr. Schaaf said he has allocated \$2,460,000 to possibly go towards parks downtown. \$1 million would be for Marine Park but if it can be funded through marine passenger fees then it can be taken out off this list. Cope Park would be given \$500,000. They would renovate the tennis courts, replace playground equipment and failing rock walls, demolish the old bathrooms and do something with the ball field. \$350,000 would be for Capital School Park. They're in the midst of creating a master plan for the park. \$100,000 would be for Chicken Yard Park. Chicken Yard Park also needs the play equipment replaced. Someone's driveway also goes through the park. Capital School Park, Chicken Yard Park and Cope Park are the oldest parks and need the most attention. The potential Bridge Park would get \$500,000. It would need bathrooms, along with landscaping and park amenities.

The only item on the list for Douglas is Fish Creek Park which could potentially get around \$175,000. This includes money for the ADA path out to the lake, adding a permanent bathroom, building an ADA accessible fishing deck, possibly developing a campground or public use cabin and doing some habitat restoration in the area.

Lemon Creek has two items on the list. Twin Lakes would get around \$150,000. There are drainage problems along the path at Twin Lakes and lighting for the trail would be a good safety improvement. The money would be to repair the pathway, add safety lighting and maybe now add some funding to go towards some of the ADA updates Ms. O'Keefe mentioned earlier. \$75,000 would go towards developing

MINUTES
PARKS & RECREATION ADVISORY COMMITTEE
Wednesday, November 9th
Assembly Chambers, 6PM

I. ROLL CALL: 6:00pm

Members Present: Chris Mertl, Dixie Hood, Odin Brudie, Kate Walters, Melissa Goldstein, Jeff Wilson, Gerry Landry

Members Absent: Jeff Sloss, Jim King

Assembly Liaison: Jesse Kiehl – Absent

Staff Present: Brent Fischer, Parks & Recreation Director; George Schaaf, Parks & Landscape Superintendent; Jessica Beck, Administrative Assistant II

II. PUBLIC TESTIMONY ON NON-AGENDA ITEMS – none

III. APPROVAL OF AGENDA – Mr. Mertl motioned to approve. Approved.

IV. APPROVAL OF MEETING MINUTES

A. October 3, 2011 – Mr. Mertl motioned to approve with minor changes. Approved.

V. REPORT FROM ASSEMBLY LIAISON – none

VI. CHAIR REPORT – none

VII. DIRECTOR'S REPORT

There are two action items on the PRAC Agenda:

A. The Creation and Naming of the Treadwell Mine Historic Park-

The Savikko Park/Sandy Beach/Treadwell Mine Historic Trail Master Plan was approved by the PRAC on June 3rd of 2008. The Parks and Recreation Department in cooperation with the Treadwell Historic Preservation & Restoration Society are moving forward with this plan.

At the last PRAC meeting on October 3rd, Paulette Simpson from the Treadwell Historic Preservation & Restoration Society gave us an update on the historical signs for the area, plans for protecting the 5-stamp mill and other town site structures and a request for the PRAC to recommend to the Assembly the creation and naming of a park within the historic district.

The park would comprise the Treadwell Town site which extends from the beginning of the historical trail near the 5-stamp mill to the Cave-In site.

I recommend that the creation of this park within the historic district be established, named Treadwell Mine Historic Park, and forwarded to the Assembly for approval.

B. Park Watch Program/Closure Hours revision at Cope, Adair-Kennedy and Marine Parks-

Much like the Neighborhood Watch programs throughout the country, the Park Watch Program educates and solicits the help of citizens to notify city officials of suspicious activity or vandalism within parks.

The current hours of operation for all CBJ Parks are daily from 7:00am to 12:00 midnight.

In an effort to help limit vandalism and illicit use of our parks, staff is requesting that the operating hours be revised to 5:00am to 10:00pm at Cope Park, Adair-Kennedy Memorial Park and Marine Park. This request of the revision of operating hours is within CBJ Ordinance 67.01.05.

I recommend the revision of operating hours for these parks be approved.

VIII. ACTION ITEMS

A. Creation and Naming of the Treadwell Mine Historic Park within the Treadwell Historic District

Mr. Fischer said the Treadwell Historic Preservation & Restoration Society specifically chose the name Treadwell Mine Historic Park and that it is within the Treadwell Historic District. Mr. Brudie asked if any other names have been recommended. Mr. Fischer said he hasn't heard of any other suggestions. The reason they're suggesting this name is because that the area is much more than the mine, they're trying to include the social aspects of the time. *Mr. Mertl motioned that the Treadwell area be renamed the Treadwell Mine Historic Park. Approved.*

