

**MINUTES**  
**AQUATICS BOARD**  
**Tuesday, April 27, 2021**  
**City & Borough of Juneau – Zoom Conference**

Statement of Philosophy:  
*Create Community through People, Pools and Effective Swim Programs*

- A. Meeting Convened at 5:07pm** by Chair Muldoon.
- B. Members Present:** Kristin Bartlett, Don Beard, Scott Griffith, Molly McCormick, Lena Merrell, Tracy Morrison, Tom Rutecki, Pat Watt.  
**Ex Officio:** George Schaaf, Parks & Rec Director  
**Liaison Absent:** Carole Triem – CBJ Assembly  
**CBJ Staff Present:** Kollin Monahan, Aquatics Manager, Sarah Landen, Admin Assistant  
**Other:** Some members of the public were present to address the Agenda item on Commercial Use
- C. Agenda Changes** – Add Letter to Assembly under Old Business.
- D. Approval of Minutes** –of the March 31 meeting were approved.
- E. Public Participation on Non-Agenda Items** - None
- F. Staff Report**
- Details are provided in the attachment
  - Attendance is picking up as Covid restrictions have been relaxed, and due to spring break. Busiest times at Dimond Park are 6-8pm, and at Augustus Brown 2-4pm. Visits by children to Dimond Park have increased.
  - The summer camp model used last year for swim lessons worked well and will be used again. Lessons are scheduled every day for two weeks (Monday-Thursday) which increases the retention of skills learned. A pretest will be given to each child to ensure the most appropriate grouping. Each session will have a maximum of 50 kids, with 3-4 in each grouping. Camps will begin June 7, with registration opening on May 17. After each session there will be a week’s break during which registration for the next session will open. Registration will be online only. Lobbies will reopen on May 3 for guardians to watch their children, lobby tables will be socially distanced and masks will continue to be required when in the facility. Mr. Rutecki requested that the signage for lobby area requirements be updated and clarified. Mr. Monahan will take care of that. Parents wanting to watch from inside the natatorium will need to pay the usual admission fee, or have a pass.
  - Lifeguard training classes have begun and are being well received. The April class is filled. Registration for the May 18-20 class opens on April 28. The lecture portion of the training is being done online.
  - The fixed scheduling process seems to working well, and will remain for the summer except for expanded program offerings.
- G. Old Business**
- **Commercial Use of Aquatics Facilities.**
    - The Board reviewed the revised draft regulations. Ms. Watt referred to Section 11 CBJAC 01.050, Permit fees. She felt that it would be an un-needed burden to have private teachers collect pool admission fees from swimmers and then submit them to CBJ. After discussion, Ms. Watt moved that the first sentence under (c) be restated as “Standard admission fees shall be paid be all participants in the

authorized activity, including the permittee” and that the first sentence under (d) be deleted. There was no objection and the amendment was adopted.

- Mr. Schaaf reviewed the regulatory process (see Attached Memo). The Assembly has empowered the Aquatics Board to adopt regulations necessary for the administration of the aquatics facilities. At its regular meeting on September 24, 2019, the Aquatics Board asked staff to draft regulations and policies regarding commercial use of municipal aquatics facilities. Pending adoption of these commercial use regulations, the enforcement of CBJ 67.01.090(i) is waived. This ordinance requires a permit for commercial use of recreation facilities (including pools) and provides a \$300 penalty for violations.
  - Draft regulations and a proposed policy were introduced at the November 19, 2019 Aquatics Board meeting. The proposed regulations were finalized at the February 25, 2020 meeting and prepared for public comment. The COVID-19 pandemic struck shortly thereafter and the proposed regulations were tabled indefinitely. The Aquatics Board resumed consideration of commercial use regulations on March 30, 2021.
  - After today’s discussion, the next step is to move forward with a public comment process. Pursuant to CBJ 01.60, public notice must be provided at least 21 days before adoption of CBJ regulations. Upon completion of public proceedings, a proposed regulation is sent to the city attorney for approval as to form and regulatory authority. After considering all of the information available, the Aquatics Board may then adopt the regulation. Regulations adopted by the Aquatics Board are then subject to review by the Assembly.
  - Mr. Muldoon pointed out that these proposed regulations are in conformity with commercial use of other Parks and Recreation facilities. He asked what happens if the Board chose to not act on the draft regulations. Mr. Schaaf thought that having moved this far into the regulatory process, a non-action by the Board would mean that private lessons would no longer be permitted in the pools.
  - Ms. Morrison asked what would be the timing for implementation. Mr. Schaaf said it would take about a week to get the draft out for public notice, then the Board would need to approve them for review by the Assembly, which would take at least a month. The soonest effective date would likely be in July. The Board will need to set the fees, probably at its next meeting.
  - Mr. Rutecki inquired as to how conflicts in the use of pool spaces would be resolved. Ms. Merrell noted that the draft regulations have language in Section 01.030 that provides for placing conditions in the permits to address this. Mr. Schaaf emphasized that the regulations are more global in nature, providing for detailed requirements to be addressed through the permitting or policy process.
- **Public Comment.**
    - Madison Bargas, a swimming instructor living in the Valley spoke. She teaches at both pools and urged the Board not to make it hard for parents to get lessons. She wondered whether parents teaching their own children would be required to get permits.
    - Emily Palmer, a parent living in North Douglas spoke. She urged the Board not to make it hard to get lessons. She couldn’t see what the problem was. She suggested the Board might better work with the Assembly to exempt this activity from being considered commercial use.
    - Ms. Merrell and Mr. Muldoon summarized the Board’s point of view. Our mission is to get as many people as possible into the pools, and to make swim classes easily available to everyone who wants to learn – through **both** private and public lessons. The fact that private lessons have been informally allowed to bypass the commercial use requirement in the past is no reason not to repair the error now.

- **Board Action.**
  - Ms. Watt moved that staff be instructed to move forward expeditiously with the 21-day public comment period on the regulations as amended today, and to bring them back for final action at the next Board meeting on May 25. Motion approved.
- **Letter to the Assembly**
  - Mr. Muldoon circulated a finalized draft letter to go to the Assembly urging their support for the pools during the budget process, and to proceed expeditiously with the planned renovation of the Augustus Brown pool. The Board approved the letter

**H. New Business – None**

**I. Standing Agenda Item - None**

**J. Subcommittee Reports** – Mr. Muldoon urged Board members to continue advocating for the pools throughout the remainder of the budget period. Mr. Rutecki, Mr. Griffith and Ms. Bartlett emphasized the importance of the Learn-to-Swim program through the school district, and the need to expand the existing program and also make swimming a PE option for high school kids. The Augustus Brown pool is a crucial component for Harborview and JD High School students.

**K. Board Comments – None**

**L. Adjournment** – The meeting was adjourned at 6:15pm

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Meeting Follow-ups:

Mr. Schaaf and Mr. Monahan to proceed expeditiously with the 21-day public comment period.

Mr. Monahan – update and clarify signage about lobby usage for non-swimmers

Mr. Muldoon – forward the letter to the Assembly.

Mr. Schaaf and Mr. Monahan – bring back next draft of commercial use policy document and draft permit fee schedule for discussion at May 25 meeting

Upcoming Meetings:

Next Board meeting: Tuesday, May 25, 5:00pm, Zoom conference.

# AQUATICS BOARD MEETING AGENDA

Tuesday, April 27<sup>th</sup>, 2021

Teleconference/Zoom Meeting

at 5:00pm

Statement of Philosophy:

*Create Community through People, Pools and Effective Swim Programs*

- A. Call to Order
- B. Roll Call
- C. Agenda Changes
- D. Approval of minutes from March meeting.
- E. Public Participation on Non-Agenda Items
- F. Staff Report
- G. Old Business
- H. New Business
- I. Board Comments & Standing Agenda Items
  - a. Commercial Use Regulations
  - b. Subcommittee Reports
- J. Adjournment
- K. **Next Board Meetings :**
  - a. 05.25.21

**MINUTES**  
**AQUATICS BOARD**  
**Tuesday, March 30, 2021**  
**City & Borough of Juneau – Zoom Conference**

Statement of Philosophy:  
*Create Community through People, Pools and Effective Swim Programs*

- A. **Meeting Convened at 5:00pm** by Chair Muldoon.
- B. **Members Present:** Kristin Bartlett, Don Beard, Scott Griffith, Lena Merrell, Tracy Morrison, Tom Rutecki, Pat Watt.  
**Member Absent:** Molly McCormick,  
**Ex Officio:** George Schaaf, Parks & Rec Director  
**Liaison Present:** Carole Triem – CBJ Assembly  
**CBJ Staff Present:** Kollin Monahan, Aquatics Manager, Sarah Landen, Admin Assistant  
**Other:** Several members of the public were present to address the Agenda item on Commercial Use
- C. **Agenda Changes** – Mr. Muldoon requested moving Item I, Commercial Use Regulations up to precede Item F, Staff Report.
- D. **Approval of Minutes** –of the February 23 meeting were approved with one correction.
- E. **Public Participation on Non-Agenda Items** - None
- F. **Standing Agenda Item – Commercial Use of Aquatics Facilities**
- Mr. Schaaf provided background on why the Board is enacting regulations and policy regarding commercial use of the pools. In 2019 the Parks and Recreation Department were reviewing governance of commercial use of all facilities, including parks, trails, Treadwell Arena and the pools. Title 67.01.08 and 67.01.09 of the CBJ Code require that commercial users of all Parks and Recreation facilities have permits. The existing regulations did not address commercial use of the pools, and the Board had not adopted an policy on the issue.
  - The Board reviewed and commented on draft regulations and heard from private swim instructors regarding their concerns. A big issue was the cost of liability insurance. Therefore, working with the CBJ Risk Manager, staff developed an option that seemed reasonably affordable and met CBJ's risk requirements. (See minutes of January, 2020).
  - A draft policy that would implement the regulations was also developed and was now before the Board for discussion, pending completion of the regulations. (See attached). The amounts of any fees are not specified in the policy but would be set by the Board annually along with all other fees at the time of developing a fee schedule for the budget.
  - Mr. Schaaf noted that the goal is to not reduce access to swimming lessons and therefore the existing status quo for private lessons continued until the pandemic closed the pools.
  - At this point several members of the public offered comments as follows:
    - Patricia Morgan, Douglas, is a long teacher of private lessons and also is a CBJ employee who teaches water aerobics. She worries about the costs of commercial use fees and does not want private lessons to become cost prohibitive for parents.
    - Julie Benarksi, N. Douglas, spoke as a parent stating that private lessons work much better for her than the Pool lessons, in terms of schedule flexibility and ease of signing up. There is high demand for private lessons, please keep them affordable.
    - Samantha Hammerly, Valley, has been a private teacher for a few years and knows private lessons are in high demand. She wanted to know the timeline for implementation,

- and to be sure that lessons for adults are kept available. Please keep fees affordable and ensure equity across the various sports.
- Madison Bargas, Valley, has been a private instructor for 6 years, agreed with previous comments. She is afraid the Board is trying to make it hard for teachers, and please be considerate of their needs.
  - Kayla Miller, Valley, is a mother of 3 and private swim lessons are very important. Please keep them affordable since they are much easier to sign up for and offer more scheduling flexibility.
  - The Board discussed the draft policy as follows:
    - Mr. Muldoon – the intent is to not make the cost of private lessons any more expensive than necessary and the Board recognizes the need and demand for lessons in a community with so much access to water.
    - Mr. Griffith – the required certifications look good, and wondered if the required background checks had to be done through CBJ’s process. Mr. Schaaf said yes.
    - Ms. Morrison – we need both private and public lessons, and we need to keep it affordable for parents.
    - Ms. Watt – we should honor existing swim passes and asked if staff could distinguish pass holders from non-pass holders taking or providing lessons. Mr. Monahan said yes. Ms. Watt said she will offer an amendment to the draft policy so that it honors existing passes.
    - Ms. Morrison – agrees with Ms. Watt
    - Ms. Merrell – has children and has used both private and public lessons. Our intention is to expand access to lessons and offer more flexibility to parents. Annual passes should count to get in for lesson.
    - Ms. Triem – Suggested striking language on not allowing memberships/passes.
    - Mr. Griffith – There is a big need for community lessons. Suggested a one time annual permit-fee.
    - Ms. Bartlett – Suggested that daily commercial use fees are reasonable.
    - Mr. Muldoon – Asked the board to be ready to discuss the following at the April 27<sup>th</sup> meeting:
      - Application Fee
      - Annual Fee
      - Admission Fee
      - Commercial Fee
    - Mr. Rutecki – Suggested to make the external private lessons as close to CBJ lessons in terms of cost/price.
  - Next Meeting April 27<sup>th</sup> at 5:00pm via ZOOM.



# April 27<sup>th</sup>, 2021

## Full Aquatics Board Meeting

### Operations Report

#### Daily Attendance (March 1<sup>st</sup> - 31<sup>st</sup>)

#### Augustus Brown Swimming Pool

**2,151 Total Visits**

| Monday-Friday |               |
|---------------|---------------|
| 5:30am-7:00am | 297 Check-ins |
| 7:00am-8:30am | 143 Check-ins |
| 2:00pm-4:00pm | 684 Check-ins |
| 4:00pm-6:00pm | 514 Check-ins |
| 6:00pm-8:00pm | 253 Check-ins |

| Saturday        |              |
|-----------------|--------------|
| 10:00am-12:00pm | 91 Check-ins |
| 12:00pm-2:00pm  | 67 Check-ins |

| Sunday         |               |
|----------------|---------------|
| 12:00pm-2:00pm | 102 Check-ins |

#### AGB Trends at a Glance

- Daily Usage is averaging 69 patrons
- 52% of attendance are adults (ages 18 – 64)
- 24% of attendance are seniors (ages 65+)
- 12% of attendance are youth (ages 8 – 17)
- 12% of attendance are children (ages 2 – 7)

#### Dimond Park Aquatic Center

**4,293 Total Visits**

| Monday-Friday  |                |
|----------------|----------------|
| 5:30am-8:00am  | 638 Check-ins  |
| 8:00am-12:00pm | 847 Check-ins  |
| 12:00pm-3:00pm | 470 Check-ins  |
| 6:00pm-8:00pm  | 1163 Check-ins |

| Saturday        |               |
|-----------------|---------------|
| 10:00am-12:00pm | 263 Check-ins |
| 12:00pm-3:00pm  | 145 Check-ins |
| 3:00pm-6:00pm   | 138 Check-ins |

| Sunday         |               |
|----------------|---------------|
| 12:00pm-3:00pm | 300 Check-ins |
| 3:00pm-6:00pm  | 329 Check-ins |

#### DPAC Trends at a Glance

- Daily Usage is averaging 138 patrons
- 45% of attendance are adults (ages 18 – 64)
- 12% of attendance are seniors (ages 65+)
- 21% of attendance are youth (ages 8 – 17)
- 22% of attendance are children (ages 2 – 7)

#### Spring Break

**AGB Spring Break Total: 574**

Adult: 276  
 Senior: 136  
 Youth: 80  
 Child: 82

**DPAC Spring Break Total: 1,551**

Adult: 673  
 Senior: 145  
 Youth: 345  
 Child: 388

## Instructional Programming

### Swim Lessons

- Due to staffing shortages, the first swim lesson offering has been postponed to June. Lessons will be offered at Dimond Park Aquatic Center during the midday closures so public users and private instructors are not displaced. Registration for the first spring session will open online only via [CivicRec](#) on May 17th at 8:30am. Patrons are strongly encouraged to set up their CivicRec account prior to May 17th, as registration will not be accepted over the phone or in person. Lessons will be conducted in a 30 minute window, and lessons will be schedule during the time below depending on the proficiency of the child. Once children are enrolled in the lesson, a swim test will be required in order to place the children in the correct class. Also below are the swim test times for guardians to bring their children in at no extra charge to conduct the swim test:

#### Dimond Park Aquatic Center – Swim Test April 17<sup>th</sup> – June 2<sup>nd</sup>

- **Monday – Friday** **3:00pm-5:00pm**

- The first offerings of swim lessons in spring/summer will follow a summer camp model, where the lessons are a scheduled every day for two weeks (Monday-Thursday) to increase the retention of skills learned. This will also allow operations to move children through the swim instruction process more proficiently than a typical 4-week lesson plan. Below is the tentative lesson schedule where the lesson will be scheduled in each retrospective time slot. Also, when CBJ swim lessons are offered again; the lobbies will reopen for guardians to watch their child, lobby tables will be socially distanced and masks will continue to be required when in the facility.

- **Registration Date:** May 17<sup>th</sup> at 8:30am ONLINE ONLY
- **Cost:** \$64 (\$8 per class x 8 classes)
- **Max Capacity:** 50 participants per session (3-4 children per lesson)

#### Summer Session 1 Pre-school Lessons June 7<sup>th</sup> – June 17<sup>th</sup>

- **Monday-Thursday** **3:15 – 5:05pm** **30 Minute Lesson**

#### Summer Session 1 Youth Lessons June 7<sup>th</sup> – June 17<sup>th</sup>

- **Monday-Thursday** **4:35 – 5:45pm** **30 Minute Lesson**

### Health & Safety Courses

#### April Offerings

- ***Lifeguarding & CPR/AED for the Professional Rescuer***  
**Registration:** April 5<sup>th</sup>  
**Course Dates/Times:** April 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup> & 29<sup>th</sup> 5:30pm-8:00pm  
**Cost:** \$205  
**Max Capacity:** 6 Participants – CLASS FULL  
**Location:** Dimond Park Aquatic Center

#### May Offerings

- ***Lifeguarding & CPR/AED for the Professional Rescuer***  
**Registration:** April 28<sup>th</sup> at 8:30am via [CivicRec](#)  
**Course Dates/Times:** May 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, & 21<sup>st</sup> 5:30pm-8:00pm  
**Cost:** \$205  
**Max Capacity:** 8 Participants  
**Location:** Dimond Park Aquatic Center

### Fitness Classes

- Fitness Classes are set to recommence in late May/early June.





**TO:** Aquatics Board  
**FROM:** George Schaaf, Parks & Recreation Director  
**DATE:** April 1, 2021  
**RE:** Commercial Use Regulations Update

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Given that more than year has passed since the Aquatics Board last discussed commercial use of Juneau's pools, it could be helpful to review the discussions and actions taken so far:

At its regular meeting on September 24, 2019, the Aquatics Board asked staff to draft regulations and policies regarding commercial use of municipal aquatics facilities. Pending adoption of these commercial use regulations, the Department decided to waive enforcement of CBJ 67.01.090(i). This ordinance requires a permit for commercial use of recreation facilities (including pools) and provides a \$300 penalty for violations.

Draft regulations and a proposed policy were introduced at the November 19, 2019 Aquatics Board meeting. The proposed regulations were finalized at the February 25, 2020 meeting and prepared for public comment. The COVID-19 pandemic struck shortly thereafter and the proposed regulations were tabled indefinitely. The Aquatics Board resumed consideration of commercial use regulations on March 30, 2021.

### **Legal Requirements**

City code requires a permit and liability insurance for the commercial use of all recreation facilities (CBJ 67.01). Neither the Aquatics Board nor the Department have any discretion to waive these requirements. While the Department has not enforced CBJ 67.01 previously, this failure does not negate our responsibility to follow the law now. The Assembly has provided clear direction and Title 67 requires all individuals who use CBJ facilities for profit to obtain the appropriate permits and insurance. The Department does not support changing this law to

exempt private swim instructors from carrying liability insurance, or obtaining and complying with the terms of a commercial use permit. These provisions exist not only to protect the CBJ, but also our guests and commercial users themselves.

### **Insurance**

City code requires liability insurance for any commercial use of recreational facilities (CBJ 67.01.080). A number of private swim instructors expressed concern about their ability to secure liability insurance at an affordable price. Parks & Recreation staff worked with CBJ's Risk Manager to offer affordable "Special Events Program" insurance for swim instructors and coaches through Alliant Insurance Service, Inc. The cost of this insurance in 2021 is \$102 per year for up to 125 students. This premium would be paid by the permittee. Staff also recommends including a small service charge to recover the City's costs to process the insurance application. This insurance provides the following coverages, which meet CBJ requirements:

- \$2 million General Aggregate
- \$1 million Personal and Advertising Injury
- \$1 million Each Occurrence
- \$100,000 Fire Damage
- \$5,000 Medical Expense

Of course, commercial users may obtain their own insurance, subject to approval by the CBJ Risk Manager.

### **Code vs. Regulations**

The municipal code is adopted by the Assembly and establishes the basic requirement that commercial use requires a permit and insurance. Specific details about what kinds of permits will be offered, how to apply, and what kinds of fees may be charged are established by the Aquatics Board through regulations. The Aquatics board may also adopt policies that provide guidance for staff to implement these regulations, and set fees as authorized by the regulations.

### **Next steps**

Through CBJ 67.10, the Assembly has empowered the Aquatics Board to adopt regulations necessary for the administration of the aquatics facilities. Regulations must be adopted pursuant to CBJ 01.60, which requires that public notice be provided at least 21 days before adoption. Upon completion of public proceedings, the proposed regulation is sent to the city attorney for approval as to form and regulatory authority. After considering all of the information available, the Aquatics Board may then adopt the regulation. Regulations adopted by the Aquatics Board are subject to review by the Assembly.

I recommend you finalize the proposed regulations and direct staff to invite public comment per CBJ 01.60. You must wait until this regulation is adopted before setting fees.