

THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes – September 13, 2021

MEETING NO. 2021-23: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held at City Hall and virtually via Zoom webinar and called to order by Mayor Beth Weldon at 7:00p.m.

I. FLAG SALUTE

II. 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 Beth Weldon, Deputy Mayor Loren Jones, Greg Smith, Wade Bryson, Michelle Hale, Christine Woll, and Carole Triem (via Zoom).

Assemblymembers Absent: Maria Gladziszewski, Alicia Hughes-Skandijs.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Assistant City Attorney Sherri Layne, Community Development Director Jill Maclean.

IV. SPECIAL ORDER OF BUSINESS

A. Proclamation – Good Neighbor Day

Mayor Weldon proclaimed September 28, 2021 as Good Neighbor Day in Juneau, Alaska. She noted that the City and Borough of Juneau recognizes the importance of fostering compassion and respect for our neighbors. National Good Neighbor Day was established throughout the United States during the month of September via a proclamation by former President Jimmy Carter in 1978. Mayor Weldon called upon the residents of Juneau to recognize this day by demonstrating the qualities of a good neighbor through acts of kindness and making others feel welcomed.

B. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom Webinar platform.

V. APPROVAL OF MINUTES

A. July 28, 2021 Special Assembly Meeting DRAFT Minutes

MOTION by Ms. Hale for the Assembly to approve of the above meeting minutes, and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER’S REQUEST FOR AGENDA CHANGES

None.

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mary Alice McKeen, a downtown Juneau resident, said that on February 12, 2018 the CBJ Assembly unanimously passed a resolution adopting the Juneau Renewable Energy Strategy. This resolution had the intention of having Juneau retain 80% of its energy from renewable sources by 2045. Ms. McKeen asked the Assembly to provide an update on the progress towards this resolution, as Juneau currently retains 20% of its energy from renewable sources as of 2010. She thanked the Assembly for their efforts and for their time.

VI. 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 Mr. Jones for the Assembly to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objections, the Consent Agenda was adopted by unanimous consent.*

1. Ordinances for Introduction

a. Ordinance 2021-38 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Honsinger Pond Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11; Located Near 7900 Honsinger Drive.

The developer of the Honsinger Pond Subdivision requested to rezone nine lots (2, 3, 4, 5, 6, 10, 11, 12 and 13) from Industrial to General Commercial. The Planning Commission, on August 10, 2021, found the proposal was for more than two acres, expanded an existing zoning district, and substantially conformed to the Resource Development designation of the Comprehensive Plan maps. However, the Planning Commission recommended the Assembly rezone different lots (2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13) because of the noise concerns from the airport, height compatibility with the airport, wildlife conflicts at the airport, visibility from Egan, and align with nearby existing land uses.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Lands, Housing, and Economic Development Committee.

b. Ordinance 2021-42 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

The existing COVID-19 Community Mitigation Strategies (Ord. 2021-33am) are set to expire on October 31, 2021. Due to a surge of COVID-19 case activity, increased community spread, and significantly restricted medevac capacity, the Emergency Operations Center believes it is in the best interest of the community to extend the current COVID mitigation measures until June 1, 2022. The Community Mitigation Measures are the same as adopted in Ordinance 2021-33 except the penalty section has been reinserted. The lack of a penalty provision has decreased the effectiveness of the mitigation measures and confused community messaging.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next special or regular Assembly meeting. A tentative Special Assembly meeting can be scheduled for September 29, 2021.

c. Ordinance 2020-09(BC) An Ordinance Appropriating to the Manager the Sum of \$7,260,772 to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2021 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$7,260,772 for the State of Alaska's FY2021 8.85% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	\$3,576,682
Bartlett Regional Hospital	\$3,684,090

Funding is provided by the Alaska Department of Administration, authorized by passage of HB205 during the 2020 legislative session.

This is a housekeeping ordinance to properly account for these on-behalf contributions to the state-managed retirement fund and has no impact on the CBJ or BRH's finances.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

d. Ordinance 2020-10(C) An Ordinance Appropriating \$700,000 for a Portion of the Juneau School District's Fiscal Year 2021 Public Employees' Retirement System (PERS) and Teacher Retirement System (TRS) Contribution; Funding Provided by State Revenue.

This ordinance would appropriate \$700,000 for a portion of the State of Alaska's FY2021 8.85% PERS and 17.91% TRS benefit rate paid on-behalf of the Juneau School District.

Funding is provided by the Alaska Department of Administration, authorized by the passage of HB205 during the 2020 legislative session. The Juneau School District is required to budget these on-behalf contributions in their annual request. However, the FY21 budget was inadvertently based on prior-year

rates. This ordinance reconciles the differences between the appropriated FY21 budget and the actual on-behalf contributions made by the state. This is a housekeeping ordinance to properly account for these on-behalf contributions, and has no impact on JSD or CBJ finances.

The Juneau School District Board will review this request at the September 14, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting. The Assembly Finance Committee will review this request at the September 29, 2021 meeting.

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

e. Ordinance 2020-09(BD) An Ordinance Transferring \$350,964 from the Marine Passenger Fee Fund to the Port Development Fee Fund for Port Management and Customs Operations.

In FY2021 the City and Borough of Juneau was awarded a \$2.4 million designated legislative grant from state marine passenger fees to support the marine enterprise in responding to and mitigating the risk of COVID-19. Of this amount, \$2.1 million was used to offset lost passenger fee revenue by paying the debt obligation on the 16B dock bond. The remaining amount paid a portion of the Dock Department's port management and customs operational costs, which typically would have been supported by marine passenger fees.

This housekeeping ordinance would transfer \$350,964 of budget authority from the Marine Passenger Fee Fund to the Port Development Fee Fund to fund a portion of the Dock Department's operational costs from state marine passenger fees.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

f. Ordinance 2020-09(BE) An Ordinance Appropriating to the Manager the Sum of \$20,900,000 as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2021 Operating Budget; Funding Provided by Various Sources.

This ordinance would appropriate \$20,900,000 as partial funding for Bartlett Regional Hospital's (BRH) FY21 operations. BRH's operating costs increased substantially in FY21 due to the addition of a mental and behavioral health program, retention of staff for COVID-19 screening and triage, and elevated costs for personal protective equipment, oxygen, and medication. Additional unanticipated expenses included an upgrade to the hospital's HVAC system and the setup of a molecular lab.

This supplemental appropriation will be funded as follows:

Federal Revenue - CARES Act Provider Relief Funds & Misc. Grants	\$7,100,000
State Revenue - COVID-19 Response Funding	\$4,000,000
Private Grant – Premera (for Behavioral Health Facility)	\$1,000,000

Private Grant – Alaska Community Foundation	\$900,000
Additional Outpatient Revenue	\$5,000,000
Draw on Hospital Fund Balance	\$2,900,000

The Bartlett Regional Hospital Finance Committee reviewed this request at the September 10, 2021 meeting.

The Bartlett Regional Hospital Board will review this request at the September 28, 2021 meeting.
The Assembly Finance Committee will review this request at the September 29, 2021 meeting.

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

g. Ordinance 2020-09(BF) An Ordinance Appropriating to the Manager the Sum of \$24,750,000 as Funding for the City and Borough of Juneau's Fiscal Year 2021 COVID-19 Related Costs; Funding Provided by State and Federal Revenue.

This ordinance would appropriate \$24,750,000 for the City and Borough of Juneau's FY2021 COVID 19 related costs. State revenue from the Department of Health and Social Services (DHSS) is provided for COVID-19 screening costs at the Juneau International Airport and community testing and vaccination. Federal revenue is provided for public safety salaries, emergency hires, and commodities and services related to the pandemic. Federal revenue is comprised of funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Federal Emergency Management Agency (FEMA), American Rescue Plan Act (ARPA), and the U.S. Department of Justice (DOJ). Funding for this appropriation is estimated as follows:

State Revenue:	
DHSS COVID-19 Community Grant	\$423,600
DHSS Airport Screening	\$1,100,000
Total State Revenue:	\$1,523,600
Federal Revenue:	
CARES/FEMA Funding	\$20,267,500
ARPA Funding	\$2,858,900
DOJ Coronavirus Emergency Grant	\$100,000
Total Federal Revenue:	\$23,226,400
Total Revenue:	\$24,750,000

Any expenditures ineligible for reimbursement from the funding sources listed above will be covered by general funds.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting.
The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

h. Ordinance 2021-08(b)(am)(E) An Ordinance Appropriating \$24,000 to the Manager as Funding for a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.

The Juneau Townsite Historic Neighborhood is a mixed-use commercial and residential neighborhood, located between the Downtown and Chicken Ridge historic districts. This ordinance would appropriate \$24,000 of grant funding to survey and inventory approximately 87 structures in the area and document their historical significance. This survey will determine whether the Juneau Townsite Historic Neighborhood is eligible to be listed on the National Register of Historic Places. The benefits of becoming a listed district include access to Historic Tax credits and Historic Preservation Fund grants. These benefits would be available for property owners for rehabilitation and maintenance work. CBJ's Community Development Department, City Museum, and Historic Resources Advisory Committee will partner with a historic architecture consultant to perform the scope of work for this project. Total project costs are estimated to be \$41,659. The 40% local match requirement will be met with CBJ personnel service costs, for which expenditure authority has already been appropriated in the FY22 operating budget.

The Historic Resources Advisory Committee recommended CBJ staff apply for this grant at the February 3, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

i. Ordinance 2021-08(b)(am)(F) An Ordinance Appropriating \$24,730 to the Manager as Funding for Facility Security Enhancements for Docks and Harbors; Grant Funding Provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY21 Port Security Grant Program.

This ordinance would appropriate \$24,730 for the purchase and installation of security camera equipment for Docks and Harbors' Auke Bay Loading Facility. Grant funding in the amount of \$24,730 is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency. There is no local match requirement for this grant. The Docks and Harbors Board will review this request at its September 30, 2021 meeting. The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

j. Ordinance 2021-08(b)(am)(G) An Ordinance Appropriating \$1,000,000 to the Manager for COVID-19 Emergency Response Management; Funding Provided by General Funds.

This ordinance would provide \$1,000,000 of general funds for expenditures necessary to respond to the COVID-19 pandemic that are not otherwise reimbursed by the Federal Emergency Management Agency (FEMA) or the State of Alaska Department of Health and Social Services (DHSS). Anticipated response

costs include COVID-19 testing, vaccination, public communications, personal protective equipment, sheltering of vulnerable populations, and quarantine and isolation.

The Assembly Finance Committee will review this request at the September 29, 2021 meeting.
The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

k. Ordinance 2021-08(b)(am)(H) An Ordinance Appropriating \$120,000 to the Manager as Funding for a Grant Writer; Funding Provided by General Funds.

In response to the economic downturn resulting from the COVID-19 pandemic, the federal government is infusing the economy with an unprecedented amount of federal stimulus. A significant amount of funding will be made available in grants to municipal governments and agencies. CBJ should make every effort to apply for grant opportunities that would bring funding to Juneau in support of established community priorities. To that end, this ordinance would appropriate \$120,000 of general funds for a centralized grant writer position to identify, prioritize, and pursue funding opportunities available to the city.

The Assembly Finance Committee reviewed this request at the September 1, 2021 meeting and directed CBJ staff to draft an appropriating ordinance for introduction.
The Systemic Racism Review Committee will review this request at the September 14, 2021 meeting.

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

2. Resolutions

a. Resolution 2964 A Resolution Authorizing the City and Borough of Juneau to Participate in Alaska Opioid Settlements.

The State of Alaska independently sued four opioid producers and distributors: Johnson & Johnson, Amerisource Bergen, Cardinal Health, and McKesson. Those four opioid businesses have reached a tentative settlement agreement with the State that would provide up to \$26 billion in payments over eighteen years to the State and the nine municipalities that submitted claims, including the City and Borough of Juneau, if the CBJ participates in the settlement. Use of the settlement funds would be limited to opioid abatement, which has not been defined. Currently, the settlement agreements provide a distribution plan as follows: 70% general opioid abatement fund; 15% State opioid abatement fund; and 15% municipal opioid abatement fund. Given the proposed settlement agreements and assuming all nine municipalities participate, 15% would equate to about \$10 million to all nine municipalities. However, there is still room to negotiate with the State and the other municipalities to develop a stable distribution plan and define how the funds can be used to abate the current and future harm caused by opioids in the City and Borough of Juneau.

The City Manager recommends the Assembly adopt this resolution.

b. Resolution 2965 A Resolution Renaming “Capital School Park” to “Capitol Park.”

This resolution renames “Capital School Park” to “Capitol Park” in recognition of the park’s integral role in the Capitol Complex. Many Capitols around the nation include buildings and public outdoor spaces such as parks and plazas. The Juneau Community Foundation supported the reconstruction of the park with a donation from the Juneau Capitol Fund. This fund was established to enhance and improve the State Capitol Complex. At the September 7, 2021 meeting, the Parks and Recreation Advisory Committee recommended the park be renamed to “Capitol Park”.

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. Liquor License Transfers & Liquor License Renewal

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

Liquor License Transfers

Transfer of Ownership

License Type: Package Store, License #300

Transfer From: DeHart's LLC d/b/a DeHart's Grocery

Transfer To: Statter Harbor Food & Fuel LLC, d/b/a DeHart's Grocery

Location: 11735 Glacier Hwy, Juneau

Transfer of Controlling Interest

License Type: Restaurant/Eating Place, License #816

Licensee: El Sombrero Inc. d/b/a El Sombrero Mexican & American Food

Transfer From: Fritz Moser & Patricia Moser

Transfer To: Ryan Fagerstrom

Location: 157 S. Franklin St., Juneau

Liquor License Renewal

License Type: Restaurant/Eating Place, License #4493

Licensee: Kwang LLC d/b/a Little Tokyo

Location: 140 Seward St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest the transfer application and the renewal application. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk’s Office.

The City Manager recommends the Assembly waive its right to protest the above-listed transfers for liquor licenses #300 and #816 and the above-listed liquor license #4493 renewal.

4. Other Items for consent

a. Marijuana License Renewals for Licenses: #25190 & #12176

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal applications.

Marijuana License Renewals

License Type: Retail Marijuana Store License: #25190

Licensee: Alaskan Coffee Pot, LLC. d/b/a Alaskan Coffee Pot

Location: 2219 Dunn St., Juneau

(AMCO 60-day comment period ends: 10/24/2021)

License Type: Standard Marijuana Cultivation Facility License: #12176

Licensee: Taku Horticulture Company, LLC

Location: 1758 Anka Street Building B Suite A1., Juneau

(AMCO 60-day comment period ends: 10/1/2021)

The above marijuana license renewals are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed these renewals and found the businesses to be in compliance with CBJ Code. The assembly packet contains the AMCO notices to the local governing body. Additional license application documents are available through the Clerk's Office upon request.

The City Manager recommends the Assembly waive its right to protest the renewals of AMCO marijuana license #25190 and #12176.

IX. PUBLIC HEARING

A. Ordinance 2021-08(b)(am)(D) An Ordinance Appropriating \$700,000 to the Manager as Funding for the City and Borough of Juneau Ballot Processing Center Capital Improvement Project; Funding Provided by General Funds.

At the August 9, 2021 Committee of the Whole meeting, the Assembly directed staff to draft an appropriation of \$700,000 to establish a Juneau ballot processing center. This ordinance would appropriate general funds to configure the Thane Warehouse as a ballot processing center, and fund the purchase and set up of election equipment to operate a vote-by-mail election. The work is anticipated to be complete in time to conduct the 2022 municipal election at the new processing center.

This request has been discussed during various Assembly and committee meetings since November 2020.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Marjorie Menzi, a Thane resident spoke of behalf of the Juneau League of Women Voters, a nonpartisan organization that encourages the informed and active participation of citizens. The LOWV submitted a letter in support of Ordinance 2021-08(b)(am)(D), as this ordinance would provide funding to Juneau's first ballot processing facility and provide the opportunity for voters to vote by mail. Ms. Menzi said that the League advocated vote-by-mail elections, and found it to be a secure and fraud-free

method of voting which has already been successfully implemented in Juneau. The Leagues believes that the passage of this ordinance will help ensure fair and secure local elections into the future.

Assembly Action:

MOTION by Mr. Bryson for the Assembly to adopt Ordinance 2021-08(b)(am)(D) and asked for unanimous consent.

Mr. Bryson objected for the purposes of a question. He asked Mr. Watt to explain if there would be any consequences for future elections if the Assembly voted against this ordinance.

Mr. Watt anticipated that the Assembly would need to decide on the type of election they would prefer to conduct, and CBJ would need to once again decide whether to work with the Municipality of Anchorage. He added that the City would not be able to conduct a vote-by-mail election in Juneau without this ordinance.

Mr. Bryson removed his objection.

Mayor Weldon objected for purposes of a question. She asked Mr. Watt to clarify what the \$700,000 would be used for, and to explain what would happen if a lower voter turnout could halt this process. Mr. Watt explained that the costs are split between renovation of the facility and election equipment. The most recent renovation cost estimate amounted to \$330,000, and the equipment costs are approaching \$400,000. If the Assembly were to pass this ordinance, CBJ staff would begin working on a renovation project and placing purchase orders for the necessary equipment. He added that the Assembly had the ability to halt the renovation project or cancel the purchase orders if they chose to do so.

Mayor Weldon removed her objection.

Hearing no objections, Ordinance 2021-08(b)(am)(D) was adopted by unanimous consent.

B. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

The Title 49 amendments in this ordinance are necessary to keep Title 49 consistent with state law, remove duplicative regulations, and provide greater certainty for regulating development near shoreline habitat. This ordinance would repeal the CBJ Coastal Zone Management provisions because the associated and dependent state law was repealed. This ordinance would also clarify the CBJ shoreline habitat provisions with the ordinary high water mark standard and exempt water-dependent uses.

The Lands Committee generally discussed shoreline habitat regulations at its meetings on April 12 and May 10, 2021. The Planning Commission discussed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The Assembly held a public hearing on this ordinance at its August 2, 2021 regular Assembly meeting and adopted a motion to refer this ordinance to the Committee of the Whole. The Committee of the Whole discussed this ordinance in a joint meeting with the Planning Commission on August 30, 2021 and recommended it be referred back to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Rob Catmuss, a downtown Juneau resident, shared that he works for the Southeast Watershed Coalition. He asked the Assembly to review if there could be any potential unintended consequences as a result of removing the Coastal Zone Management Plan. He reminded the Assembly that the CZMP was led by CBJ staff, and was used as a model for various environmental situations. He also spoke to the importance of public process in regards to the CZMP.

Susan Schrader, a West Juneau resident, requested the Assembly pause on action of this ordinance. She expressed her concerns regarding the public participation, and questioned if community members were aware of the implications of the repeal of this Coastal Zone Management language. She urged the Assembly not to get rid of all of the protections listed in the CZMP. She also advised that they wait an additional month to ensure that CBJ staff and the Planning Commission fully understand the repercussions of this ordinance.

Aaron Brakel, a Douglas resident, shared that he was the Inside Passage Waters Program Manager for the Southeast Alaska Conservation Council. He encouraged the Assembly to maintain the habitat protections within the CZMP. He thanked the Assembly for listening to his testimony.

Dave Hanna, a Valley resident, spoke in favor of this ordinance. He recalled collecting petition signatures to establish the CZMP. He supported the plan, saying that it allowed local residents to have a voice in federal and state decision-making. He believes that the Assembly could re-implement habit protections established in the CZMP through Title 49.

Assembly Action:

MOTION by Mr. Smith for the Assembly to adopt Ordinance 2021-13 and asked for unanimous consent, but objected for purposes of a question.

Mr. Smith asked Mr. Palmer to clarify why the CZMP is considered legally invalid. Mr. Palmer explained that the CBJ Coastal Management Code was wholly dependent upon state law. There are currently no protections based on that particular part of state law. As it is now, the CZMP is not in effect, however the Assembly has tools on this ordinance to be able to act on this issue.

Ms. Triem asked CDD Director Maclean if the Planning Commission intended to address the CZMP at a future meeting.

Ms. Maclean explained that the Title 49 Committee is currently figuring out ways in which to include the coastal ordinance in the streams or habitat sections of code.

Ms. Hale appreciated the testimony, letters, and emails received about this topic. She asked Mr. Palmer if he could clarify that the removal of the CZMP would not eliminate any protections, as the protections in place are not legally enforceable. Mr. Palmer confirmed that was correct.

Ms. Woll shared that she had changed her mind since the last time they discussed this at the most recent COW meeting.

MOTION by Ms. Woll to refer Ordinance 2021-13 be referred back to Planning Commission for further analysis.

Ms. Woll expressed concern that it would be a breach of trust for the public to remove provisions without the community understanding what the impacts of doing so would be.

Objection by Mr. Bryson. He explained that the Assembly has been discussing this ordinance, including several public comment periods, since April of this year. He argued against sending this to the Planning Commission, he felt that doing so would not provide any additional efficiency or input.

Mr. Smith understood Ms. Woll's perspective in terms of timing and sequence. He expressed concern over losing Section 4, which includes changing of the streamside set-backs. Mr. Smith asked Mr. Palmer if this ordinance could be adopted if he amended it to remove Sections 2 and 3. Mr. Palmer explained that Ms. Woll's motion supersedes the original motion, and therefore must be voted on before making amendments to the original motion.

Ms. Hale objected to Ms. Woll's motion. She felt that Ms. Woll had good intentions, but also noted that a lot of people had put in a considerable amount of time and effort towards this. Ms. Hale said that she would prefer that it be repealed and renew the process. She added that the code in question is not enforceable, nor is it maintaining any protections.

Ms. Triem also objected to the motion. She said that she had considered Mr. Smith's amendment to keep Section 4 as a "review" flag, but she also said that it does not seem necessary to leave such a heavily-discussed item on the books for the Assembly to review at a later time.

Mr. Jones supported Ms. Woll's motion. He disagreed with the notion that the Assembly had been considering this ordinance for months. He recalled the meetings cited by the City Manager, and said that this ordinance was not fully discussed during those meetings. Mr. Jones spoke in favor of referring this ordinance back to the Planning Commission.

Ms. Woll appreciated Mr. Jones' comments.

Mr. Bryson asked Mr. Palmer if he could explain which course of action would be the most efficient way forward. Mr. Palmer provided the language that would be repealed if the Assembly adopts this tonight. He said that this was a philosophical decision for the Assembly to decide.

Roll Call Vote to Refer Ordinance 2021-13 to Planning Commission:

Ayes: Woll, Smith, Jones, Mayor Weldon.

Nays: Bryson, Hale, Triem.

Motion failed. Four (4) Ayes, Three (3) Nays.

Amendment #1 by Mr. Smith to remove Section 2 and Section 3 from Ordinance 2021-13.

Mr. Smith spoke to his amendment, saying that his intention was to allow the change in language to the high-water mark banks of the streams, and to keep the coastal management program language in code as a “thorny reminder” to address this issue with due public process.

Mr. Bryson asked Mr. Palmer to clarify any potential consequences that may result from removing Sections 2 and 3 from this ordinance. Mr. Palmer explained the main consequence would be the fact that there still is a non-enforceable section of code within the code.

Objection by Mr. Bryson.

Ms. Hale requested the Assembly take an at-ease at 7:56p.m. The meeting resumed at 8:00p.m.

Objection by Mayor Weldon to the amendment. Mayor Weldon felt that one of the main purposes of this ordinance was to repeal that section of the code.

Roll Call Vote on Amendment #1

Ayes: Smith, Triem, Woll, Jones.

Nays: Bryson, Hale, Mayor Weldon.

Motion failed. Four (4) Ayes, Three (3) Nays.

Objection by Mr. Jones to the main motion to adopt ordinance 2021-13.

Ms. Woll asked Mr. Palmer to explain what would happen if this ordinance failed to pass. Mr. Palmer said that CBJ staff had received feedback identifying streamside protections as an important issue to address.

Ms. Hale spoke in favor of passage of this ordinance.

Mr. Jones asked Mr. Palmer to provide further explanation to Ms. Woll’s question. He said that if this ordinance fails to pass, the ordinance cannot be reintroduced to the Assembly as written.

Mr. Palmer stated that Mr. Jones was correct in saying that this ordinance, as written, could not come back as currently written if it were to fail tonight. He said that the substance of this ordinance would get addressed in another way by the Planning Commission, given the extensive public interest in this item.

Mr. Watt clarified that if this ordinance were to fail, the definition and language related to high-water marks would not be adopted.

Mr. Smith asked Director Maclean if the Planning Commission and CDD intended to thoroughly review the CZMP and determine which aspects of it could be kept. Ms. Maclean confirmed that it was the intent of both the Planning Commission and the Title 49 Committee to go through the CZMP and determine what should be kept in code, and streamline the remaining items. They also intend to clarify the code language to allow it to be more easily understood by the public. She encouraged public to listen in on the Title 49 Committee process.

Roll Call Vote on the motion to adopt Ordinance 2021-13:

Ayes: Smith, Woll, Bryson, Hale, Triem, Mayor Weldon.

Nays: Jones.

Motion passed. Six (6) Ayes, One (1) Nay.

C. Ordinance 2021-29(b) An Ordinance Amending the Sales Tax Code and the Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.

This ordinance would change the current sales tax incentive for sellers timely filing and remitting sales tax in the CBJ from a percentage-of-tax to a flat \$30 discount, regardless of filing frequency. Starting February 2022, this ordinance would also require sellers to timely file sales tax returns through the CBJ's eGov Portal to receive the discount. Approximately 12,350 paper returns are filed each year and wider use of the online eGov portal would improve the efficiencies in the CBJ Sales Tax Office. This ordinance would also repeal the duplicative incentive for the timely filing of Hotel-Motel Room Tax returns.

The Assembly Finance Committee discussed this ordinance at its meetings on June 2, 2021, August 18, 2021 and September 1, 2021.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hale for the Assembly to adopt Ordinance 2021-09(b) and asked for unanimous consent.

Objection by Mayor Weldon. Mayor Weldon felt that it was wrong to direct the public towards a system that she described as clunky and ineffective. That being said, she understood that she was alone in her opposition, so she removed her objection.

Hearing no further objections, Ordinance 2021-09(b) was adopted by unanimous consent.

D. Ordinance 2021-39 An Ordinance Removing or Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages.

In the spring of 2017, Ordinance 2017-02 was enacted, which created licensing standards for use of certain rights-of-ways for selling food and beverages. Section 5 of Ordinance 2017-02 imposed an automatic repeal clause (sunset date) of December 31, 2018, which was extended to December 31, 2021, by Ordinance 2018-46. The licensing standards created by Ordinance 2017-02 have been used by food and beverage vendors without issue in the last four years.

Due to uncertainty on the success and public support on the use of rights-of-ways under this ordinance, it was a policy choice of the Assembly to adopt the sunset date. The Manager is unaware of adverse

effects or substantive negative public comments and recommends that the sunset date be extended or eliminated as proposed in this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Woll for the Assembly to adopt Ordinance 2021-39 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-39 was adopted by unanimous consent.*

The Assembly took a break at 8:17p.m. The meeting resumed at 8:30p.m.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

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

There are four 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 these applications.

MOTION by Mr. Jones for the record to note that the Assembly has considered each application on an individual basis, and to refer these applications to the Assessor's Office for adjudication. He asked for unanimous consent. *Hearing no objections, the applications were granted.*

B. EDA Grant Opportunity/Eaglecrest Summer Operations

Mr. Watt recommended the Assembly support the application to pursue a Tier I grant for EDA Grant Opportunity for Eaglecrest Summer Operations.

Mr. Jones asked Mr. Watt if CBJ would be able to apply for more than one grant for Tier I for this organization.

Mr. Watt explained that if CBJ were to apply for a grant, any additional entities (such as Docks & Harbors) would be applying for the same grant as Eaglecrest. Essentially, it is up to the Assembly to decide who would be in that application bundle. Mr. Watt added that the timing of the grant application,

along with the Assembly schedule impacted by the upcoming election, has not given them a lot of time as to consider this.

Mr. Jones and Mr. Watt discussed the grant application process in relation to the budget and appropriation of city funds.

Ms. Woll shared that her understanding of “Build Back Better” is not only regarding post-pandemic recovery or infrastructure, but also involves addressing historical inequities related to issues such as classism and racism. She is curious as to whether that specific lens is being applied to these projects. Mr. Watt felt that the “Build Back Better” grant is aimed at regional growth initiatives that encourages economic development. He added that it would at the grantee’s discretion whether to implement conservation measures through their project.

MOTION by Mr. Jones for the Assembly to support the application of Tier I Grant and asked for unanimous consent. *Hearing no objections, the motion passed with unanimous consent.*

XII. STAFF REPORTS

None.

XIII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon presented a letter for an op-ed from a group of Mayors coordinated by AML to be submitted to Anchorage Daily News. She asked for Assembly support for this op-ed publication. Hearing no objections from the Assembly, Mayor Weldon will pass along the approved letter to AML.

Mayor Weldon issued a charge to establish a Bartlett Regional Hospital and Assembly Joint Committee. The purpose of the committee is to discuss BRH campus planning, business planning, projected community service needs, and facility needs. She noted that this was a timely charge, considering what is going on at the BRH Campus. She also added that Ms. Hughes-Skandijs and Ms. Woll are delighted to be on this committee. Mayor Weldon asked the Assembly for their support to move forward with this committee. *The Assembly gave their unanimous approval via giving a thumbs-up, and the committee was approved.*

Mayor Weldon issued an additional charge to establish a Housing and Development Task Force. The purpose of this committee is to provide helpful advice to the Assembly regarding housing and development issues; specifically the project approval process and proposed improvements consistent with Assembly Goals. The membership of this task force will consist of: Ms. Hale, Ms. Gladziszewski, Planning Commission members Paul Voelkers and Nate Dye, Chamber of Commerce representatives Phil Heumann, Dave Hanna, and Wayne Jensen. The task force will be chaired by Deputy Mayor Jones. Mayor Weldon asked the Assembly for their support to move forward with this task force. *Hearing no objections, the committee was approved by unanimous consent.*

Mayor Weldon noted that tonight was Mr. Jones’ last full Assembly meeting. She thanked Mr. Jones for his service, and said that it has been a pleasure to work alongside him.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Committee of the Whole Chair Jones reported the Committee of the Whole last met on August 30 as a joint meeting with Systemic Racism Review Committee, during which they brought forward their legislative review criteria. All ordinances on the consent agenda will be forwarded to the SRRC meeting tomorrow for review. The COW also met with the Planning Commission to discuss the CZMP ordinance that was presented tonight. The next COW meeting is scheduled to be held on September 20 to discuss the Land Use Code Landslide Map changes.

Assembly Finance Committee Chair Triem reported that the next AFC meeting is scheduled to be held on September 29.

Public Works and Facilities Committee Chair Hale shared that PWFC met on August 30 and received a presentation from the Department of Environmental Conservation Waste Management Program about solid waste regulations. The PWFC will forward solid waste plan recommendations to the COW to discuss at a future meeting.

The PWFC also discussed the New City Hall, and forwarded a proposal for a committee (AFC, COW, etc.) to review a one year timeline; or for Ms. Hale to introduce the recommendation for the Assembly to consider the one-year timeline of a New City Hall. She added that PWFC Director Katie Koester will conduct preliminary survey work, the results of which will be presented to the Assembly by February 2022. The Assembly would then consider whether to put the New City Hall initiative on the ballot for the 2022 Municipal Election.

Human Resources Committee Chair Bryson reported that the HRC met just prior to tonight's Assembly meeting. The HRC forwarded the following appointments to the Assembly for approval:
Appointments to Aquatics Board:

- Lena Morrell, to a term beginning immediately and ending on June 30, 2024.

Appointments to Sister Cities Committee:

- Samantha Brown to a term beginning immediately and ending on January 1, 2024.

All appointments were approved by unanimous consent.

The HRC reviewed and recommended for the Assembly to accept AWARE as the recipient of the Community Development Block Grant (CDBG).

Hearing no objection, the proposal to accept AWARE as CBJ's candidate for the CDBG application was approved by unanimous consent.

Mr. Bryson mentioned that there are two openings still left on the Aquatics Board, and one opening on the Sister Cities Committee. He encouraged the public to apply to any vacant committee positions.

Liaison Reports:

Mr. Bryson did not have a report to share.

Ms. Triem reported that the Aquatics Board has not met due to quorum issues, and she encouraged people to apply. Ms. Triem shared that she was currently in Haines for the Southeast Conference. She also mentioned that she got her flu shot on her way to the ferry terminal.

Mr. Smith reported that the Local Emergency Planning Committee met, where they discussed the CCFR Regional EMS Symposium next year, and spoke with BRH representatives. The Chamber of Commerce Dinner is scheduled to be held on October 30. Mr. Smith mentioned the “Give Alaska a Shot” drawing giveaway for those who have been vaccinated or receive a vaccination within the next eight weeks. \$49,000 cash or \$49,000 tuition assistance for youth. He also wanted the public to be aware of the Alaska Housing Rental Assistance Program, which recently started to take applications. The Juneau Reentry Coalition is hosting a presentation on a peer-supported reentry tomorrow.

Ms. Hale reported that the Bartlett Regional Hospital Board met on August 24, and unanimously passed the vaccine mandate for staff. She said that monoclonal antibody infusions have been going well. The BRH’s Committee of the Whole met on September 10 to talk about a self-assessment they had conducted.

Ms. Woll reported that the Downtown Business Association met. They are trying to increase their membership back to its pre-pandemic numbers, prior to the pandemic the DBA had 160 members, during the pandemic membership decreased significantly to 50 members, and currently they have 110 members and continue to increase. Travel Juneau has not met since the last Assembly meeting. The Iron Man Triathlon sign-ups filled up for Summer 2022 pretty quickly, and hotels are fully booked. Ms. Woll encouraged anyone interested in renting out their house or property during that time to contact Travel Juneau, as they are assisting in facilitating between renters and visitors.

Mr. Jones reported that the Planning Commission has not met as a whole since the last Assembly meeting. The Title 49 Committee met on September 8 and spent an hour and a half discussing potential changes to the sign ordinance. The next Title 49 Committee meeting is scheduled for October 7. The next Planning Commission’s Committee of the Whole meeting will be going over parking code revisions. The Planning Commission will meet on September 28 to review a variance to allow construction on Lemon Creek and that had been previously postponed due to the CZMP. Mr. Jones shared that he will also go to the Southeast Conference in Haines. He also attended the 9/11 Memorial service. He noted that the UAS Evening at Egan series has starting back up to discuss whale migration patterns. On September 24, Evening at Egan they will have a presentation from a Political Science professor from Australia about Ranked Choice Voting, which Australia has used in their elections for the past twenty years.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XV. EXECUTIVE SESSION

A. Assembly Salary Compensation Subcommittee Recommendation re: City Manager & City Attorney Compensation (Verbal Report)

MOTION by Mr. Jones for the Assembly go into Executive Session to discuss the Assembly Salary Compensation Subcommittee Recommendations regarding the City Manager's and City Attorney's Compensation. *Hearing no objections, the Assembly moved into Executive Session.*

The Assembly went into Executive Session at 10:11p.m. The Assembly returned from Executive Session at 10:33p.m.

MOTION by Mr. Jones for the Assembly to move out of Executive Session. He shared that during executive session, the Assembly received a report from the Assembly Salary Compensation Subcommittee.

MOTION by Mr. Bryson for the Assembly approve a 3.2% raise to the City Manager's salary, effective July 1, 2021. Such an increase includes a previously approved 1% general salary increase consistent with contract negotiations from MEBA for general government employees. Mr. Bryson further moved that the Assembly approve a \$500 bonus to the City Manager, and asked for unanimous consent. *Hearing no objections, the motion passed by unanimous consent.*

MOTION by Mr. Bryson for the Assembly to propose a market rate pay adjustment, bringing the City Attorney's salary to \$175,000 per year, effective July 1, 2021. He further moved that the Assembly approve a \$500 bonus to the City Attorney, and asked for unanimous consent. *Hearing no objections, the motion passed by unanimous consent.*

Mr. Bryson noted that the City Attorney received a 100% score from the Assembly Evaluation. Mayor Weldon congratulated Mr. Palmer for his score.

XIV. CONTINUATION ON PARTICIPATION FOR NON-AGENDA ITEMS

None.

XIV. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 10:35p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor