

SPECIAL ASSEMBLY MEETING 2024-23

DRAFT MINUTES

October 03, 2024, at 12:00 PM

Zoom Webinar Only



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A. CALL TO ORDER

Mayor Weldon called the Special Assembly Meeting to order at 12:02 p.m. via Zoom.

B. LAND ACKNOWLEDGEMENT

Assemblymember Adkison provided the following land acknowledgement: We would like to acknowledge that the City & 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 Michelle Hale, Wade Bryson, Paul Kelly, Ella Adkison, Christine Woll, Alicia Hughes-Skandijs

Assemblymembers absent: Greg Smith, 'Wáahlaal Gidaag

Staff Present: City Manager Katie Koester, Deputy Manager Robert Barr, City Attorney Emily Wright, Municipal Clerk Beth McEwen, Minutes Clerk/Meeting Tech Kevin Allen, Engineering/Public Works Director Denise Koch, Community Development Department Director Jill Lawhorn, Assistant Attorneys Sherri Layne, Nicole Lynch, Risk Manager Chelsea Swick, Administrative Officer II Christina Choquette, Human Resources Manager Cindy Carte, Engineering Grants Manager Ashley Heimbigner

D. AGENDA TOPICS

1. Flood Mitigation Update

Manager Koester provided an overview of what has taken place so far as well as an overview of the memo she included in the packet that included four options for action. She noted that Governor Dunleavy has submitted a request for a Federal disaster declaration but that they were still waiting to hear from the President's office on that request.

Manager Koester said that she was hoping the Assembly will provide her with decisions on the following three items:

- 1) Direct staff to request sandbags from U.S. Army Corps of Engineers (USACE) and develop a plan for distribution.

Manager Koester noted that since the packet was compiled, the USACE identified resources to send USACE experts to Juneau to have a public meeting to help homeowners with all their questions related to their own homes. As such, staff were going to schedule and publicize that as soon as they could get it coordinated. USACE will be giving CBJ 60,000 sandbags. CBJ will need to manage that distribution program.

- 2) A request to approve Emergency Ordinance 2024-34 approving a cooperative agreement with USACE for approximately four (4) miles of HESCO barriers and introduce an emergency appropriation for up to \$2M at the next regular Assembly meeting for installation of Phase 1 (Marion Drive to Killewich Drive to Meander Way), funding source general fund. Manager Koester noted the HESCO barriers would come from the USACE and received at no charge to CBJ, but CBJ would be in charge of installing them.
- 3) Introduction of an appropriation ordinance at the next regular Assembly meeting for \$2M to begin the above process.

Manager Koester said this is the fifth meeting at which they've discussed flood mitigation, and the Assembly has taken the following actions to date:

- Appropriated \$400,000 for mitigation planning, hydrological mapping, and an updated inundation map
- Appropriated \$3M local match for a USACE general investigation study to explore long term mitigation
- Approved \$1,375,000 to repair and protect CBJ infrastructure
- Four (4) Assembly level meetings about flood mitigation

CBJ staff and Assemblymembers have engaged with partner agencies:

- Interagency technocrat meeting on September 6, 2024
- Hosted USACE Civil Engineering for a site visit on long term solutions
- Traveled to Washington DC with Mayor Weldon and Tlingit and Haida to advocate for GLOF mitigation on Sept 19 and 20, 2024
- Hosted USACE Flood Fighting Team week of September 23, 2024

In looking for solutions, CBJ has identified the following short-term and long-term options:

Short Term Solution: Flood Fighting

- Deploy sandbags and information to residents to protect individual property
- Temporary levees – HESCO Barriers along the length of the river, starting where the river jumped its bank in 2024 event.
- CBJ implementing recommendations of THE EXPERTS - US Army Corps of Engineers (USACE)

Long Term Solution: In Progress

- US Army Corps of Engineers (USACE)
 - General Investigation Study (GI) – CBJ has made a request and \$3M appropriation for 50% local match
 - If GI identifies viable construction project(s) they could be funded by USACE with 35% local match

At the end of Manager's Koester's presentation, she stressed the following options before the Assembly with the subsequent staff recommendations.

1. DO NOTHING
2. PROVIDE SANDBAGS and sand to residents for individual property protection
3. INSTALL HESCO BARRIERS just along the areas of the river where it jumped the bank during the August 2024 event
4. INTALL HESCO BARRIERS ALONG THE LENGTH OF THE RIVER.

Staff Recommendation:

- Direct staff to request sandbags from USACE and develop a plan for distribution.
- Approve a contract with USACE for 4 miles of HESCO barriers.
- Introduce emergency legislation at the October 21, 2024 meeting for up to \$2M to install the first phase of barriers, understanding there will be a request for additional funding once more information is available.

Manager Koester then proceeded to answer questions from the Assembly regarding the HESCO installation process, costs, and impacts to private property along the river. She mentioned that City Attorney Wright has

done a good legal analysis in the memo as to what can be done to protect life and property. The hope is to work on getting compliance with landowners and that would be part of the initial work. Under the Emergency Declaration, that is work CBJ can do. She noted that other questions would also need to be decided on the policy level by the Assembly if they would want to try to make anyone whole from the work done by CBJ. Those policy decisions will need to be made by the Assembly when there is more information available.

Attorney Wright then answered additional questions from Assemblymembers.

Assemblymembers expressed concerns about the length of time the HESCO barriers would have to be up if they were used, any expiration of the emergency declaration, and the full extent of what a flood-fighting barrier might look like and if there were areas along the river that would not include the barriers.

Manager Koester explained that, while she is not a hydrologist, her understanding was that there were some areas where it would be beneficial to install the HESCO barriers regardless of whether the whole thing was installed or just a portion. She said once they have a hydrological study, they can be more thoughtful in how to install a Phase 2 approach but for now, they just need to start with Phase 1 at least. She said they would also like to include as much of Phase 2 as is practical.

National Weather Service (NWS) Senior Service Hydrologist, Aaron Jacobs, gave a presentation on the current status of Suicide Basin. He noted at the time of the meeting, the water of Suicide Basin was approximately half full based on the information they have available and that it was rising at least 1 foot per day as the freezing levels have been dropping. He said to put that in context, it would take 145 days to see a full basin. He said the latest they have seen an outburst flood was in October 2022 and the earliest they have seen it release is sometime in early June/mid-May sometime around 2014-2015.

Mr. Jacobs then proceeded to answer questions from the Assembly. In response to Mr. Kelly, he described what a 10.5 ft level flood release might look like if the basin were to release in the fall at the current levels. Mr. Jacobs explained that at the 10.5 feet level, that would be considered moderate flooding, and it would impact those homes located north of the Back Loop Bridge such as View Drive and the USFS campground would be impacted. He said they have seen some changes to the path of the river since the last two events.

Deputy Mayor Hale thanked Mr. Jacobs for his reporting and asked if the basin ever froze up, such as in January. Mr. Jacobs said he didn't believe there was a time of full freeze and that there was always water movement of some kind in the basin, although it does have lower levels in the winter due to less ice melt occurring at that time of year.

Mayor Weldon asked Manager Koester if there were any other presentations at this time or if they could start taking action on the requests from staff.

Manager Koester said they did not have any other presentations.

Mayor Weldon and Deputy Mayor Hale noted that the staff recommendation requests didn't align exactly with the legislation before them so they would take action on the recommendations and then move to the legislation.

MOTION by Deputy Mayor Hale to direct staff to order individual sandbags and provide sand and the sandbags to Juneau residents and asked for unanimous consent. (Option #2)

Mayor Weldon objected for the purpose of a question. She asked the Manager if that was the small sandbags or if this was for the HESCO barriers. Manager Koester clarified that this was for small individual sandbags, and the staff recommendation was located in her memo in the packet, page 5 as "2. Provide Sandbags and send to residents for individual property protection." Mayor Weldon removed her objection. *Hearing no further objection, that motion passed by unanimous consent.*

2. Ordinance 2024-34 An Emergency Ordinance Authorizing the Manager to Execute a Cooperative Agreement with the Army Corps of Engineers for Advance Measure Assistance.

Ordinance 2024-34 approves a cooperative agreement with the United States Army Corps of Engineers for advance measure assistance and allows CBJ to indemnify the United State Army Corps of Engineers (USACE).

Normally the CBJ is prohibited by Charter section 9.13(a) from contractually agreeing to indemnify another party or waive liability. The Charter carves out a limited exception, however, allowing the assembly, by ordinance, for any federal or state grant, contract, lease, program, etc., without which the municipality would not be able to participate.

The USACE has been working with CBJ on advance flood fighting measures. This agreement would allow approximately 4 miles of HESCO barriers to be shipped immediately at no charge to the CBJ for placement along the Mendenhall River. Time is of the essence, as the basin continues to fill and the HESCO barrier installation process must begin as soon as possible. This ordinance would allow the Manager to execute an agreement with USACE for advance flood measures immediately.

The City Manager recommends the Assembly adopt this ordinance.

Public Testimony

Clinton Singletary, a Center Court resident, stated he was in support of the ordinance before the Assembly. He said it was nice to see the city taking some action to fight future flood events. He said that the HESCO barriers being discussed are a reasonable first step for the city to take while a long-term solution is being developed. He noted that they don't come without their challenges but pushing through those challenges is imperative to provide some level of protection for residents and infrastructure. He said the city and Assembly should do everything they can to educate themselves on the science behind these barriers and what is at stake if a long-term solution is not reached. He said these outbursts will continue to occur as the glacier continues to recede and through the research he has seen, they will continue to get worse each year until effective mitigation is in place. He said the city should also step up its efforts to educate the community as to what is at stake. He said he has heard community members state a number of times since the last event that it was just those along the river who were affected, and he said future events may impact even larger portions of the valley. Lastly, he urged the Assembly to take a hard look at the finances for mitigations and repairs and the CBJ Assembly should reexamine its budget choices to be prepared and able to mitigate and respond to future events even if they are unpopular.

Sandra Edwardson, a Killewich Drive resident, spoke in support of Option #4 regarding the immediate mitigation of a potential outburst in the community. She said the recent reports from the City Manager indicates that there may be another outburst within a few weeks, although they just heard that it may not actually happen. This underscores the need for the Assembly to take urgent action to protect our residents, particularly the 290+ families living in the Mendenhall Valley, who are currently at risk for significant property damage. She said in a perfect world, we would have a long time to be able to develop comprehensive and long-term strategies for flood mitigation, however, given the circumstances, they must provide immediate measures that could provide for effective protection. The proposal for the USACE to install sandbags along the Mendenhall River provides for a timely and practical solution. This approach allows the city to mobilize quickly and establish a temporary barrier to redirect waterflow to reduce the danger of flooding in certain areas. While sandbags are not a permanent fix, this option demonstrates a commitment to safety and the wellbeing of the community. It is essential to act now to minimize additional damage and to reassure the residents. She urged the Assembly to consider the pressing nature of the situation and to support option 4.

Mayor Weldon noted that Mr. Sam Hatch was signed up to testify but on something other than this ordinance. She asked if he wished to speak to this ordinance to raise his hand and he would be allowed to talk at this time. Mr. Hatch raised his virtual hand but when allowed to speak, it appeared he was having technical difficulties on his end, and he could not be heard by those in the meeting.

Assembly Action

MOTION by Deputy Mayor Hale to adopt **Ordinance 2024-34 An Emergency Ordinance Authorizing the Manager to Execute a Cooperative Agreement with the Army Corps of Engineers for Advance Measure Assistance** and asked for unanimous consent.

Objection by Ms. Woll to ask a question about the order of the other staff recommended actions and if it was Ms. Hale's intention to also introduce the other appropriating ordinance after this motion.

Mayor Weldon said at this time, they were just taking action on the Emergency Ordinance 2024-34.

Mayor Weldon said the next step would be to introduce an appropriating ordinance at the October 21, 2024 meeting for \$2M to install the first phase of the HESCO barriers. Ms. Woll asked if that ordinance needed to also be introduced at this meeting. Mayor Weldon said she would look to Manager Koester for the timing for an emergency appropriation at the October 21 meeting.

Manager Koester said Mayor Weldon was correct, staff was requesting the Assembly pass a motion at this meeting to request an emergency appropriation resolution be prepared for the October 21 regular Assembly meeting. That would provide the public with advance notice of the Assembly's intent and since a resolution only takes one meeting to pass, it would provide them with notice of the opportunity to comment on the resolution.

Ms. Woll and Mayor Weldon expressed some confusion as to whether an additional motion would be required at this meeting to instruct staff to introduce an emergency appropriating ordinance. Just as Manager Koester was about to answer that question, Mayor Weldon had technical difficulties and was disconnected from the Zoom meeting (at 12:58p.m.). Deputy Mayor Hale then took over as Acting Mayor.

Deputy Mayor Hale noted that it was her intention, following this motion on Ordinance 2024-34, to make a motion to request staff to draft an emergency appropriating resolution for \$2M to install the first phase of the HESCO barriers to be brought forward at the October 21 meeting.

Mayor Weldon returned to the meeting at 1:00p.m. via phone.

Objection by Ms. Woll for a statement. Objection by Ms. Hughes-Skandijs also for making a statement.

Ms. Woll said she was interested in continuing to move this process forward and order these barriers. She said she had lots of concerns about the feasibility of this project and she wanted to look at all options to protect these houses from flooding. This will have a significant impact on the community and there are a variety of concerns that she would like to hear some community feedback about. She said she was excited that there will be some homework to do between now and October 21 and she would like to hear how comfortable people will be in putting these things in their yards. The Assembly was really going to have to have the support of those residents and the community to make this work because having to piecemeal it here and there will not do the job. She was glad that staff were going to go out and have conversations with the residents and look at the soil conditions and provide additional information to the Assembly on October 21 and she wanted to hear from the public about that, especially from the residents who will be affected. She said that we currently have some money in our emergency reserve funds and that is what those funds are for, but it will take work to refill those coffers if they end up spending the amounts of money that they think it may take to do the flood fighting they've been discussing. As such, she also wants to hear from the public about what their thoughts were on potential increases in taxes and/or reductions in other services. She said she had heard from a lot of people but would like to hear more and know that people understand that this will be a big financial lift for our community to figure out how to pay for it. She said while she was hesitant and nervous about this, she was also looking forward to hearing more at the October 21 meeting. She then removed her objection.

Ms. Hughes-Skandijs removed her objection.

Mayor Weldon called for any other objections to the motion.

Ms. McEwen noted that Mr. Kelly had his hand raised and she also noted that because this was an emergency ordinance, it requires an affirmative vote of at least six members to pass. Mr. Kelly said that was the reason his hand had been raised to ask that parliamentary question, so he removed his objection.

Hearing no further objection, Ordinance 2024-34 was adopted by unanimous consent.

Mayor Weldon asked Manager Koester if they needed to pass a motion to introduce an emergency ordinance at the October 21 meeting or if she was going to do that anyway. Manager Koester said her preference would be for the Assembly to pass a motion to bring that to the October 21 meeting.

MOTION by Deputy Mayor Hale to direct staff to draft an emergency ordinance up to \$2M dollars to fund flood fighting and asked for unanimous consent.

Objection by Mr. Kelly for a question to Ms. Hale about her use of the term “ordinance” and if that should in fact be an emergency resolution.

After discussion by the Mayor and Manager, Ms. Hale amended her motion to replace the word “ordinance” with the word “legislation” and staff will determine the appropriate method by which to bring it back to the Assembly.

Objection by Ms. Hughes-Skandijs for purposes of a statement. She said there are a lot of people watching this meeting. She said she appreciated Mr. Singletary’s comments and she was also nervous about this because there are so many unknowns. She said since there are only six members of the Assembly in this meeting, she understands the need for speed now and she will be voting to move this forward. She also wants to be sure the community understands that they will need to work through this thoughtfully and, in a nuanced way, to figure out the best path forward from the financial end as it may require potentially raising taxes or the need for significant service cuts. She wanted to acknowledge that we are in a lucky position to be able to make use of these emergency funds now but she knows there will be some hard work required ahead when urgent decisions are not before them.

Deputy Mayor Hale said she also appreciates Mr. Singletary’s comments and that while this has affected a number of households, future events may exponentially affect additional homes and she is thankful they are taking steps to help mitigate that in the future.

Mayor Weldon then dropped off the Zoom meeting at 1:09p.m. During Mayor Weldon’s absence, Ms. McEwen confirmed that both Mr. Kelly and Ms. Hughes-Skandijs had removed their objections.

Mayor Weldon came back into the Zoom meeting at 1:10p.m.

Mayor Weldon said she also wished to make a statement. She said staff have been working non-stop since the event and that many of them have not had much sleep since the August flood. She cautioned community members that while this was a tragic event for the whole community and they know that what they are looking at is a short-term solution, it may also become a long-term solution as well so people should be aware of that. Mayor Weldon said she also agreed with Ms. Woll and Ms. Hughes-Skandijs that they will need to look hard at where the money will be coming from to fund these solutions. Mayor Weldon removed her objection.

Mayor Weldon noted that hearing no further objections, the motion passed by unanimous consent.

Mayor Weldon then asked Manager Koester if she had anything else that needed to come before the body.

Manager Koester reported that they have done a soft launch of a new system for homeowners to be able to sign up for emergency alerts and alerts on a wide variety of city-related issues. She said that it will be a serious upgrade to communications with our community that has been a long time in the making. She said they will be sending out information to the public later that day about how to register to receive those notifications.

Mayor Weldon said that in addition to the alert system, she is still working with staff on other potential alerts such as area sirens.

- E. 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.)

INSTRUCTIONS FOR PUBLIC PARTICIPATION

The public may participate via Zoom webinar only. Testimony time was limited by the Mayor based on the number of participants. ***Members of the public that wanted to provide oral testimony were required to notify the Municipal Clerk by 10:00am the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.*** Members of the public were encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

Mayor Weldon asked if Mr. Hatch was still in attendance and allowed him this opportunity to speak. Mr. Hatch was unmuted but still unable to be heard by those in attendance. Mayor Weldon encouraged Mr. Hatch to send any comments to BoroughAssembly@juneau.gov.

Ms. McEwen encouraged members of the audience to send comments to the BoroughAssembly@juneau.gov email and if they had any questions about the flood issues to send them to the FloodResponse@juneau.gov email address.

F. ADJOURNMENT

There being no further business to come before the body, the meeting was adjourned at 1:13p.m.

Signed: _____

Elizabeth J. McEwen,
Municipal Clerk

Signed: _____

Beth A. Weldon,
Mayor