B. Park Watch Program & Revision of Park Closure Hours at Cope Park, Adair Kennedy Memorial Park and Marine Park

Mr. Fischer said the Park Watch Program signs will be located in all of the parks and the park closure hours will only occur at Cope Park, Adair Kennedy Memorial Park and Marine Park. Ms. Hood asked if public phones will be available for people wishing to report information. Mr. Fischer said that was discussed several years ago but it was decided that most people have cell phones. Ms. Hood thinks it would be an important thing to have available. People have cell phones but the batteries die. She thinks 10:00pm is too early, especially in the summer time. Mr. Fischer said after midnight things start to happen at the park and incidents are occurring earlier in the night. It's not going to affect people playing ball at 10:00pm but it gives the police an option to intercede if they need to. Ms. Hood said that doesn't make sense because the police should be able to follow up on suspicious activity no matter what time it is. Mr. Fischer said there are not a lot of activities going on at that time and it will reduce the amount of people spending time there after hours. Mr. Mertl asked if it were possible to have summer and winter hours. Creating a general opening and closing for the whole year makes it difficult. They could tighten up the hours even more. Mr. Landry thinks Mr. Mertl's idea is a good one. He likes what Mr. Fischer is doing. Mr. Brudie said there are friendly ball games going on after 10:00pm in Cope Park in the summer. He asked if there is a demonstrated problem in the area. Mr. Fischer said the restrooms in Cope Park were vandalized recently. Mr. Schaaf said Cope Park has a lot of incidents with people sleeping in the facility. We pay Goldbelt Security to patrol the area and lock up the bathrooms around 10:00pm. After they have done their walk through, people move in and sleep for the night. They did consider different hours for summer and winter but they struggled with how to inform the public. Mr. Wilson clarified that the signs will go in every park but the time closures are only for the 3 listed parks. Mr. Fischer said they will give 30 days notice if they do change the park closure hours. Mr. Wilson said the police are going to use this as a tool to get people causing problems out of the parks. Ms. Hood said discretionary enforcement is what bothers her. Mr. Landry supports the motion. *Ms. Walters motioned that they approve the Park Watch Program and park closure hours. Mr. Mertl and Ms. Hood opposed. Approved.*

IX. INFORMATION ITEMS

A. Twin Lakes Warming Hut

Rorie Watt said last year we lost a strong community member, John Caouette. Friends and families have been working on a positive project in memory of him for the community. They have decided to pursue getting a warming hut at Twin Lakes. They have been doing some fundraising. The group thinks a warming hut at Twin Lakes could be a great addition to the park in the winter for skating, hockey, etc. They would like to place it between the boat ramp and the Fish & Game building. People do worry about winter ice skating but the hut can make it safer. People need to monitor the ice constantly. Currently there is no central place for information about the ice. The warming hut would have

information boards with that kind of information on it. They will work on it more formally and then come back to the PRAC. Mr. Merti asked what would happen in the summer. Mr. Watt said it can be used in the summer for picnics and other activities. Ms. Walters asked who would provide the information on the board. Mr. Watt said there is an informal group who does it in the winter. The group may evolve into a more formal status to continue that. Mr. Wilson asked if Parks & Recreation would take it over when it's complete. Mr. Watt said that Parks & Recreation would take over the maintenance once the hut is complete and there are a lot of details still to be worked out. Mr. Merti suggested adding some money to the sales tax improvements proposal for the earth works to help them out. Ms. Hood said it sounds like a great idea.

B. CBJ Parks & Trails Needs and Projects

Jack Kreinheder would like to commend the PRAC on their work. Trail Mix did meet and discuss trail recommendations that Erik Boraas did bring forward at the last meeting. They had discussed the possibility of new hiking and biking trails at Eaglecrest. Eaglecrest trails are really beyond the scope of what Parks & Recreation does and therefore those were not brought forward to the PRAC. Hiking in general is a non revenue activity for Eaglecrest. It's a community resource. There is some possibility to charge people for mountain biking. Because it's a nonrevenue activity it's not at the top of the list for Eaglecrest to do. There is an emphasis for more summer activities at the area and there is strong community support for more hiking trails in that area. He would like to see some movement towards construction of hiking and biking trails. Mr. Brudie said Eaglecrest could charge for commercial use to get some revenue. Ms. Hood said they've talked about having a joint meeting with the Eaglecrest Board and this would be a perfect item for the agenda.

George Schaaf said there are some areawide park projects and some are very specific projects. Deferred maintenance is an areawide project including security upgrades, new water fountains and other important upgrades. Security upgrades includes new bollards, fences and lighting.

Another areawide project includes the Jensen-Olson Arboretum. The arboretum was donated to the city with an endowment several years ago. It's out the road but nearly 5,500 people have visited the facility so far this year. It's typical for people to park along the highway during large events. Money for this project would go towards building a parking lot on the former roadbed. It would also provide matching funds to build a conservatory which would give the opportunity for teaching classes and cultivating new plants.

The next areawide project would be to create an off-highway vehicle (OHV) park. The facility would accommodate motorcycles and ATVs. They're looking at a city parcel at 37 mile Glacier Highway. Initial funding for assessment, mapping and design has already been provided. This would provide additional funding on top of that amount to create parking, include bathrooms and other facilities. Mr. Merti suggested getting the OHV park fully funded because the PRAC has been promising it for a while now and he doesn't think this amount is enough. Perhaps an additional \$50-75,000 would be enough to have it fully funded.

There are five parks identified in the downtown area needing improvements. The first is Cope Park. A few years ago new bathrooms were built but the new ones are still there and causing problems. The playground is extremely old and one of the oldest in town. The swing sets prevent problems with rock walls and trees in the fall area. The asphalt on the tennis courts is cracking and peeling and can't really be repaired anymore. The funds for this project would be to remove the old structures, create new ones and fix a lot of the hazards in the area. There is a user survey going on right now to see how people use the park and what's important to them. There is a lot of support for better lighting, an improved picnic area and fix the tennis courts. Ms. Hood asked if lights were added, would they be on after 10:00pm. Mr. Schaaf said they would be on after that time. Mr. Wilson said historically there was an ice rink in the park during the winter. Ms. Walters said the ice rink would be a good idea but it would

probably make a lot of dog walkers angry. She also suggested adding improved drainage from the field to the bathrooms because in the winter it's a sheet of ice.

Marine Park needs some security and safety improvements. This money would provide partial funding for a new structure. There is a lot of support for a tensile fabric structure as cover for events. This would provide marine passenger safety and would make it a welcoming space for them. Mr. Mertl supports the idea and suggested that we keep in mind that PRAC promised this area would be a cultural gateway and include a skating rink. Mr. Landry asked if this is a project we could use marine passenger fees on. Mr. Wilson said Parks & Recreation is working with the Law Department and Engineering to see if that's a possibility. Mr. Mertl said they may look at adding more money towards this project because he would hate to see it not fully funded and not complete.

Twin Lakes Park needs safety repairs and ADA upgrades in the playground. The pathway and gangway to the fishing dock need some repairs that are too hard to Park Maintenance to fix. Lighting along the pathway would be a good idea. A poured in place rubber pathway within the playground would make it more accessible. Ms. Walters asked if drainage for the field area was possible, the field tends to get swampy. Mr. Schaaf said that is a possibility. Mr. Mertl said that maybe we could add some money for earthworks for the potential warming hut and also potentially putting the lighting back up so people can ice skate later into the evening.

Chicken Yard Park has a driveway that runs through the park and that won't be changed. The park can be better configured to accommodate the driveway and make it safer. The play structure is out of date. The neighborhood has started a community garden there and it could be better established with more resources.

Bridge Park is where the old CBJ Public Works facility is located. It is going to be raised next year. It will be grassed and have some simple gravel paths through it. Mr. Schaaf thinks it will become very popular. These funds would allow for some basic amenities that a park needs. Mr. Mertl thinks the amount of money towards this park is very lean.

Capital School Park has a master plan on the way. This would provide funding to implement the master plan. The park currently has a portable bathroom so this would fund a permanent bathroom. This is one of the most heavily used parks with the Juneau Community Charter School and Discovery Preschool using it, so having no permanent bathroom is an issue. This would fix the drainage issues and provide a little money to get the retaining wall fixed in the future. Mr. Wilson asked how having a new bathroom here and at several other parks will affect staff when it comes to cleaning them. Mr. Schaaf said it will affect staff and costs but there is a cost associated with having the portable bathrooms that are currently in the parks. It costs several thousand dollars a year per porta potty and then when they get destroyed by vandalism there is a larger cost to the CBJ. Last year we bought 3 portable bathrooms because they were destroyed. It is possible that we may need more staff to service the bathrooms but we would also be saving money with not having portable bathrooms.

Money for the Treadwell Mine Historic Park would go towards preserving the structures that are still standing and provide initial funding to get the master plan going. Mr. Mertl the master plan that was done in 2008 was a park master plan and now Ms. Simpson is looking for a master plan for historic interpretation, preservation and the trail system. Now that it's a historic park they should look at doing a historic master plan. Mr. Wilson said he doesn't think \$150,000 is enough to replace roofs and other fixes.

Fish Creek Park is a very large park on North Douglas that isn't utilized a lot unless there are fish in the creek. A 135-foot bridge was installed last year that closed the inside of the park off to vehicles. However, with that there was a lot of feedback from people who used to drive into the park. A fishing deck over the pond with a pathway to it would help with the bank erosion and make it more ADA

compliant. The other issue that became really apparent this year is that when the really high tides come in the garbage can and bathroom is under 3-4 feet of water. The fishing deck would be submersible. The bathroom and garbage can need to be moved out of the tidal influence area. Mr. Mertl suggested making a large fishing deck to help with the bank erosion.

Dimond Park has a new high school and aquatic center. A lot of work has been done with the ball fields and there is the new field house. The ball fields need scoreboards, bathrooms, concession stands and bleachers. There are four baseball fields, one soccer field and no bathrooms in the park. There is only one water fountain in the middle of the park that drains onto the field. This money would also construct a permanent pathway to provide access. This also includes paving to the field house.

Adair-Kennedy Park has been an issue this summer as far as incidents of criminal mischief. A lot of the reason for this is the design of the park and the lighting. Kids can very easily get up on the roof of the building. The concession stand is broken into several times a week during the summer. This money would build a new a new concession stand/bathroom and provide funds for park amenities and lighting. Currently none of the tables or benches within the park are ADA accessible. This would also pay for a security camera system. Ms. Hood asked if it was possible to have motion lights. Mr. Schaaf said that motion sensor lights take a little while to turn on and don't work for far distances. Mr. Mertl said that lighting is only part of the problem because there are so many little places for kids to hide in the park. Even with the lights on there is still vandalism, recently the lights were on and some kids bashed out the lights themselves.

Kingfisher Pond Park would be a new park that would be located right next to the Juneau Police Department. They would work off the natural resources to incorporate a play structure. Mr. Landry said it's a great idea to have a park in this area.

Riverside Rotary Park is one of the largest playgrounds that we maintain in the valley. It is also one of the oldest and most heavily used. A hardened area for people to feed the ducks would be constructed and they would replace the old play structure and swing sets. The water fountain doesn't work anymore and the park doesn't have a permanent bathroom. The porta potty here has been burned down every year for the last few years. Lights throughout the park would improve the safety of the park. Ms. Hood asked if the Rotary Club would help with fixing the park. Mr. Fischer said it could be a possibility if they are willing. Mr. Mertl suggested adding money for bank stabilization. Mr. Landry said the playground is not used as much as the pathway and the rest of the park, so he would put this project at the bottom of the list. Mr. Wilson said that perhaps if they build a nice new park it would get used more.

Melvin Park is getting a new playground in 2012. With that it could use a new bathroom and concession stand. The previous bathroom was burned down a few years ago and the current one is not as vandal resistant as it could be. The clubs have been using a conex container as a concession stand since then. Mr. Mertl suggested adding a sprinkler system to these facilities if possible to stop them getting burned down.

Erik Boraas said he sat down with the Trail Mix Board to go over the list of possible trails. These trails are listed not in any particular order. The numbers are estimated. It's hard to know how much something is actually going to cost until they start digging in the ground. They are going to create a lot of great networks with these trail connections. They would like to open up new areas for recreation and create loops with the trails.

Paris Creek Bridge is along the Treadwell Ditch Trail. This is the last major stream crossing to make it passable from one side to the other. It would create a 50-foot bridge, rehabilitate a mile and a half of the ditch, and create 8 smaller bridges for \$150,000.

A small trail to connect the Auke Lake Trail to the Montana Creek Trail would be created. It would be approximately a half mile gravel trail for \$75,000. Mr. Boraas looked at a connection between the Auke Lake Trail and the university. The only portion of land in that area that is owned by the CBJ would be too dangerous to create a trail on. It would come out onto a blind corner.

The Horse Tram Trail is a fairly wet hiking trail. Money for this project would go towards hardening the trail and laying 2' of gravel on it. They would construct 100 feet of turnpike. It would cost approximately \$100,000. This would be able to support mountain bikers.

The Bonnie Brae Trail was a user-made trail that was taken over. It links to the Treadwell Ditch Trail and would cost \$250,000. That would also allow for the creation of some turnpike. It would require some work with the US Forest Service since it does cross over onto their land. It could be used for commercial use for mountain bikers.

The Icy Gulch Trail would be a connection between Mt. Roberts and the Perseverance Trail. It could potentially work for mountain bikers. It would be a lot of hard manual labor. This would cost \$100,000.

Hilda Creek Trail would connect Eaglecrest to Hilda Point for \$140,000. It would be a simple trail with 200 feet of turnpike and 3 miles of single track trail. It would open up the west side of Douglas to recreation and it could potentially be a place for a cabin and hut to hut system.

A trail to connect the lower Montana Creek Trail to the Community Gardens on Back Loop road would cost \$250,000. It would create a connection from the Mendenhall Valley trail system all the way to Windfall Lake Trail.

All the trail costs add up to \$1,065,000. Mr. Merti said Mr. Boraas did a great job but he still doesn't see any urban trails. Ms. Hood said that Mr. King made a proposal several years ago to create a bike and pedestrian trail from Sunny Point all the way into town on the Channel side of the road. Mr. Wilson asked about connection the Switzer Creek Trail to DZ. Mr. Boraas said he would look into that. Ms. Walters said the list of parks and trails is great. She asked if the Horse Tram Trail could be hardened to accommodate an all-terrain wheel chair that would be great. Mr. Wilson said at the December PRAC meeting they will get to look at the finalized list of parks and trails and it will be an action item. The list will then be passed onto the Manager's Office.

X. COMMITTEE REPORTS

A. Youth Activities Board: Jeff Sloss – absent.

B. State Parks Board: Jim King – absent.

C. Lands Committee: Jeff Wilson – no meeting.

D. Juneau Urban Forestry Partnership: Chris Merti – November 30th is their annual meeting to discuss their priorities. We should invite their chair to come to one of our meetings. They are still thinking about getting a landscape ordinance.

E. Aquatic Facilities Advisory Board: Kate Walters – Hot tub is delayed further to possibly open this spring.

F. Jensen-Olson Arboretum Advisory Board: Kate Walters – Met last week. They're looking for members for their Friends of the Jensen-Olson Arboretum group.

G. Docks & Harbors Board: Dixie Hood – Docks & Harbors has three projects in common with the PRAC: Marine Park, Bridge Park and the Seawalk. She was really happy with the letter that Mr. Wilson sent to the Assembly regarding the Seawalk.

H. Trail Mix, Inc.: Melissa Goldstein – didn't attend last meeting.

XI. CORRESPONDENCE – Letter to Eaglecrest Ski Area regarding Bike Trail Improvements

XII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – none

XIII. BOARD COMMENTS

Mr. Merti – Still working with DOT on the highway signs to trails. It would be great if Treadwell Ice Arena, the DPAC or other facilities had a significantly lower rate or was free for children. It seems expensive to pay for someone who is learning to skate. The hours that kids have activities and nap time is an issue.

Ms. Hood – Delighted that she got to watch the Roller Derby on TV and driving into town the clear sky with the full moon was really nice. She suggested people start talking to the Juneau Empire to get information into the outdoors section of the paper.

Ms. Walters – Has been enjoying Fish Creek and the new bridge.

Ms. Goldstein – The charter school has been using Chicken Yard Park to split up the recess.

Mr. Wilson – He apologized for being harsh at the October meeting. This sales tax project is going to be a great accomplishment when they complete it. We should start a Parks & Recreation booster club. Mr. Schaaf said this winter he is hoping to get going on establishing a Juneau Park Foundation. Groups like this typically raise money to help fund projects and they can also get volunteer groups together.

XIV. NEXT MEETING – December 6, 2011

XV. ADJOURNMENT: 9:20pm, Ms. Walters motioned to adjourn. Approved.

MINUTES
PARKS & RECREATION ADVISORY COMMITTEE
Tuesday, December 6th
Assembly Chambers, 6:00PM

I. ROLL CALL: 6:01pm

Members Present: Odin Brudie, Jim King, Melissa Goldstein, Dixie Hood, Jeff Wilson, Jeff Sloss, Gerry Landry, Kate Walters, Chris Mertl

Assembly Liaison: Jesse Kiehl

Staff Present: Brent Fischer, Parks & Recreation Director; George Schaaf, Parks & Landscape Superintendent; Jessica Beck, Administrative Assistant II

II. PUBLIC TESTIMONY ON NON-AGENDA ITEMS

Jeff Barnard, a Juneau Urban Forestry Partnership member, said the JUFPP works on tree related projects. They work as a liaison with the Alaska DNR in the forestry division. They work on tree education, had a booth at the home show with tree related information, attend Earth Day, Arbor Day and complete maintenance projects. The Arbor Day Foundation has a Tree City USA program. They've worked with Parks & Recreation to receive the designation of Tree City USA for the past 7-8 years. To receive the designation the city has to spend a certain amount of time on tree care and the city has to have a landscape ordinance. Juneau doesn't have much of a landscape ordinance currently. A landscape ordinance sets minimum design standards for commercial properties. It doesn't have to be complex. Wasilla is a Tree City USA and they have an extensive landscape ordinance. As the capital city and a tourist destination, it would be a good thing for us to do. He would like PRAC to push the ball along to get a landscape ordinance going. Mr. Wilson said the Planning Commission would be a good place to get that going. Mr. Brudie asked how the amount of money is quantified for tree care. Mr. Fischer said we can figure out the amount by the amount of trees and hours the landscape employees put on it. Mr. King asked about having a policy regarding introducing tree diseases and new trees. Mr. Barnard said there is an invasive tree plant group in town but it's not something the JUFPP does. Mr. King asked if they encourage introducing new trees. Mr. Barnard said they do. Mr. Mertl said that maybe it could come through PRAC because we have a Memorandum of Understanding with the JUFPP. Mr. Wilson suggested bringing that up at the January meeting.

III. APPROVAL OF AGENDA – Mr. Mertl motioned to approve. Approved.

IV. APPROVAL OF MEETING MINUTES

A. November 9, 2011 – Mr. Mertl motioned to approve. Approved.

V. REPORT FROM ASSEMBLY LIAISON – none

VI. CHAIR REPORT

The sales tax packet is included in the PRAC packet. The Parks & Recreation staff has been working on this for a while. There are 6 million dollars in parks projects. These are the projects that staff is recommending tonight. They will be then forwarding this onto the Manager's Office and then the Assembly. He asked everyone to work with user groups and get involved. In late spring/ summer everyone will have to be involved.

VII. DIRECTOR'S REPORT

There are two action items on the PRAC Agenda:

Action Item:

A. *CBJ partnership with SEAL Trust, Trout Unlimited and USFWS to pursue acquisition of a parcel within the Montana Creek Natural Area Park-*

A property owner on Montana Creek Road contacted the CBJ to express an interest in selling their property. Because the property lies within the established Montana Creek Natural Area Park, several agencies have requested to help in the acquisition and site restoration of the parcel.

Lands and Resources has requested support in the partnership of SEAL Trust, Trout Unlimited and USFWS in the attached memorandum dated December 2, 2011. Lands and Resources is responsible for all phases of this acquisition proposal.

It is the recommendation of this Director to support this partnership and begin the process.

- B. Adoption of Parks and Trails Projects within the CBJ Temporary 1% Sales Tax Initiative-*
In October of 2012, voters have the opportunity to extend 1% percent of the current 5% sales tax. Parks and Recreation would like to take this opportunity to put forth several parks and trails projects to be funded with a portion of this 1% tax. In the October and November PRAC meetings, this committee has had the opportunity to review and have input on these projects.

Tonight, I am requesting the support of the PRAC to move forward these projects to the City Manager's Office for review and submit to the Assembly for inclusion into the October 2012 ballot initiative.

VIII. INFORMATION ITEMS

A. SEATrails

Amber King is a SEATrails board member. Ms. King said SEATrails is the Southeast Alaska Trail System. It's the only multi community trail organizational system in Southeast. It's a spoke and hub system to easily plan access to trails within Southeast Alaska. They were formalized in May 2000. They include a variety of sports (hiking, biking, snow sports, etc.) and link them together via transportation. They are tasked with creating opportunities for economic development within Southeast, as well as improving transportation and information to enjoy the opportunities, enhance the region's quality of life, create a memorable experience and keeping it local. Their first project was the Trails and Transportation Master Plan (which can be found on their website). It's a catalog of the system and an improvement plan for communities in the program. It's their guide book as they move forward. They've been doing a lot of work in strategic planning and know exactly where they're going with the organization. The big piece is that they were funded with one million dollars in federal highways funds for projects. They have worked with different partners to get these projects done. The USFS is one of the major partners. The National Park Service served in an advisory role assisting with public meetings, board meetings and financial assistance. They've also work with the Borough of Indian Affairs and may other partners. They have moved from the piece of actually maintaining trails to now working towards promoting the system itself. They are working to keep it local, using local contractors, materials and promoting local businesses. Their new mission for 2012 is to support and promote an interconnected trail system that enhances economic development, transportation and quality of life in Southeast Alaska. Mr. Brudie said nominating more trails may be the next step. There are currently about a half dozen in Juneau. Mr. Mertl said they submitted more trails and wanted to know if they would like all trails submitted at one time or if it should be a gradual process. Ms King said ideally they would like all trails and cabins listed on the website for people to use but they don't have an exact timeline figured out for when they would like everything listed. Mr. Mertl clarified that they would just have to fill out an assessment to have a trail included. Mr. Wilson asked if the advantage of having a trail listed on there is for tourists. Ms. King said it's equal for locals and tourists. Mr. Wilson said they're getting more into marketing to inform people. It's connecting the communities. Mr. Wilson asked Mr. Mertl to work with staff on getting more CBJ trails listed. He said it would be an advantage to have all trail information on their webpage. Mr. King said there are other areas that people may be interested in. The bus doesn't recognize trailheads. He also mentioned that a camping place near the ferry terminal may be a good thing to have. Mr. Mertl suggested having another community meeting in Juneau to have the plan and SEATrails fully supported by the community.

B. Vanderbuilt Creek Conservation Easement Acquisition

Diane Mayer, Executive Director of the Southeast Alaska Land Trust, said she is bringing us up to date with a couple of projects happening in Juneau. They are trying to maintain the viability of the wetlands and here is the opportunity to own the land, at Vanderbuilt Creek. The stream is really active. If they put some money into it they could get into the drainages and feed the area to keep it intact. They would buy it, donate it to the CBJ and set a conservation easement for the area if they donate it. If a transportation corridor is added in that area, they would look at some serious design protection for the area wetlands. Mr. Merti asked if they put a conservation easement would it allow for a trail through the area. She said typically they support trails as long as it doesn't devalue the conservation values. Mr. Wilson asked if the is land developable since it is wetlands. Ms. Mayer said apparently it is because the wetlands area used to be much larger before other parts were developed.

IX. ACTION ITEMS

A. Conservation Easement Acquisitions

Diane Mayer said riparian cleanup in the area is needed near Montana Creek to remove structures, clean up the stream area of Montana Creek and wetlands area. Ms. Marlow said there is a memo in the packet. She is asking that the PRAC support acquisition of the property and forward it to the Lands Committee. They would like to see a partnership with the SEAL Trust, Trout Unlimited and USFWS to pursue the acquisition and add it to the Montana Creek Natural Park Area. Mr. Brudie asked if the road is state maintained. Ms. Marlow said its city maintained. Mr. Merti motioned that we approve the acquisition of the property with the partnerships. Approved.

B. Parks & Trails Projects

George Schaaf said he has made some changes to the draft Temporary 1% Sales Tax Park & Trail Projects packet since he last presented to the PRAC.

There were no changes to the areawide deferred maintenance section.

He removed the language regarding matching funds for the conservatory at the Jensen-Olson Arboretum. At least point that information doesn't need to be in there. Mr. Wilson asked if the parking lot would be on the existing driveway or existing roadbed. Mr. Schaaf said it would be on the existing roadbed just above the Arboretum.

The amount for the OHV Park was increased after getting input from PRAC and the Engineering Department. Mr. Brudie wondered how much planning has already been done. Mr. Schaaf said their consultant will be doing wetland delineation in the spring and they will be working with consultants to develop better maps of the area. They will be working with user groups to figure out what they want and how the property will be developed. Mr. Wilson said the property is CBJ owned land.

Mr. Schaaf is working with an artist to see what Cope Park may look like. He changed the language to include a fence that would enclose the ball field to allow for sport use and an off leash dog park. Mr. Sloss asked about adding another tennis court. Mr. Wilson said it all depends on the money and how much can get done with the funding.

He made the Marine Park section more general with a more open and welcoming space. They also talked about incorporating a cultural gateway. Mr. Landry asked how marine passenger fees would be included. Mr. Schaaf said they are working on marine passenger fees but it won't be resolved by the time this ballot goes forth. This money will get it started and as the seawalk is built they can develop it more with marine passenger fees.

The portion about Twin Lakes Park did have some significant changes. The amount was increased from \$250,000 to \$350,000. The language regarding poured in place rubber in the playground was removed to allow flexibility for what would work best in the playground for this climate and location. The surface

of the pathway will be changed but they're not sure what type yet. Mr. Brudie suggested adding something regarding that the park receives year round use. Mr. Wilson suggested adding a paragraph stating that Twin Lakes Park enjoys year round use. Mr. Mertl said to add a piece regarding improving the lake access.

He clarified the information on the Chicken Yard Park section that they're not going to change the existing traffic patterns in the park. They are looking to make the park safer and make some improvements to the community garden portion. Mr. Wilson said that by the time this packet goes to the voters the Chicken Yard Park will be the oldest park in Juneau and that should be reflected also.

The amount for Bridge Park was reduced dramatically from \$500,000 to \$100,000. It includes money for a master plan. This does not include money for permanent bathrooms. Ms. Hood doesn't think this is enough money because this tax will be renewed for 5 years and it could be developed during that time. Mr. Fischer said that it's not quite clear what the use of the park will be yet. Mr. Brudie said it will be good to get the park open and have public use there. Mr. Mertl would have loved to have seen more money for the project but he understands why it was reduced.

The amount for Capital School Park was increased with a better estimate on how much a permanent bathroom will cost and to replace the playground in the future.

Mr. Schaaf said the changes to the Treadwell Mine Historic Park portion include increasing the amount to \$250,000 based on better estimates to replace the roof, stabilize the office building and to protect the salt water pump house from the elements.

The Fish Creek Park amount was increased to \$250,000 based on conversations regarding the accessible fishing deck at the pond. There are going to have to be two docks built or one large dock to accommodate the amount of usage. The cost to construct a vault toilet outside of the tidal zone was also added.

The Dimond Park section didn't have many changes. Mr. Schaaf said he's working with an architect in town to get some concept drawings to include in the packet. Some of these will show what Dimond Park could look like. Mr. Kiehl asked to what extent this project may relate to another projects out there, maybe the library. Mr. Fischer said when looking at the park they are looking in the future and the expansion of the area. The projects would mesh well together. Ms. Hood said the plans for the library don't compete or conflict with this project. Mr. Brudie asked if there is state or other funding for projects like this. Mr. Fischer said if there was other funding for projects like this, there may be money for the fields but he wasn't sure about money for the bathrooms. Mr. Brudie said this packet doesn't reflect other matching funds for projects. Mr. Fischer said that would be a normal procedure to find other funding.

The amount for Adair-Kennedy Park was increased to \$550,000. The increase was due to better estimates from the Engineering Department regarding the price to construct a new bathroom/concession and upgrade the lighting in the area. It is a poorly lit park and better lighting may stop the vandalism in the area.

The Lemon Creek Neighborhood Park (formally called the Kind Fisher Park) is a new park. The play structure will not require a lot of maintenance. Mr. Mertl suggested putting more information about the trail system that is located there.

More language regarding the deck on the bank of the pond was added to the portion regarding Riverside Rotary Park. This deck will help protect the riparian areas from damage.

The funding request for Melvin Park was increased. This would allow for the current structure to be renovated to fix up the bathrooms and add a concession area.

The funding for the Treadwell Ditch Trail would go towards the next phase of improvements and would address problems of the trail south of Gastineau Meadows and Crow Hill leading down to Douglas and the Mt. Bradley Trail. It would construct a bridge across Paris Creek along with several smaller bridges over smaller creeks along the way. A lot of the work would be done by hand.

The Montana Creek Trail already exists but is deteriorating. This funding will allow for the reconstruction of the washed out trail. Several bridges will be constructed and that will require helicopters to carry the equipment.

The Auke Lake Connector Trail will connect the new Auke Lake Trail to the Montana Creek Trail for \$75,000.

The Horse Tram Trail was historically a railway that carried supplies to the mining camps. They would make it as ADA compliant as possible. Mr. Brudie said it would make a great ski trail. Mr. Mertl asked about opening it up more for snow and play up the interpretive aspect.

The total is \$5,875,000 for all parks and trails projects.

Mr. King said he would still like to see a complete list of all trails in Juneau, not just the ones CBJ Parks & Recreation maintains. Mr. Mertl said he would like everyone to still keep in mind the PRAC priorities they came up with at the last retreat. Only two of the priorities are in this packet and he doesn't want to see the other priorities dropped.

Mr. Mertl motioned to approve the Parks & Trails Temporary Sales Tax Projects packet. Everyone approved with the exception of Mr. Landry who abstained and Ms. Goldstein who was absent during the vote. Approved.

X. COMMITTEE REPORTS

- A. Youth Activities Board: Jeff Sloss** – nothing
- B. State Parks Board: Jim King** – Had a meeting last night, they talked about the 3 new cabins. Talked about a priority list for the next year, including some emergency repairs. The Director came to speak about the Governor's budget.
- C. Lands Committee: Jeff Wilson** – Meet on November 21st. They discussed the Alaska State Housing Loan applications, assembly goals and purchasing some property behind the library.
- D. Juneau Urban Forestry Partnership: Chris Mertl** – Had their annual meeting last week. They will resubmit Juneau as a Tree City USA. The annual report should be out shortly.
- E. Aquatic Facilities Advisory Board: Kate Walters** – The swim program at the pools held by the Glacier Swim Club was a huge success.
- F. Jensen-Olson Arboretum Advisory Board: Kate Walters** – The Friends of the Arboretum is now an official group. They will be meeting on the 15th. Merrill received a grant for a lawn mower.
- G. Docks & Harbors Board: Dixie Hood** – The naming of the Douglas Harbor and other harbors will be based on the PRAC naming policy. They want to name the Douglas Harbor the Pusich Harbor but it was suggested that they include the location, so maybe it should be named Douglas Pusich Harbor. There will be a summit meeting on Douglas Harbor dredging in January. Another topic they discussed was that no resources would be given to accommodate the USS Storis Museum in the 16B project. There will be a Christmas light contest in the harbors. Dock & Harbors has created a newsletter and they're having a naming contest on what to name the newsletter.
- H. Trail Mix, Inc.: Melissa Goldstein** – nothing
- I. Eaglecrest Board: Gerry Landry** – nothing

XI. CORRESPONDENCE – Letter regarding Cope Park Trail Improvements

XII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – none

XIII. BOARD COMMENTS

Mr. Brudie: The cross-country trails have been excellent. The Nordic Ski Club is up and running, setting up trails at the campground. The 4H cross country ski club had a registration this last weekend.

Mr. King: We need take a look at the end of the road in terms of trails. It will be a major recreation area for Juneau and we need to make sure that highways aren't built without trailhead parking or facilities.

Ms. Hood: She went down to the Fisherman's Memorial this last weekend and there was a 6ft burm blocking her from getting to it easily and safely. Docks & Harbors said they would take on the responsibility of making sure the area is cleared.

Mr. Merti: Wanted to get the priority list of snow clearing for Parks & Recreation. The snow has not been getting cleared from the Transit Center. He would like to celebrate Juneau as a winter city.

Ms. Walters: They don't sell bus passes at the Transit Center, which may be a good idea.

Mr. Wilson: He will be out of town for the January and February meetings.

XIV. NEXT MEETING – January 3, 2012

XV. ADJOURNMENT: 9:16pm, Ms. Walters motioned to approve. Approved.