REGULAR ASSEMBLY MEETING 2024-25 MINUTES

November 18, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar

Call to Order: Meeting No 2024-25: the Regular Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 7:00 p.m.

A. FLAG SALUTE

Assemblymember Neil Steininger led the Flag Salute.

B. LAND ACKNOWLEDGEMENT

Assemblymember Maureen Hall provided the following land acknowledgement: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Deputy Mayor Greg Smith, Alicia Hughes-Skandijs, Christine Woll, Paul Kelly, Ella Adkison, Neil Steininger, Maureen Hall

Assemblymembers Absent: Wade Bryson (excused)

Staff Present: City Manager Katie Koester, Deputy City Manager Robert Barr, Municipal Attorney Emily Wright, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Deputy Clerk Andi Hirsh, Minutes/Tech Clerk Kevin Allen, Engineering/Public Works Director Denise Koch, Deputy Eng/PW Director Nate Rumsey, Port Director Carl Uchytil

D. SPECIAL ORDER OF BUSINESS

1. Legislative Citation from Senator Kiehl

Senator Jesse Kiehl, on behalf of himself and Representatives Andy Story and Sarah Hannan presented a Legislative Citation honoring Municipal Clerk Beth McEwen as 2023 Alaska Association of Municipal Clerks (AAMC) Clerk of the Year.

2. Proclamation Recognizing Dr. Paul L. Weiden, MD

Deputy Mayor Smith read the proclamation recognizing Dr. Paul L. Weiden, MD, for all his years of service to the hematology-oncology patients at BRH where he has delivered state-of-the-art specialty care for the past 23 years.

3. Proclamation Recognizing Small Business Saturday 2024

Mayor Weldon read the Small Business Saturday proclamation naming Saturday, November 30, 2024, as Small Business Saturday and encouraged everyone to shop locally and patronize our local small businesses.

4. Introduction of Ordinance 2024-40 An Ordinance Creating a Local Improvement District No. 210 HESCO Barrier Project Phase 1 and Appropriating the Sum of up to $7,580,000.

In response to the recent Mendenhall River flooding, and in coordination with the US Army Corps of Engineers, the CBJ is pursuing advance flood fighting measures in the form of HESCO barriers to safeguard homes in the Mendenhall Valley. This Ordinance creates a local improvement district which contains all benefited homes in the Phase 1 installation of the HESCO barriers along the Mendenhall River. Using the 16

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ft inundation maps, CBJ has identified 466 properties which would be specially benefited from Phase 1. The project costs are estimated at $7,580,000. The project costs will be equally shared between property owners and the CBJ.

The Assembly discussed this project on October 21, 2024, and directed that an ordinance be presented at tonight's meeting. Included with the Ordinance is a map of included homes, an assessment roll, and a memorandum of understanding for property owners along the river.

The City Manager recommends the Assembly introduce this ordinance, amend as desired, and schedule it for public hearings at 2 regular Assembly meetings (scheduled for December 16, 2024 and February 3, 2025).

Manager Koester stated that after the ordinance is introduced, she has some additional details prepared to provide for the Assembly on this matter.

Mayor Weldon explained the process that will be followed with respect to Ordinance 2024-40, starting with a worksession type of Assembly discussion and that there will be two public hearings held at subsequent meetings (December 16 and anticipated for February 3, 2025). She asked Manager Koester to go over her memo and additional information.

Manager Koester explained the importance of the Local Improvement District (LID) process and provided information on the HESCO barrier project and the involvement of the Congressional Delegation as well as the U.S. Army Corps of Engineers (USACE). All CBJ staff have been working tirelessly on everything flood. She explained that this ordinance and her memo is a starting point for the Assembly to decide if it wants to make amendments or move forward with the options as contained in her memo found in the packet. That way, if the Assembly has changes, the subsequent public comment can be made upon the Assembly's starting place rather than that of the City Manager.

Manager Koester said that she doesn't normally provide an opinion on legislation but in this case, she explained the importance of this project and showing the federal delegation and federal agencies that the community and property owners, in particular, are wanting to move forward with future flood mitigation efforts. Manager Koester shared that representatives from CBJ, Tlingit and Haida, and our U.S. Congressional Delegation have spent an incredible amount of political capital in moving this project forward and it is important to hear from the Assembly and property owners on whether they will be in favor of an LID for these HESCO Barriers as that will very likely impact all federal responses to flood mitigation and response efforts in the future.

Manager Koester then went through the memo in the packet and the proposals. Phase 1 total project cost is anticipated at $7,830,000 and it does ***include*** the previously appropriated $2,000,000 from the restricted budget reserve (not in addition to the $2M). The assessment methodology that the Manager's office is proposing is an equal assessment based on the scientific validation of the inundation maps. They struggled with determining if someone benefitted more less than someone else and to make it as equitable as possible, they divided the project cost with 50% of the project costs coming from CBJ/general taxpayer funds and 50% coming from 462 parcels except for four parcels. Those four parcels are ones that did not armor their banks after last year's flooding and the recommendation is that those four parcels would be assessed an additional $50,000 for armoring work that would be needed to those parcels. While it would not cover the entire expense of that armoring, it is an attempt to make things a little more equitable with other homes that were previously armored. She said that, in addition to the armoring of those four properties, there would be some additional elsewhere in the project but not to the same extent as at those properties.

The Assembly could decide to go with an alternative methodology if they chose. Manager Koester then went over the other Cost to Local Improvement District vs. the Cost to CBJ local taxpayers at large as outlined in the memo. Manager Koester said that this is recognizing that these are unique circumstances and CBJ can't finance every single disaster in the borough that might occur but due to the unique circumstances in this case

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there is a community public purpose to be recognized in protecting those residential areas and homeowners, so she is proposing 50% balance to acknowledge that. The proposed Phase 1 boundaries are outlined in the map Exhibit 1 with the ordinance and exclude north of Marion Drive and south of Rivercourt Way. She said properties outside of Phase 1 include properties on either side of those boundaries and include some CBJ and other commercial properties as well as additional residents. She noted that they will know more about how those properties outside the boundaries will be affected once the hydrological study is completed.

There is Phase 2 of HESCO barrier installation and that is budgeted at $22M. Manager Koester then discussed the terms and conditions proposed in her memo as well as the timelines for the LID process.

Finding a long-term fix will take some time. Manager Koester then explained the LID process, notice to owners, public hearing process, and if more than 50% of the homeowners object, then it requires a vote of 8 Assemblymembers to override that vote. There will be two opportunities for public hearing before the Assembly and a neighborhood meeting as well as a specific property-owner direct mailing. She also discussed the timing of the LID process for Phase 1 so that work can be done this spring as well as what this will look like longer term in Phases 2 and 3. There will be many more opportunities before the Assembly to pursue for the long term. She noted grant options but that all the options they are looking at outside of this LID would not be able to be implemented in advance of the next Glacial Lake Outburst Flood (GLOF) season next summer.

Manager Koester noted several other funding sources they are pursuing including Tlingit & Haida applying for a $750,000 grant and also partnered with CBJ in applying for a $5,000,000 grant for installation of HESCO barriers for Phase 2. President Biden will be announcing soon the introduction of a $98 billion emergency response legislation for which CBJ is actively working with the legislative delegation to try to be included.

Lastly, Manager Koester explained that the weight of a property owner's vote is based on the amount of cost required for their property and it is not a 1:1 ratio for all homes. In the end, the assessment cannot be more than the actual costs of the work done on their property.

Manager Koester then proceeded to answer questions from Assemblymembers regarding her memo, the HESCO project, and the LID process. Assemblymembers said they appreciated Manager Koester's work on this. They said that they were not ready to make amendments at this time, but that they would like to hear how other Assemblymembers feel about this process. There is a lot to think about and the Mayor suggested if they aren't wanting to do propose amendments at this time, they should submit conceptual amendments to the City Attorney in advance of the next meeting.

Assemblymembers Steininger, Kelly, and Hughes-Skandijs shared their thoughts about the cost share 50/50 vs. other amount as well as potential funding sources. They also expressed a desire to look at what inundation maps might look like for flooding up to 18-20 ft. so that the project was spread out to a greater number of homeowners. Mr. Barr shared that the flood maps will likely not be available prior to January 2025.

Assemblymember Hughes-Skandijs said that she wouldn't want to do the LID if the property owners voted it down, but she is also concerned that if it didn't pass, that it would have major long-range impacts on what they can or cannot do to mitigate or respond to future flooding. Other Assemblymembers shared Ms. Hughes-Skandijs concerns if this failed to pass.

Ms. Adkison expressed her strong concern if the LID doesn't pass and the HESCO barriers are not installed and there is another flood similar to this past year and/or even at the 18-20 foot levels and what that would mean to our community as well as to any long-range flood mitigation projects.

Mr. Steininger said he is paying close attention to all the comments the community is sending to the Assembly, and his concerns are that they get the LID formula right in the first place and what the terms are that will work for the neighborhood. He said he may have some amendments to the ordinance he will be proposing at the December meeting.

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Ms. Woll said that she was originally skeptical about the HESCO barriers but when they were told by the USACE that this was their only option, she is concerned about the LID potentially failing to pass. She agreed that we can't cover all the costs but we don't have that option but she wants to make sure that the Assembly gets the numbers right so they can get it right. If it fails to pass, they will continue to work on this issue, but it is a strong concern to her that the Assembly decides upon a good ratio.

Mr. Smith shared some of the same concerns expressed by previous Assemblymembers and said that at this point, he is OK with a 50/50 split at this time but that it can be reevaluated in the future.

Ms. Woll said that if they do move forward with the 50/50 split or whatever funding amount, they need to determine the funding sources when they make the decision and that it is bad practice to borrow money from ourselves for something like this. She said that she wanted to stress that this Assembly who is making the decisions on the project also needs to be the ones to make the decisions regarding funding sources.

Ms. Hall expressed her concerns about the trauma that all the flood victims have already faced and that if this is voted down and the HESCO barriers are not installed, the trauma can end up being repeated again and again with future floods. She echoed the request for broadening the area if the inundation maps warrant it. She also asked if the interest rate was included in the LID total amount. Manager Koester said that the interest amount is not included, and the amount quoted is strictly principal. Many LID households may just choose to pay it off within the initial 45 days during which no interest would be accrued.

Mayor Weldon asked what the timeline was for getting the updated inundation maps. Mr. Barr responded that CBJ is under contract with Michael Baker International, which is an engineering firm doing the inundation map work. They have seven tasks in front of them. Task 1 is on information and data gathering and that should be completed in the next 30 days. Tasks 2 & 3 are related to collecting as much data, LIDAR flights, telemetry of the river, high water mark data that will specifically benefit the HESCO Phase 1 installation project. The next couple of tasks after that will get them the inundation maps and timing of each task is somewhat dependent upon the work that came before it. The best guess is that by sometime in January, there should be some pretty good progress for Tasks 2 & 3. It is moving rapidly, and they will be having a meeting with them to get an update on the status later this week.

Mayor Weldon said that she pretty much agrees with all the comments made by previous Assemblymembers. She said that having gone through a personal tragedy of her own earlier in the year, she can empathize with the citizens who are going through this tragedy to their homes. She said that if you aren't directly affected by the flooding, your entire lives aren't focused on it in the same way. She said that for those who were in the flood zone, the fellow flood victims are 100% supportive of them. She said that not everyone in the community feels the same way and that many community members have expressed their desire that those in the flood zones should be paying for everything. It is hard to defend someone downtown or N. Douglas or other places in the community that they have to bear the cost of this project. Mayor Weldon noted that the Assembly has tasked the City Manager with coming up with as equitable a solution as possible. While Mayor Weldon said she would like to see if they can find an alternative to the four properties who will have the additional $50,000 assessment, they are doing what they can at this time with the information currently available. She said that the barriers will be big and ugly for the property owners who live on the river but if you take the amount and divide that by 10 years, you are paying about $75/month and people will have to decide if that gives them the peace of mind to sleep at night without worrying about flooding. The Assembly said that if this fails, there won't be any barriers this next year and no matter how many groups in town are currently looking at alternative solutions but all of those are long term solutions and none of those solutions will be able to be in place next year. She said that with respect to the funds, she feels better taking the money from the general fund as it is easiest to replace it in the general fund as other funding sources, such as grants, become available.

Mayor Weldon noted there were a significant number of individuals signed up to testify so each individual would be given 2 minutes to speak. She then called for a recess from 8:16p.m. to 8:30p.m.

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E. APPROVAL OF MINUTES

None.

F. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS *(Limited to no more than 20 minutes, with each speaker limited to a length of time set by the Mayor not to exceed three minutes.)*

Karla Hart, a Back Loop resident, testified via Zoom. Ms. Hart said that she had three points she wished to address: 1) she urged the Assembly to follow its Rules of Procedure which state that they will hold meetings every 3 weeks; 2) She urged them to address cruise tourism that allows for their understanding of the ramifications and impacts of the decisions both individually and collectively by the community, staff and the Assembly. She said that ship free Saturdays getting only 39% of the vote does not mean real issues do not remain and she listed a number of issues related to all the various industry impacts; and 3) She noted that dealing with the river flooding deserves the Assembly attention as does the impacts of the cruise tourism on the community. Unlike the outburst floods, the Assembly can contain the flood of cruise tourists by putting a moratorium on permits, leases, etc.… Finally, Ms. Hart noted that item #30 should be , she encouraged the Assembly to table the item for the Franklin Dock lease as there is no public urgency and delaying this would not impair existing uses and rushing it will have unknown consequences. She asked that they slow things down and take the time to do things right for the community.

Ms. Hughes-Skandijs asked for clarification on her first point about the Assembly Rules of Procedure.

Ms. Hart said that the current Rules of Procedure for the Assembly state that they will meet every third Monday according to a schedule approved by the Assembly and published by the Clerks office. She said that the Assembly used to meet every other week and then they went to every third Monday but in looking at the calendar, they are only holding one meeting a month and it is causing very large agendas and is causing things to be rushed that should not be rushed.

Mayor Weldon noted that the next speaker, Noah Teshner, has something unusual that she is going to allow but that it will still be required to keep his testimony within the two-minute period.

Noah Teshner, brought cardboard examples of what the actual dimensions for the HESCO barriers will look like. He urged the Assembly to consider not only the size and sight of the barriers, but he expressed his concern with the ability to successfully install them. He said they do not have bottom and are subject to erosion during the next GLOF. He said that he has sent a letter to the Assembly about this, and he is here representing the Juneau Flood Solution Advocates.

Elizabeth Arnett, an Auke Bay resident and Tourism Best Management Program (TBMP) Executive Director for the past 2 years. Ms. Arnett gave a brief overview of the TBMP process over the past two years. During that time, former Executive Director Kirby Day stepped away and there was an effort to pull TBMP under the umbrella of Travel Juneau. That has provided them with great benefits and extended their ability to do things. They still provide the financial administration for the program which they have done for many years. Being under their umbrella, she is able to access their CRM program which enables them to compile the citizens' concerns and complaints and compile that information and data to provide to the Assembly and public. They were able to make a microsite website under the Travel Juneau website and it has all the information about the program. They have also created a Facebook page and are able to post the monthly reports. They did the end of the season report at the end of October and a copy was provided to the Assembly. They had approximately 50 more calls this year than last year which she thinks means that the public is more engaged in the process.

Eric Teshner, a Valley resident (Center Court), and said he is one of those residents who "will have skin in the game." He can't emphasize how important the HESCO barriers are. These barriers are not guaranteed to

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work. They are liable to fail and have failed in the past. The key points are that when they get installed, there are clear procedures for every step of the installation. There will need to be clear protocols for installation and monitor for integrity so they can respond as soon as any issues are identified. He said they will need someone whose job it will be to do that monitoring. Another critical consideration is the potential of delays in installation and how that could affect the flow of flood waters. For unpredictable floods, a delay in the installation of one or more of the barriers could cause even a small flood to flow around the barriers causing damage to many areas. They are not reliable long-term solutions, and we must learn from the failures that others have had and use that information to our advantage.

Ms. Hughes-Skandijs asked if he has examples of failures or other materials to please send them to the CBJ Assembly email address.

Debbie Fisher - passed.

Sandy Edwardson, a Valley resident (Killewich Dr.), expressed her concern about the LID fund for the HESCO barriers and response to the ongoing issue re: GLOF. Understand that this will unfairly penalize the citizens already burdened by this disaster. It is important to recognize that this impact has potential to disrupt essential public services. Ramifications of GLOF affect the full community and all citizens of Juneau. The safety concerns are for critical infrastructure such as Water and Wastewater services, Fire Stations, Emergency response, and even the Airport which would affect everyone. Investing in the barriers to protect this area is similar to this investment in the infrastructure which benefits the whole community.

Alan Zeleski, a Valley resident (Meander Way), said that the vote to work with the USACE was not a vote to only look at one short term solution, which Assemblymembers Hughes-Skandijs and Bryson noted during the last meeting, however this is being treated as the only solution available. Instead of looking for other solutions, the Assembly is continuing down the path to this one idea. In a scenario where homeowners have already spent thousands of dollars, what if homeowners don't have the money to pay for it because they are already in financial straits due to the previous floods. He encouraged the Assembly to continue to work with the USACE to look for alternative plans.

Alfred Cook, a Valley resident in the lower part of the river. He said that he is not convinced that the HESCO barriers will do what they plan on. He said that if they do work, the area of the river that he lives on will be made worse due to the velocity of the water. He said that he has spent the past two years trying to protect his property and he feels this will just make it worse. He suggested that consider putting a dike around the lake with a regulated spillway instead of making it OK for some and worse for others.

Sam Hatch, a Valley resident (Meander Way), said that his property was flooded in 2023 and 2024. He said that he wanted to impress on the Assembly that the Assembly is using an emergency order that would normally be in effect for seven days and they are using it for six months to justify a 10-year project. He said that the Assembly should not put all their eggs in the HESCO barrier basket. He encouraged them to come up with a multipronged plan. He said that the HESCO barriers have never been used in this way and he asked what will happen when they encounter sand boils and other erosion issues. He encouraged them to not do the HESCO barriers next to homes in this way but to accept them from the USACE and provide alternative uses for them to fight the flooding.

Ms. Hughes-Skandijs asked for clarification on what he meant by sand boils. Mr. Hatch explained that sand boils are like a sink hole. He also explained blowout/levy failure scenarios.

Clinton Singletary, a Valley Resident (Center Ct.), spoke about some of CBJ's budgetary history. He has not been involved with the CBJ budget for the past few years. He said that he would like to point out two concerning trends happening over the past few years to the city's budget, namely the shrinking savings account, and that more residents should be concerning themselves about CBJ expenditures. In FY24 and FY25 there has been a trend of taking money from savings draw of $25M over the past few years. The restricted budget reserve over the past few years has resulted in $10M less in reserve than what meets the city policy.

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The city has been dealing with significant financial challenges and will likely be looking at other challenges that are likely to be more challenging due to the reduction in savings funds.

Elizabeth Figus, a Valley resident (View Dr.), said this is the second time she has been a flood victim for the second year in a row. If she disagrees with the action being taken by the Assembly or staff, she is not disagreeing with the fact that the city is trying to do something, mainly that the city is trying to react to these incidents and is not taking the time to act and plan. She said that she would like to meet with staff and discuss their work on an updated hazard mitigation plan because that is directly affecting her ability to apply for and be eligible for FEMA grants and a whole host of different grants. She said that it is her understanding that they are not able to apply for that or any other grants until the city adopts an updated hazard mitigation plan.

H. CONSENT AGENDA

Public Request for Consent Agenda Changes, Other than Ordinances for Introduction

None.

Assembly Request for Consent Agenda Changes

None.

Assembly Action

MOTION by Mr. Smith to adopt the Consent Agenda and he asked for unanimous consent. Hearing no objection, the consent agenda was adopted by unanimous consent.

I. Ordinances for Introduction

5. Ordinance 2024-01(b)(T) An Ordinance Appropriating $2,500,000 to the Municipal Compost Facility Capital Improvement Project; Grant Funding Provided by the United States Environmental Protection Agency.

This ordinance would appropriate a $2,500,000 grant from the United States Environmental Protection Agency (EPA) to the Municipal Compost Facility CIP. This Congressionally Directed Spending (CDS) grant was secured through the Consolidated Appropriations Act in federal fiscal year 2023. This funding would contribute toward the planning, design, site preparation, and construction of basic infrastructure for organics diversion recovery. Future composting activities will increase local organics diversion efforts without the need for long-haul overseas transportation to the lower 48 states No local match is required for this funding.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

6. Ordinance 2024-01(b)(U) An Ordinance Appropriating $125,000 to the Manager for the Parks and Playground Major Maintenance Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources.

This ordinance would appropriate $125,000 to the Parks and Playground Major Maintenance CIP. This funding would contribute toward work at Sigoowu Ye Park. The project work includes the demolition and removal of existing playground equipment and furnishings, installation of new playground equipment; and site improvements such as lighting, sidewalks and landscaping. The local match requirement will be provided by previously appropriated funds in the Parks and Playground Major Maintenance CIP.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

7. Ordinance 2024-01(b)(V) An Ordinance Appropriating $653,520 to the Manager for the Lemon Creek Multimodal Path Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration.

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CBJ has been awarded a $653,520 Reconnecting Communities Pilot (RCP) grant from the Federal Highway Administration. This grant would support the planning, design, and community engagement for the installation of a non-motorized pathway in the Lemon Creek community. This project would provide safe, convenient, community centric non-motorized access within the community. A local match requirement of $163,380 will be provided by previously appropriated funds in the Lemon Creek Multi Modal CIP.

The Public Works and Facilities Committee reviewed this request at the July 15, 2024, meeting.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

8. Ordinance 2024-01(b)(W) An Ordinance Appropriating up to $3,000,000 to the Manager for a Loan to Tower Legacy II, LLC for Creekside Apartments; Funding Provided by the Affordable Housing Fund.

In July 2024 the CBJ Assembly made $4,000,000 available for use by for-profit and non-profit organizations, public and regional housing authorities, and tribal governments interested in the creation of affordable and workforce housing in the City and Borough of Juneau. On November 4, 2024, The LHED Committee reviewed funding recommendations and forwarded this project to the full Assembly for approval.

This ordinance appropriates $3,000,000 to the Creekside Apartments project.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

9. Ordinance 2024-01(b)(X) An Ordinance Appropriating up to $1,000,000 to the Manager for a Loan to BroKo Holdings, LLC for 220 Front Street; Funding Provided by the Affordable Housing Fund.

In July 2024 the CBJ Assembly made $4,000,000 available for use by for-profit and non-profit organizations, public and regional housing authorities, and tribal governments interested in the creation of affordable and workforce housing in the City and Borough of Juneau. On November 4, 2024, The LHED Committee reviewed funding recommendations and forwarded this project to the full Assembly for approval.

This ordinance appropriates $1,000,000 to the Front Street project.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

10. Ordinance 2024-37 An Ordinance Amending the Uniform Sales Tax Code Related to Definitions, a Temporary Sales Tax Registration, and Deposits by Nonresidents.

Ordinance 2024-37 clarifies and supports the sales tax code as a result of common questions and compliance concerns that have arisen over the years. The definitions that are added or amended are intended to provide clarity to the merchants, and in some instances, to put CBJ in better alignment with the Alaska Remote Sellers Sales Tax Commission (ARSSTC) uniform code. In addition, a section is added to create an “itinerate” sales tax registration which will ease the burden on small businesses based outside of Juneau that may come to town for short periods of time.

The Assembly Finance Committee reviewed this ordinance on November 6, 2024.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

11. Ordinance 2024-36 An Ordinance Amending the Uniform Alaska Remote Sellers Sales Tax Code.

Ordinance 2024-36 implements amendments to the Alaska Remote Sellers Sales Tax Commission (ARSSTC) uniform code recently passed by the ARSSTC board. These amendments were developed through a workgroup of member jurisdictions, including representation by CBJ staff from both the Finance and Law departments. In FY 2024, CBJ collected $4.5M in sales tax revenue through ARSSTC from sales where the seller is located outside of our jurisdiction.

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The Assembly Finance Committee reviewed this ordinance on November 6, 2024.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

12. Ordinance 2024-41 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Mendota Park Parcel 1B, Located on Davis Avenue, from D10 to D15.

This rezone request would facilitate the addition of eleven (11) units to this lot. The neighboring Alaska Department of Corrections is concerned that increased density would result in development closer to the common lot line, for which mitigation would be challenging due to terrain. While rezone conditions are limited to health and safety, the development will require a new or updated Conditional Use Permit. The lot had been rezoned D15 but was downzoned due to intersection concerns at Davis Avenue and Glacier Highway. Since then, the intersection has been signalized.

The Planning Commission heard this proposed rezone at their regular meeting on October 22, 2024; and recommends the Assembly approve the proposed rezone.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

13. Ordinance 2024-42 An Ordinance approving the City and Borough's participation in proposed refinancings by the Alaska Municipal Bond Bank of the Bond Bank's various General Obligation Bonds that provided funds to purchase various revenue bonds of the City and Borough, under loan agreements between the City and Borough and the Bond Bank; and authorizing revised schedules of principal and interest payments on the City and Borough's bonds, in accordance with the loan agreements, if the Bond Bank successfully refinances its bonds.

This ordinance would authorize the issuance of up to $13.5 million in bonds to refund (refinance) the 2014A Port, 2015 Harbor, and 2021 Port bonds. The original bonds were sold through the Alaska Municipal Bond Bank and financed harbor improvements, seawalk construction, and cruise ship berth enhancements. As a result of lower market interest rates, this refunding is estimated to result in a total savings of approximately $700,000 over the remaining life of the bonds.

The Assembly Finance Committee reviewed this request at the November 6, 2024 meeting.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

J. Resolutions

14. Resolution 3078 A Resolution Supporting the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.

This resolution supports Southeast Alaska Independent Living's (SAIL) grant application for the FY2025 Alaska Department of Transportation Human Services Transportation Service Grant. On August 22, 2024, the Juneau Coordinated Transportation Coalition (JCTC) met and approved forwarding the nominations below.

· A Replacement ADA Vehicle for its SAIL/ORCA Program participants;

· A Replacement ADA Taxi.

The Public Works & Facilities Committee at its September 9, 2024, meeting voted to forward a resolution of support for the SAIL applications to the full Assembly.

Upon approval, this resolution would serve as an addendum to the CBJ 2020 Juneau Coordinated Human Services Transportation Plan.

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The City Manager recommends the Assembly adopt this resolution.

K. Liquor/Marijuana Licenses
15. Liquor & Marijuana License Actions

These liquor and marijuana license actions are before the Assembly to either protest or waive its right to protest the license actions.

Liquor License – Renewal

Licensee: Taku Glacier Lodge Inc. d/b/a Taku Glacier Flightseeing/Salmon Bake

License Type: Restaurant/Eating Place, Liquor License: #1416 Location: Taku Valley Lot 75, Juneau

Licensee: JH Inc. d/b/a Seong's Sushi Bar

License Type: Restaurant/Eating Place, Liquor License: #4192 Location: 740 W. 9th St., Juneau

Licensee: Abigail May LaForce Barnett d/b/a Zerelda's Bistro

License Type: Restaurant/Eating Place, Liquor License: #5278 Location: 9104 Mendenhall Mall Rd., Juneau

Licensee: Green Lantern LLC. d/b/a No DBA

License Type: Restaurant/Eating Place, Liquor License: #851 Location: No Premises, Juneau

Licensee: AK Grizzly Bar LLC d/b/a AK Grizzly Bar

License Type: Beverage Dispensary, Liquor License: #772 Location: 210 Admiral Way, Juneau

Licensee: JD Entertainment, Inc. d/b/a The Island Pub

License Type: Beverage Dispensary, Liquor License: #728 Location: 1102 2nd St., Douglas

Marijuana License - Renewal

Licensee: Top Hat LLC d/b/a Top Hat LLC

License Type: Standard Marijuana Cultivation, License #: 10270 Location: 2315 Industrial Blvd. Suite A, Juneau

Licensee: Top Hat Concentrates LLC d/b/a Top Hat Concentrates LLC

License Type: Marijuana Product Manufacturing Facility, License #: 10271 Location: 2315 Industrial Blvd. Suite B, Juneau

Licensee: Green Elephant LLC d/b/a Green Elephant LLC

License Type: Standard Marijuana Cultivation, License #: 10315 Location: 101 Mill St., Suite A, Juneau

Licensee: Green Elephant LLC d/b/a Green Elephant LLC

License Type: Retail Marijuana Store, License #: 10844 Location: 101 Mill St., Suite B, Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments reviewed the above licenses and recommended the Assembly waive its right to protest these applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's Office.

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The City Manager recommends the Assembly waive its right to protest the above-listed liquor and marijuana license actions.

L. Other

16. Short Term Rental Task Force

Charging Document and Appointment of Members

M. PUBLIC HEARING

17. Resolution 3051 A Resolution Petitioning the Alaska State Alcoholic Beverage Control Board to Issue up to 20 Additional Restaurant or Eating Place Licenses within the City and Borough of Juneau Under Alaska Statute 04.11.405.

Currently, our community exceeds the number of Restaurant or Eating Place Licenses (REPLs), and there appears to be demand for more alcohol licenses. In January 2024 Alaska law changed, allowing municipalities to apply for additional REPLs. In 2023 the Assembly Human Resources Committee (HRC) discussed the changes to alcohol licensing on November 13, 2023; December 11, 2023; and January 8, 2024. The HRC recommended the Assembly request up to 20 additional REPL's from the State.

This resolution was up for Assembly action at the February 5, 2024, Regular Assembly meeting. After public testimony and Assembly discussion, a motion to postpone action on this resolution until no earlier than November 4, 2024, passed. On November 4, 2024, an email notice was sent to all current liquor license holders within the City and Borough of Juneau that this resolution would be back before the Assembly for consideration at this November 18, 2024 meeting.

The City Manager recommends the Assembly take public testimony and decide whether to amend or adopt this resolution.

Public Comment

Mitch Falk, owner of Bullwinkles Pizza with two REPLs. He said that it seems like this is deja-vu all over again. He has two REPL licenses and he isn't sure what the purpose of this resolution is because there are already two and possibly four REPL licenses currently out for sale on the open market. He said that if someone wanted to have a seasonal business, there are seasonal licenses available already. He said that if they are trying to 'give' REPL licenses, that would put somebody into competition with businesses who had to buy their licenses such as himself and that seems like unfair competition. He said that it is not like any of the current businesses with the REPL licenses area really making big bucks. It is a marginal business model in the first place and the Assembly is trying to make an unlevel playing field and he would encourage the Assembly to think hard about that. He said that the people who are trying to sell their licenses will not have buyers willing to buy their REPLs. That is like losing money in the bank and those licenses would then become worthless. He is frustrated with this whole concept from a business owner standpoint.

Mayor Weldon asked Mr. Falk who has licenses for sale. Mr. Falk answered that Ryan with El Sombrero is trying to sell his license as is Deckhand Dave. He said that there may be at least one or two others. He said there is always at least one license on the market for sale and he hasn't heard of anyone trying to buy one.

Ernesto Guillen Jr., longtime Juneau resident since 1996 and Juneau business owner since 2007. He said that he also believes some of the things that Mr. Falk said but he also feels that we need more licenses out there to motivate people to be able to start new businesses.

Mr. Smith asked Mr. Guillen if he owns a restaurant. Mr. Guillen said ye, he owns the restaurant El Zarape.

Venetia Bingham, a valley resident owns V's Cellar door located downtown. Ms. Bingham said in answer to the question as to which licenses were currently for sale, she said she is aware of four licenses currently for sale and they are owned by Tracy LeBarge, Deckhand Dave, Pho Restaurant (in the valley), and El Sombrero.

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She said that she sent some information earlier to Assemblymember Smith that she had received from AMCO ABC Board staff. When she asked their staff for the information about the number of transfers in Juneau. She said that from 2014-2024 there were 15 transfers in Juneau so that puts the current rate at 1.23 per year. She said there are currently four for sale and when they initially looked at this in February, there were nine for sale, so they are selling at the current rate. She said that the city has the option to ask again every other year. She said that given the 1.23 current rate of sales, at the rate they are going, it is not a need at this point in time but it is something to reconsider in the future. With the four currently on the market, that would be four years before they max out. She noted that as Mr. Falk mentioned, there is a certain amount of financial strain that will be put on those individuals currently trying to sale their licenses.

Mr. Smith asked about rate of transfer number that she stated, does she think the reason for the low rate of transfer is that haven't been any licenses for sale or that people are not willing to pay the price they are being sold at. Ms. Bingham said that she doesn't think they weren't willing to pay the price. She noted a wide variety of mitigating factors that could prevent someone from opening a restaurant. She does it because it is a passion of hers and not because of the financial windfall. She said she thought the rate was more in line with what Juneau's current economy can bear. She said that there are tourism/seasonal licenses available. She said that if the licenses only cost $6,000 - 9,000, she would anticipate many more businesses coming forward than if they still cost $60,000 - 90,000. She said that she couldn't afford it when she got her licenses, she had to go into debt to get her license, but it provided her skin in the game and she thinks that there is a lot more going on than just the affordability factor.

Evan Morgan, a North Douglas resident and owner of Pitman's Pub at Eaglecrest. Mr. Morgan has spoken with the Assembly before, what they have learned during the course of operating the business over the past year is that right now they are operating a seasonal recreational site license, and they can't afford a full liquor license. He said that the only way they can make money in this business is if they are open year-round. They can't cater for weddings or the end of season Slush Cup due to the seasonal nature of their current license. They spent 98% of their income last year on insurance. This is a huge deal for their business, and he would appreciate it if the Assembly did apply for additional licenses.

Paul Thomas, and Auke Bay resident said he was testifying on behalf of Juneau Lynn Canal CHARR (Cabarets, Hotels, Restaurants, & Retailers). Mr. Thomas said the ABC Board has had discussions at their last two meetings about regulations they are working on to help determine how this statute would be applied. He said that without those regulations in place, this request is premature for CBJ to be asking for additional licenses and the ABC Board would be premature in issuing additional licenses. These statutes 04.11.405 related to additional REPL licenses were designed for hub communities or communities based on the population numbers coming in from outlying communities into their areas and not counting the regular general population of the community requesting additional licenses and not for tourism numbers. He believes that with the licenses that are currently for sale, CBJ would likely not qualify to receive additional licenses at this time. He contacted AMCO last week and he believes there is still one license not yet applied for, but AMCO couldn't give him the definitive answer on that as they are presently in the process of changing over database systems. The statute currently reads that the municipality, at the time of the petition, needs to exceed the maximum number allowed under the population limit. He said that in light of that, he doesn't think Juneau would even be allowed to request additional licenses due to the open license at AMCO plus those currently for sale in Juneau. He said that he doesn't think it meets the public interest requirements for a number of reasons. He stated that the seasonal REPLs allow a lot of expansion that is not being used here in Juneau.

Mr. Smith asked Mr. Thomas if he considers Juneau a hub community.

Mr. Thomas said that Juneau could be considered a hub community if it was being looked at similar to when Wasilla submitted its petition factoring in the surrounding communities. If Juneau were to consider those coming from other Southeast Communities, Juneau could be considered a hub, but he went on to state that

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even before that could be considered, the licenses currently available would first have to be used before Juneau would be eligible to request additional licenses.

Leanne Thomas, an Auke Bay resident and current license holder who is currently trying to sell her Beverage Dispensary License (BDL). Juneau currently has 21 REPL and this legislation requesting 20 additional REPLs would be doubling it and is a crazy number that they are even thinking of considering. She noted that this is not the right time to make this request. AMCO is very behind, and they are taking 4-10 months to transfer a liquor license and when she just spoke with someone at AMCO, she was told it is currently taking 12 months to process applications. AMCO needs to do regulations for the Title 4 rewrite to allow cities to ask for these REPLs. She said that Wasilla had asked for additional REPLs and because of that Juneau is now proposing to do the same. Just because you can, doesn't mean you should. She asked if people are coming to the assembly asking for these licenses, if they are, they should call AMCO but they will need to learn those laws and work with AMCO. She said they need to look at the list of licenses and those that are for sale. She expressed her concerns that people looking to get these new licenses may not be familiar with the liquor laws and said that if you don't know the laws, you are likely to end up with violations and if you don't have an investment in them, you are more likely to be breaking the laws.

Zack Peese, a downtown/Flats resident, thanked the Assembly for considering legislation requesting additional REPL. He said additional licenses would significantly benefit Juneau's youth, Arts, events and community as a whole. He said that he is the technical director for the largest venue in Juneau and the third largest venue in Juneau. He is the owner of Southeast Events, a local event production company. He said during the past two years, he has helped produce and organize over 300 local events. Before returning to Juneau last year, he spent nine years organizing events for international music festivals and conventions such as Disney's D23 convention, Burning Man, and In Vision Festival. He said that his background gives him a unique perspective on the urgent need for more accessible event spaces in our community. He said that the limitations of Centennial Hall and other large venues mean they are often booked over a year in advance and are cost prohibitive for many individuals, small organizations and youth. Due to the limited venue options, these organizations often host their events at a loss and are thus hosted by a bar which is inaccessible to anyone under 21. The mutual benefit between bars and event organizers where event attendance supports food and drink sales lowers costs of hosting events. However, our city has no affordable all age venues where younger artists can perform. Existing laws restrict music and the arts primarily to bars making affordable event production challenging. Without food or alcohol sales to offset space rentals, artists and producers face high up-front costs complicated by additional permits. More beer and wine licenses (REPLs) would allow restaurants and similar establishments to host events and provide affordable/accessible venues for small groups and emerging artists on tight budgets. Eateries are already equipped to offset space and labor costs with food and beverage sales eliminating financial burdens on event organizers and artists. CBJ's request for additional REPLs will provide opportunities for additional small event locations for community engagement. He encouraged the Assembly to consider an investment in the community's growth rather than supporting a stagnant status quo.

Skye Stekoll, a Lena resident and part owner of Forbidden Peaks Brewery. Mr. Stekoll said that he supports this resolution which would be similar to additional licenses in other communities across AK such as Wasilla, Soldotna, and Valdez and others are in the process of doing so. The increase in Juneau businesses would increase sales tax as well as eliminate a barrier to opening new businesses ensuring that current businesses don't hold onto their licenses and selling them as commodities. He said that he feels additional REPLs will allow current restaurants to expand their sales flexibility and would free up capital for businesses to expand their infrastructure. He said that additional REPLs would eliminate a barrier to starting new businesses and it would encourage businesses to be open year-round. He said that Forbidden Peaks Brewery is not eligible for an REPL as they are not in control of their food sales, but he feels that additional REPLs would be a net positive for the community. He said that the value of current REPLs are lessened due to the issuance of seasonal licenses from AMCO. He feels it is in the best interest of the community to encourage new businesses to be open year-round and adding additional licenses would be one step in the direction to

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achieving that goal. He said that Juneau has a unique geographical challenge in that it is very spread-out and as areas of the borough continue to expand, such as the proposed development on the west side of Douglas Island, it is important to develop and allow for viable neighborhoods across the borough.

Evan Wood, a valley resident and a co-founder and part owner of Devil's Club Brewery Company. He encouraged the Assembly to adopt this resolution to request additional REPLs for Juneau. In addressing some of the previous testimony, he said that it was news to him that there are four licenses currently for sale as he has been interested in buying a license. If he is not able to find that information as he has been looking online through various platforms such as Facebook and Craig's list and he doesn't know how someone is supposed to know that there are licenses for sale. He spoke to the communities across Alaska that aren't currently at their population maximums for liquor licenses and how a new business might be able to go about applying for and obtaining a license without having to buy it from an existing license holder. He encouraged the Assembly to consider the future in this and they are hearing a lot of need from younger people in the community who are wanting to pursue these opportunities.

Richard Bloomquist, a downtown resident, expressed his support for increasing access to liquor licenses and businesses in this town. He and his wife opened a restaurant a few years ago. He heard the testimony of those who testified when this was before the Assembly previously and that the testimony was primarily from those who had licenses and were concerned about losing money on an investment. He spoke about the inequities that this system provides. He said that multiple times a week they have clients come and sit down in their restaurant and then leave since they did not have a liquor license. He also spoke about the need to have more available and less expense licenses. Alaska is only one of 18 states that has this type of limitation on beer and wine licenses in their communities. Lastly, he stressed that Juneau is a hub community.

Taylor Vidic, a Douglas resident, said that she is a musician, performer, event producer. She said there are many angles to look at this resolution from and she acknowledged all the business owners in the room whom she has worked with and worked for. She stressed that this resolution is about opening up new business opportunities. She explained that when she began performing a decade ago, $100 was the going rate to pay entertainers for providing 1-4 hours of music. In 2024, many of the local venues still consider $100 a reasonable rate to pay musicians, which according to economic data $100 in 2013 is the equivalent to $130 in 2024 dollars. She provided statistics from a Juneau musician who performed in 1976 for $100 which would be the equivalent of $535 in 2024 dollars. The public's willingness and ability to pay for live performances has not kept pace with inflation. The best way to create equitable events to provide adequate compensation for the years of training while also keeping spaces sustainable to offer events to a wide range of economic attendees is to provide a wider range of revenue streams. Restaurants who can provide a glass of wine can have another revenue stream that helps them afford to support artists in the community. This resolution does just that.

Assembly Action

MOTION by Mr. Smith to consider Resolution 3051 for the purpose of making amendments.

AMENDMENT #1 by Mr. Smith to reduce the number of additional Restaurant Eating Place Licenses (REPL) that are being requested on the resolution from 20 to 7.

In speaking to his amendment, Mr. Smith said that when they were looking at this topic originally in HRC and then at the Assembly, they looked at the list of current license holders. At that time, he counted at least 13 restaurants currently in Juneau that did not have REPLs. He said that he also was anticipating that there may be other members of the community wanting to start restaurants but were not doing so due to the lack of available REPLs. While he feels that there is still a need for more REPLs, he was appreciative of the concerns raised regarding an increase of 20 licenses and is therefore proposing to lower that to 7 licenses at this time.

Objection by Ms. Hughes-Skandijs for purposes of a question as to how he landed on the request for 7 licenses.

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Additional discussion took place by Mr. Smith and other Assemblymembers and the reason for going with seven licenses. Mr. Smith spoke about Juneau's status as a hub community within the southeast region. Ms. Hughes-Skandijs removed her objection.

Mr. Smith also explained that if they do submit this request, the decision will but up to the Alcohol Beverage Control (ABC) Board and if they do grant the additional licenses, CBJ cannot request any additional licenses for another 2 years.

Objection by Ms. Woll.

Roll call vote on Amendment #1

Yeas: Smith, Kelly, Adkison, Weldon

Nays: Woll, Hall, Steininger, Hughes-Skandijs

Amendment #1 failed to pass.

AMENDMENT #2 by Mr. Smith to change the number of additional Restaurant Eating Place Licenses (REPL) that are being requested on the resolution from 20 to 5.

Objection by Mr. Steininger and said that he is looking for an upward number and not a lower number.

Mr. Smith withdrew Amendment #2.

Mr. Smith spoke to the ABC process in considering other requests for additional licenses and how he arrived at the numbers that he was initially proposing. Assemblymembers then discussed the regional hub language that he has in another proposed amendment that he had distributed with his first amendment as well as parliamentary procedure questions for the attorney.

The Assembly took a brief at ease for members to discuss parliamentary procedures with the City Attorney.

AMENDMENT #3 by Ms. Hughes-Skandijs to change the number of additional Restaurant Eating Place Licenses (REPL) that are being requested on the resolution from 20 to 8 and asked for unanimous consent.

Hearing no objection, Amendment #3 passed by unanimous consent.

Mr. Smith said that he met with the chair of the ABC Board after the last time this was considered, and he did more research into the process and the basis upon which additional REPL licenses could be requested. He said that he looked into additional data and information and as a result he brought forward the following Amendment #4.

AMENDMENT #4 by Mr. Smith to amend Whereas #2 to state the following and asked for unanimous consent:

Whereas, the CBJ is the state capital and a hub of regional commerce in Southeast Alaska, a region containing almost 40,000 residents, not including the CBJ, and where recent non-summer average monthly visitation data shows deplanements of nearly 30,000 non-residents and ferry disembarkations of 4,000 non-residents ~~and the state capital~~; and

Hearing no objection, Amendment #4 passed by unanimous consent.

Hearing no objection, Resolution 3051 as amended (by Amendments 3 and 4), passed by unanimous consent.

18. Ordinance 2023-14(b)(AS) An Ordinance Appropriating $985,000 to the Manager for the City and Borough of Juneau's Fiscal Year 2024 Operating Costs; Funding Provided by Airport Funds and Eaglecrest Funds.

This housekeeping ordinance appropriates $985,000 for the City and Borough of Juneau's FY2024 operating costs. The following departments require supplemental budget authority in FY2024:

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Airport: this ordinance appropriates $950,000 of Airport funds for the leasing of an Aircraft Rescue and Fire Fighting (ARFF) truck from the City of Palmer, repairs to wash bay door and heating/cooling systems at the airport, the removal and replacement of an underground storage tank, and surveying and upgrading of new areas to use as leasable property on the airfield. These unbudgeted expenses were approved by the Airport Board to spend down remaining Federal CARES funding that was set to expire in April 2024.

Eaglecrest: Eaglecrest has historically maintained an inventory reserve as a component of fund balance. Inventory observations determined the majority of the inventory was obsolete, and upon auditor recommendation, was fully written off (expensed) in FY24. The complete inventory write-off balance was $253,000, however, Eaglecrest is lapsing enough operating authority in FY24 that they only require a supplemental appropriation of $35,000. This inventory write-off reduces Eaglecrest's inventory reserve to $0 and does not impact their available fund balance.

The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Kelly to adopt Ordinance 2023-14(b)(AS) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

19. Ordinance 2024-01(b)(O) An Ordinance Appropriating $86,000 to the Manager for the Safe Streets for All (SS4A) Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration.

CBJ has been awarded $86,000 Safe Streets for All (SS4A) grant from the Federal Highway Administration. The SS4A grant's goal is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries. This funding would be used to conduct supplemental planning activities in the Lemon Creek area to enhance the road safety audit and comprehensive safety action plan that is currently under development. A local match requirement of $21,500 will be provided by previously appropriated funds in the Lemon Creek Multi Modal CIP.

The Public Works and Facilities Committee reviewed this request at the December 18, 2023, meeting.

The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024 meeting, moved it forward to the Assembly with the following comment: *the SRRC strongly encourages CBJ to take an active approach, especially where accessibility and outreach is concerned and to make sure they are receiving public participation and input from the most impacted residents in the Lemon Creek area, including community meetings in the neighborhoods that are impacted the most.*

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hall to adopt Ordinance 2024-01(b)(O) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

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20. Ordinance 2024-01(b)(P) An Ordinance Appropriating up to $500,000 to the Manager as a Grant to Gastineau Human Services for Expanding Residential Substance Use Disorder Beds; Funding Provided by General Funds.

This ordinance would appropriate up to $500,000 of general funds as a grant to Gastineau Human Services (GHS) for expanding residential substance use disorder beds. These expanded services, anticipated to go into effect on January 6, 2025, are part of a plan to transition to 3.1 level of care from Bartlett Regional Hospital's Rainforest Recovery Center (RRC) that closed on September 24, 2024, due to operational financial deficits. This one-time funding is intended to assist GHS with initial startup costs associated with transition of care from RRC.

The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting. The Assembly Finance Committee reviewed this request at the September 18, 2024, and November 6, 2024 meetings.

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Steininger to adopt Ordinance 2024-01(b)(P) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

21. Ordinance 2024-01(b)(Q) An Ordinance Deappropriating $1,000,000 of General Funds and Appropriating $1,000,000 of Restricted Budget Reserves as Local Matching Funds for a United States Army Corps of Engineers Glacier Outburst Flooding General Investigation Study.

This ordinance would deappropriate $1,000,000 of general funds previously appropriated under Ordinance 2024-01(b)(M) and appropriate $1,000,000 from the Restricted Budget Reserve to be used as matching funds for the United States Army Corps of Engineers glacier outburst flooding general investigation study.

The Assembly Finance Committee reviewed this request at the September 18, 2024, meeting. The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Adkison to adopt Ordinance 2024-01(b)(Q) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

22. Ordinance 2024-01(b)(R) An Ordinance Appropriating $50,000 to the Manager for Maintenance of the Arboretum Manager's Residence; Funding Provided by Jensen-Olson Arboretum Endowment Funds.

This ordinance would appropriate $50,000 of unrestricted funds from the Jensen-Olson Arboretum Endowment Fund for maintenance of the manager's residence at the Arboretum. The building's paint is peeling significantly, which has exposed original wood and will soon compromise the structure. Painting is required to protect the integrity of the building.

The use of these unrestricted funds is permitted by the 1993 Administrative Agreement Concerning Jensen-Olson Arboretum which allows the use of endowment funds as financial support for the property. $30,394 of unrestricted funds will remain in the Jensen-Olson Arboretum Endowment Fund upon appropriation of this ordinance.

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The Parks & Recreation Advisory Committee reviewed this request at the October 1, 2024, meeting. The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Woll to adopt Ordinance 2024-01(b)(R) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

23. Ordinance 2024-01(b)(S) An Ordinance Appropriating $2,000,000 to the Public Safety Communication Infrastructure Capital Improvement Project; Grant Funding Provided by the United States Department of Justice, Office of Community Oriented Policing Services.

The Juneau Police Department (JPD) has been awarded $2,000,000 in congressionally directed spending from the United States Department of Justice, Office of Community Oriented Policing Services (COPS). The COPS Office Technology and Equipment Program provides funding to increase the community policing capacity and crime prevention efforts of law enforcement agencies. This funding would contribute to the CBJ's public safety communication infrastructure updates. Total project cost is estimated to be approximately $24.4 million. Previously appropriated funds and voter-approved bonds will also contribute to the costs of the project. There is no local match requirement for this grant**.**

The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2024-01(b)(S) and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

24. Ordinance 2024-35 An Ordinance Authorizing the Manager to Lease a 400 Square Foot Portion of Land Near Crazy Horse Drive to the Federal Aviation Administration for the Purpose of Continued Placement of Weather Monitoring Equipment.

In 2004, the Assembly authorized a 400 square foot lease located at the end of Crazy Horse Drive to the FAA for the purposes of installing and maintaining a Low-Level Windshear Alert System to provide weather advisories to pilots and the airport. Resolution 2248, signed in 2004 authorized a term of 20 years and now this lease is set to expire on November 30th. This lease was authorized at no cost to the FAA. This tower continues to be an important part of the airport Low-Level Windshear Alert System, and the FAA is requesting to extend this lease.

The Lands, Housing and Economic Development Committee recommended approval of the proposed lease at its meeting on November 2, 2023. The Systemic Racism Review Committee reviewed this ordinance at its October 22, 2024, meeting

The City Manager recommends the Assembly take public testimony and adopt this ordinance.

Public Comment

None.

Assembly Action

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MOTION by Mr. Kelly to adopt Ordinance 2024-35 and asked for unanimous consent.
Hearing no objection, the ordinance was adopted.

N. UNFINISHED BUSINESS

25. 2025 Assembly Meeting Calendar

The packet contains the updates to the draft 2025 Assembly Meeting Calendar as requested at the November 4, 2024, Assembly Committee of the Whole meeting. As mentioned during that meeting, Special Assembly meetings may be called by the Mayor or any three Assemblymembers in accordance with CBJ Charter 3.12.

The City Manager recommends the Assembly approve the 2025 Assembly Meeting Calendar as presented.

MOTION by Ms. Woll to adopt the draft 2025 Assembly Meeting Calendar and asked for unanimous consent.
Hearing no objection, the 2025 Calendar was adopted.

O. NEW BUSINESS

26. Memorandum of Agreement (MOA) with Tlingit & Haida: Public Safety

Assembly Goal 4. B is to "Explore government to government relations with tribes, working on projects meant to grow effective communication, trust and partnerships. Create an Assembly liaison to tribal meetings."

Progress has been made towards building trust and relationships with the joint response to the Mendenhall Flooding in August 2024 and continued partnership on mitigation measures. Building off the letter of intent that was signed in 2017 by Mayor Ken Koelsch and President Peterson, Central Council Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida), CBJ leadership have been looking at areas with a shared mission that we can formalize that partnership.

Tlingit & Haida has a robust Public Safety department with headquarters and a Tribal Emergency Operations Center in Lemon Creek. They have employees trained and practiced in emergency management and equipment to aid in response including search and rescue. They also maintain a Village Public Safety Officer program that employs individuals residing in the villages trained in fire protection, emergency medical assistance, crime prevention, and basic law enforcement. Tlingit & Haida were and continue to be key partners in flood response and mitigation. It makes sense to pool our resources and talents on behalf of Juneau residents. The Memorandum of Agreement commits to an annual meeting to discuss our shared interests and where we can partner, joint trainings when appropriate (and at a minimum annually) and information sharing. Both parties agree to cover their own costs and commit to open and free communication.

The City Manager recommends the Assembly take public testimony on this item and approve the memorandum of agreement.

Manager Koester introduced Tlingit & Haida Environmental Director Raymond Paddock and Public Safety Director Jason Wilson. Mr. Paddock spoke on the two MOAs before the Assembly which is paving the way for city/tribal partnerships not only for Juneau but for the entire Southeast Alaska. He said that these agreements formalize and strengthen the partnerships between CBJ and Tlingit & Haida, recognizing the unique strengths that each brings to the table in addressing the needs of the community, specifically those involving solid waste challenges and public safety. He said that through collaboration, they aim to address waste and public safety issues with solutions that address both the short term and long-term issues facing the community.

Laura Stats, a downtown resident, spoke in support of Juneau Composts and specifically small businesses in Juneau. She spoke about the work that Juneau Composts has done over the past several years. She noted that Juneau Composts owner Lisa Daugherty is an expert in the field of composting and is recognized by

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those nationwide and does networking at compost conferences and Juneau is lucky to have her. Juneau Composts serves residents areawide and also 34 businesses including Fred Meyer, Rainbow Foods, Amalga and Allen Marine. She does not collect meat from residents but she does collect them from commercial clients. She has served on the Juneau Commission on Sustainability and has provided the city with a working document "How to Deal with a Solid Waste Stream." Ms. Stats said that there is a MOU between Tlingit & Haida and CBJ and she is not opposed to that at all but she wants them to consider the impact of that on a private business owner who has already been composting successfully and is trying to expand. She said that she thinks it may be hard for two composting businesses to operate simultaneously in Juneau.

MOTION by Ms. Hall to approve the MOA with Tlingit & Haida for Public Safety and asked for unanimous consent. ***Hearing no objection, the MOA for Public Safety was approved.***

27. Memorandum of Agreement (MOA) with Tlingit & Haida: Solid Waste

Assembly Goal 4. B is to "Explore government to government relations with tribes, working on projects meant to grow effective communication, trust and partnerships. Create an Assembly liaison to tribal meetings."

Building off the letter of intent that was signed in 2017 by Mayor Ken Koelsch and President Peterson, Central Council Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida), CBJ leadership have been looking at areas with a shared mission that we can formalize that partnership solid waste is a natural fit.

CBJ is in the planning stages of several exciting solid waste projects in Juneau, ranging from waste characterization studies to studies of the future solid waste options for the community, as well as the construction of a municipal composting site. We are very interested in exploring how CBJ and Tlingit & Haida could potentially partner in these efforts. Not only do we share the common goal of developing sustainable waste management practices for our communities, but we also stand to benefit from pooling our collective resources in these efforts.

In addition, Tlingit & Haida has received several federal grants for composting and recycling in the past few years. Most recently they were awarded $15 million for regional composting through the EPA Climate Pollution Reduction Grant program. The Solid Waste MOA speaks to open communication, an annual meeting, and sharing of information on waste reduction efforts. The MOA does not commit CBJ or Tlingit & Haida to any joint projects or development, however it does establish the relationship for partnership as CBJ works on zero waste planning and development of a zero-waste subdivision.

The City Manager recommends the Assembly take public testimony on this item and approve the memorandum of agreement.

MOTION by Mr. Steininger to approve the MOA with Tlingit & Haida for Solid Waste and asked for unanimous consent.

Objection by Mr. Kelly to asked if this would have anything to do with any RFQs or other agreements at this time. Manager Koester said that the MOU is just the foundational piece to start those conversations and to help leverage work that Tlingit & Haida may already be working on. She can't answer in any more detail at this time because they have not yet had any of those conversations. ***Mr. Kelly removed his objection.***

Hearing no further objection, the MOA for Solid Waste was approved.

Mayor Weldon thanked the Tlingit & Haida representatives for coming and staying for the long meeting and expressed CBJ's appreciation for the cooperative relationship between CBJ and T&H.

28. Hardship and Senior Citizen/Disabled Veteran/Non-Profit Late-Filed Real Property Tax Exemption Applications

There are 18 property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

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The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

MOTION by Mr. Smith for the record to reflect that the Assembly considered the late filed applications from Violeta Gemino, Gerald Mayeda, Matthew DuBois, William Burgett, Laura Ryan, Edwin Leonard, Anita Bauer, Margaret Wilkinson, Michael Erickson Sr., Diane DeRoux-Sportel, Loretta Vavalis, Keith Hinke, Larray Atkinson, Laura Ryan, Diane DeRoux-Sportel, Robert Dennis Dalman, Saralynn Phelps, and John Sweeney, separately and referred the late filed applications to the City Assessor for review and action and asked for unanimous consent. ***Hearing no objection, that motion was approved.***

29. REGULATIONS - Amendment of Title 05, Chapters 10, 35 & 40: Fees and Charges – Application of Consumer Price Index

Title 05 Chapter 10 – Waterfront Sales Permits, Tour Sales Permits

Title 05 Chapter 20 – Small Boat Harbor, Reserved Moorage Waitlist Fee

Title 05 Chapter 20 – Small Boat Harbor, Harbor Fee Policy

Title 05 Chapter 35 – Small Boat Harbor, Transient Moorage Management Fees

Title 05 Chapter 40 – Small Boat Harbor, Moorage Management Regulations

Title 05 Chapter 45 – Small Boat Harbor, Auke Bay Loading Facility

The Docks & Harbors Board has been reviewing certain regulation changes since February 2024 and has held multiple public committee and board meetings discussing the same. On October 7th, Docks & Harbors commenced the requisite 21-day minimum public notice period. On October 31st, the Docks & Harbors Board held a Special Board meeting to conduct a public hearing consistent with CBJ Code requirements, including fiscal notes. There were no written or oral comments received to these regulation change during the notice period or at the public hearing.

The proposed regulations broadly make the following changes:

(a) Increase the tour sales permit minimum bids by $5,000.

(b) Disallow moorage until all accounts with collections have been paid in full;

(c) Require pre-payments for habitual offenders who have been sent to collections of gone through the impound process;

(d) Establish requirements for uninsured vessels, and

(e) Establish a fee for unauthorized moorage at the Auke Bay Loading Facility.

Of note, under (d) is the replacement of the $0.31 per foot per month "Vessel Salvage & Disposal" fee with an annual, Board adjustable $1.50 per foot per month "Uninsured Vessel Surcharge". This change was necessitated by the large number of uninsured vessels sinking in the Juneau harbors in which Harbor Enterprise funds have been exhausted in resulting disposal costs.

The Docks and Harbors Board and Port Director recommend the Assembly approve these regulation changes.

Mayor Weldon noted that Docks & Harbors Director Carl Uchytil and D&H Board Chair Don Etheridge were present to answer questions from the Assembly if there were any.

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Public Comment

None.

Assembly Action

MOTION by Ms. Adkison to approve the Docks & Harbors Regulations Amendment of Title 05, Chapters 10, 35 & 40: Fees and Charges – Application of Consumer Price Index, and asked for unanimous consent.

Objection by Mayor Weldon for purposes of a question. She asked for clarification on the last paragraph on page 2 as it was a little confusing as to what was being charged annually vs. per month.

Port Director Uchytil explained that the uninsured vessel surcharge is a monthly fee that can be adjusted on an annual basis by the D&H Board without having to bring this back to the Assembly for additional adjustment approval. They are trying to encourage responsible boat ownership and for owners to get insurance for their vessels which is why they have included this regulation language.

Mayor Weldon removed her objection, and the regulations were approved as presented.

P. STAFF REPORTS

30. Direct Negotiation Land Sales, Leases & Exchanges - National Guard Dock

Franklin Dock Enterprises is requesting, in consideration for an easement along the Franklin Dock area, a lease of the National Guard Dock property, owned by CBJ and managed by Docks & Harbors. This property exchange would facilitate CBJ Engineering advancing its efforts to construct a Seawalk from the AJ Dock to the South Franklin Street Dock. The Assembly has previously considered and agreed with this plan at its May 30th COW and at the September 9th LHED Committee meetings.

In order to develop a lease, the Assembly must authorize the manager to commence negotiations:

Title 53.09.260(a) – Negotiated Sales, Leases and Exchanges states that "the proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations…"

If supported by Assembly motion, negotiations with Franklin Dock Enterprises will commence and a new lease will be returned to the Assembly for adoption by ordinance via the Docks & Harbors Board. There are no monetary commitments by CBJ with this motion for direct negotiations with Franklin Dock Enterprises.

The City Manager recommends the Assembly pass a motion authorizing the Manager and/or Port Director to commence negotiations.

MOTION by Ms. Woll to authorize the Manager and/or Port Director to commence negotiations and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

Q. ASSEMBLY REPORTS

Mayor's Report

Mayor Weldon asked members to confirm if they were going to be attending the Alaska Municipal League Annual Meeting. All members, except Deputy Mayor Smith, raised their hands.

Mayor Weldon noted that due to time constraints they would only be addressing those committee reports that needed Assembly action.

Committee and Liaison Reports

AMCO Received 3/20/2025

Ms. Adkison reported that the Assembly Human Resources Committee met just prior to the Assembly meeting and forwarded the following names for appointments to boards and committees and asked for unanimous consent:

Juneau Economic Development Council: the reappointment of Melissa Kookesh, and Aaron Morrison, and the appointment of Todd Schur, all to At-Large Seats on the Juneau Economic Development Council for terms beginning immediately and ending October 31, 2027;

Local Emergency Planning Committee: forwarding the nominations to the State of Alaska Emergency Response Commission the reappointments of

- Warren Russell, Media Seat 6a,
- Christopher Russell, Right to Know Act Seat 8,
- Karen Wood, Community Group Seat 9,
- Ed Williams, Community Group Seat 9a,
- Sabrina Boone-Grubitz, AK Native Tribal Representative Seat 12,
- Rhonda Butler, AK Native Tribal Representative Seat 12a,
- Elaine Hickey, Healthcare Systems Seat 13, and
- Jamie Bursell, Healthcare Systems Seat 13a

all for terms beginning January 1, 2025, and ending December 31, 2027;

and the appointments of Kimberly McDowell, BRH Seat 5, and Rhys Mateo, Vulnerable Populations Seat 11a for terms beginning immediately and ending December 31, 2026, on the Local Emergency Planning Committee.

Hearing no objections, those appointments and nominations were approved by the Assembly by unanimous consent.

Ms. Adkison also reported that the Full Assembly, sitting as the HRC, will meet on December 17 and/or possibly December 19 to consider applicants for the Bartlett Regional Hospital Board and the Planning Commission.

Presiding Officer Reports

None.

R. ASSEMBLY COMMENTS & QUESTIONS

None.

S. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

T. EXECUTIVE SESSION

31. Litigation Update from City Attorney Wright

MOTION by Deputy Mayor Smith to enter into Executive Session to discuss matters of a confidential nature, specifically the candid discussion of pending litigation with the Municipal Attorney and asked for unanimous consent.

Mayor Weldon clarified that they will not be coming back into public session to take any action and would be adjourning the meeting immediately following the executive session.

There being no comments from the public and hearing no objection, the Assembly recessed into Executive Session at 10:29p.m.

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The Clerk informed the listening public that the Zoom broadcast of the meeting was concluded as of 10:29p.m.

U. SUPPLEMENTAL MATERIALS

V. ADJOURNMENT

W. INSTRUCTION FOR PUBLIC PARTICIPATION

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify***. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

There being no further business to come before the Assembly, the meeting was adjourned following the Executive Session at 10:56p.m.

Signed: _____

Elizabeth J. McEwen,
Municipal Clerk

Signed: _____

Beth A. Weldon,
Mayor

AMCO Received 3/20/2025