

THE CITY AND BOROUGH OF JUNEAU, ALASKA
Regular ASSEMBLY MEETING
DRAFT Meeting Minutes – August 1, 2022

MEETING NO. 2022-18: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held in the Chambers and virtually via Zoom Webinar and called to order by Mayor Beth Weldon at 7:00p.m.

I. FLAG SALUTE

Deputy Mayor Maria Gladziszewski led the flag salute.

II. LAND ACKNOWLEDGMENT

Assemblymember Greg Smith provided the following land acknowledgment:

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!

III. ROLL CALL

Assemblymembers Present: Mayor Weldon, Deputy Mayor Maria Gladziszewski, Christine Woll, Michelle Hale, Greg Smith, Carole Triem, Alicia Hughes-Skandijs, and Wade Bryson; Assemblymember ‘Wáahlaal Gíidaak joined via Zoom at 7:07p.m and left at 8:41pm.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Engineering/Public Works Director Katie Koester, Finance Director Jeff Rogers, Lands Manager Dan Bleidorn, Parks and Recreation Director George Schaaf, Deputy Parks and Recreation Director Michele Elfers, and Assistant City Attorney Sherri Layne

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: First Juneau-Based Ukrainian Refugees

Mayor Weldon welcomed Juneau’s first Ukrainian refugees Iryna Hyrnchenko and her son Ivan Hyrnchenko. Ms. Hyrnchenko said that the war her country is currently fighting is beyond words to describe and she thanked the people of Juneau for their warm welcome for their support and understanding during this difficult time.

B. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform or to sign up at the back of the Assembly Chambers for those in person wishing to testify.

V. APPROVAL OF MINUTES

- A. June 13, 2022 Regular Assembly Meeting 2022-13 DRAFT Minutes
- B. June 14, 2022 Special Assembly Meeting 2022-14 DRAFT Minutes
- C. June 15, 2022 Special Assembly Meeting 2022-15 DRAFT Minutes
- D. June 27, 2022 Special Assembly Meeting 2022-16 DRAFT Minutes

MOTION by Ms. Woll to approve the minutes of the June 13, 14, 15, and 27, 2022 Assembly meetings and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

None. The agenda was approved as presented.

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Albert Shaw, said that he spoke to the Assembly a couple of months ago about the placement location of the gondola at Eaglecrest. He said that since his testimony to the Assembly, he has met with Eaglecrest Manager Dave Scanlan and he found that the location Mr. Shaw was suggesting would not have enough room for the base of the gondola. Mr. Shaw stated that an Eaglecrest masterplan was not created until a number of years after Eaglecrest was already established.

Mr. Shaw, in speaking to the matter of the Tulsequa Mine, said that between the 1930s and 1950s, Juneau did extremely well financially as a result of that mine. He said that the original claim holders lived in Douglas and that Alaska Coastal brought in a special plane to fly material in there which meant that they had people who were making money. He said that the Reishel's had the barge system that would bring supplies up the river. He said that the Baranof Hotel did very well as a result of the mine. He said that in 1948, he bought \$100 Canadian dollars with \$80 US dollars. He said he was sharing this information to highlight the fact that while there are serious issues with Tulsequa at this time, there was a lot of money made in Juneau as a result of the mine in those early decades.

Mr. Carl Uchytel, from Douglas, speaking on behalf of the American Society of Civil Engineers, invited the Assembly to attend an event on September 10, 2022 commemorating the dedication of the Salmon Creek Dam as an American Society of Civil Engineers National Historic Landmark. He said that this will be the third National Historic Landmark in Alaska with the first two being the Alaska Highway ("The ALCAN") and White Pass. Mr. Uchytel noted that the Salmon Creek Dam is the first constant angle, variable radius dam that was constructed in the United States. It was constructed between 1912 and 1914 and credit for this Historic Landmark dedication goes back to the work of Scott Willis who was an engineer with Alaska Electric Light & Power who passed away approximately 6 years ago. There will be people from all of the United States coming to commemorate this event.

Mr. Adam Leon, spoke on behalf of Shoshana Gungerstein who was running for U.S. Senate. He said that she is based out of Juneau and he wanted to be sure the Assembly and public were aware that someone from Southeast was running for the U.S. Senate.

VIII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda and asked for unanimous consent.

Hearing no objection, the Consent Agenda was adopted by unanimous consent.

1. Ordinances for Introduction

a. Ordinance 2022-41 An Ordinance Authorizing the Manager to Execute a Lease with the Juneau Arts and Humanities Council for Use of the Juneau Arts and Culture Center Building.

The State of Alaska conveyed the former Armory Building and property to the City and Borough of Juneau in 2006. In 2007 the City began leasing the building now known as the Juneau Arts and Culture Center (JACC) to the Juneau Arts and Humanities Council (JAHC) to rent and manage the performance and exhibit space for community arts and cultural events. This ordinance will authorize the JAHC to continue to lease and operate the JACC for the benefit of the community by providing arts and cultural opportunities for Juneau and the surrounding Southeast communities. In identifying the JAHC's nonprofit status and the public service it provides, the Assembly has leased the JACC to the JAHC at less than fair market value in accordance with CBJC 53.09.270. The LHED Committee reviewed this lease request at its June 27 meeting and provided a motion of support to continue to lease this property to the JAHC for the lease rate of \$500.00 per month for the first three years and \$1,000.00 per month for the last two years.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next Assembly meeting.

b. Ordinance 2022-06(b)(F) An Ordinance Appropriating \$9,563 to the Manager for the Statter Harbor Phase IIIC Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.

Docks and Harbors has been awarded an additional \$9,563 in Clean Vessel Act grant funding from the Alaska Department of Fish and Game to construct, manage, and maintain sewage pump-out stations in Statter Harbor. This award increases the grant appropriated under Ordinance 2019-06(AF). A local match requirement of \$3,188 will be provided by previously appropriated funds from the Statter Harbor Phase IIIC CIP (H51-108).

The Docks and Harbors Board approved this request at the July 28, 2022 meeting.

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

c. Ordinance 2022-06(b)(G) An Ordinance Appropriating \$5,000,000 to the Manager for the North State Office Building Parking Capital Improvement Project; Grant Funding Provided by the Alaska Department of Commerce, Community, and Economic Development.

CBJ has been awarded a \$5 million designated legislative grant through the Alaska Department of Commerce, Community, and Economic Development. This grant provides partial funding for the planning, design and construction of additional parking levels above the North State Office Building Parking Garage. Additional project funding will be provided by temporary 1% sales tax, if extended by voters during the October election. This project is #10 on CBJ's FY23 Legislative Priority List.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

d. Ordinance 2022-06(b)(H) An Ordinance Appropriating \$292,000 to the Manager for the Eagle Valley Center Capital Improvement Project; Grant Funding Provided by the Rasmuson Foundation.

The Rasmuson Foundation has awarded CBJ a \$292,000 grant to renovate the Eagle Valley Center. This grant funding will supplement the 2020 voter approved general obligation bond funding for energy efficiency improvements. With the grant funding, the project work will include a new, more efficient exterior building shell, new windows and doors, electric boiler and hot water system, electrical upgrades, a potable water filtration system from a well, rot removal, and site drainage improvements.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

e. Ordinance 2022-06(b)(J) An Ordinance Transferring \$116,600 from the Manager's Office to Engineering and Public Works for Grant Writing and Consulting.

This ordinance would transfer \$116,600 from the Manager's Office to Engineering and Public Works for grant writing and consulting. The grant writer position was created in FY22 and funded by Ordinance 2021-08(b)(am)(H) in an effort to identify, prioritize, and pursue funding opportunities available to the city from an unprecedented level of federal stimulus infused into the economy. Establishing the grant writer position in Engineering and Public Works facilitates collaboration and partnership between grant writing and likely infrastructure grant recipients within CBJ (such as Transit,

Streets, etc.). The grant writer position will be partially funded by CIPs, making available additional funding for grant consulting from Blank Rome, LLP.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

2. Resolutions

a. Resolution 2997 A Resolution of the City and Borough of Juneau Supporting the Operational Needs of the Juneau District Heating Proposal in the Downtown Vicinity.

Our Congressional delegation, led by Senator Sullivan, is proposing legislation which would authorize conveyance of the downtown NOAA dock to CBJ at fair market value. Docks & Harbors has long viewed this NOAA facility as integral to contiguously link the Juneau waterfront from the bridge to AJ Dock and is critical to advancing envisioned development. Since 2017, Juneau District Heating has been in discussion with NOAA to conceptually plan for seawater supply and discharge lines to be located from their Subport Lot at 300 Egan Drive through the existing NOAA dock. The intent of Resolution 2997 is to reassure, in the event CBJ acquires the NOAA dock, that the needs and interests of Juneau District Heating will be reasonably accommodated by CBJ.

The City Manager recommends the Assembly adopt Resolution 2997.

b. Resolution 2998 A Resolution Supporting the City and Borough of Juneau's Application for a Safe Streets for All Planning Grant to Develop a Safety Action Plan and Committing to Zero Roadway Fatalities by 2050.

This resolution supports CBJ's application to the federally funded Safe Streets for All program for a grant to develop a Safety Action Plan and commits CBJ to zero roadway fatalities by 2050. Such a commitment is required by the grant.

The plan will analyze historical safety data and trends and recommend projects and initiatives. A Safety Action Plan will allow CBJ to be eligible for future implementation grants for specific projects such as Lemon Creek Multimodal Path. It will also facilitate advocating with ADOT for safety improvements on state roads. The grant requires a 20% which would be appropriated from area wide street sales tax.

The City Manager recommends the Assembly adopt Resolution 2998.

c. Resolution 2989(b) A Resolution Encouraging the Prompt and Full Closure and Cleanup of the Tulsequah Chief Mine and Urging the British Columbia Government to Oppose any Extension of the Receivership Process.

The Tulsequah Chief Mine is located approximately 10 miles from the Alaska border and upstream from the Taku River. The Tulsequah Chief Mine closed in 1957 and acid rock drainage has been leaching since. The Taku River is usually Southeast Alaska’s largest overall salmon producer, with Southeast’s largest run of coho and king salmon. The Taku River basin is of tremendous and unique ecological, customary and traditional use, cultural, commercial, and recreational fisheries value. As a community with substantial cultural, economic, and recreational connections to the vitality of the Taku River basin, this resolution would join the City and Borough of Juneau Assembly into calling for the prompt closure and cleanup of the Tulsequah Chief Mine.

This resolution is at the request of the Deputy Mayor and the City Manager has no recommendation on this policy matter.

3. Bid Award

a. Augustus Brown Pool Mechanical and Electrical Upgrades, BE23-019

This project consists of renovation of the existing 17,700 SF pool building to replace existing mechanical and electrical equipment that is past its useful life, and making code-required and functional improvements to the building's architectural layout. The alternate work includes replacement of leisure pool finishes and the main entrance doors and finishes.

Bids were opened for this project on July 26, 2022. The bid protest period expired at 4:30 p.m. on July 27, 2022. Results of the bid opening were as follows:

Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Dawson Construction LLC	\$3,498,000	\$384,500	\$175,700	(\$32,000)	\$4,026,200
Schmolck Mechanical Contractors	\$3,731,757	\$371,940	\$218,570	(\$55,000)	\$4,267,267
Architect's Estimate	\$2,555,000	\$200,500	\$50,000	(\$40,000)	\$2,765,500

The City Manager recommends award of this project to Dawson Construction, LLC, for the base bid and alternates 1 and 2 for a total amount of \$4,058,200.

b. Centennial Hall Ballroom Renovation, BE22-204

This project renovates the ballrooms at Centennial Hall including HVAC, flooring, and room dividers. The alternate work includes structural upgrades and additional acoustical wall paneling. Bids for the project came in over original estimates, which will require using more of the \$2.8M added with the 2023 CIP than originally anticipated. Staff expects approximately \$1.6M to remain available for future projects at Centennial Hall.

Bids were opened for the project on July 27, 2022. The bid protest period expired at 4:30 p.m. on July 28, 2022. Results of the bid opening were as follows:

Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Carver Construction LLC	\$6,038,165	\$302,730	\$120,382	(\$40,878)	\$6,420,399
Dawson Construction LLC	\$6,264,450	\$237,500	\$106,230	(\$51,775)	\$6,556,405
Alaska Commercial Contractors, Inc.	\$6,378,000	\$330,000	\$145,000	(\$36,000)	\$6,817,000
Island Contractors, Inc.	\$7,070,000	\$330,000	\$115,000	(\$38,600)	\$7,476,400
Architect's Estimate	\$5,560,000	\$290,000	\$245,000	(\$115,000)	\$5,980,000

The City Manager recommends award of this project to Carver Construction, LLC, for the total amount bid of \$6,420,399.

IX. PUBLIC HEARING

A. Ordinance 2022-34 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2023, and Providing for a Ballot Question Ratifying the Levy.

This ordinance would place the question of extending the 1% temporary sales tax on the October 4, 2022, regular municipal election ballot. The current 1% temporary sales tax expires on September 30, 2023. If approved, the temporary 1% tax would be extended for five years, until September 30, 2028.

If extended, the temporary tax is estimated to generate a total of \$60.2 million in sales tax revenue. The Assembly has designated funds to the following projects areas:

- Deferred maintenance of CBJ and JSD facilities
- Replacement public safety equipment for JPD and CCFR
- Redevelopment of Gastineau Avenue, Telephone Hill, and North SOB Parking Garage
- Affordable housing initiatives, including further development of Pederson Hill
- Harbor expansion and maintenance
- Childcare support
- Lemon Creek multi-modal path
- Relocation of City Museum
- Contribution to the Restricted Budget Reserve
- Information technology upgrades

This topic was reviewed by the Assembly Finance Committee at its meeting on March 12, and by the Committee of the Whole at its meetings on May 2 and June 27. The Committee of the Whole recommended the ordinance be brought to the full Assembly for consideration. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Aaron Spratt, a Valley resident, said that he is opposed to any extension of taxes and that the Assembly should be cognizant of the public image they are presenting. He said the plan is to raise \$60.2 million in revenue from this 1% tax and the first item listed is CBJ and JSD facilities. He reminded the public that the next item for public comment is to allocate \$35 million for a new City Hall. He said CBJ is requesting this temporary/permanent 1% sales taxes that keep going on and on to fund maintenance on properties and questioned whether CBJ would allocate any of the money appropriately. He said that while these are all great projects, in light of the current economy and inflation, he is strongly opposed to the continuation of any tax and is in favor of less government and keeping the money in the hands of the people.

Assembly Action

MOTION by Mr. Bryson to adopt *Ordinance 2022-34 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2023, and Providing for a Ballot Question Ratifying the Levy* and asked for unanimous consent.

Ms. Gladziszewski objected for purposes making a comment. She said that the Assembly received comments from the public on a variety of these items and she said that most of these things will come back to the Assembly for specific appropriations. She noted that a number of the comments related to harbor expansion as well as a harbor project in North Douglas that is not on this list. She stated that all the various projects will be before the Assembly for future appropriation and members of the public can comment on those individual projects at that time. Ms. Gladziszewski removed her objection.

Hearing no further objection, the motion passed by unanimous consent.

B. Ordinance 2022-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$35,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022.

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$35 million for the construction and equipment of a new city hall. The total project cost, with underground

parking, is currently estimated at \$41.3 million, and the Assembly has already appropriated \$6.3 million of general funds.

The new city hall would be built on Whittier Avenue, across the street from the state museum. A new facility would have a number of positive attributes for the City and our citizens, including the following: an end to office space rent payments in excess of \$800,000 annually, the freeing up of historical apartment spaces, and the ability for customers and employees to do municipal business in a more efficient manner as CBJ offices would be located in one place, instead of five different locations. Additionally, a new structure would be more economical to maintain; the existing City Hall is one of our most expensive municipal buildings to maintain.

The Committee of the Whole selected 450 Whittier Avenue as the preferred site for a new city hall during the April 11, 2022 meeting. The Assembly requested staff draft an ordinance to submit a proposition to the voters on the October 4, 2022 election ballot during the June 6, 2022 Committee of the Whole meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Rob Steedle, a resident of West 10th Street, said that as a former CBJ employee he would like to share his perspective of having worked in City Hall and other downtown office locations for 25 years. He said that he knows first-hand the inefficiencies that those inadequate spaces create. He said that the idea of building a purpose-built modern City Hall is not a new one and CBJ would do well to upgrade its facilities. However, he also thinks that this is not the time to do so for three reasons:

- 1) The pandemic disrupted the way we do business and we may not fully return to working in offices as we have done in the past. He said that there has not been such a profound shift in the workplace in our lifetimes and that the shift is not complete. Mr. Steedle said that given such rapid changes, could we really know all of the requirements for a new City Hall right now.
- 2) Mr. Steedle said now is not the time for a major new construction project, given the rising materials costs, materials shortages, increasing transportation costs, and increasing interest rates.

Mr. Steedle met his time limit and did not share his third reason.

Ms. Hale asked Mr. Steedle that if he feels that now is not the correct time, in his opinion when would be the right time be. Mr. Steedle said that they need more clarity about the office requirements of the future but more importantly, he thinks this is a diversion from a more pressing problem which is to address the need for housing.

Mr. David Ignell, a West Juneau resident, said that he can't fathom why the city is considering spending \$35 million on a new City Hall when there is infrastructure within the city that needs to be addressed, specifically storm drains. He said that his property is being eroded by upstream erosion or upstream water which has been diverted. He said that this has been a problem for many years. As properties in West Juneau and Douglas have been developed on the uphill side of the road and as

wetlands are being built upon, all that water is running downhill. He said that has unfortunately caused his house and property and that of other neighbors to have eroded as a result. He said those infrastructure problems need to be addressed before they consider building new office buildings. In looking at this, he noticed that the manager's report notes it will save \$800,000 per year in office rents. He suggested that some of that may be inflated due to those expenses being attributable to other expenses such as utilities, taxes and other things.

Mr. Smith asked if Mr. Ignell has discussed his storm drain issues with Engineering/Public Works staff. Mr. Ignell said that yes, he has discussed those issues with numerous members of staff. Mr. Smith said he will follow-up with Director Koester on that issue.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt *Ordinance 2022-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$35,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022* and asked for unanimous consent.

Objection by Ms. Gladziszewski. She said that she agrees with many of the concerns that were raised by Mr. Steedle. She also said that she thinks the city should be looking at all of its offices and consolidating. She does understand that the current City Hall does need some work but this is not the time to ask the voters to vote on this issue as there are other facilities that may be repurposed. She cited that the current City Hall used to be a fire station.

Mr. Smith said that he also shared similar concerns as those raised by Ms. Gladziszewski and that in the long term he thinks the idea of a new City Hall has merit as the City plans to be in business indefinitely, but he does not think this is the correct time to place it on the ballot.

Mr. Bryson said that they have been working on this at Public Works and Facilities Committee as well as at the Committee of the Whole for the past two years. He said that the situation CBJ is currently in a worst case scenario, with renting so much office space and City Hall needing significant repairs. He said that the \$800,000 a year rent is closer to \$900,000 and will be closer to a million in a couple years and that spending taxpayer money to pay rent should be criminal. He said that by doing this, there could be 24 apartments added back to the community which would move housing in the right direction. He said that the most critical piece to him is that the "Not do anything" option costs more over the next 30 years than building a new City Hall. He said building a new City Hall provides the greatest benefit to the most Juneauites throughout the longest period of time.

Ms. Triem spoke in support of this Ordinance for two main reasons. First is that the current City Hall needs an immense amount of expensive maintenance to maintain. Second is that the debt load is low, so issuing new bonds will not raise taxes. Ms. Triem said she understands this is not a politically popular issue but supports it anyway.

Ms. Hale asked Mr. Watt if the bond passes when the City would go into the design phase for the new building and would they be able to incorporate some of the changes in office needs that have emerged from the pandemic and teleworking. Mr. Watt answered that the design is conceptual at this point and anticipating some flexibility in the building, but believes that a centralized workplace is better for CBJ and the public. Ms. Hale said she is in support of this Ordinance.

Mayor Weldon said she will also vote yes on this Ordinance and said she feels there is a strong business case for why CBJ needs a new City Hall.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-37:

Ayes: Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Ms. Triem; Ms. Woll; ‘Waahlaal Gíidaak, Mayor Weldon

Nays: Mr. Smith, Ms. Gladziszewski

Motion passed. Seven (7) Ayes, Two (2) Nays.

C. Ordinance 2022-38 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$6,600,000 to Finance Construction and Equipping of Park Improvements within the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022.

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$6.6 million for the construction and equipment of park improvements within CBJ, including:

- Turf and track surfacing for sports facilities at Adair Kennedy Park
- A new public use cabin
- Areawide trail maintenance

The Committee of the Whole discussed this request during the June 27, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

This ordinance was introduced at the request of the Mayor. The City Manager does not have a recommendation on this ordinance.

Public Comment

Ms. Heidi Richards-Mazon, from Lemon Creek, said she has three children who use the parks facilities in CBJ. She has shoveled the Adair Kennedy turf field by hand for the last six years because snow blowers are not allowed due to the condition of the surface. She said that she has walked the track for many years and that it is in bad condition. She fully supports this bond.

Mr. Jim Ayers, from Auke Bay, said that Adair Kennedy is a park dedicated to the memory of Richard James Adair and Jimmy Earl Kennedy who gave their lives in sacrifice to our community and that the

park reflects our culture, community, and our commitment to one another. He said the softball and baseball fields are an eyesore and that this bond is a critical action in strengthening our community. He supports this bond and asked the Assembly to exert their influence to help the bond pass.

Mr. Ryan O’Shaughnessy, from Downtown Juneau, is the executive director of Trail Mix, Inc. He urged the Assembly to support this Ordinance and give the voters a chance to put funding towards the community’s trails.

Assembly Action

MOTION by Ms. Triem to adopt *Ordinance 2022-38 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$6,600,000 to Finance Construction and Equipping of Park Improvements within the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022* and asked for unanimous consent.

Objection by Ms. Woll, who said she does not believe this Ordinance has had enough public process. While she is not against any of the specific projects, she would like the Assembly to put more work into this before it goes before the voters.

Ms. Hughes-Skandjis said she also feels like this Ordinance has not had due public process. She said she loves the park system and the public had compelling public testimony, but she does not feel comfortable with a bond given some structural deficits that have been raised at previous Finance meetings and where this project fits in the largest context of the Assembly goals. She said a lot of work has been put forth on the 1% Sales Tax projects, while this bond has not gone to a Finance meeting or some of the other committees.

Mr. Smith said that recreation and sports are critical to our community and that he has been working on this Ordinance for months and said it was his fault that it did not come to various committee meeting earlier. He supports bringing this to the voters to decide.

Mayor Weldon also supports this Ordinance, and noted there is extreme public support for this project.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-38:

Ayes: Ms. Triem; ‘Waahlaal Giidaak; Mr. Smith; Mr. Bryson; Ms. Gladziszewski; Mayor Weldon
Nays: Ms. Woll; Ms. Hughes-Skandjis; Ms. Hale;

Motion passed. Six (6) Ayes, Three (3) Nays.

D. Ordinance 2021-08(b)(am)(AT) An Ordinance Appropriating \$500 to the Manager for the Bartlett Regional Hospital Rainforest Recovery Center; Funding Provided by a Donation from the Second to None Motorcycle Club.

This ordinance would appropriate a \$500 donation from the Second to None Motorcycle Club for Bartlett Regional Hospital's Rainforest Recovery Center to support addiction rehabilitation and recovery programs throughout the state.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None

Assembly Action

MOTION by Ms. Hale to adopt *Ordinance 2021-08(b)(am)(AT) An Ordinance Appropriating \$500 to the Manager for the Bartlett Regional Hospital Rainforest Recovery Center; Funding Provided by a Donation from the Second to None Motorcycle Club* and asked for unanimous consent.

Ms. Hale said this is a heartfelt donation from a group outside of Juneau and that it is an honor to receive this donation.

Hearing no objection, the ordinance passed by unanimous consent.

E. Ordinance 2022-06(b)(E) An Ordinance Appropriating \$40,000 to the Manager to Conduct a Statistically Valid Survey of Juneau Voters Related to Removing Sales Tax on Food; Funding Provided by General Funds.

This ordinance provides funding to the Manager to contract with a research firm experienced in conducting statistically valid surveys. The firm will provide survey design services and conduct the survey. The survey will begin with education on the topic and conclude with questions that 1) assess whether or not the survey taker approves of removing sales tax on food, and 2) regardless of their approval, seeks input on the method by which CBJ revenue should be replaced if sales tax were removed from food. Revenue replacement options would include annual sales tax, seasonal sales tax, and property tax. The Assembly discussed and decided to proceed with this survey at its June 27, 2022 Committee of the Whole meeting.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None

Assembly Action

MOTION by Ms. Woll to adopt *Ordinance 2022-06(b)(E) An Ordinance Appropriating \$40,000 to the Manager to Conduct a Statistically Valid Survey of Juneau Voters Related to Removing Sales Tax on Food; Funding Provided by General Funds* and asked for unanimous consent.

Objection by Ms. Hale for purposes of a question. Ms. Hale asked if the Assembly would be able to provide input on the survey before it went to the public. Mr. Watt said the Assembly would have an opportunity to be involved at a high level.

Objection by Ms. Triem, who said that she feels CBJ has the ability to conduct a statistically valid survey by putting the question to the voters. Ms. Triem says this will not reduce any work for CBJ staff, the assembly, or the public and that it is a waste of time and money.

Mr. Bryson said that this is not the first time this topic has come up with Assembly, and supports this ordinance because he believes this will provide a definitive answer.

Ms. Gladziszewski said she agrees with Ms. Triem that this should be on the ballot as an advisory vote, and noted that it would then need to be on the ballot again the following year to be binding.

Ms. Hughes-Skandjis said she will support this survey and was disappointed that they did not get to a full vote of the people. She said she wants the Assembly to contemplate which issues they decide they need public survey information for and which issues they move forward on without public surveys.

Mayor Weldon said she will support this ordinance and that she felt there was not enough public testimony on sales tax exemption on food.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(E):

Ayes: Ms. Woll; ‘Waahlaal Gíidaak; Mr. Smith; Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Ms. Gladziszewski; Mayor Weldon

Nays: Ms. Triem;

Motion passed. Eight (8) Ayes, One (1) Nay.

F. Ordinance 2022-06(b)(B) An Ordinance Appropriating \$20,000 to the Manager for Short-Term Rental Data Collection; Funding Provided by Hotel-Bed Tax Funds.

The Assembly discussed the topic of short-term rentals and provided direction to begin the process of collecting data on short-term rentals so the Assembly can be better equipped to make policy decisions. This appropriation would enable the Manager to contract with a third-party vendor that monitors short-term rental websites to report data about the location and ownership of short-term rental units, number of nights rented, type of short-term rental (i.e. full-house, shared house, apartment), and estimated rental rates.

In addition to the June 6, 2022 Committee of the Whole meeting, the Assembly discussed the registration piece of this topic at its July 7, 2022 Finance Committee meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None

Assembly Action

MOTION by Mr. Smith to adopt *Ordinance 2022-06(b)(B) An Ordinance Appropriating \$20,000 to the Manager for Short-Term Rental Data Collection; Funding Provided by Hotel-Bed Tax Funds* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

G. Ordinance 2022-06(b)(C) An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds.

In October 2020, the Assembly adopted Ordinance 2020-47(am) to require the disclosure of real estate transaction prices to the Borough Assessor. Due to lack of compliance and legal issues with the confidential provision with the original ordinance, the Assembly amended the law by ordinance in February 2022 to make sales prices public and institute a civil fine for failure to disclose. A referendum to repeal these ordinances has been certified for the October 2022 ballot. The Assembly's stated intent with these ordinances was to give the Assessor more access to market sales information in the interest of more accurate assessments for all property owners. A repeal would give the Assessor less information which would force the Assessor to speculate about real estate market activity. Less sales information and more speculation about the market would result in less accurate assessments that are more prone to surprising value corrections. With passage of this appropriating ordinance, the Assembly and appointed officials would be able to publicly support the merit of mandatory price disclosure and oppose its repeal.

The Assembly may determine that it is inappropriate for staff to advocate for the outcome of this ballot proposition and may decline to adopt this Ordinance. During public hearing of this Ordinance, the Assembly should debate the best way to provide the public with information about the reasons why the Administration recommended and the Assembly approved the requirement for disclosure of property sale prices. As it is likely that the sponsors of the referendum will advocate in favor of passage, it is important for the Assembly to consider how the public may understand its action in balancing the needs of privacy of financial information and the needs of equitable taxation.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. David Ignell, from West Juneau, said he believes that government should be by and for the people. He said it does not seem right that the government would take an advocacy position in a matter up for election and that it sets a bad precedence. Mr. Ignell said his comments also apply to Ordinance 2022-06(b)(D).

Mr. Bryson asked Mr. Ignell if he thought there was a difference between 2022-06(b)(C), a ballot initiative brought forward from the public, and 2022-07(b)(D), an Assembly based initiative. Mr. Ignell said that while government should be allowed to present facts, he did not believe that government should be allowed to advocate for a certain position using taxpayer funds.

Mr. Aaron Spratt, from the Mendenhall Valley, said that this Ordinance is not well written and does not provide information on how the money will be spent. He encouraged the Assembly to be mindful of the optics of using taxpayer money to oppose the will of the people and the voters.

Assembly Action

MOTION by Ms. Gladziszewski to adopt *Ordinance 2022-06(b)(C) An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds*. Ms. Gladziszewski did not ask for unanimous consent as she said there may be a lot of discussion by members on this motion.

Objection by Ms. Triem. Ms. Triem asked Mr. Watt about how the money would be spent. She specifically wanted clarification on the term “publicly oppose” as listed in the ordinance title, and how that is different from providing unbiased information. Mr. Palmer answered that state law provides local governments with the ability to inform the public, but does not allow the Assembly or CBJ staff to influence the election without a specific and different appropriation clearly intended for the purpose. Mr. Watt answered that activities the money could be spent on include participating in debates or at forums, postcards mailed out to voters, or PSAs on the radio, but that ultimately the decision on how to spend the money would be directed by the Assembly. Mr. Watt said that the supporters of the referendum will have an advocacy footprint, the Assembly needs to decide if it is appropriate for CBJ to have a similar footprint.

Mr. Bryson said that the original ordinance did not get enough community support, which is why there is now an ordinance for repeal on the ballot. If the Assembly had been more thorough during the initial process, this repeal could possibly have been avoided. He said he cannot support advocating against the citizens.

Ms. Gladziszewski asked for clarification on whether or not Assembly members can advocate for a position on the ballot measure during the election or say how they voted. Mr. Palmer said that Assembly members, as individuals, can advocate for any position they believe in. But if the Assembly wants staff

to advocate for why the Assembly took action, they would need to appropriate money for that purpose. Ms. Gladziszewski asked if there will still be a Voter Guide with factual information provided to the public. Mr. Palmer said that regardless of the outcome of this vote, there will still be a voter information packet provided with a neutral summary.

Ms. Hale said she does not support using city staff to oppose this measure. Ms. Hale said she voted for the disclosure and the fine and supports the action the Assembly took. She said she feels it is more appropriate for Assembly members to do community outreach rather than making an appropriation to allow city staff to do so. Ms. Hale asked Mr. Watt if there will be a pro and con section in the voter information packet about this ballot measure. Mr. Palmer responded that it depends on circumstances; either CBJ can just provide a neutral statement or CBJ can provide a neutral statement and advocacy groups on both sides of an issue can present arguments bolstering their positions, and that decision is up to the Assembly. Ms. Hale asked a follow up if an Assembly member could provide one of the statements in this packet, should they decide to allow additional statements. Mr. Palmer said that the Assembly could not write a position statement for this ballot measure without passing this ordinance.

Ms. Hughes-Skandjis asked Mr. Palmer to clarify whether this has to be an appropriating ordinance; could the Assembly pass an ordinance that allowed the Assembly to take action but not provide funding for staff to take action. Mr. Palmer said yes, this ordinance is required to be an appropriating ordinance. Ms. Hughes-Skandjis said she is not in favor of spending city money to advocate against a citizen petition, but is worried about the line between advocacy and a neutral statement for the voter's guide.

Ms. Woll said she trusts staff to provide data and information, but the community might not trust government in the same way. She feels like passing this ordinance would decrease the community's trust in government.

Ms. Triem said there was a small group negatively impacted by the mandatory disclosure laws but the benefits of disclosure were spread more diffusely around Juneau and therefore it is unlikely there will be second advocacy group formed to support mandatory disclosure.

Ms. Gladziszewski said that the Assembly is constrained by Alaska Public Offices Commission (APOC) rules. She said she supports facts being presented to the community. Ms. Gladziszewski asks Mr. Palmer where the legal line between facts and advocacy is. Mr. Palmer said that the legal standard is 'have we spent money to influence the outcome of the election'.

Mayor Weldon requested a roll call vote on the ordinance.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(C)

Ayes: None

Nays: Ms. Gladziszewski; 'Waahlaal Gíidaak; Ms. Woll; Ms. Triem; Mr. Smith; Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Mayor Weldon

Motion failed. Zero (0) Ayes, Nine (9) Nays.

H. Ordinance 2022-06(b)(D) An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds.

The Committee of the Whole selected 450 Whittier Street as the preferred site for a new city hall during the April 11, 2022, meeting. The Assembly requested staff draft an ordinance to submit a proposition to the voters on the October 4, 2022, election ballot during the June 6, 2022, Committee of the Whole meeting. This ordinance would appropriate \$25,000 for the Assembly and appointed officials to advocate for this proposition and educate the public of the merits of construction of a new city hall prior to the October election.

Whether or not to authorize the construction of a new city hall is an important long-term decision for the community. In accordance with AS 15.13.145, this ordinance will allow staff to properly and accurately convey information to the public and will allow staff to participate in debates regarding the merits of the proposal.

Absent municipal participation in this important public decision, voters are likely to not have access to the facts or best arguments in favor of the proposal for a new City Hall.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

‘Wáahlaal Giidaak left the meeting to catch a flight at 8:41pm.

Public Comment

None

Assembly Action

MOTION by Mr. Bryson to adopt *Ordinance 2022-06(b)(D) An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds* and asked for unanimous consent.

Objection by Ms. Gladziszewski. Ms. Gladziszewski said that this ordinance is the same as the previous Ordinance 2022-06(b)(C) which was voted down, as both ordinances are to appropriate money to defend Assembly decisions.

Mr. Bryson said the big difference between this ordinance and the previous Ordinance is that 2022-06(b)(C) came from a citizen’s petition, while Ordinance 2022-06(b)(D) comes from two years of hard work by the Assembly. Mr. Bryson said that a new City Hall is worth advocating for, as it is in the best

interest of the citizens of Juneau. Mr. Palmer provided clarification that Mr. Bryson or any Assembly member in their personal capacity can advocate for or against any ballot item.

Ms. Hale said she does not support this measure as she does not like the precedent it would set. Ms. Hale said that information patterns have changed and the City needs to figure out how to adapt to meet the changing needs. Ms. Hale said that providing information is appropriate but advocating for an outcome in an election is not.

Ms. Hughes-Skandjis said she thinks there is a huge difference between this ordinance and the previous one. She wants to make sure that the Assembly and City do not run afoul of APOC so she supports this ordinance.

Mayor Weldon said she sees by not passing this ordinance, it would hamstring staff and she plans to vote for a new City Hall.

Mr. Bryson asked if Engineering/Public Works staff could go to different groups to answer questions about this ballot issue if the Assembly does not pass this ordinance. Mr. Watt answered that it would be tricky, as some of the arguments to build a new City Hall are subjective. If the Assembly did not pass this ordinance then the City would have limited public involvement to avoid the possibility to having an APOC violation.

Ms. Triem asked if the ordinance did pass would Mr. Watt actually plan to spend any money. Mr. Watt answered that staff would come back to the Assembly with a plan with options and the Assembly would help steer the City's level of involvement. Ms. Triem clarified that if this ordinance passed the Assembly would not be required to spend any money.

Mr. Smith asked if this APOC law applies to the School Districts as well. Mr. Palmer said APOC law applies to school districts, state government or political subdivisions of the state. It does not apply to non-government institutions, such as the Alaska Association of School Boards.

Mr. Watt said that annually the Assembly appropriates funds for the voter information guide which includes a filing with APOC. Mr. Watt said that he has previously been asked if the Assembly had ever appropriated funds before to support a ballot measure and he had answered he did not think so. He corrected his previous answer that the Assembly had appropriated funds before in support of an elementary school renovation project.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(D):

Ayes: Mr. Bryson; Ms. Hughes-Skandjis;

Nays: Ms. Hale; Mr. Smith; Ms. Triem; Ms. Woll; Ms. Gladziszewski; Mayor Weldon

Motion failed. Two (2) Ayes, Six (6) Nays.

X. UNFINISHED BUSINESS – None.

XI. NEW BUSINESS

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

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

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.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski that the City Assessor accept the appeals and put it in the docket for consideration for: Richard Earl Partin (Hardship and Senior Citizen/Disabled Veteran applications), James T Craig, Sharon Gaipman, Brenda M Holdener, Brad Rider, Cort Saviers, James Thompson, and Michael Vuille and asked for unanimous consent.

Hearing no objections, the motion passed by unanimous consent.

Clerk's Note: No action was taken on the Non-Profit Exemption letter from the Glory Hall.

B. Regulation 20 CBJ AC 40.520 Class A Endorsement Taxi Rate Change

The Commercial Passenger Vehicle (CPV) regulations provide for Class A endorsement (taxi rates and fees). The proposed regulations provide for an increase in the two discrete rates, the flag drop and the mileage rate. The flag drop rate would increase from \$3.40 to \$4.00 and the mileage rate would increase from \$0.22 per one-tenth mile to \$0.25 per one-twelfth mile. The proposed regulations would also eliminate two discrete additional fees, the \$1.00 Airport to and from fee and \$1.50 Cruise Ship Dock fee. Finally, the proposed regulations would replace the existing language describing the taxi cleaning fee, but would not change this rate.

The City Manager recommends the Assembly adopt this regulation.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski to adopt *Regulation 20 CBJ AC 40.520 Class A Endorsement Taxi Rate Change* and asked for unanimous consent.

Ms. Hale objected for purposes for a question. Ms. Hale said that the Assembly has received quite a bit of communication about taxi service in Juneau. She asked at what point CBJ might want to look at the taxi regulations and make sure they are keeping pace with the current times and if they need to look at possible changes resulting from such a review.

Mr. Barr answered that they look at taxi regulations at least annually, although this is the second one recently. He said that increasing the rate is one of those changes that will hopefully enable taxi owners hire more taxi drivers which would increase availability. Ms. Hale said there is a high bar to entry into the taxi field. She suggested that there may be things that CBJ can do to reduce that high bar to entry and to look at those when next they are reviewed. Ms. Hale removed her objection.

Hearing no objection, this regulation passed by unanimous consent.

C. Parise Request to Purchase City Property.

In May 2021 the Lands Office received an application to purchase City Property from James Parise in the 12000 block of Glacier Highway. City code 53.09.260 states, “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.”

In accordance with 53.09.260 the Assembly has three options for processing this applicant, outlined in the staff memo on packet page 88:

- Option 1: Retain this property for public use
- Option 2: Enter into direct negotiates with the applicant
- Option 3: Solicit additional proposals from other interested Parties

This issue needs to be brought to resolution, the LHED was unable to move a recommendation to the Assembly. The applicant, staff and the neighborhood need direction. The Assembly can provide direction tonight or refer the matter to Committee. No action by the Assembly will result in Option 1 – the property will be retained for public use.

Public Comment:

Mr. Jim Parise, from Auke Bay, said he is trying to get a permanent easement across a right of way in order to build a driveway. Currently half of the right of way is blocked by a wall that was put up by the State of Alaska and the other half contains deadfall, brush, and alders. He said is it unusable, dangerous, and steep. Mr. Parise said that if the right of way is put in, he wants to put in a ramp and cut a trail to the beach which would be available for the public to use. Mr. Parise also said the driveway will be

maintained, as it would be the driveway to their home. He sees this as a win-win for the City, as Mr. Parise would receive a driveway and place to park and residents would receive access to the beach.

Ms. Woll asked Mr. Parise if he had a preference between having an easement on city property, or owning the property and the city having an easement. Mr. Parise said his preferred solution is the city retaining the property and the Parise family getting a permanent easement, but would be happy with whatever moves the project forward.

Mr. Bryson asked Mr. Parise how many solutions he has tried to come up with. Mr. Parise answered that he has tried three to four different solutions over the last year and a half. Mr. Parise said he is not trying to buy land, what he is really interested in is the access.

Ms. Hale asked Mr. Parise if he knew what the parking situation was when he purchased the house. Mr. Parise said he knew, but thought he was able to park on a flat area near the house where he has subsequently received parking tickets because he is parking across the sidewalk. Ms. Hale asked why Mr. Parise does not park in his garage. Mr. Parise said the garage is oddly shaped and is starting to slide downhill.

Mr. Smith asked Mr. Parise if he has looked into the cost of rebuilding the garage so it is functional. Mr. Parise has not.

Ms. Weldon asked Mr. Parise why he could not put the driveway on his own property. Mr. Parise answered that there is a retaining wall that covers the entire property and half the way through the CBJ property which was put up by the State when they widened the road.

Ms. Gladziszewski asked staff where the comments came from and also asked if the public would have access to the beach and whether this property could provide that in the future and if any of these proposals would preclude public access.

Mr. Bleidorn said that the comments came from postcards that were sent out when this matter was before the Parks & Recreation Advisory Committee.

He said with respect to Ms. Gladziszewski's second question about beach access, the property does not currently have public beach access. This property was retained when CBJ was given the opportunity to retain property for that purpose. He said that either outcome if it is sold, dispose of it, or grant an easement, staff would work to retain property easement rights to allow for public access to the beach.

Ms. Triem asked staff what the difference between easement and selling the land would be in terms of taxation. Mr. Palmer answered that private property is taxed 100% but that easements are taxed at a lower valuation.

Mr. Murray Walsh, from West Juneau, said that property was developed in phases and the rules have changed over time. He said that this particular property was platted 60 or 70 years ago when Glacier

Highway was not considered an arterial road, and that this property would not be legal today. Mr. Walsh said that he disagrees with the interpretation made by CDD staff which said the only way to access a lot was through the front yard. He said that rule is for new subdivisions but does not apply retroactively. Mr. Walsh said that they were encouraged by CDD to purchase the property in question which would extend the front lot line and therefore not violate the CDD interpretation of the code. This is why the application before the Assembly tonight is to purchase the property.

Mr. Bryson asked Mr. Walsh if the applicant is acceptable with either buying the property or getting an easement. Mr. Walsh said the only outcome the applicant is looking for is permission, in some form, to build the driveway.

Ms. Triem asked Mr. Walsh if there were any concerns that if the Assembly did an easement that it would not solve the problem. Mr. Walsh said he would never guarantee an outcome to his clients, but if the Assembly gives staff the authority to negotiate and easement or sale then it probably will not come back to the Assembly.

Ms. Gladziszewski asked Mr. Walsh about the additional options that he was referring to as solutions. Mr. Walsh referenced the following options that he included in his letter to the Assembly sent via email on July 28.

“The best and fastest resolution is for you to adopt Mr. Bleidorn’s Option 2 only worded as follows:

Option 2: Enter into direct negotiations with the applicant to enable the driveway by sale, or easement.

Choosing this option would mean that you are either willing to ignore the CDD Director’s ruling on access or that you overtly disagree with it. We can see why that might be uncomfortable but it certainly seems clear on its face that the Director has over-interpreted a section of code.

There is another option, and that is to defer the matter until the code issue is either resolved by revision of the Director’s ruling through the appeal process, or by some form of code revision to clarify that side access can be allowed, especially in non-conforming lot situations. So, we offer language for a fourth option:

Option 4: Defer this matter until the applicant can bring, and win, an appeal of the Director’s access ruling or until CBJ staff can bring forward an amendment to the code that will make the lease/easement option compliant.

Mr. Parise has cooperated in every way possible and offered every benefit, including creating safe pedestrian access to the public beach, that has been suggested. There can be no doubt that shifting access to this parcel will be far safer and more practical than the original situation and that the public will thus benefit as well.”

Ms. Gladziszewski asked staff what we have to do to ensure public access to the beach is retained. Mr. Bleidorn said that if they enter into negotiations for an easement the City would retain ownership of the land so public access would be guaranteed. If the City moved to dispose of the land, they would also record and plat an easement on the property requiring public access to the shoreline.

Ms. Hale asked Mr. Palmer about the paragraph in Mr. Bleidorn's memo that stated "Parks, CDD, Lands, and the City Attorney's office staff determined that an easement was problematic for following the Land Use Code ..." She asked if that statement was in part due to some changes in the way the we have been interpreting the code such as variances. Mr. Palmer answered no to Ms. Hale's question.

Ms. Hughes-Skandijs asked Mr. Palmer if the Law department had weighed in on this topic. Mr. Palmer explained that this has had a substantial amount of work on it from both his staff as well as Director Maclean. He commended Director Maclean for identifying that the current situation was not conforming, or likely non-conforming. She identified a solution that made it such that property owner could achieve their desire for access while preserving the public easement to the waterfront and that was by disposing of CBJ property and preserving a public easement. He said that he recognizes that this did not clear the Lands, Housing, and Economic Development Committee so this is one of those weird pickles that the Assembly gets in that there is technically not a motion out of the committee. It becomes an uncomfortable question before the body of whether this is properly before the full Assembly or not. The question is, can four Assemblymembers, kill a topic?

Additional discussion took place on process and next steps.

Ms. Triem asked staff asked what the difference in price would be for selling an easement verses selling the land but keeping an easement. She said she would not want to require someone to pay significantly more money when the same outcome could be achieved through a different interpretation of the code. Mr. Watt said that if the Assembly goes with option 2 in Mr. Bleidorn's memo, they will come up with a legally permissible, most efficient solution possible.

Assembly Action:

MOTION by Mr. Bryson to allow staff to enter into direct negotiations with the applicant (option 2 in the memo) and said that he would like to speak to his motion.

Mr. Bryson, in speaking to his motion said that staff is required by law to follow the letter of the law to the best of their ability. He said it is the responsibility of the Assembly, using common sense, to look past the black and white letter and allowing negotiations that would look at all possible solutions. He noted the comments from the public asking to 'keep the beach access' when in fact there is not currently any beach access and this would allow for that to come about. Option 2 would solve the problem for the applicant, the community, and the city.

Objection by Ms. Hale. Ms. Hale said that the city has ownership of many similar properties and she has real concerns that this may become a precedent and it may open a floodgate of many similar requests. Ms. Hale said she sympathized with Mr. Parise but stated that there is a garage and a platform leading to

the garage on his property. She also stated that the City can provide access to the beach at any point in time, but it has not been a priority. All that said, she said she has a lot of sympathy for the applicant due to the process they have had to go through with this request. Ms. Hale said that she thinks in the end, the best solution is to go with option 2. She said that she was sorry it hit the Lands Committee in the way that it did and she removed her objection.

Ms. Gladziszewski shared her concerns about preserving public access to the beach as part of the negotiations if this motion passes.

Mr. Smith asked if they needed to state in the motion that public access to the beach needs to be maintained. Mr. Watt says it is understood and does not need to be stated.

Hearing no objection, the motion to direct staff to enter into negotiations with Mr. Parise passed by unanimous consent.

D. L3Harris Request to Lease City Property at the JPD Station for Communications Equipment

In June 2022, the City Manager received an application from L3Harris to lease space at the Juneau Police Station located at 6255 Alaway Avenue. The CBJ has a signed MOA with the Federal Aviation Administration (FAA), which grants the FAA space for a Wide Area Multilateration Aerial Radar Surveillance System (WAM) equipment cabinet and tower space for antennas at Lemon Creek. L3Harris has submitted a letter from the FAA with their application stating that L3Harris holds a contract with the Federal Aviation Administration.

At this point in time, the application has been received and the next step in processing the application is for the Assembly to determine “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 for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

The LHED Committee reviewed this request at its meeting on June 27, 2022, and provided a motion of support for leasing this property to L3Harris.

The Manager recommends the Assembly pass a motion of support to work with L3Harris as the original proposer in accordance with City Code 53.09.260.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski to direct the Manager to work with L3Harris to lease space at JPD and asked for unanimous consent.

Hearing no objection, the motion passed with unanimous consent.

E. Notice of Appeals: Goldstein Improvement Company v. CBJ Finance Department/ Assessors Division

Greg Adler, on behalf of Goldstein Improvement Company, filed two Notices of Appeal regarding real property valuations by the Assessor from 2022 as follows:

Appeal to Assembly #2022-AA01 for the property located at 110 Seward St., parcel #1C070A020030
Appeal to Assembly #2022-AA02 for the property located at 122 Front Street, parcel #1C070A020011

State law (AS 29.45.210(d)) provides that a taxpayer can appeal a Board of Equalization decision to Superior Court within 30 days of distribution of the Board of Equalization decision—not to the Assembly. Additionally, CBJ Charter has two provisions that may be relevant: CBJ Charter 3.16(b) (allowing appeals from Boards created by the Assembly to the Assembly) with CBJ Charter 3.11 (prohibiting the Assembly from giving orders on administrative matters to an employee of the Manager). Prior to the expiration of the 30 day window to appeal the Board of Equalization decisions to superior court, the City Clerk informed Mr. Adler that the Assembly would likely address these subject matter jurisdiction issues before deciding the merits of the appeals and that may cause Mr. Adler to forego his ability to timely appeal the Board of Equalization decision to superior court.

Mr. Palmer stated that he understands that Mr. Adler did in fact file appeals in these matters with Superior Court earlier that day.

Mr. Palmer stated that the Assembly needs to decide at this time, if it is going to accept these appeals, and if it is going to appoint a presiding officer or appoint a hearing officer.

Mr. Palmer recommended that if the Assembly decides to accept these appeals, it should accept them for the limited purpose of receiving briefing from the parties and deciding if it has jurisdiction over the subject matter of these appeals and appointing a hearing officer.

Public Comment:

Mr. Greg Adler, residing in Santa Monica California, said that in his opinion there are no jurisdictional issues. He stated that when he submitted his appeal documents, the Municipal Clerk was on the phone with the City Attorney's office and was advised to accept the appeal documents pursuant to CBJ Charter 3.16(b) and copies of that charter section was included with his receipts. He stated that he had no reason to believe that CBJ Charter 3.16(b) would not apply. He said that Charter section, as the CBJ constitutional document, takes precedence over state statute or CBJ Code. Mr. Adler said CBJ Code 01.50.030 says "the notice of appeal shall be liberally construed in order to preserve the rights of the appellant." He said this is not a limited jurisdictional issue and that a hearing officer should be appointed to discuss the merits of these appeals. Mr. Adler also requested to consolidate all six of his appeals into the first two.

Mayor Weldon asked if there were any questions for Mr. Adler, hearing none and not seeing Mr. Geldhoff, whose name was on the advance sign-up sheet, she closed public testimony.

Mayor Weldon asked if members had any questions for staff before a motion is entertained. Ms. Triem asked if they can really get around state law by putting something in the CBJ Charter. Mr. Palmer answered no, that it has happened a few times and there are provisions in the Charter that are unconstitutional or illegal because of state law.

Ms. Hale asked Mr. Palmer if he had said that Mr. Adler had appealed to the Superior Court today. Mr. Palmer said yes. Ms. Hale asked if that appeal to Superior Court was within the 30 day window. Mr. Palmer said that the appeal appears that today was likely the final day to file in Superior Court so it appears to have been timely filed.

Mayor Weldon asked for clarification on CBJ Charter 3.16(b) and CBJ Charter 3.11 that are potentially in conflict.

Mr. Palmer said the Mayor is correct that there are two charter pieces which are possibly in conflict and that there are state law provisions that are likely items that need to be briefed to decide if the Assembly has the ability to even hear one of these appeals.

Assembly Action:

MOTION by Ms. Gladziszewski to accept the appeals for the limited purpose of deciding jurisdictional issues. She said there are clearly three conflicting things that need to be addressed before they can even consider the merits of the matter. She said that they should accept the appeals and if the City Attorney can find a suitable hearing officer and if not, the Assembly could hear it themselves. She asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

Mayor Weldon noted that the City Attorney nodded his head that he thought he could find a suitable hearing officer.

XII. STAFF REPORTS

A. Telephone Hill

Pursuant to legislation passed by the State of Alaska this year, conveyance of the Telephone Hill properties has begun. As part of that process, the State Department of Transportation will first convey the property to the State Department of Natural Resources, which will then convey the property to CBJ.

There are a number of residents on the hill that cooperatively lease the properties on a month-to-month basis. The State has determined that as part of the inter-Departmental transfer that it must terminate the existing lease, those notices went out on Friday 7/29. The Manager has communicated to the neighborhood association that CBJ's goal is to have a public process on how to manage and redevelop the property – which is a tremendous opportunity for Downtown Juneau and to plan for a “soft landing”

for the renters of the properties. The goal is to provide a seamless transition that will allow a continuance of occupancy in the short run. It is hard to imagine a scenario where tenants won't be able to stay for at least an additional six months, perhaps longer.

The City Manager recommends that this topic be forwarded to the Lands, Housing and Economic Development Committee for regular updates, beginning with the August 8, 2022 meeting. I also recommend that the Assembly tonight verbally support the notion of a "soft landing" in our decision making.

Public Comment:

Ms. Shoshana Seligman, from Telephone Hill in Downtown Juneau, wanted to speak on the topic of the six month deadline for residents. She said there is a lot of excitement for CBJ to acquire the land and there are a lot of ideas happening. She said that six months will put the Telephone Hill population, which includes seniors, people with disabilities, low-income residents, and legislative staff, having to move during the winter. She requested that the Assembly give residents six months from the time they have determined what to do with the land, rather than six months from the present. Ms. Seligman said she came today because she will be unavailable for August 8th meeting. She also said she has great concerns to vote on the 1% sales tax ballot measure as Telephone Hill is mentioned in the proposals and she does not know what the City will do with Telephone Hill.

Mr. Bryson asked Ms. Seligman asked if nine months would be more acceptable so that the end date would not be in the winter. Ms. Seligman answered that she is not looking for something set in stone. She said she is concerned with the feeling that CBJ is trying to rush residents out instead of working with them.

Mr. Tony Tengs, from Telephone Hill in Downtown Juneau, has lived on Telephone Hill for 28 years. Mr. Tengs said the residents understand that they will have to move for the property to be developed. He said that housing is hard in Juneau and that it does not make sense to kick out residents while there is no plan in place. Mr. Tengs said that he is picturing bulldozers scraping the houses down. He says he prefers a firm move-out date from a hazy one.

Mr. Smith asked Mr. Tengs how many people live on Telephone Hill. Mr. Tengs replied that there are thirteen households, but he did not know how many people lived there exactly.

Ms. Hale asked Mr. Tengs to clarify where the idea of bulldozing the property is coming from. Mr. Tengs said that the rush to remove residents indicates that the City wants the property empty for a reason and that bulldozing is common with old buildings.

Assembly Action:

MOTION by Ms. Gladziszewski that the residents be assured that they will not be evicted prior to the city knowing what it is going to do with the land, to give them at least 9 months' notice before action is taken.

Additional discussion took place regarding the “soft landing” timeline and when that count down would even begin. Ms. Triem said she feels really strongly that they not start the soft landing clock until the city has an idea of what its development plans might be. Ms. Hale said that she thinks it will be a long time before they do anything. That said, they have to be careful about using the phrase “until we know what to do” which is a nebulous concept and wanted to assure the residents of Telephone Hill that they will receive a lot of notice and lead time. Ms. Hale said that she would be concerned with nailing down any specific time but that anything CBJ does will be a lengthy, public involved process. She also noted that the leases of residents on Telephone Hill have been month-to-month for forty years and everybody living on Telephone Hill have always known it was temporary.

Mr. Bryson said there are deeper questions, such as will CBJ employ a property manager or become a landlord, as CBJ does not currently own residential property. Mr. Watt said he wanted it to be clear that the State of Alaska put out the eviction notices, not CBJ. Mr. Watt said CBJ is still unclear on when they will receive the property from the State. Mr. Watt said that they will come to the Lands committee with a general process flow on how to consider a redevelopment plan and there will be a lot of issues to work through.

Mr. Smith asked if the goal was to keep people in the properties as long as possible.

Mr. Watt said CBJ, as a new property owner, wants to do their due diligence which includes looking for building code and fire code violations for people’s health and safety. He said that it would not be to anyone’s benefit to have empty buildings. He said that if CBJ chooses to do a large redevelopment they will need to do a hazardous materials inventory to look for things such as lead paint, asbestos or oil tanks. State of Alaska Dept. of Transportation (DOT) is working on conveying the property to Dept. of Natural Resources (DNR). He said that there is a time trap, DOT has notified the residents that they have 30 days but we don’t know when DNR is going to even convey the property to CBJ. Mr. Watt said that what he hopes the Assembly will do tonight is convey to the neighborhood that CBJ wants to work with them, have a seamless transition and understand that we don’t have a plan yet and it will take some time.

Mr. Smith expressed his concerns that since housing is high priority of the Assembly he’d like staff to work with the current residents of telephone hill and keep them informed about housing options and timelines associated with any plans CBJ comes up with.

Ms. Gladziszewski clarified her motion that the “soft landing” would mean that no one would be noticed to move out for a minimum of nine months and that the city is not going to come in and bulldoze the properties during that time and that at least four months’ notice will be given from when the city finally figures out a plan for what it is going to do.

Mr. Smith asked staff if that proposal will work. Mr. Watt said that he doesn’t want to overpromise something when they really don’t have specific information about timelines and what CBJ’s plans might be. He said it is going to be complicated about a property that only became an immediate issue on Thursday afternoon.

Ms. Hughes-Skandjis said she thought that it was too soon to be making a specific motion. Ms. Hughes-Skandjis said the general will of the Assembly is to provide a soft landing for residents.

AMENDMENT#1 by Ms. Hughes-Skandjis to endorse the concept of a soft landing and direct staff to bring this back to the Assembly and communicate with Telephone Hill residents, and remove all specific timeframes.

Objection by Ms. Gladziszewski that is too vague. Additional discussion took place with Ms. Hale supporting Ms. Hughes-Skandjis’ sentiment about this being too specific too early in the process. Ms. Triem said she is happy to support the nine months of Ms. Gladziszewski’s motion but does like the concept of notice four months after a decision is made, because the language of making a decision is vague. Mayor Weldon said she supports Ms. Hughes-Skandjis’ motion, as CBJ does not even own the property yet and believes the motion needs to not be so specific this early in the process.

ROLE CALL VOTE ON AMENDMENT #1:

Ayes: Ms. Hughes-Skandjis, Ms. Triem, Ms. Woll, Ms. Hale, Mr. Bryson, Mayor Weldon

Nays: Mr. Smith, Ms. Gladziszewski

*Amendment #1 passed. Six (6) Ayes, Two (2) Nays.
Hearing no objection, the main motion passed as amended.*

XIII. ASSEMBLY REPORTS – *Mayor Weldon skipped Assembly reports in the interest of time.*

- A. Mayor’s Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS-None.

XV. EXECUTIVE SESSION

- A. Labor Negotiations

Assembly Action:

MOTION by Ms. Triem to recess into executive session to discuss matters which may negatively affect the finances of the municipality, specifically an update on labor negotiations and asked for unanimous consent. *Hearing no objection, the motion passed.*

Ms. Woll was recused from Executive Session due to a conflict of interest.

The Assembly moved into executive session at 10:34pm and returned at 10:42p.m.

XVI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 10:43 p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor