

THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes - March 1, 2021

MEETING NO. 2021-06: The Regular Meeting of the City and Borough of Juneau Assembly held virtually via Zoom webinar, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

Ms. Hughes-Skandijs led the Assembly in the flag salute.

Ms. Triem acknowledge that we are on Tlingit land and honor the A'akw Kwáan and T'aaku Kwáan, the indigenous people of this land for their stewardship of the area from time immemorial. That 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!*

II. ROLL CALL

Assembly Members Present: Mayor Beth Weldon, Maria Gladziszewski, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs, Greg Smith, and Christine Woll.

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager/Incident Commander Mila Cosgrove, City Attorney Robert Palmer, Assistant Attorney Sherri Layne, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Library Director and EOC/PC Robert Barr, Finance Director Jeff Rogers, Engineering/Public Works Director Katie Koester, Community Development Director Jill Maclean, Parks and Recreation Director George Schaaf, Zach Gordon Director Jorden Nigro, Port Director Carl Uchytel, Lands Manager Dan Bleidorn, BRH CFO Kevin Benson, Chief Housing Officer Scott Ciambor

III. SPECIAL ORDER OF BUSINESS

A. Recognition of Coeur Alaska Kensington Mine and Redpath USA Corporation

Mayor Weldon acknowledged that as the COVID-19 pandemic progressed over the past year, many members and businesses stepped up to assist the community. She noted that the CBJ Emergency Operations Center identified Centennial Hall as a potential quarantine and isolation shelter but the building's lack of shower facilities posed a major problem. With the entire country facing similar problems, there were no portable showers available to buy or rent. When the staff from Kensington Mine and Redpath USA learned of this need, they immediately loaned the EOC two mobile showers. She said that while they were only needed for a few weeks during 2020, the loan of those showers was invaluable and she commended them for their assistance.

In attendance on behalf of Coeur Alaska Kensington Mine and Redpath USA Corporation were Mark Kiessling, Pete Strow, Rochelle Lindley, Chris Collum, and Jason Morrison. Mr. Kiessling

thanked the Mayor for the recognition and said that 2020 was a challenging year and there was no play book for this pandemic and it was a year for action and they were happy to help the community out in this way. Mr. Morrison said that he thought CBJ has done an amazing job in handling the pandemic and that it was very easy to work with George Schaaf and the EOC staff to make this happen.

B. Instructions for Public Participation

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

IV. APPROVAL OF MINUTES – None.

V. MANAGER’S REQUEST FOR AGENDA CHANGES – None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

VII. 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

Mayor Weldon recused herself from voting on Consent Agenda item “c. Ord. 2020-09(AO)” and noted that when she was voting on the Consent Agenda, she would be doing so on all items except Ordinance 2020-09(AO).

MOTION by Deputy Mayor Jones to approve the Consent Agenda and asked for unanimous consent. *Hearing no objection, the motion passed.*

1. Ordinances for Introduction

a. Ordinance 2020-10(B) An Ordinance Appropriating \$302,929 from the Treasury for FY21 School District Operations.

The Juneau School District’s (JSD) projected student enrollment has decreased by 570 students in FY21. This decrease in enrollment has triggered the Hold Harmless provision of the Alaska Department of Education and Early Development’s Foundation Formula. As a result, JSD anticipates an additional \$245,620 in foundation funding and a slight increase to Quality Schools Grant program funding of \$663, for total additional state support of \$246,283. As a result of this increase in funding, CBJ may choose to provide an additional \$56,646 from the General Fund’s fund balance for general school operations.

This request was reviewed by the JSD Board on January 12, 2021. This request will be reviewed by the Assembly Finance Committee at the March 3, 2021 meeting.

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

b. Ordinance 2020-09(AM) An Ordinance Appropriating \$2,500,000 to the Manager as Funding for the Purchase of a Building at 3225 Hospital Drive; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

This ordinance would appropriate \$2,500,000 for the purchase of a building at 3225 Hospital Drive. The Bartlett Surgical & Specialty Clinic occupies approximately half of the space in the building and pays

\$181,000 in rent annually. Bartlett Regional Hospital (BRH) has grown its operations over the years and available space for continued growth is short and at a premium. The purchase of the building would save BRH leasing costs with the opportunity for tenant rental income, with an estimated return on investment of ten years. The proposed building purchase price is below an appraised value of \$3,100,000.

Funding for this request would be provided by Bartlett Regional Hospital Fund's fund balance.

This request was reviewed by the BRH Board on January 26 and February 23, 2021. This request was reviewed by the Lands, Housing, and Economic Development Committee at its February 1, 2021 meeting.

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

c. Ordinance 2020-09(AO) An Ordinance Appropriating \$2,399,725 to the Manager as Funding for the Valley Transit Center Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$2,399,725 to the Valley Transit Center CIP. Grant funding is comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of \$599,931 is being met by an in-kind match from the land purchase funded by previously appropriated capital improvement project funding from the Valley Transit Center CIP (D71-089).

The Public Works and Facilities Committee reviewed this request at the January 7, 2021 meeting.

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

d. Ordinance 2020-09(AP) An Ordinance Appropriating \$92,000 to the Manager as Funding for Snow Removal Equipment for Capital Transit; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.

This ordinance would appropriate \$92,000 for the purchase of snow removal equipment for Capital Transit to maintain access to bus shelters. Grant funding in the amount of \$73,600 is

comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of

\$18,400 is provided by the Equipment Replacement Reserve Fund's fund balance. This funding will purchase two snow removal equipment trailers and replace a truck that has exceeded its useful life and is scheduled for replacement.

The Public Works and Facilities Committee reviewed this request at the January 7, 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(AQ) An Ordinance Transferring \$1,275,193 from Various Capital Improvement Projects to CIP D14-051 Pederson Hill Land Survey & Plan, CIP R72-151 Robbie Rd., Ling Ct. & Laurie Ln., CIP R72-156 Harris St. Reconstruction, CIP R72-149 Meadow Lane Improvements, CIP R72-137 Gold Creek Flume Repairs, and CIP R72- 154 4th St. Drainage/F-I & Side Streets.

This ordinance transferring \$1,275,193 would accommodate current priority project needs of Streets and Lands and Resources. Nearly all of the proposed transfers are reallocating funds from completed projects to ongoing work in need of additional funding. Additional funding for construction will be prioritized and funded by the FY22 CIP request. This transfer consists of \$1,105,634 sales tax and \$169,559 Lands Fund funding.

The Public Works and Facilities Committee reviewed this request at the February 1, 2021 meeting.

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

2. Liquor License

a. Liquor License Renewals for Licenses: 644 & 1081

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

Liquor License Renewals

License Type: Beverage Dispensary, License #644

Licensee: Wolfpack Ventures, LLC d/b/a: Salt Alaska

Location: 200 Seward Street, Juneau

License Type: Beverage Dispensary, License #1081

Licensee: Shayz, LLC d/b/a Squirez

Location: 11806 Glacier Highway, 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 renewals.

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 liquor license renewals.

VIII. PUBLIC HEARING

A. Ordinance 2020-09(AN) An Ordinance Appropriating \$75,000 to the Manager to Operate a Youth Shelter and Rapid Rehousing Facility; Grant Funding Provided by the Alaska Mental Health Trust Authority.

This ordinance would appropriate \$75,000 to operate a youth shelter and rapid rehousing facility at the Hurlock Street property. The Zach Gordon Youth Center (ZGYC) and Tlingit Haida Regional Housing Authority (THRHA) are partnering to help address the community need for emergency sheltering and rapid rehousing for runaway and homeless youth. This initiative is endorsed by the CBJ Assembly Taskforce on Homelessness.

Grant funding for this request would be provided by the Alaska Mental Health Trust Authority.

The Committee of the Whole reviewed this request at the November 9, 2020 meeting. The Assembly Finance Committee reviewed this request at the January 6, 2021 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Woll to adopt Ordinance 2020-09 (AN) and asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

B. Ordinance 2021-01(c) An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Housing in Downtown Juneau.

To qualify for this tax abatement program, at least four new residential units would need to be added to a parcel in the downtown Juneau area. Any condemned dwelling unit that is renovated up to current code would also qualify as a new unit. For the purposes of this ordinance, the downtown Juneau area is the same as the Title 49 Fee in Lieu of Parking map.

This topic has been reviewed by numerous Assembly committees since the spring of 2018. Most recently, the Lands and Resources Committee reviewed this topic on August 10 and December 7, 2020, and January 11, 2021. Version (c) of this ordinance corrects a reference in the first whereas clause.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Betsy Brenneman, a resident of highlands in Downtown Juneau, thanked Mr. Palmer for answering many of her questions regarding this ordinance. She spoke in support of the ordinance and she supports the time to allow this to be in effect for 12 years and she thinks this is a good first step. She said that she wants to encourage the Assembly to take it further to eventually include assistance with the refurbishing in some of the older housing in town.

Dave Hanna, a resident of the Back Loop Road, said he sent an email to the Assembly with all his concerns about this ordinance. He said that there are some serious issues with this ordinance and that it would benefit individuals who have not been responsible landlords in the past and would be in direct competition with those individuals who have been responsible landlords. He said that there appears to be quite a few vacancies in housing downtown and that the problem isn't that there isn't housing available but rather that people don't want to live downtown. He said another concern he has is that there are millions and millions of dollars coming off the tax rolls and to couple this with a decrease in sales tax revenue, it increases a significant revenue shortfall. He strongly urged the Assembly not to pass this ordinance citing the creation of another revenue shortfall along with the inequities this causes.

Mr. Bryson asked Mr. Hanna if this tax abatement only applied to new property and not applied towards refurbishing, if that would be more agreeable to him.

Mr. Hanna said that if this was just applicable to new construction, we would ultimately be receiving revenue on something that had not previously existed and it is creating something new for the community. He compared this to the new subdivision ordinance which was creating something new and not in direct competition with something else already out there and it wasn't rewarding somebody who had been derelict of their responsibilities. He said he wasn't in favor of the twelve year period and while other communities have used that benchmark, it doesn't mean it is necessarily responsible. He said he would be cautiously approving of any new construction but he wasn't in favor of rewarding owners who have not been taking care of their properties.

Ms. Gladziszewski thanked Mr. Hanna for his testimony. She noted that the ordinance is targeted to new construction and that the only time it would apply to existing property is if it was condemned or uninhabitable and it is not eligible for renovating property that was currently in use. She asked Mr. Hanna if he would be in favor of the ordinance if it retained the language enabling it for use on condemned buildings.

Mr. Hanna said he wasn't even much in favor of it being used for condemned buildings. He said that his understanding was that it would be eligible for the conversion of current properties, which he was not in favor of, but said that he may be mistaken about that. Ms. Gladziszewski said that he was mistaken and it is was not for use in the conversion of current properties and read the definition from the ordinance.

Assembly Action

MOTION by Mr. Smith to approve Ordinance 2021-01(c) and objected for purposes of an amendment.

AMENDMENT #1 by Mr. Smith as found on page 43 of the packet and included below:

Intent: Make new residential units available for workforce housing and long-term rentals instead of short-term rentals.

Amend Section 2 as follows (Smith Amendment depicted with underlining):

69.10.23 Property tax incentives for economic development property.

(a) Purpose.

...

(2) At least four new residential units in the Downtown Juneau Residential Tax Abatement Map, dated January 20, 2021. Such units must not be used as short term rentals during the property tax abatement period.

...

(d) Application.

...

(9) Application requirements specific to the Downtown Juneau Residential Tax Abatement. In an application for CBJC 69.10.023(a)(2), the property owner must agree not to rent any new residential units as short term rentals while receiving the tax abatement. A property owner who breaches this provision forfeits the remaining property tax abatement and must reimburse the City and Borough of Juneau for the property tax abatement received since first granted plus interest at the legal maximum rate of interest allowed by state law. If the property owner does not reimburse the City and Borough within 30 calendar days of notice being mailed or served, a lien shall be recorded against the property with the new residential units.

(n) Definitions. In this section, the following definitions apply:

...

Short Term Rental means a dwelling unit that is rented, leased, or otherwise advertised for occupancy for a period of less than 30 days.

Mr. Smith, in speaking to his amendment, explained that this clarifies that the intent of this property tax abatement program is to provide housing opportunities for people who are living in the in community vs. a short term rental such as AirBnBs.

Additional discussion took place related to the definition of short term rentals and Mr. Bryson wanted to be sure that the amendment wasn't prohibiting seasonal rentals such as those needed for legislative or tourist season staff housing. Mr. Smith clarified that the definition of short term rental in this context was specifically for periods less than 30 days for things such as VRBO's or AirBnB. He said that while people may choose to create those types of VRBO and AirBnB options, he did not feel it was appropriate for the tax abatement program to be using public funds to fund the construction of those short term units.

Mr. Jones objected to the amendment. Mr. Jones said that he feels this overly complicates the issue. He said that while he agrees with the intent, it creates a lot of room for interpretation and a lot of work on the assessor's part and he provided a number of scenarios that would make it very questionable.

Ms. Gladziszewski spoke in favor of the amendment.

Roll Call Vote on Amendment #1:

Ayes: Smith, Woll, Hughes-Skandijs, Bryson, Hale, Triem, Gladziszewski, Weldon

Nays: Jones

Amendment #1 passed. Eight (8) Ayes, One (1) Nay.

Mayor passed the virtual gavel to Mr. Jones so she could propose an amendment.

AMENDMENT #2 by Mayor Weldon to amend the map to include 6th Street as shown on the screen by Mr. Palmer and asked for unanimous consent.

Ms. Gladziszewski asked Mayor Weldon what the reasoning was for her amendment and why she is proposing to change this from what has traditionally been considered in the "downtown" area. Mayor Weldon explained that she was informed by the Catholic Diocese that they have property they may be interested in renovating into housing units but that property is located outside the current coverage area so she is offering up this amendment to allow that property to be included at their request.

Mr. Smith said that this may be one of those instances in which lines must clearly be drawn but asked the attorney if this would be something they might be able to delegate authority to the manager to determine.

Mr. Palmer noted that Mr. Smith was correct in his initial understanding that there does need to be clear lines drawn somewhere for this and that there needs to be a rational basis for setting the particular lines. He noted that Mayor Weldon's explanation to Ms. Gladziszewski does provide the rational basis for her amendment if the Assembly agrees with that.

Mr. Watt noted that CDD Director Jill Maclean has advised him that the Planning Commission has been looking at the revised map included in this amendment as they look at the downtown parking issues so they see development potential in this area as well.

Hearing no objection, Amendment #2 passed by unanimous consent.

Mr. Jones turned the virtual gavel back over to Mayor Weldon.

Objection by Mr. Bryson for purposes of a question. Mr. Bryson asked Mr. Palmer to assure the Assembly that the language of this ordinance did not allow for a legal loophole in which someone could convert an existing building for tax abatement. Mr. Palmer explained that CBJ is

obligated to follow Alaska statute. This statute requires that any time CBJ grants an exemption or an abatement, it must be for an economic development property. CBJ has identified that those who build four or more new units would presumptively qualify as an economic development property; however, the property owner has to describe how their property qualifies as an economic development property in their application. Mr. Palmer said that the application process is tailored for new development, however there is a possibility that someone could convert their commercial space into enough housing to qualify for this tax abatement program; although they would still be subject to the application process, which would assess the economic development of the property.

Mr. Bryson asked Mr. Palmer to clarify who would be responsible for assessing the property. Mr. Palmer answered that the Assessor would be the one who would evaluate the applications and the properties. Mr. Bryson removed his objection.

Objection by Mr. Jones. Mr. Jones spoke to his objection, saying that it has been difficult to find tax abatement research specific to this issue. He mentioned that he felt this was too limited to Downtown residential areas, and does not perceive that this would result in a significant loss of revenue. Mr. Jones was not convinced that this ordinance would cause any significant change in the Downtown housing over the next few years.

Ms. Gladziszewski spoke in favor of the ordinance and the tax abatement program.

Mayor Weldon stated that she also objected to the ordinance.

Roll Call Vote on Ordinance 2021-01(c) as amended:

Ayes: Smith, Woll, Hughes-Skandijs, Bryson, Hale, Triem, Gladziszewski

Nays: Jones, Weldon

Ordinance 2021-01(c) was adopted. Seven (7) Ayes: Two (2) Nays.

C. Ordinance 2021-02 An Ordinance Providing for the Issuance and Sale of General Obligation Bonds in One or More Series to Provide Not to Exceed \$22,000,000 in Net Proceeds; and Providing for the Form and Terms of the Bonds and for Unlimited Tax Levies to Pay the Bonds.

In 2020, voters approved a \$15 million bond for maintenance and repair of schools, parks, streets, and other public infrastructure. In 2019, voters approved a \$7 million bond for improvements to Centennial Hall. This ordinance authorizes these two general obligation bonds to be sold as one \$22 million bond through a competitive public offering. This ordinance specifies a 15-year repayment plan with interest- only payments for the first three years. Due to ongoing legal issues with the Alaska Municipal Bond Bank Authority, these bonds will be sold directly by the Borough without using the Bond Bank as a conduit.

The Assembly Finance Committee reviewed this ordinance at the February 3, 2021 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hughes-Skandijis to adopt Ordinance 2021-02 and asked for unanimous consent.

Mayor Weldon objected for purposes of a question. Mayor Weldon asked Mr. Watt to explain how the bonds would be sold, and to provide additional detail on the bond process. Mr. Watt invited Mr. Rogers to explain the bond process.

Mr. Rogers explained that CBJ would offer these bonds through a public offering, and described it as a process similar to the bond bank. CBJ would not work with a bond bank and instead seek an independent credit rating and work with a credit rating agency. This agency will independently rate CBJ's credit, separate from the way it is typically done through the State's credit rating. Mr. Rogers anticipates that CBJ's credit rating will be roughly equivalent to the State's credit rating. He clarified that the city will not lose anything by going through the process this way. CBJ would then issue it like a typical bond by pricing the bond through an underwriter, and then closing on the bond. He also mentioned that this will be offered to the public after the process is completed.

Mr. Rogers noted the interest amongst those who live in Juneau to get involved on a bond such as this. This interest had led the Finance Department to establish a program in which local stockbrokers will be able to work with clients and get involved with this bond early on. He said that this is a way for residents to buy a piece of Juneau's debt if they are interested in doing so. He added that the Finance Department will try to make a public notice informing the community on how participate in this program.

Mayor Weldon thanked Mr. Rogers for providing exactly the information she was interested in, specifically on how local residents could buy bonds if they were interested in doing so. She added that CBJ will advertise that information when the time comes. Mayor Weldon withdrew her objection.

Hearing no further objection, Ordinance 2021-02 was adopted by unanimous consent.

D. Ordinance 2021-04 An Ordinance Related to CBJ Marijuana Licenses.

CBJ has a business license for marijuana businesses in Title 49. This ordinance would give the Community Development Department director the authority to suspend or revoke a marijuana business license for the same reasons that the CBJ Assembly can protest the issuance of a State marijuana license, which would include taking corrective action when a marijuana business falls behind in remitting sales tax.

On January 25, 2021, the Assembly Human Resources Committee recommended the Assembly introduce this ordinance without review by the Planning Commission.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2021-04 and asked for unanimous consent.

Ms. Hale objected for purposes of a question. Ms. Hale asked what the reason was for singling this type of license out for this specific legislation. Mr. Palmer explained the unique legal limitations that marijuana regulations do not permit CBJ from placing a lien like it can on other businesses, and it is not an issue that can be resolved in a reasonable amount of time. Ms. Hale removed her objection.

Ms. Gladziszewski explained that during her time on the Marijuana Committee, this was the exact intent so that they would not have to genuflect to the State's Marijuana Board, and that CBJ could handle the issue themselves.

Hearing no further objection, Ordinance 2021-04 was adopted by unanimous consent.

E. Emergency Ordinance 2021-07 An Emergency Ordinance Amending the COVID-19 Travel Mandates in Emergency Ordinance 2021-05.

The local CBJ Travel Mandates were adopted on February 11. Three days later, the State issued a Health Advisory. Consistent with the State's Health Advisory, this emergency ordinance would eliminate the \$250 COVID-19 testing fee for non- residents and clarify the procedures for fully vaccinated travelers arriving in the City and Borough of Juneau.

The City Manager recommends the Assembly adopt this emergency ordinance.

Public Comment:

Mr. Grantley Moore, a Juneau resident and owner of Moore Charters, encouraged the Assembly to remove the five-day social distancing requirement as soon as it is safe to do so. He shared that he has lost thousands of dollars in business in cancelled bookings due to this requirement. He emphasized that he would like to see this requirement removed once the safety of the community has been ensured, as it would help return to business as usual.

Mr. Smith asked if Mr. Moore had been able to file a travel protocol plan for an exemption from the city's requirements. Mr. Moore explained that the five-day social distancing requirement has prevented potential customers from booking with his company.

Ms. Sarah Lowell, a Douglas resident and Tour and Marketing Manager for Coastal Helicopters, spoke against extending this ordinance until May 26. She explained that this requirement is causing cancellations in booking for their independent customers, and has resulted in issuing

refunds to travelers who have decided to travel elsewhere. She feels that extending this ordinance to May 26 will hinder the development of her business, and could be detrimental to other businesses in town.

Ms. Hale mentioned to Ms. Lowell that this current emergency ordinance would alter the travel mandate, changing the requirements to state that those who are fully vaccinated will not have to adhere to strict social distancing. She asked if that adjustment would help the clients she is working with to know that those requirements have been lifted. They would still need to test, but they would not need to socially distance. Ms. Lowell said that if the clients were fully vaccinated then that might work, but it would depend on the vaccination rate from the state they are travelling from. She added that there are people who are not able to get a vaccine as of right now, but are still wanting to travel.

Mr. Bryson asked Ms. Lowell if changing the date to May 1 would make a difference or potentially stop those cancellations. Ms. Lowell said that May 1 would give her business some time to capture some of this business, but it would still impact reservations.

Ms. Gladziszewski said that the ordinance as it stands will last until May 26, and would not affect any potential bookings made after May 26. She said that this ordinance would not harm her business for the entire summer, it would only restrict business until May 26.

Ms. Lowell claimed that this restriction could potentially harm her entire summer, as people are already planning their trips at this time.

Assembly Action:

MOTION by Ms. Hale to adopt Emergency Ordinance 2021-07 and asked for unanimous consent.

Objection by Mr. Bryson for purposes of an amendment.

AMENDMENT #1 by Mr. Bryson to change the sunset date of Emergency Ordinance 2021-05 to be May 1, 2021 rather than May 26, 2021.

Mr. Bryson in speaking to his amendment, said that three weeks is a significant amount of time for a business, as May is the beginning of the summer season. He believes if Juneau starts the summer season remaining closed while other Alaska cities are open, it will lead to independent travelers choosing to visit those cities over Juneau. He added that those first three weeks will have a significant impact on businesses as well as sales tax revenue. Mr. Bryson encouraged the Assembly to start the summer season off on the right foot, in anticipation for an already dismal tourism season. He spoke to the safety measures that have kept Juneau and our community protected so far.

Ms. Gladziszewski shared that the Assembly could always change the date to be earlier, though it would be more difficult to make the date later. She would be more comfortable with leaving the date at May 26 for now, and adapting it to an early date if need be at a later time when the

variables are more present and they have more information. She advised against opening up too soon and potentially harming the progress Juneau has made so far.

Ms. Triem supported Mr. Bryson's amendment, and said the restriction could lead travelers to write off Juneau for the entire summer, regardless of the fact that the restriction would only last through May.

Ms. Hale spoke against Mr. Bryson's amendment, and was concerned that relaxing the requirements could result in Juneau being put in a high-risk situation. Considering the effort it took to maintain a low COVID case count, she said that we do not understand the risks involved at this time.

Mr. Watt clarified that the EOC and the Legislature will indicate to the Assembly how COVID levels are shifting in the community, regardless of which date the Assembly chooses.

Mr. Smith asked for clarification on Anchorage's travel and safety restrictions. Mr. Watt shared that he is not aware of any other communities in Alaska that have an ordinance like this in place, and it is possible that Juneau is one of the only larger communities that has an ordinance such as this.

Ms. Woll spoke in favor of Mr. Bryson's amendment, adding that if they decide on this it could send an optimistic message to travelers to Juneau.

Mayor Weldon spoke in support of Mr. Bryson's amendment, and said that if they decide not to change it now but retroactively change it later, travelers will only be aware of the initial date put in place. She added that if they change it to May 1, they can continue to watch Juneau's COVID levels and change it to a later date if necessary. She echoed Ms. Woll's sentiments of being optimistic, and would not hesitate to make changes if the risk mitigation measures called for the Assembly to do so.

Roll Call vote on Amendment #1:

Yeas: Bryson, Hughes-Skandijs, Woll, Triem, Weldon

Nays: Smith, Hale, Gladziszewski, Jones

Amendment #1 passed. Five (5) Ayes, Four (4) Nays.

Mr. Jones asked for clarification on the number of votes required to pass an emergency ordinance. Mr. Palmer clarified that any amendment may on pass on a 5:4 majority vote, but the emergency ordinance itself requires six votes to pass.

Mr. Smith asked for clarification as to why they are opting to remove the \$250 for a nonresident to receive a test result, and also asked if the vaccination requirement was supported by CDC guidance.

Ms. Cosgrove explained that the \$250 fee for testing has not been collected by the State or the testing providers, and the city has no way to enforce collection of that fee. Additionally, CBJ is not paying for airport testing, so Juneau will cease collecting that fee for practical purposes. Ms. Cosgrove also explained that there is no absolute guidance from the CDC at this point that vaccination would be an antidote to strict social distancing. However, the EOC had a health consultant speak with Alaska DHSS Epidemiology staff that identified being vaccinated as posing less of an overall risk.

Ms. Woll asked for clarification on the difference between the procedures for fully vaccinated travelers and non-vaccinated travelers. Ms. Cosgrove explained if a non-vaccinated visitor was to travel under our current ordinance, they would be required to test and strictly social distance for up to five days. The State DHSS includes an exemption clause for those who are travelling at least two weeks after their second vaccine dosage: this exemption **advises** these travelers to test, and they are **not required** to strictly social distance. This guidance has not been directed by the CDC.

Objection by Ms. Woll for purposes of making an amendment.

AMENDMENT #2 by Ms. Woll to remove the sections of this ordinance that provides exemptions for fully vaccinated individuals: Section 2(E), Section 3(H), and Section 4(G). She spoke to her amendment, saying that she does not agree with the assumption that fully vaccinated individuals cannot spread COVID-19 to the community.

Objection by Mr. Bryson.

Objection by Ms. Gladziszewski. While she agreed with Ms. Woll that scientific data does not definitively conclude that fully vaccinated individuals cannot spread COVID-19, she said that public health officials in Alaska have decided to agree with that side of the argument. Ms. Gladziszewski said that throughout this pandemic, the Assembly has sided with public health officials, and will continue to do so.

Roll Call Vote on Amendment #2:

Ayes: Woll.

Nays: Smith, Hughes-Skandijs, Bryson, Hale, Triem, Gladziszewski, Jones, Weldon.

Amendment #2 Motion failed. Eight (8) Ayes, One (1) Nay.

There being no further amendments and hearing no objections, Emergency Ordinance 2021-07 was adopted as amended by unanimous consent.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Regulation Title 05 Chapter 10 Waterfront Sales Permit

This regulation change will amend the definition of “B Zone vehicle” managed by Docks & Harbors. Previously tour buses which carried fewer than 18 passengers were designated “B Zone vehicles”. With the new waterfront staging facility purposely constructed for larger, airporter-sized vehicles capable of carrying greater than 18 passengers, the need to redefine “B Zone vehicles” is necessary to be consistent with intended purpose and regulation consistency. The largest vehicle modelled in the design of the new waterfront staging facility was 27 feet overall.

The Docks & Harbors Board held a public hearing on February 25 with no negative comments after the requisite public notification.

The Assembly’s review is guided by CBJC 01.60.260. Notably, the Assembly cannot amend the regulations tonight. However, the Assembly may do one of the following:

1. Not take up consideration of the regulations by moving the regulations with orders of the day, which means the regulations are approved;
2. Discuss the regulations and move to adopt the regulations;
3. Discuss the regulations and direct the Manager to consider reasons to review the regulations again; or
4. Direct the Attorney to prepare an ordinance or resolution for consideration of the substance of the regulations.

The City Manager recommends the Assembly approve the regulations by moving for orders of the day.

MOTION by Ms. Triem to move orders of the day.

Hearing no objections, the motion carried by unanimous consent.

B. Potential State Bond -- 2021 Legislative Priority List

This memo establishes capital budget priorities for CBJ for the 2021 legislative session. The list expands beyond deferred maintenance and infrastructure repair projects that dominate the Capital Improvement Plan and is a forward-looking vision for Juneau’s future. It contains a variety of project types at different stages that could be chosen for inclusion in a capital budget bill or state bond package. It is not organized in priority order.

The PWFC reviewed this list at the February 1 and February 22, 2021 meetings. Docks and Harbors added their two top projects at the January 29, 2021 meeting. The Planning Commission reviewed the list and added projects from area plans at the February 23, 2021 meeting.

The City Manager recommends the Assembly take public testimony on this recommendation, discuss priorities, amend the project list as desired and approve it for submission to the Legislature.

Mr. Watt noted a Red Folder item sent from Ms. Koester via email earlier in the day which contained a more detailed chart following changes made at the PWFC meeting.

Public Comment:

None.

Assembly Action:

Ms. Gladziszewski had a question and an amendment. She asked about the fact that these are not in any sort of priority order and if they would have enough time to prioritize the list rather than leaving it to the legislature to prioritize. She asked if they should do that later or if they need to do that now. Mr. Watt said he thought the Assembly has some time to prioritize the list. If there is a CIP or Bond bill, the Assembly would see that coming and have time to weigh in on the priorities on the list. Discussions with Sen. Kiehl and Reps Hannan and Story said that it is likely the state is looking for more shovel ready projects.

Ms. Gladziszewski said that there are some things on the list that are just ideas and are not items the Assembly has formally adopted/approved, such as a new museum, while others appear in a formally adopted CBJ plan such as the Lemon Creek bike path. She would like the Assembly to have an opportunity to prioritize at some point in the process. She also noted that when she looked at the list, there was a vast disparity across projects between the amounts in the list vs. the total project cost. She said that for the Lemon Creek bike path, they are only asking for 3% of the project cost, other things like a new waterfront museum that they don't even agree on, they are asking for 8% of the project costs. She'd like to increase the amount for the Lemon Creek bike path as that area is vastly underserved and people went to planning meetings for two years and the plan sits on the shelf and they hardly move anything. Ms. Gladziszewski said she would like to raise that to \$2 million as it is a vital link to do anything in Lemon Creek area without being put in danger and she would like to see it move more quickly.

MOTION by Ms. Gladziszewski to list the Lemon Creek bike path amount at \$2 million which would put it at 25% of the project cost.

Objection by Mr. Jones. He said that the Governor put in a bond package for \$365 million and he put in the legislation a way to spend all of that. Mr. Jones said that there may be a 10% for the Legislature to approval all of that. What the Legislature may approve is how much will go to each house district (divide by 40). If we put all of our money into one priority and it is only in one election district, then it may not go because it is too much money amongst other things. Then it would need to go to a vote of the public and depending on how Juneau or Fairbanks or others will vote across the state.

Mr. Jones said that while he appreciates Ms. Gladziszewski trying to move this project forward, he doesn't think it will pass in a statewide bond package. Ms. Hale said this list might serve more than the legislature and its potential bond package. She said it could serve as a list towards large federal infrastructure packages or other similar packages.

Additional discussion took place regarding the Lemon Creek bike path as well as other projects on the list.

Mr. Watt spoke reasoning behind the numbers that he put in the list for the dollar amounts that are on the list. For the Lemon Creek bike path, he placed it at the \$250,000 for planning and design as those stages have not yet happened but if the Assembly wished to list it at a different amount, he was amenable to that as well. Ms. Gladziszewski advocated that the Assembly do more than just planning, as she feels they need to do something more for that neighborhood.

Mayor Weldon said they would take an informal vote on this and asked if there were any objections to increasing the Lemon Creek bike path at \$2million for more than just planning, Hearing no objection that motion carried.

Mr. Smith pointed out a small correction needed to Bridget Cove Cabin – that the amount needs to say \$85K to indicate the \$85,000 amount as it was missing the (K) in the list.

Ms. Gladziszewski said she would like to make sure the Assembly has the ability to prioritize the list at a future time.

MOTION by Ms. Gladziszewski to move forward the list as amended with an opportunity to prioritize at a later date. *Hearing no objection, that motion carried.*

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon reported that Southeast Conference met virtually and most of the Assemblymembers attended the conference. They continue to meet with the Southeast regional cruise ship ports but they haven't been making any headway on that. They have reached out to try to get Canada to change its mind on no sail orders and they've also reached out to the CDC to try to get updated guidelines to allow for cruise ship travel.

Mayor Weldon said that she met with Sen. Murkowski when she was here in Juneau. Sen. Murkowski is a wealth of knowledge and she understands the importance of tourism and having the cruise ships here in Juneau and S.E. Alaska.

Mayor Weldon said that they all worked very hard on the Systemic Racism Review Committee (SRRC) formation but she will defer to Mr. Bryson to report on that during committee reports.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions
Committee of the Whole (COW) Chair Jones reported that the COW met on February 22, with the first hour meeting with Airport Board and the second hour discussing Solid Waste Update. The next COW meeting is March 15.

Assembly Finance Committee (AFC) Chair Triem reported that they have not had an AFC meeting since the last Assembly meeting. The next scheduled AFC meeting will be held on Wednesday March 3 and they will be hearing from the auditor and the investment guidance folks.

Lands, Housing, and Economic Development Committee (LHEDC) Chair Gladziszewski reported that the LHEDC last meet had been cancelled and the next meeting is scheduled for March 15.

Human Resources Committee (HRC) Chair Bryson shared that the HRC met earlier in the evening and were forwarding the following nominations for appointments to boards and committees:

Jensen-Olson Arboretum Advisory Board: appointments of Katherine Evans, Patricia Harris, Ed Buyarski to terms beginning immediately and ending January 31, 2024 and the appointment of Sarah Dolan to a term beginning immediately and ending January 31, 2022.

Juneau Commission on Aging: appointments of Jennifer Carson, Janet Beauchamp, and Carole Ende terms beginning immediately and ending January 31, 2022

Sister Cities Committee: reappointment of Junnie Chup to a term beginning immediately and ending January 31, 2022.

Douglas Advisory Board: appointment of Ed Shoenfeld to a term beginning immediately and ending September 30, 2023. *Hearing no objections, those appointments were approved by unanimous consent.*

Mr. Bryson also reported that there are two Board Training sessions for Advisory Board Chairs and board members with the first one on March 18 from 6-8pm and the second opportunity on March 20 from 9am-11am; members need only attend one session as the same training is being held twice to enable greater participation.

Mr. Bryson also noted that the HRC reviewed the resolution to remove the sunset date from the Juneau Commission on Aging and that will be coming forward to the Assembly for adoption.

1. PWFC Report to the Assembly

Public Works and Facilities Committee (PWFC) Chair Hale shared that the PWFC last met on February 22 and they were provided with an update on Jordan Creek flooding which is quite complex and DOT is scoping out culvert changes. PWFC also talked about the possibility of a JCOS liaison sitting with the PWFC in the future. The committee also received an update on the waste water treatment plants. Ms. Hale provided a report in the packet with respect to the priorities and goals set by the Assembly.

Liaison reports:

Ms. Woll said that the Juneau Commission on Aging was working on the senior survey still. They wanted to get rid of sunset date and that topic was discussed at the HRC meeting.

Ms. Woll reported that the Downtown Business Association will be meeting tomorrow. Travel Juneau had a regular meeting and then an annual retreat. She said that she didn't get to go to the TJ annual retreat but she'll be meeting with Ms. Perry to discuss what was covered at the retreat. At the TJ meeting she attended, they received an update from Eaglecrest on their winter tourism.

Mr. Smith reported that there were no Local Emergency Planning Committee meetings since the last Assembly meeting. He said that he attended the Airport Board meeting and the Airport Board also met with Assembly during the COW. He said that he is looking forward to tour with Ms. Wahto out at the airport.

Ms. Hughes-Skandijs reported that the Juneau Campus Advisory Council met earlier in the day and received an update on enrollment. She said the Chancellor will be meeting with Pat Pitney discussing overall enrollment forecasts. She said they are expecting to have a full offering of classes and housing but will still be having to deal with COVID.

Ms. Hughes-Skandijs reported that the Docks and Harbors Board met February 25 and discussed the B Zone regulations that were moved at this meeting. She said they also had a good discussion regarding the harbor rates with CPI index that will be five cents cheaper since it is based on the Anchorage CPI. They received a presentation on Whale Sense and talked about the recommendations of the Tourism Review Board and how that fits with the Whale Sense piece.

Ms. Hughes-Skandijs said that it feels like a long time but the last time the Juneau Commission on Sustainability met, they got an update on a Solid Waste report that is being put together, they went over priorities, and they installed new officers.

Mr. Bryson reported that the Parks and Recreation Advisory Committee (PRAC) meets tomorrow night and the Eaglecrest Board meets on Thursday and he'll be attending both those meetings. He said that during the break, he received a call from the president of Alaska Tourism Adventures which is the largest tour operator in the state and because of the decision to back the sunset date to May 1 allowed them to make their decision to start hiring people for the tourist season.

Ms. Hale said that the Alaska Municipal League met on February 19 with Sen. Murkowski who is very concerned about the Federal COVID aide package not providing enough for Alaska and she is trying to get more sent here.

Ms. Hale said on February 1 and 22 she met with the BRH PCR testing group and the machine is up and working. They are projecting by March 10, they will be taking over the testing that CCFR is doing and by March 11, they will be taking over testing for the Legislature but they are somewhat limited in the actual test kits they have so they are working on securing the supplies needed for testing so may not be able to take over the airport testing right away. She reported that the BRH Board talked about another power surge that was very difficult for equipment. BRH CEO Recruitment has been continuing, and there was a press release about meeting the four finalists and interviews with those finalists March 19 & 20. She said that the Rural Demonstration Project has been renewed for a 5-year period which was very important for BRH. BRH Board voted on potential purchase of a building and that was on the consent agenda for this Assembly meeting.

Ms. Triem reported that the Aquatics Board met and things are changing due to Level 1. She encouraged people to check out the pools website for new protocols and new schedules. Swim lessons and classes will resume when staff is fully vaccinated. Private lessons are taking place currently with vaccinated individuals. She gave a Big Thank You to all the Aquatics staff for all their efforts during the pandemic.

M. Gladziszewski reported that the School Board met on Friday night, and that although they made no decisions, they did talk about priorities and will continue to hold additional meetings. She said that she attended a number of meetings including the NCL and Calhoun Ave. public meetings. She gave a Huge Thank You to Ms. Cosgrove, Mr. Barr, and everyone involved in the POD vaccine clinics and how well they are organized and how it lowers everyone's anxiety. She noted a new part of the website that includes a list who has doses left if they are using the state's system.

Ms. Gladziszewski also gave a big Thank You to Tom Mattice and the Emergency Programs for all their work on avalanche forecasting. She said that Mr. Mattice knocked on 39 doors to ensure people were safe and he and Michelle Brown and dozens of Red Cross Volunteers were at Centennial Hall. She said that she stopped by there and when she was there, there were more volunteers than community members using the shelter. She extended her thanks for the continued monitoring of the avalanche dangers.

Mr. Jones reported that the Planning Commission (PC) met twice. On February 9 they reviewed the FEMA rules re: Flood Maps and on February 23 they reviewed part of the CIP List and out of that came the two letters that the Assembly reviewed tonight. He said the Title 49 Committee met about parking and its next meeting is on April 1. He said that CDD is short on staff with some people out. He said the next PC meeting is on March 9.

Mr. Jones said he attended the BRH meeting, the Downtown Blueprint Committee and also the JEDC Visitor Product Cluster where they met and discussed USFS permits and fees. They talked

about sending a letter of support re: PPP extensions and also a possible letter to the Alaska congressional delegation for a Yukon/AK travel corridor. He said that there was also a cluster meeting related to a Winter Tourism Workshop on March 4 or 5. The next JEDC is meeting March 16. He said that the small cruise lines are looking at preparing for an actual which they hope to start when all their crew members are fully vaccinated. He said they may be trying to run their cruises such that all of their passengers are also vaccinated as well.

C. Presiding Officer Reports

1. Wille and Weldon v. Planning Commission and CCTHITA

This appeal relates to a Planning Commission decision granting a conditional use permit for transitional housing at 6205 Alaway Avenue (Lemon Creek/Midtown) for the Central Council of the Tlingit and Haida Indian Tribes of Alaska. The Assembly referred this appeal to a Hearing Officer, who is conducting the public hearing on March 8 at 5:30 p.m. via Zoom.
No action needed.

Mr. Palmer provided an update that the Hearing Officer on this appeal will be conducting the hearing on this appeal. He said the public is welcome to listen/watch the public hearing but there will not be any opportunity for public comment. He then provided the timelines for draft written decision and final draft to go to Assembly around April 15ish.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 9:41p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor