

## THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 22, 2019

**MEETING NO. 2019-27:** The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

### I. FLAG SALUTE

### II. ROLL CALL

**Assembly Members Present:** Mayor Beth Weldon, Maria Gladziszewski, Mary Becker, Rob Edwardson, Wade Bryson, Carole Triem, Michele Hale and Alicia Hughes-Skandijs

**Assembly Absent:** Loren Jones

**Staff Present:** City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Port Director Carl Uchytel, Port Engineer Gary Gillette, Deputy Clerk Di Cathcart, Airport Manager Patty Wahto, CDD Director Jill Maclean, Parks and Recreation Director George Schaaf, HRRM Manager Dallas Hargrave, BRH Administrator Chuck Bill, Library Director Robert Barr

### III. SPECIAL ORDER OF BUSINESS

#### A. Special Recognition: Cathy Turner

Library Director Robert Barr recognized retiring CBJ employee Cathy Turner and highlighted many of her accomplishments over her 23 years of service to CBJ. Ms. Turner has been the ultimate example of outstanding customer service and CBJ will miss having her on staff.

#### B. Special Recognition: Gary Gillette

Port Director Carl Uchytel recognized Port Engineer Gary Gillette on his 29 years of service to CBJ. Mr. Gillette worked in the Engineering Department and then moved to the Docks & Harbors Department. He has served for decades on the Historic Resources Advisory Committee and he and his wife Renee Hughes are the caretakers of the Last Chance Mining Museum and Sentinel Lighthouse. Mr. Gillette has been a key member of the Gastineau Historical Society. Mr. Gillette has been instrumental in millions of dollars worth of projects completed on behalf of CBJ and Docks and Harbors and one of the projects closest to his heart was the Aquilean sculptures on the downtown docks.

#### C. Special Recognition: Bob Bartholomew

Mayor Weldon read a proclamation honoring Bob Bartholomew upon his retirement from CBJ. Manager Watt presented Mr. Bartholomew with gifts including a municipal financial decision making tool (a customized Rubiks cube) and a baseball signed by his CBJ team mates.

Mr. Bartholomew said that years ago he chose to live in Juneau because we had a volunteer fire department and after a number of other positions in government, he learned that it was a lot better to work for local government. He congratulated previous and current Assemblies on their willingness to make the hard decisions and keep their eye on the ball and the big picture even during tough litigation.

#### IV. APPROVAL OF MINUTES

**MOTION** by Ms. Becker to approve the minutes as presented. Ms. Hale asked that one important correction be made on page 18 to include the words "bottom line" such that the first sentence under the Operating Budget for FY20 read:

"Mr. Stevens said the Operating Budget **bottom line** is at \$3.7 million...."

*Hearing no objection, the minutes of the March 19, 21, 22 and April 1, 2019 meetings were approved as corrected.*

- A. March 19, 2019 Draft Special Assembly Meeting #2019-15
- B. March 21, 2019 Draft Special Assembly Meeting #2019-16
- C. March 22, 2019 Draft Special Assembly Meeting #2019-17
- D. April 1, 2019 Draft Regular Assembly Meeting #2019-18

#### V. MANAGER'S REQUEST FOR AGENDA CHANGES

*None.*

#### VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Karla Hart spoke to the issue of financial leakage from Juneau. She gave information about the leakage of money in the tourism industry that is leaving Juneau. She used the helicopter tourism industry as an example. In Juneau, there are three helicopter tour companies: Temsco, Coastal, and North Star Trekking. While each was once an independent company, all three are now under the same ownership with the same officers sitting on the boards of all three companies. The owner is THI Inc. of Ketchikan which is owned by Survey Point Holding of Ketchikan. She then explained that Survey Point Holdings is owned 25% by the Berto Family Trust and 25% by James Taro (both in Ketchikan) and 50% by Carrix, Inc. which is based in Seattle and is the largest U.S. owned and largest privately held container terminal operator and cargo handling company in the world. They own 50% of the helicopter tour companies in Juneau. That makes 100% of the ownership and control of the helicopter tourism based outside of Juneau and 50% outside of Alaska. That means that 100% of the corporate profits leave Juneau. She then provided a cost analysis of how much money leaves Juneau through this business as well as the cruise tourism industry as a whole. In brief, she said that the three companies pay a combined \$146,000 in local property taxes which comes out to approximately \$5 per capita of Juneau residents. Congress and the Alaska State Legislature have exempted them from local taxation for their flights so we don't receive any sales tax from the flight portion. She said that only the value of the bus transportation and the

time on the glacier is subject to city sales tax. Ms. Hart said she would be back later in the summer to share information about most of the downtown businesses and how much financial leakage Juneau experiences vs. the impacts that tourism has on our community.

Mr. Kirby Day spoke on behalf of Tourism Best Management Practices (TBMP). He said that one of the projects they have been talking about in guiding pedestrians to crosswalks, especially between the Red Dog Saloon and the Tram areas, will soon become a reality. Thanks to CBJ and DOT, the stanchion program is starting on the uphill side of Franklin starting at Manila Square. When they are finished this week sometime, it will go as far as the Archipelago cross walk. They hope it will be a big help in that narrow area to keep people on the sidewalks and guide them to the crosswalks. TBMP is staffing the crosswalk at the Archipelago lot. If it works well, they will eventually look at implementing it as far down as Trove and People's Wharf. He thanked CBJ Engineering Department and the Manager's Office and DOT for coming together to make this happen. Otherwise, they continue to look for feedback from the public on general operations. They have seen approximately an 11% increase in tourism over the first two months. The rest of the 16% increase they have been predicting will likely come in July and towards the end of the season since the season has been extended a little bit. He said they also welcome feedback from the Assembly, staff, and the public. The Tourism Hotline is in use and has been used effectively to resolve a number of issues already.

## **VII. CONSENT AGENDA**

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

*None.*

### **B. Assembly Requests for Consent Agenda Changes**

Ms. Gladziszewski requested that items C. and D. the two general obligation bond ordinances (Ordinances 2019-35(b) and Ordinance 2019-35(a)), it says to be heard at the next Assembly meeting, she is requesting they go to the COW just to get all those items before the COW at the same time in case people want to talk about them. She said that perhaps they can send back only one of those two.

Ms. Hale said she did not have any objection, but if they are talking about all of them, did they also want to refer item B. (Ordinance 2019-36 re: Hotel-Motel Tax) to go to the COW or did they want to let it just stand going to the next Assembly meeting.

Ms. Gladziszewski said she didn't think there was a reason to talk about it again. Ms. Hale said she was fine with that.

*Mayor Weldon asked if there were any other comments. Seeing and hearing none, she asked that those Consent Agenda changes be made.*

### **C. Assembly Action**

**MOTION** by Ms. Gladziszewski to adopt the Consent Agenda as amended and asked for unanimous consent. *Hearing no objection, the motion passed.*

## 1. Ordinances for Introduction

- a. Ordinance 2019-31 An Ordinance Increasing the Rates for Water and Wastewater Utility Services.

The last utility rate increase approved by the Assembly became effective on July 1, 2018. In March 2019, the Utility Advisory Board recommended that Water and Wastewater Utility rates increase by 4% in each of the next five years. In April 2019, The City Manager recommended an alternative: that Water and Wastewater Utility rates increase by 2% in each of the next five years. The increased revenue from these new rates will be used for anticipated operating cost growth and allow increased investment in needed capital improvements.

This ordinance provides a balance between these two recommendations with a 4% rate increase for both Water and Wastewater Utilities beginning in January 2020 and 2% rate increases for the 2021-2024 period effective each July 1. The first rate increase will be 18 months after the last increase in 2018 and the second rate increase will again be 18 months from the January 2020 rate increase. These rate increases provide for prudent investment in water and wastewater systems while acknowledging a desire to mitigate the impacts to the rising cost of living in Juneau.

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

- b. Ordinance 2019-36 An Ordinance Temporarily Increasing the Hotel-Motel Room Tax by Two Percent, from Seven Percent to Nine Percent, for a Fifteen Year Period, and Providing for a Ballot Question Ratifying the Increase.

This ordinance would place the question of temporarily increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with the Assembly Committee of the Whole direction at its meeting on July 15, 2019, the increase would be for fifteen years from January 1, 2020, until December 31, 2035. The hotel-motel room rental tax would automatically return to seven percent on January 1, 2036.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would initially generate an estimated \$440,000 per year in additional revenue. It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide funding for the construction of capital improvements for Centennial Hall. Proceeds could also be used to help pay for general obligation debt service relating to Centennial Hall. If this ordinance is adopted by the Assembly, it would also need to be approved by the voters in the October election.

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

- c. Ordinance 2019-35(b) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Ten Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

This ordinance authorizes the issuance of not to exceed \$10 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 45% of the debt service payments.
- 0.1 mills (1% total increase in tax) increase in the property tax mill rate paying 55% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for the bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

- d. Ordinance 2019-35(a) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

This ordinance authorizes the issuance of not to exceed \$7 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 65% of the debt service payments.
- .04 mills (0.4% total increase in tax) increase in the property tax mill rate paying 35% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

- e. Ordinance 2019-34 An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center.

The existing City-owned arts and culture facility needs replacement. The City and Borough has been asked to provide a \$7.5 million grant for the New JACC to help attract substantial additional private funds. At the Committee of the Whole meeting on July 15, the Committee directed that an ordinance be presented asking the voters whether the CBJ should provide a grant for the New JACC.

If a grant is made in the current fiscal year for \$7.5 million, \$1 million would be appropriated from FY20 sales tax revenue, \$3.5 million would be appropriated from the sales tax fund balance and \$3 million would be appropriated from the general fund balance. The Assembly discussed that it intends to replenish the draw on fund balances by reallocating an additional \$2 million of unallocated 1% sales tax over the next three years and reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017.

The Assembly also discussed that it intends to replenish the 1% sales tax funds originally programmed for the Centennial Hall improvements by issuing general obligation bonds. The general obligation bonds are intended to be paid back by raising the hotel-motel room rental tax by two percent and increasing the property tax by 0.1 mills (~1% overall rate increase).

If the voters support the City and Borough providing a grant for the New JACC, the Assembly intends to impose the following grant conditions in an appropriation:

- (1) that to provide grant funds, the voters would need to approve the general obligation bond proposition for Centennial Hall at this election;
- (2) that the grant funds not be released until the New JACC project is funded at 90 percent, which must occur prior to October 1, 2023;
- (3) the Manager shall negotiate a contract to encumber the grant funding; and
- (4) the Assembly may direct the Manager to add other conditions that are in the public interest.

**The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.**

- f. Ordinance 2019-06(B)(v.1) An Ordinance Appropriating to the Manager the Sum of \$7,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the FY20 Sales Tax Revenues, Sales Tax Fund Balance, and General Fund Balance.

This ordinance would appropriate \$7,500,000 in grant funding for the JACC. Funding sources are:

|                        |             |
|------------------------|-------------|
| FY20 Sales Tax Revenue | \$1,000,000 |
|------------------------|-------------|

~~Sales Tax Fund's Fund Balance \$3,500,000~~  
General Fund's Fund Balance \$3,000,000

At its June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next four years it is necessary to initially use fund balances and then reimburse the funds as revenues come in.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.**

- g. Ordinance 2019-06(B)(v.2) An Ordinance Appropriating to the Manager the Sum of \$4,500,000 in Grant Funding for the Juneau Arts and Culture Center, Funding Provided by the Sales Tax Fund Balance.

This Ordinance would appropriate \$4,500,000 in Grant funding for the JACC. Funding sources are:

FY20 Sales Tax Revenue: \$1,000,000

Sales Tax Fund's Fund Balance: \$3,500,000

At their June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next 4 years it is necessary to initially use fund balance and then reimburse the fund as revenues come in.

**The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.**

## 2. Resolutions

- a. Resolution 2854 A Resolution Changing the Methodology for Calculation of Stipend for Emergency Service Volunteers, and Repealing Resolution 2554.

The volunteer firefighter stipend program has been updated to more effectively meet the needs of the organization and to comply with federal and state labor laws. The proposed update was created with input from a committee of volunteers, volunteer mentors and officers. The updates are supported by the Gastineau Chapter of Alaska State Fire Fighters.

Under the proposed revisions, stipends are distributed in three parts. There is a stable fixed stipend that all volunteers in good standing receive based on their current certification level. Additional stipend amounts can be earned through responding to an emergency call. The third element of the revised program provides a predictable quarterly reimbursement to volunteers for general expenses such as vehicle maintenance and/or day care. This program also fixes inequities that are created when a volunteer rides on a 24 hour shift.

It is anticipated that the revised volunteer stipend system will cost approximately \$60,000 less in FY20. The additional \$60,000 will be used to

help pay for volunteers and volunteer officers to attend additional training and relevant conferences and used for volunteer recognition and retention programs. Currently these costs are paid for through volunteer fundraising efforts. Volunteer time is a very valuable commodity; it is a benefit to the community to utilize their time in training and responding to emergencies instead of fundraising for items not normally covered in a department budget.

The Human Resources Committee at its meeting on June 24, 2019, moved to forward Resolution 2854 to the Assembly for approval.

**The City Manager recommends the Assembly adopt this resolution.**

- b. Resolution 2858 A Resolution Ratifying the Labor Agreement between the City and Borough of Juneau and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Public Safety Employees Association (PSEA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications to the pay plan and to the employer's contribution for health insurance. The total costs of this tentative agreement are estimated to be \$571,000 in Fiscal Year 2020, \$652,000 in Fiscal Year 2021, and \$735,000 in Fiscal Year 2022.

In addition, there are minor operational changes that will increase administrative efficiencies and facilitate a more harmonious and cooperative workplace. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by the PSEA membership and the economic terms are in keeping with Assembly direction.

**The City Manager recommends the Assembly adopt this resolution.**

- c. Resolution 2859 A Resolution Ratifying the Labor Agreement between the City and Borough and the Marine Engineers Beneficial Association.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications of annual wage increases of 2%, 1%, and 1% during the three years of the contract, a \$500 per employee lump sum payment, and increases to the employer contribution to health insurance of approximately 5% each year for the three years of the contract. In addition, there are minor housekeeping language changes to the



collective bargaining agreement.

This tentative agreement has been put out for ratification vote by the MEBA membership, but the voting period is not yet complete. Assembly ratification of this tentative agreement is conditioned on MEBA ratification of the tentative agreement.

The economic terms are in keeping with Assembly direction.

**The City Manager recommends the Assembly adopt this resolution.**

- d. Resolution 2860 A Resolution Amending the Personnel Rules and Approving Economic Terms between the City and Borough and the City and Borough of Juneau Non-represented Employees.

This resolution would provide Assembly approval for certain economic terms of employment in fiscal year 2020 to fiscal year 2022 for non-represented employees and approve the corresponding changes to the Personnel Rules. Specifically, this resolution approves annual wage increases of 2%, 1%, and 1% over the next three fiscal years, up to 5% increases to the employer contribution to health insurance for the next three fiscal years, and a \$500 lump sum payment to full time employees employed on July 1, 2019 that is prorated for part time and seasonal employees.

This resolution is in accordance with previous Assembly direction.

**The City Manager recommends the Assembly adopt this resolution.**

- e. Resolution 2861 A Resolution Urging the Alaska Legislature and Governor to Restore Funding for the State Operating Budget to Help Ensure Long Term Fiscal and Economic Stability for the Citizens of the State of Alaska.

The Assembly has requested a strongly worded and diplomatic resolution that expresses its dismay at the Governor's vetoes of the state operating budget and encouraging the Legislature and Governor to work together to restore funding to critical state programs and services and to help ensure the long term fiscal and economic stability of the state.

**The City Manager recommends the Assembly adopt this resolution.**

### 3. Bid Award

- a. DH18-013 Statter Harbor Improvements Phase III(A)

The project generally consists of demolishing the old launch ramp and travel lift pier. After demolition, the inner harbor will be dredged and a rock obstruction will be drilled and blasted through a rock pad built by the contractor. Preliminary dirt work and soft ground settlement for a new MSE wall will take place as well as the installation of a storm drain system.

Bids were opened on this project on July 17, 2019. The bidders and their total

bids are as follows:

| Bidders                           | Total Bid   |
|-----------------------------------|-------------|
| Pacific Pile & Marine, LP         | \$4,061,000 |
| Western Marine Construction, Inc. | \$4,216,200 |
| Kiewit Infrastructure West Co.    | \$5,770,600 |
| <i>Engineer's Estimate</i>        | \$2,957,900 |

At a special board meeting on July 17, 2019, the Docks and Harbors Board unanimously approved award of this bid to Pacific Pile & Marine, LP. 75% of project funds will come from the cruise passenger vessel excise tax and 25% will come from harbor funds that are already in a CIP which has sufficient funds to award.

**The City Manager recommends award of this project to Pacific Pile & Marine, LP, for the total amount bid of \$4,061,000.**

b. DH19-014 Downtown Waterfront Improvements

The project consists of all activities necessary to construct the Downtown Waterfront Improvements Phase I project as shown in the contract documents. The work generally includes demolition, salvage, earthwork, utilities, sewer lift station, curb and gutter, storm drains, concrete paving, concrete retaining walls, steel pipe piles, steel pipe caps, timber and reinforced concrete structural decks, guardrails, planters, parking canopy, power and lighting and other associated improvements.

Bids were opened on this project on July 16, 2019. The bidders and their total bids are as follows:

| Bidders                    | Total Bid    |
|----------------------------|--------------|
| Trucano Construction Co.   | \$12,367,699 |
| Coogan Construction Co.    | \$13,212,570 |
| Pacific Pile & Marine, LP  | \$16,280,000 |
| <i>Engineer's Estimate</i> | \$13,623,730 |

**The City Manager recommends award of this project to Trucano Construction Company in the total amount bid of \$12,367,699.**

4. Other Items for consent

a. New License-Standard Marijuana Cultivation Facility License #21086 NUGZ, LLC

CBJ received notice of the following new Alcohol and Marijuana Control Office (AMCO) marijuana license application:

***Standard Marijuana Cultivation Facility, License #21086, NUGZ LLC., d/b/a NUGZ LLC., located at: 9331 Glacier Hwy, Juneau***

CBJ staff from the Police, Fire, and Finance departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license. The Community Development Department also waives its right to protest but requests the CBJ add the following verbiage to the letter sent to AMCO from CBJ notifying AMCO of the Assembly decision:

*Although NUGZ, LLC does not yet have a CBJ Marijuana Business License, a Building Permit, or a Conditional Use Permit, CDD recommends allowing the applicants to move forward to obtain the State License. The applicant cannot operate in the Borough until the following is completed - approval of the Conditional Use Permit, a Certificate of Occupancy for the structure, and issuance of the CBJ Marijuana Business License.*

Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

- State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body
- AMCO Marijuana online application forms (redacted)

Copies of all the documents relating to this license are available upon request from the office of the Municipal Clerk during regular business hours.

In the event the Assembly does protest the issuance of this license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Tuesday, August 13, 2019.

**The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #21086.**

5. Transfers

- a. Transfer T-1020 A Transfer of \$642,441 from Existing Capital Improvement Projects including from Statter Harbor Loading Facility CIP, and from Taku Harbor Deferred Maintenance CIP, and from Statter Harbor Breakwater Safety CIP; to Statter Harbor Improvement Phase III CIP, and to Amalga Fish Cleaning Station CIP, and to ABMS Maintenance & Improvement CIP.

This transfer moves a total of \$642,441 from three different projects into three other projects. The funds consist of \$139,919 of sales tax funds and \$502,522 of harbor funds. The projects from which the funds will be transferred are complete and this action will close those accounts. The projects to which the funds will be added are currently in progress. Notably, this transfer would

simply move money to different accounts; a separate appropriation ordinance is required to spend the money. The breakdown of specific actions is as follows:

From: CIP

|         |                                  |           |
|---------|----------------------------------|-----------|
| H51-093 | Statter Harbor Loading Facility  | \$139,919 |
| H51-109 | Taku Harbor Deferred Maintenance | \$140,062 |
| H51-106 | Statter Harbor Breakwater Safety | \$362,460 |

To: CIP

|         |                                    |           |
|---------|------------------------------------|-----------|
| H51-108 | Statter Harbor Improvements-Ph III | \$267,379 |
| H51-105 | Amalga Fish Cleaning Station       | \$140,062 |
| H51-117 | ABMS Maintenance & Improvements    | \$235,000 |

The Docks and Harbors Board reviewed and recommended approval of this request at its May 30, 2019 regular public meeting.

**The City Manager recommends approval of this transfer.**

## VIIIPUBLIC HEARING

- A. Ordinance 2019-29(b) An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement.

In late 2018, Senate Bill 63 went into effect and authorized the Alaska Marijuana Control Board to promulgate regulations to allow onsite marijuana consumption in certain freestanding marijuana facilities. The Marijuana Control Board regulations (3 AAC 306.370) now allow consumption of marijuana in a certain marijuana retail stores. This ordinance would amend CBJ's codes to allow marijuana to be consumed outdoors at a marijuana retail store with an onsite consumption endorsement.

The Committee of the Whole discussed this topic on April 8, June 10, and July 8, 2019. On July 8, the Committee amended the ordinance to version b, which would only allow marijuana consumption at a marijuana retail store with an onsite endorsement in a State approved outdoor location. A memo from the City Attorney is in the packet that describes some of the policy considerations discussed at the July 8 Committee of the Whole meeting.

**The City Manager recommends the Assembly adopt this ordinance.**

### Public Comment:

Ms. Kristin Cox thanked the Assembly for protecting the Clean Indoor Air ordinance and said she didn't believe they wanted to roll that back or weaken it at all. She said they know that inhaling anything but clean air is not safe, safer is also not safe and ventilation systems do not make the air clean. She said there are health impacts including cardiovascular and respiratory impacts to inhaling anything other than clean air including vaping. She said that she doesn't believe that onsite consumption will eliminate the illegal public consumption of marijuana just

like people still drink on the sidewalk even though there are bars they can go to.

Ms. Emily Davis said she works in tobacco prevention at SEARHC in Juneau and she is not here to question the rights of individuals to use marijuana. However, she said she does believe that individuals should not consume marijuana in a way that would harm the health and well being of others. She said that since the use of marijuana is still illegal under federal law, there have been only limited studies examining the health risks associated with marijuana use and exposure in the U.S. However, they do know that second hand marijuana smoke contains some of the same cancer causing toxic chemicals as tobacco smoke, including significant levels of mercury, lead, formaldehyde, benzene, hydrogen cyanide, and others. She said that second hand marijuana smoke contains hazardous fine particles that pose significant health risks to non-smokers. These fine particles can be breathed deeply into the lungs causing lung irritation, asthma attacks, and an increase in the risk of respiratory infection. They can also exacerbate respiratory conditions such as asthma, bronchitis, or COPD. Second hand marijuana exposure impairs blood vessel function and even brief exposure can have adverse effects on the heart. No type of ventilation system will protect the public from the effects of second hand smoke, vapor, or aerosol. Ventilation may reduce odors but it will not prevent marijuana smoke or aerosol from moving from the consumption area into other areas of the retail store. A building must be completely smoke free to eliminate the health effects caused by smoke or aerosol. The burden of proof and responsibility should be placed on anyone in favor of onsite public consumption to prove that second hand marijuana smoke is safe to their employees and customers before laws are enacted to allow second hand marijuana exposure in public buildings. Everyone deserves the right to breathe smoke free air.

Ms. Triem thanked Ms. Davis for coming and testifying. With respect to the studies and facts Ms. Davis provided, it sounded like they were related to indoor smoking and vaping and Ms. Triem asked if that is the same for outdoor smoking. Ms. Davis said that is correct that the studies are related to indoor use and they don't have many studies related to outdoor use of tobacco let alone outdoor use of marijuana.

Mr. Justin Jones greeted the Assembly in Lingit. Mr. Jones said he is of the Yanyeyidi Eagle/Wolf clan born and raised in Juneau and this is his ancestor's land. He said he wants to see a beautiful and thriving hometown. He wants to see his ancestor's land be respected and honored and he wants their land to be happy and healthy. He does not want to see his ancestor's land be exploited by the tourism industry and changed so that tourists can do whatever they want on this land. He does not want to see marijuana tours or more marijuana retail shops opened up. He asked the Assembly to care for the health of non-smokers and to honor the Clean Indoor Air Act and to not allow onsite consumption.

Mr. Benjamin Wilcox thanked the Assembly for the opportunity to speak. He said they discussed vaping in the last meeting. He said he does not believe the facts that were represented. Marijuana does not contain all the benzene, hexenes, and ammonias as those are chemicals added to tobacco. They are very different substances. He is a lifelong non-driver. He has to be subjected to the fumes from traffic every day when he walks down the street. We have studies that show that burning meat is carcinogenic, yet we allow restaurants to do that with proper ventilation. We allow employees to work in welding shops and paint shops with

proper ventilation. There are many industries that have toxic fumes. People who do not like cannabis are not going to walk in the door. They aren't going to subject themselves to it unless they wish to. He thinks letting the ordinance stand as it is, allowing outdoor consumption would be minimally acceptable. They were discussing some indoor options. He said he thinks vaping and edibles should be allowed indoors and consumption of combustibles outdoors would be a nice compromise. It would help this industry move along, this is a locally state owned industry and there is leakage in this industry. It stays in this state and the money is here, the people starting these business live here and they are not owned by other people. He said they are trying to build the economy and are hoping for the chance to do that.

Ms. Jennifer Canfield said she is the co-owner of Green Elephant. Ms. Canfield said she is here to ask the Assembly to allow them to do what Ballot Measure #2 was intended to allow them to do which was to provide an onsite consumption venue for their customers. It was in the language of the ballot measure. When people voted for ballot measure #2, edibles, vaping, and concentrates weren't really a thing in Alaska and they are still catching on. Her understanding of the way that people thought of ballot measure #2 and the words "on site consumption" meant smoking, pure and simple. She understands there are health concerns with smoking. She said she did disagree that a lot of the chemicals that people claim are in marijuana are not in marijuana. She said that no one is here to argue that smoking cannabis is completely harmless. People want the right to do what they are going to do anyway and they would like to keep it off the streets. They are trying to offer a safe place for people to do that. She said that she doesn't believe that illegal outdoor consumption will go away as a result of this. People can still smoke vape cartridges pretty discreetly. They can eat edibles anywhere they feel like it. Smoking a joint is a lot harder to do out on the street undetected. She said they would simply like to to put it in a legal place where it belongs away from other people who do not wish to be exposed to it.

Mr. John Nemeth thanked the Assembly for considering this. He agrees with everything that Mr. Wilcox and Ms. Canfield stated. He agrees that we have not had the opportunity to study the substance as long as other substances; however, what has been found out in the last five years is quite contrary to what some of the cigarette studies have shown. Cannabis does not contain the same harmful ingredients as cigarettes. He understands that smoking is not a healthy means but as he has become more active in the cannabis industry, more people are leaning towards other means of consumption such as edibles and vaping methods and away from smoking. There has been a shift and he thinks the regulations in Juneau should remain open to allow for an indoor space. Most indoor spaces will not allow smoking anyway but having the ability for a cafe to open up to offer edibles to their consumers as well as coffees and things of that nature are important. To close the door on indoor consumption for smoking would be a step in the wrong direction. He said the reality right now is people can only consume it in their own homes or on the streets so more people are doing it on the streets. He encouraged them to give a safe place that is regulated where it can be consumed, that is controlled and regulated. This would also control how people are consuming and ensuring that they are consuming safely and leaving the premises safely and not endangering themselves or the public.

Mr. Tony Warren said he is not affiliated with the industry in any way but he is pro-business

and it is important to support businesses. He is also pro-consumer and he thinks that more choices are always better for the consumer rather than fewer and he said he doesn't think the city should turn its nose up at any revenue streams at this time.

Ms. Lillian Petershoare introduced herself as a decent of Kawa.ée and Anyálaaháash and of the Yanyeidí clan and her grandfather was of the Aak'w Kwáan. She said her ancestors chose to live in this beautiful area and she chooses to live in this beautiful area because it gives a quality of life that she and her family enjoy. She said it is important for her to be here tonight to share her views on the prospect for having more license for marijuana smokers to smoke in a business or outside that business in the outdoors. She said that on her way here, she spoke to her 12-year old granddaughter who won an essay contest at Glacier Valley Elementary School on marijuana and other drugs. She asked her granddaughter what she wished to tell the Assembly. She asked her grandmother to tell the Assembly that "marijuana is bad for the body and that it damages the body." Ms. Petershoare said she wanted to share her granddaughter's words with the Assembly as well as juxtapose it with the words of Matthew Springer who is an associate professor of medicine at University of California San Francisco. "Smoke is smoke, both tobacco and marijuana smoke impair blood vessel functions similarly. People should avoid both and governments who are protecting people against second hand smoke exposure should include marijuana in those rules." Ms. Petershoare encouraged the Assembly not to undo the gains that they have made. Youth and young people are very vulnerable and we have as a society endeavored to help them realize smoking is not good. She said to give more license now would be bad and it is only a matter of time before more license is wanted so she said they need to be very deliberate about this. She urged them to consider the children in the community who will be sent the message that smoking is OK if they approve this. She implored them to prohibit second hand smoke exposure.

#### Assembly Action

**MOTION** by Ms. Gladziszewski to move Ordinance 2019-29(b) for purposes of amendment. Ms. Gladziszewski distributed copies of her proposed amendment which read as follows:

Amendment to Ordinance 2019-29(b). An amendment to also allow the consumption of edibles inside at a marijuana retail store with an onsite consumption endorsement. Marijuana could still be consumed outside at a marijuana retail store with an onsite consumption endorsement by smoking/vaping and by edibles.

1. Add the following revision in Section 4 regarding CBJC  
42.20.230(b)(4).

"42.20.230 Consumption of marijuana in a public place prohibited.

(a) Consumption of marijuana in a public place is prohibited.

(b) For purposes of this section:

...

Public place does not mean an establishment licensed under AS 17.38 if the consumption *is only edibles inside* or is only outdoors *and the consumption is* in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080

...

The words underlined and in italics are the proposed amendment.

Ms. Gladziszewski said when they last discussed this ordinance, they talked about having smoking outside and they were vague on the edibles. She said she didn't see any reason they couldn't have edibles inside and smoking outside and this amendment would do that. The effect of the amendment is to mean that smoking is for outside but that edibles would be allowed inside.

Ms. Triem said this was the motion at the COW, this is what she intended it to be. It had been a long night and her motion at that meeting didn't capture what she was intending it to.

Mayor Weldon asked if there were any objection to Ms. Gladziszewski's amendment.

Ms. Becker objected and said she did not want to see smoking allowed outside at all. Edibles she could accept but she does not want to see marijuana smoking outside.

Mr. Bryson spoke in favor of the amendment. He thanked everyone who came and spoke and provided testimony about this. He said they have not been debating the legality of marijuana as they have had multiple discussions about this topic. He said they are trying to solve a couple of things such as a safe place for any tourists who do come to town to be able to consume. He has said the following statement a number of times: "If you don't like marijuana smoke, you should be for this ordinance." This ordinance brings it away from the community and brings it away from children. He has five children of his own and he does not want them exposed to marijuana smoke and that is why he is for this ordinance as is. It does pull marijuana smoke out of the streets. While it is not going to completely eliminate illegal smoking, it is going to pull more smoke away from the streets. Mayor Weldon said this is just for the amendment and asked Mr. Bryson if he had any comments about the amendment. Mr. Bryson said he thinks the amendment is a very good idea.

Mayor Weldon called for a vote on Amendment #1.

**Roll call vote on Amendment #1.**

**Ayes: Gladziszewski, Bryson, Hale, Hughes-Skandijs, Triem, Edwardson, Weldon**

**Nay: Becker**

**Amendment #1 passed Ayes: 7, Nays: 1.**

Mayor Weldon passed the gavel to Ms. Gladziszewski and Mayor Weldon handed out an amendment.

**AMENDMENT #2 by Mayor Weldon: Vaping Only Outside**

Amendment to Ordinance 2019-29(b). An amendment to only allow consumption of marijuana by vaping outside at a marijuana retail store with an onsite consumption endorsement. Consumption of marijuana inside would be prohibited and all other forms of marijuana consumption outside would be prohibited at a marijuana retail store with an onsite consumption endorsement.

1. Revise Section 3 regarding CBJC 36.60.030(a)(2):

"(2) An establishment licensed under AS 17.38 if the smoking is only by vaping and is



only outdoors in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080 Reserved;

2. Revise Section 4 regarding CBJC 42.20.230(b)(4).

"42.20.230 Consumption of marijuana in a public place prohibited.

(a) Consumption of marijuana in a public place is prohibited.

(b) For purposes of this section:

...

Public place does not mean an establishment licensed under AS 17.38 if the consumption is only by vaping and is only outdoors in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080. The term vaping has the same meaning as in CBJ 36.60.005."

...

3. Add the definition of vaping to CBJC 36.60.005:

"Section 5. Amendment of Section. CBJC 36.60.005 Definitions, is amended to read:

Vaping means the use of any noncombustible product that provides a vapor of marijuana to the user, or relies on vaporization of any liquid or solid marijuana; or use of an electronic smoking product. This term shall include such devices whether they are manufactured as e-cigarettes, e-ciqars, epipes or under any other product name."

The words underlined and in italics are the proposed amendment.

Mayor Weldon said that she doesn't have any problem with the edibles and you can see by her previous vote that she doesn't care if they are inside or outside eating the edibles. She does, however, have a problem with the smoke. She has discussed it with people in the marijuana industry so they understand where she is coming from and this amendment allows vaping only and not smoking. She said the key thing is that consumption is only by vaping and only outdoors. She said the previous amendment that just passed also allows for edibles inside and outside as well.

Ms. Gladziszewski asked if there were any comments about Amendment #2.

Ms. Triem said that she objects and thinks it is a little too restrictive. She said that they heard at the COW from Ms. Canfield that the State's rules do not allow vaping with the use of concentrates so that really limits the availability of product that can be vaped onsite. She said there are places where you can smoke outdoors in a public establishments such as restaurants with public outdoor seating. She doesn't feel they should be treating tobacco and marijuana differently in this instance.

Ms. Hughes-Skandijs echoed Ms. Triem's words that they should be treated equally and she feels this is unnecessarily restrictive although she does appreciate where Mayor Weldon is coming from with this amendment.

Mr. Edwardson said he opposes the amendment because it basically changes the purpose of the ordinance itself. He said they are considering whether they will allow consumption on site. They discussed edibles and smoking and they have heard that the regulations against vaping

almost ensure that is not going to be something that supports those businesses.

Deputy Mayor Gladziszewski called for a vote on Amendment #1.

**Roll Call vote on Amendment #2**

**Ayes: Weldon and Becker**

**Nays: Bryson, Hale, Hughes-Skandijs, Triem, Edwardson, Gladziszewski**

**Amendment #2 failed Ayes: 2, Nays: 6.**

Deputy Mayor Gladziszewski returned the gavel to Mayor Weldon.

Mayor Weldon asked if there were any objections to the main motion as amended.

Ms. Becker said that she was not in favor of marijuana used outside or inside and was objecting to the motion.

Mr. Edwardson said he didn't have any objection but did wish to speak in favor of the meeting. There are a lot of people present that were not present at the previous meetings and he felt they deserve an answer as to why he is in favor of this. One of the reasons he was in favor of this is that ballot measure #2 did pass. The people of Alaska did vote on this and they wanted marijuana to be legal and they wanted use to be legal and since then it seems to him that government entities have been trying to make that as difficult as possible instead of trying to make it as safe and successful as possible. Whether or not he voted for the ballot measure, it did pass and the Assembly has an obligation to do what they can for these lawful businesses to do the best they can to find a space for their customers and hopefully solve some of our problems at the same time. Those are the reasons he supports this ordinance.

Ms. Hale said she also wished to speak to those who testified. She said she was not on the Assembly at the time that the no smoking ordinance passed. She said that ordinance went through a very difficult and very painful process. She said they can all be grateful that it has passed and that we have smoke free facilities within Juneau. She said that she also knows there are advocates of being able to smoke marijuana indoors and there is just not the appetite to open that back up and introduce people to second hand smoke, whether that is from cigarettes or from marijuana. She said she very much supports where they are going with this and it doesn't close the door on future opportunities if they want to revisit those at some future time but this is a good first step.

Ms. Gladziszewski said that since marijuana is legal, she was looking for a legal place for people to ingest marijuana because the ballot measure did contemplate that and at the same time, not perturb the smoking ordinance. She completely agrees with the people who testified about the harmfulness of smoke. Someone suggested that they be deliberate and this has been a very deliberate process. The Assembly is trying to thread that needle to allow people a place to smoke marijuana, to get them off the streets without harming other people and without harming our smoking ordinance. This is an attempt to do that and is a good compromise and balance to allow smoking outside. Perhaps in the future, they can do that even further. If California can figure out how to allow onsite consumption, maybe Juneau can figure it out later.

Ms. Triem said that with her enthusiasm and support of this ordinance, she may have given the impression that she is a big smoker of marijuana and she said she is actually not and does not like smoking in any way, shape or form. She said she is very glad that we have our clean air ordinance and she does not favor changing it in any way as she very much cherishes that ordinance. She is in favor of this ordinance for allowing onsite consumption as she feels they should not be stifling this emerging industry in Alaska and Juneau, especially when there are such hard working entrepreneurs who are working to generate revenue that will benefit all of us. For those reasons, she is very much in favor of allowing for onsite consumption.

Mayor Weldon called for a vote on Ordinance 2019-29(b) as amended.

**Roll call vote**

**Ayes: Gladziszewski, Bryson, Hale, Hughes-Skandijs, Triem, Edwardson**

**Nay: Becker, Weldon**

**Motion passed Ayes: 6, Nays: 2.**

*Mayor Weldon thanked everyone who came to testify on this ordinance and called for a ten minute break.*

- B. Ordinance 2019-23 An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Assisted Living for Senior Citizens.

This ordinance would create a property tax abatement program for assisted living developments that create 15 or more new residential units for senior citizens. Private developers have expressed that the high cost of construction and operations in Juneau render assisted living projects insufficiently profitable to attract private investment. Without municipal incentives like this ordinance, a new senior assisted living housing project is unlikely. Consistent with state law (AS 29.45.050(m)), municipalities that are also school districts may only exempt property taxes in excess of 2.65 mills, which is approximately a 75% tax exemption if the mill rate is 10.66. This ordinance provides a property tax abatement on the full value of newly constructed assisted living units for senior citizens for twelve years.

The Committee of the Whole discussed this topic on April 8, April 29, and June 10, 2019. The Committee referred this ordinance back to the Assembly for public hearing.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

Ms. Sioux Douglas thanked the Assembly for this ordinance on behalf of Senior Citizen Support Services Inc. (SCSSI). This ordinance is important to develop big projects that would otherwise be prohibitive. She also thanked them for the purchase of the land at Vintage Business Park and encouraged the Assembly to adopt this ordinance. Ms. Douglas also offered her congratulations to Bob Bartholomew who has been the best kind of public service employee who not only did well with numbers but he did well with people.

Mr. Edwardson asked Ms. Douglas if the memory care that they testified about last year

would be part of this development.

Ms. Douglas said that is what they are hoping for. The project they have always envisioned has included a total of 83 units which would include 33 units for memory care. She said that memory care has to be part of this community resource.

Mr. Don Gotschall said he serves as the treasurer for SCSSI and is a retired hydro-power engineer and former construction manager for CBJ. He said he calculated that he retired just about 30 years ago from CBJ. He said this project would provide, under the plans they have worked on, approximately 71 new jobs and that is very significant. They appreciate the Assembly's work on this and he appreciates their support of this project. He said those jobs would include positions such as cooks, maintenance people, nurses, nurse assistants, and administrative people. He said that during his tenure as treasurer for SCSSI, they have written checks to the University for 4 CNAs (Certified Nursing Assistants) trying to get their staff up to date. The estimated money this project would bring to this community is approximately \$25 million which is a significant boost to the community within a couple of years. Construction, start up, this proves feasible with a 70% occupancy. SCSSI would provide supplemental care, including memory care, in addition to pioneer home and Wildflower Court. He said they have been working on this for at least six years directly and he appreciates the Assembly support of this ordinance.

Ms. Kathleen Strausbaugh said that in addition to the economic benefits, this will provide for needed services in our community that are absent. She said when people are looking for this type of care, they have been having to look at moving outside our community. When you look at the problem of people having to leave their homes to obtain care, it is a form of depopulation. That is something this community can't afford right now due to the economic times we are in. It is important not to lose large chunks of our population for no good reason. That doesn't have a quantifiable economic benefit but the benefits are there and she encouraged the Assembly to adopt this ordinance.

Assembly Action:

**MOTION** by Mr. Bryson to adopt Ordinance 2019-23 and asked for unanimous consent.  
*Hearing no objection the motion carried.*

- C. Ordinance 2019-19 An Ordinance Amending the CBJ Codes Related to Planning Commission Review of City and Borough of Juneau Real Property Transactions.

This ordinance would amend sections of CBJ code to clarify when the Planning Commission reviews a land transaction between the CBJ and another party.

On March 4, 2019, the Assembly authorized Assemblymember Jones to work with staff to identify potential regulatory amendments to make conveying CBJ property more practical and less confusing. This ordinance would remove the Planning Commission review process for leases and easements of CBJ property and instead require Assembly Lands Committee review. This ordinance would also clarify that Planning Commission review is not required when the CBJ acquires property. The Planning Commission would

still review any sale or exchange of CBJ property.

This ordinance has been reviewed by the Docks & Harbors Board (March 28, 2019), the Planning Commission (April 23, 2019 and May 14, 2019), and the Lands Committee (June 10, 2019). All three committees recommended the Assembly adopt the regulatory changes in this ordinance.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Hale to adopt Ordinance 2019-19 and asked for unanimous consent. Ms. Hale commended Mr. Jones for his work on bringing this ordinance to the Assembly and through the process.

Mr. Bryson objected for purposes of a question. He asked if a private party had a disagreement with the transaction before the Lands Committee what their recourse might be.

Mr. Palmer explained that currently the Planning Commission makes a Notice of Recommendation and those are not appealable decisions as those are recommendations on legislative matters. That same process would be followed if the Lands Committee forwarded an unfavorable recommendation to the Assembly.

*Mr. Bryson removed his objection and hearing no further objection, the motion carried.*

- D. Ordinance 2019-20 An Ordinance Amending the Hospital Code Relating to Board Appointment, Contracts for Professional Services, and Medical Records.

This ordinance would update the Hospital Code to modernize three provisions. Section 2 of the ordinance adds a sentence with qualifications that the Hospital Board desires for new appointees. Section 3 of the ordinance amends a professional services contracting provision to comply with federal law. Section 4 of the ordinance updates the preservation of patient medical records provisions to be consistent with Alaska and federal law. The Law Department has provided a more detailed memo explaining the background for this ordinance.

The Hospital Board reviewed these changes on August 29, 2018 and on March 26, 2019, and recommends the Assembly adopt this ordinance. The Assembly Human Resources Committee reviewed this ordinance on June 3, 2019, and recommended the Assembly adopt this ordinance.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Hughes-Skandijs to adopt Ordinance 2019-20 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- E. Ordinance 2019-24 An Ordinance Amending the CBJ Codes Related to New Utility Service Connections in Public Right of Ways.

This ordinance would amend the CBJ water code, sewer code, and excavation code to make it easier for private developers to connect to CBJ utilities in a State right-of-way. The Southcoast Region of the Alaska Department of Transportation and Public Facilities (DOT) has recently made public utility connections for development adjacent to State rights of way nearly impossible again. DOT refuses to let private developers and other State agencies connect to CBJ water and sewer mains in a State right of way without the CBJ signing as the developer and promising to indemnify DOT if the private developer or State agency damages the State right of way. DOT asserts that position despite the CBJ not being involved in any of the development. DOT supposedly has taken that position because of old sections of CBJ code that have been superseded by recent amendment to Title 49. This ordinance would amend those old sections of CBJ code to clarify that in State right of ways, the private developer is responsible for obtaining the necessary permits and installing the utility service lines at no cost to the CBJ.

The Public Works and Facilities Committee recommended adoption of this ordinance at its meeting on June 10, 2019, the packet for which also contain more detailed memos describing background for this ordinance.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Triem to adopt Ordinance 2019-24 and asked for unanimous consent.

*Hearing no objection the motion carried.*

- F. Ordinance 2019-27 An Ordinance Amending the Land Use Code to Extend the Sunset Date for the Downtown Juneau Overlay District.

This ordinance would amend Article XII Alternative Development Overlay District (CBJ 49.70.1210) by extending the sunset date for the downtown Juneau ADOD for an extra year to August 2020.

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This extension provides adequate time for the review and adoption of new zoning for the downtown neighborhoods.

The Committee of the Whole considered this ordinance on June 10, 2019. The Planning Commission forwarded this ordinance to the Assembly for approval at its meeting on June 25, 2019.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Mr. Edwardson to adopt Ordinance 2019-27 and asked for unanimous consent. *Hearing no objection the motion carried.*

- G. Ordinance 2019-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1A, Emerald 3 Subdivision, Located at the end of Vista Drive, from a Mix of D5 and D18 to D18.

The Planning Commission, at its regular meeting held on May 14, 2019, recommended that the Assembly approve a request to rezone approximately 27.88 acres near Vista Drive from a mix of D5 and D18 to D18. The Planning Commission found that the proposed expansion of the D18 zoning district substantially conforms to the Medium Density Residential designation of the land use maps of the Comprehensive Plan. Furthermore, the proposed rezone is consistent with the Comprehensive Plan vision, policies and its implementing actions, standard operating procedures, and development guidelines, which support increased residential densities when appropriate infrastructure is in place to serve the development.

The CBJ Land Use Code provides certain restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for more than two acres and is an expansion of an existing zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

The Planning Commission recommends that the Assembly approve the rezone of the subject parcel from D5 and D18 to D18.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Becker to adopt Ordinance 2019-28 and asked for unanimous consent. *Hearing no objection the motion carried.*

- H. Ordinance 2019-06(A) An Ordinance Appropriating to the Manager the Sum of \$1,100,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance and Sales Tax Fund's Fund Balance.

This ordinance would appropriate \$1,100,000 to the Terminal Construction Capital Improvement Project (CIP).

Funding sources are:

2012 Sales Tax CIP Authorization:                      \$300,000

Airport Fund's Fund Balance: \$800,000

At its June 11, 2019, meeting, the Airport Board approved this action.

At its June 12, 2019, meeting, the Assembly Finance Committee approved this action, and forwarded it to the Assembly for action.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Gladyszewski to adopt Ordinance 2019-06(A) and asked for unanimous consent. *Hearing no objection the motion carried.*

- I. Ordinance 2018-11(AO) An Ordinance Appropriating to the Manager the Sum of \$6,345 as Partial Funding for the Trail Improvements Capital Improvement Project to Design, Furnish, and Install Trailhead and Trail Marker Signage Along the Switzer Creek – Richard Marriott Trail; Grant Funding Provided by the Juneau Glacier Valley Rotary Club.

This ordinance would appropriate grant funding in the amount of \$6,345.31 as provided by the Rotary Club of Juneau, Juneau-Gastineau Rotary, Juneau Glacier Valley Rotary, Rotary Club of Juneau 58° Innovators, and Capital City Rotaract. No match is required.

Juneau's Rotary Clubs have been working with the Parks & Recreation Department and Trail Mix to improve the Switzer Creek - Richard Marriott Trail, improving over 1,900' of trail in the last year. This funding will be used to design, furnish, and install trailhead and trail marker signage along the trail.

The Public Works and Facilities Committee reviewed this topic at its meeting on May 20, 2019 and referred it to the Assembly.

**The City Manager recommends the Assembly adopt this ordinance.**

*The Clerk noted that the corrected version of the ordinance was provided in the Red Folder.*

Public Comment

None.

Assembly Action

**MOTION** by Mr. Bryson to adopt Ordinance 2018-11 (AO) and asked for unanimous consent. *Hearing no objection, the motion carried.*

- J. Ordinance 2018-11(AP) An Ordinance Appropriating to the Manager the Sum of \$653,744 as Partial Funding for the Playground Rebuild Capital Improvement Project, for the On Sidewalk & Stairway Repairs Capital Improvement Project, and the Maier Drive Force Main Capital Improvement Project; Funding Provided by the Risk Fund's Fund Balance.



This ordinance would appropriate \$653,744 to fund three Capital Improvement Projects (CIP) resulting from property damage insurance claims. The insurance settlements are outlined in the table below:

| PROJECT NAME                            | FUNDING SOURCE      | AMOUNT    | CIP #   |
|-----------------------------------------|---------------------|-----------|---------|
| Playground Rebuild                      | Lexington Insurance | \$63,198  | P41-095 |
| On Sidewalk & Stairway Repairs          | Geico Insurance     | \$25,000  | R72-035 |
| Maier Drive Force Main Emergency Repair | Lexington Insurance | \$565,546 | U76-113 |

**Total    \$653,744                      In**

order to provide funding for FY19 project expenses, all of these funds will be appropriated from the Risk Fund's Fund Balance and will be reimbursed to the fund once insurance funds are received.

The Public Works and Facilities Committee forwarded this request to the full Assembly at its May 20, 2019 meeting.

**The City Manager recommends the Assembly adopt this ordinance.**

Public Comment

None.

Assembly Action

**MOTION** by Ms. Hale to adopt Ordinance 2018-11(AP) and asked for unanimous consent. *Hearing no objection the motion carried.*

**IX. UNFINISHED BUSINESS**

**A. Assembly Appeal #2019-01 Terraces at Lawson Creek v. CBJ Assessor: Proposed Decision**

This is a 2019 property tax appeal filed by the Volunteers of America for multi-family property known as the Terraces at Lawson Creek. The Assembly accepted the appeal, assigned a presiding officer who administered a prehearing conference and established a briefing schedule. The Assessor filed a motion to dismiss. After considering the briefing by both parties, the Assembly issued the proposed decision. The proposed decision was served on the parties on July 9, who had five days to file objections. No objections have been filed.

No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

**The City Attorney recommends the Assembly adopt the proposed decision as the final decision for this appeal.**

**MOTION** by Ms. Gladziszewski to adopt the proposed decision and asked for unanimous consent. *Hearing no objection, the decision was adopted.*

*Mayor Weldon recessed the meeting for a 10-minute break.*

## **X. NEW BUSINESS**

### **A. Airport Terminal Reconstruction Art Panel**

The Juneau International Airport is currently designing the Phase II Airport Terminal Reconstruction project. This project must comply with CBJ Ordinance 62.65 “Art Works in Public Places”; requiring 1% of the construction costs to public art. The Airport is looking to incorporate some of the art work into the building during construction. The Art Panel was established by the Assembly earlier this year. This spring, the Art Panel reviewed 35 proposals and selected four artists with work totaling \$147,800.

The attached memo outlines the four artists, their proposed work and the costs. The Airport Board concurred with the art panel recommendation at the May 14, 2019 Airport Board meeting. On July 1, 2019, the Public Works and Facilities Committee concurred with the Art Panel selection, as outlined. In accordance with the ordinance, the art panel recommendation is forwarded on to the Assembly for final concurrence.

**The City Manager recommends that the Assembly concur with the recommendations of the Art Panel.**

Ms. Becker said in the past that the Assembly has seen pictures of the proposed art work and asked why the Assembly didn't see these art renditions before they were up for approval.

Airport Manager Patty Wahto explained that she served on the art panel and she explained the process of the art panel review, Airport Board approval and the presentation to the Assembly PWFC. She explained that since they were looking at trying to incorporate some of the art during the construction phase, some of the proposals did have some artist renditions but even those may be different from what the eventual final pieces may look like depending on where they are placed. Ms. Hale said that when it came before the PWFC there were not any renditions but they did receive the memos from airport staff with descriptions of each of the art proposals.

Ms. Hale said that during the PWFC discussion, she had asked if there would be artwork other than the 1% projects continuing to be located at the airport. Ms. Wahto explained that they do collaborate with the Juneau Arts and Humanities Council (JAHC) and other entities to display art work on loan in a variety of locations around the airport and that practice would continue.

Ms. Becker and Ms. Gladyszewski discussed past practices that included the Assembly being able to see renditions of the proposed works before voting on them. Mr. Edwardson and Ms. Hale said they felt the descriptions as provided in the materials submitted to the PWFC sufficiently described the proposals and they were OK with voting based on those descriptions.

**MOTION** by Ms. Hale that the Assembly concur with the recommendations of the Art Panel and asked for unanimous consent. *Hearing no objection, motion carried.*

## **XI. STAFF REPORTS**

Ms. McEwen reported that the Assembly and School Board candidate filing period would be opened beginning at 8:00 a.m. on Friday, August 2 and closed at 4:30 p.m. on Monday, August 12 for the October 1 regular Municipal Election.

### **A. Annexation Update Regarding Resolution 2817am**

Resolution 2817am directed the Manager to file an annexation petition for the areas described in the resolution. CBJ staff drafted that petition and submitted it for informal technical review to the Local Boundary Commission. In early July, the Commission provided helpful recommendations like updating the fiscal exhibits for FY20, clarifying police services, and clarifying geographic descriptions of the areas. Staff has made those changes and is ready to submit the petition for formal review and further public process.

City Manager Rorie Watt said that this is a status update on the Annexation.

Mayor Weldon asked if there were any questions for Mr. Watt.

Ms. Hale thanked the Mayor and Mr. Watt. She said she has been exploring this and talking with members of the public and she understands that the community of Angoon was concerned about this. She said that some of the questions that have come to her are as follows:

- 1) This resolution was passed in February 2018 and it took quite a while to come back to the Assembly. She said that it seems it may have gotten a little stale in the period of time and she asked why it took so long.
- 2) What was the public process then and do we need to revisit a public process now since there might be some staleness associated with it since it is now a year and half later?

City Attorney Rob Palmer said he would attempt to answer some of those questions. In the red folder are some color maps and in the meeting packet on page 270 is the final report of the CBJ Annexation Study Commission. That was a commission tasked by Mayor Botelho in 2005 to study what should happen with annexation in the future if that decision was made. He also pointed out that on page 289 of the packet (which had an excerpt of the model borough boundary study that was done by the LBC) it specifically talked about the Juneau boundaries. He said that he described those as the current process, depending on where they wished to start, either started a long time ago or started more recently.

Mr. Palmer said that the report on page 270 from the CBJ Annexation Study Commission made recommendations that if the Assembly were to make annexation a priority, to annex the properties that are currently proposed, areas A, B, C, and D. He said that had one minor exception and that was for Funtier Bay which has been excluded and it was initially envisioned to be included. He said this current process may have started back in the 2005-2007 era. What happened since then is that CBJ filed a petition to annex the area A and some area south of that. Ultimately, that had competing petitions with Petersburg that went to the Alaska Supreme Court and the Supreme Court confirmed the LBC's decision regarding the Petersburg petitions which had some consideration for Juneau's petition. After that decision was rendered, the Assembly reviewed the annexation process and realized that there was an opportunity to annex all the way out to the model borough boundaries which is essentially what has been done here.

He said this is slightly different than the actual lines on the model borough boundary and that difference is mainly related to the current boundaries of specifically areas B and C following watershed boundaries. That is a requirement of the LBC regulations that you are recommended to follow watershed boundaries instead of having arbitrary lines going over geographic areas. Area B and C boundaries are with the intent of the model borough boundary lines and are consistent.

Mr. Palmer said that if you jump forward some, the Assembly Committee of the Whole, in 2016, started the process of deciding what properties to try to annex and that process went for about a year. Ultimately, the Assembly Lands Committee unanimously approved forwarding the annexation back to the Committee of the Whole with the areas that are on here with slight differences. The Committee of the Whole made decisions in January 2018 and the Assembly held a public hearing on annexation in January 2018 and recommended what they see. There was an amendment in February 2018 to remove Funter Bay. There were some other amendments at the time but that is the one that passed.

Mr. Palmer said to address the staleness concept, because this annexation petition is different from what was presented in 2012 regarding the triangle near Tracy Arm, staff had to go back and get significant data. It took the better part of a year and half to work with the U.S. Forest Service, the State of Alaska Division of Elections, and the U.S. Coast Guard to try to get an idea of what properties are out there, what services are provided, where people live, what school arrangements are out on those properties, and the condition of the properties that they could determine through aerial photography. We had some appeals that we made because we were denied information through public records requests, through the Forest Service in particular, that had to go through an appeal process. CBJ ultimately prevailed in the appeal process and received a lot of information that is now the basis of this packet. He said it was quiet from the public view but staff was diligently working and there was a staff person from the Lands Division during which this was almost her full time job for about a year and half. That is a short summary of what led to the prior Assembly action to go forward with the Annexation Petition. It is up to this Assembly if there is a change in heart.

Mayor Weldon called on Mr. Edwardson followed by Mr. Watt.

Mr. Edwardson asked if it was ripe for his motion yet as it seems like they are diving into exactly what he wanted to move.

Mayor Weldon asked if there were any questions from Assemblymembers first.

Mr. Bryson said it was brought to his attention that there is a light house organization that controls 1500 acres of federal lighthouse land and he wanted to know what the impact to that organization would be if they were to annex that land.

Mr. Palmer said the CBJ had not reached out to individual specific private property owners. They have tried to reach out to some commercial operators to figure out what type of activities they provided and what types of activities may be subject to taxation. The property in particular he is referring to is the Pt. Retreat lighthouse and some property around it on the

Mansfield Peninsula which would be in area D on the map. He said that without knowing exactly what is on the ground and with the limited information that has come in, there is probably some discussions that the property owner and the Assessor could have at some point to figure out what might be potential property tax liabilities, which seems to be the largest concern. He said what has been a little challenging on the project at this time is that they have moved far enough along to proceed with an annexation petition but because they have not gone through that process and had a lot of public comment and had staff go out on site to look at some of these unique properties, they can't say definitively what will happen. He said it is a bit of a public process ordeal which has to occur for that back and forth discussion. If the annexation petition is approved, there would be a transition period for which specific analysis would be done for those property owners. The opportunity is great for that to have reached out and to start the discussion. The Assessor and Manager's office can provide some ideas on what might be available but we are a little information poor right now on the specifics of that property.

Ms. Hale said she understands from what Mr. Edwardson said is that he has a motion, and she was not on the Assembly at the time this was initially decided. She said she is sensitive to other entities, like what Petersburg did, claiming land for their borough. She said that if she were a property owner, she would be pretty uncomfortable about the idea that we want to annex land but we don't know what the effects of that annexation will be.

Mr. Watt said that going back to the question on why it has taken so long, he said the answer goes to the Assembly's thinking that around 2016 forward is that since it is so much work to do an annexation petition and we were caught off guard by the Petersburg Borough, the thinking of the Assembly at that time was to do it once and to do it for all time. It is a very data-intensive exercise and it has taken a long time. The thought was that rather than doing all the work for a residual triangle left by the Petersburg Borough, was to set the Juneau Borough boundary and to complete that action.

Mayor Weldon called on Mr. Edwardson.

Mr. Edwardson said he will explain his thinking before putting forward a motion. There is an entire manual on annexation. There are two reasons to annex. They are either due to population increase or because industry has increased. He said neither of those has happened in the area. He said he does not want to get into the details at this time but rather wants a future date where they can get into specific details. The way that the Petersburg decision is used and the way the model borough boundaries have been explained could use some discussion. He said he disagrees with the way they are represented entirely.

Mr. Edwardson said that his motion is on whether or not the Assembly addresses this again, not the merits of the arguments because that would take too long tonight. He said that the Assembly passed Resolution 2817(am) by a vote of 5:4 and it was hardly a resounding victory. He said the Assembly is composed of very different members now and there is curiosity about discussing this in depth to make sure that we are either doing the right thing or that we stop doing the wrong thing. The members supporting the resolution, by and large, chose not to explain their votes on the record during the hearing and that was noted by the press and they

were given an opportunity in the press to state their positions but not on the public record. He said that would be an opportunity for the supporters to do that. He said that even the Deputy Mayor at the time and he said to the press that he should have spoken up in the meeting. Mr. Edwardson said this is not hyperbole or exaggeration, he has yet to find a single person in Juneau, that supports this that is not sitting behind the Assembly desk or that wasn't sitting behind the desk at the time. He said if you consider that there isn't community support, decisions weren't explained, there wasn't very full discussion, and it wasn't a resounding victory, they have all new members now, and because all that, our neighbors vigorously oppose this. They vigorously oppose this at a time when we are trying to have unity in the region because basically we are under attack by the state government. He said he doesn't think this is the time to rile people up, especially when there doesn't really seem to be a reason to annex. That is his opinion and he is not asking people to change their opinions or their votes but what he is asking is to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am to provide a platform and mechanism to where they can have discussions and see if the Assembly still supports this.

**MOTION by Mr. Edwardson to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am.**

Ms. Becker asked if Green's Creek is in the location of the unannexed area that we are considering for annexation?

Mr. Watt said that Green's Creek Mine is in the current borough boundaries and is generally moving in the direction of area C. They are close to our boundary and there is some possibility that continued development could cross the borough boundary but he doesn't think that is imminent.

Ms. Gladziszewski said she is opposed to the motion. She said that this process has been going on for many years and there is not a perfect answer to this question. She said the Assembly has spent over a year and a half in the most recent go around talking about these things. She said she didn't look up the vote but she recalls that there was back and forth about areas B plus C plus D plus which one. She said she doesn't know how the 5:4 ultimately came out but some of it was disagreements on the bits of boundary. She said that if they open this up again, they will spend a long time and it wasn't a factor in people running for office but that would take back what prior Assemblies did in good faith from moving forward. She said she disagreed with some of the decisions that were made when this Assembly made them but she feels that they had a good hearing, they heard from the public and this Assembly would need to be reeducated in a long process. If this Assembly wants to do that, that would be its prerogative. She said she hopes they would move forward and let the Local Boundary Commission begin its process. This is the beginning of a longer process and certainly not the end. The LBC will take it and continue to move forward and there will be more discussion in those forums. She hopes the Assembly would let the previous decision stand, which she had quibbled with, but she thinks it was a reasonable move forward for the borough to get close to the model borough boundaries.

Mr. Edwardson said he is seeking a platform to have a discussion and they won't be doing that

at 10 p.m. after a long contentious meeting. He said it is worth the time and one of the reasons he thinks it is worth the time is that, at least in the discussions he took part in, he doesn't think they were full and clear discussions. That is why he voted against it. He pointed out that knowing the people in the area, they are scared. They are scared about what this is going to do. Nobody talked to them and there was not a public meeting that they were included in. They stand to lose a lot of money, they stand to lose the ability to have the homesteads and the properties that they have over there if we start taxing them. If we don't start taxing them, what are we doing this for. He said we have in the audience Mr. Denton who took a \$500 helicopter flight to be here today just to listen to this. He is just one of the people who came and is very concerned with this. This hall was stacked last year and not one person spoke in favor of annexation. What are we doing this for? He would like us to say, this is why I am against it or here's why I'm for it facing these people who all spoke against this last year.

Ms. Hughes-Skandijs asked for clarification regarding Ms. Becker's question about Green's Creek as she wanted to be clear that Green's Creek is within the CBJ borough boundaries. Mr. Watt confirmed that was correct. She said that she recalls watching this discussion closely as a citizen. She said that while the room was full, as a resident of Juneau, it didn't feel like it had a long and great public process, which is not to say that it didn't meet its obligations but she would second Mr. Edwardson's comments. She said that it was not abundantly clear why it was moving forward, even if that was against what she wanted. She said she would like to take this up as an Assembly so she would be in favor of the motion. She recognizes Ms. Gladziszewski's concerns and she greatly appreciates the amount of time this has taken staff and she wouldn't want to grind that into the ground and drag out their time. She said she thinks it makes sense that when something takes this much effort, that they would undertake to do it once and forever. That said, this has large consequences, and if it takes longer, that would be all right. She said that it seems to her to be poor public policy with the exclusion of Funter Bay and, if this does proceed, she would follow the public process of the model boundary commission to see what the justification for that is. It seemed to be at the time, an exclusion based on the loudest voices in the room when many of the residents of Funter Bay would be some of the most seemingly logical taxable properties with most of those residents being registered to vote in CBJ. She pointed out packet page 279 which highlights taking into consideration the interest of other communities in this area, particularly the City of Angoon. She said the last sentence of that paragraph reads: "At such time as the CBJ decides to pursue annexation it will be critical to initiate a discussion with the City of Angoon community leaders." Ms. Hughes-Skandijs said as a member of the Assembly at this time, she does not feel comfortable going forward with this annexation, if we have the opportunity to reconsider it, because she believes it is poor behavior to our southeast neighbors. The timing couldn't be worse when we really need to be drawing together in this area of the state. She spoke in favor of the motion.

Ms. Hale said she appreciated the clarification about Funter Bay and that was a vote by a prior Assembly to exclude Funter Bay and that helps her understand it. She said she also appreciates Ms. Gladziszewski's description of the process that has occurred. Ms. Hale said she is not an advocate of reversing a decision by a prior Assembly, particularly after a public process. She doesn't support Mr. Edwardson's motion as she thinks it may set them back pretty significantly. This is a tough topic and she would like there to be some kind of a public

process going on as Ms. Hughes-Skandijs said, they haven't effectively reached out to Angoon. As Mr. Benson said, they have not contacted property owners.

Mr. Watt said he would like to characterize the efforts to reach out to the community of Angoon. He said there were substantial efforts made to reach out to the community of Angoon. CBJ offered to meet, they offered to visit and had arranged to visit and that visit was declined. He said it is not fair to characterize Juneau's efforts with regards to Angoon as anything less than completely open and collegial.

Ms. Hale thanked Mr. Watt for that and said this is part of the problem for some of the newer Assemblymembers: that they are coming in not having been in the process so she appreciated that clarification.

Mr. Watt said that the second clarification is that there is a bit of a chicken and egg issue. In order to find out who has property in potential areas for annexation, you need to do the work to investigate that issue. We didn't know who had pockets of land here and there in these areas until they did the research for the annexation petition. CBJ held public meetings and there have been opportunities for Juneau citizens to see what we are in doing in the paper. Other communities saw and it was widely reported on and until we actually did the work to find out who those property owners were, we didn't really even have a catalog of that until recently. He said that for that reason, the LBC itself has an extensive public process. He said that Mr. Palmer or Ms. Cosgrove might be able to illuminate more about the LBC's public process. He said that has really only just begun and the Assembly decision of what areas to pursue is incumbent upon people to watch us because we couldn't know who they were. Now, through the LBC process, there will be a lot more public process.

Ms. Hale asked if she could finish. Mayor Weldon said if it is a follow-up, she could finish but if it was a new question, Mr. Edwardson was in front of her. Ms. Hale said she was interrupted and can't grasp her previous thoughts so she will stop at this time.

Mr. Edwardson said he feels it is important that Ms. Hale and the other members understand this in as much depth as they would like and they wouldn't be able to just as a result of this meeting and that is why he was making this motion. He said going back about a year and half, he said something to the effect that we don't want to jump into this and spend a whole bunch of work on it just to turn around and find out it was the wrong thing. He said that about this and other subjects and the reason is it is a bad decision making process called sunk costs. You start dumping time and resources into something and you may not be ready to do it but you don't want to call it quits because you have so much invested. He said he has no sympathy for the costs that we have put in. He said he does not think we got it right last year and he feels sorry for the fact that people dumped as much work into it as they did. We are still here and there is still no support and we still have people angry at them. He said others may know people who do support it but he does not know those same people. He thinks this deserves a long discussion and the only way he could figure out how to have a long discussion is to have a motion on repeal. Chances are, it might lose but it will provide an opportunity for a discussion and an opportunity for public comment and that is what he wants is the discussion.



Ms. Hale said she has a related question. She said that Mr. Dave Benton who is the manager of the Point Retreat Light House is present if they have any questions for him. She said, this is a question for Mr. Watt or Ms. Cosgrove. How can we, as an Assembly, and how can Mr. Benton and his organization have the certainty in the tax implications for their 1500 acre parcel? If they were taxed, the organization would no longer be able to exist so how can we have that kind of certainty.

Ms. Cosgrove said she doesn't know that they can offer today any assurances to Mr. Benton to say this will be the outcome. Ms. Cosgrove said that what she can say is that the properties within the newly annexed area, if approved by the process before the LBC, would be subject to property tax of the general mil rate off the roaded system which is the same that Shelter Island and Taku River properties pay. She said she believes that rate is 6.7 mills at this time. There are many exemptions to our property tax rules. Mr. Benton is involved with a 501(c)(3) property with the Pt. Retreat Lighthouse. She said they just started to look at his issues to see whether or not that property would be subject to property tax. She said there are ways that it could possibly be excluded. He told her that he spoke with Mr. Gillette earlier and Mr. Gillette is involved with the Sentinel Island property and the Sentinel Island property is excluded from property tax. She said that she can't make any guarantees right now as she doesn't have enough information. His situation is not necessarily different than any other people that might be newly contained within those boundaries such as people who own property on Horse and Colt Islands. People who own properties that, if they go into the borough and there isn't an exemption, they would be subject to that base rate of property tax. She said she doesn't know if that is helpful or not as it doesn't answer his underlying question but we can't do that sitting here at this meeting.

Mr. Bryson said as a new Assemblymember he doesn't have enough information and he doesn't even know how he feels about this but at the same time, he doesn't know how he feels about undoing the work of previous Assemblies. He said he may have a hard time with that as he thought how he would feel if the next Assembly started to undo some of the work that this Assembly has done. He asked if an amendment could be made, not so much that they do a repeal right now but they table it so they could get additional information. He said he would like to get more information about it as he doesn't feel he has an informed decision at this time. He asked if it could be postponed so they could have a full discussion with lots of information and bring all the new Assemblymembers up to speed.

Mr. Watt said that as Mr. Palmer alluded to earlier, they could pick this issue up at any point in time. He said that if an Assemblymember or member of the public wants to know more about annexation, they will need to commit a lot of time to reading historical documents. They would need to go back to 1963 when the Greater Juneau Borough first was incorporated because it is that long of a view. They would want to read the Petersburg annexation petition and figure out why Petersburg formed and why the Sitka and Haines Boroughs formed and all the boundary issues. It is detailed and weedy. There is no obstacle to doing that. He said that what the prior Assembly found was that this is a very difficult decision and as the Deputy Mayor said there is no one right answer and he thinks they would find that true today. There are multiple answers and the LBC has a role to play. He said that Ms. Cosgrove noted that in the new Assemblymember on-boarding packet there is a briefing on this topic so that contains

some of the recent information on that. He said that what they hear tonight is that it is a bit of a philosophical discussion as well as a detailed discussion and he said that while it is complicated but that the overlying question here is the whole concept of boroughs. When the state formed and adopted the constitution and envisioned the borough form of government, this is the model that they've offered for the development of the state. He said we are where we are but this could be a lot of effort for the Assembly to become educated about the full history of this.

Ms. Triem asked if one of the staff members could explain what the process would be going forward. She said she gets the sense that part of the reluctance is the feeling that the public has not had enough input. She said that her understanding is that CBJ and this Assembly is not the final decision maker here but there is a possibly long process after this with the LBC and that the legislature will also be involved. She asked for clarification on what that process will be.

Mr. Palmer said there is a long process. If the current resolution stands, the formal petition will be filed with the LBC. Staff at the LBC undertakes another technical review and hopefully that goes quickly. Their regulations provide some timeframes with a maximum duration that they can undertake the review. That then comes back for CBJ to make any changes. He is hopeful that there will not be significant changes, or any changes. Then, there is a much longer public process at that point where there has to be at least one more public meeting where people within the proposed areas to be annexation and the current borough get to see more detail of what is being proposed. That is the point at which there is more certainty as to what services will be provided and yes, there would be some taxation liability for some properties but they can see the full picture at that point. How that public meeting is set up is not clearly defined so there are a lot of opportunities there in whether it is held in City Hall, at Centennial Hall or other options. Ultimately, there is a long hearing in front of the LBC. The last time we went through this with Petersburg, he said there was close to two weeks of public hearing in front of the LBC. Then the LBC makes a recommendation. That recommendation, assuming there is some part that they recommend annexing, gets forwarded to the legislature. He said this is the part that gets a little odd. That recommendation has to be forwarded to the legislature within a certain time frame of the beginning of the legislative session. Depending on how long this process takes, the goal is to get it in front of the legislature in January 2020 but it might take until January 2021. Once it is there, the legislature has a short period of time to affirmatively disapprove of the petition. The legislature, if they want to do anything, they would stop it by taking action. If they don't take action, then it goes through. That paints the big picture on the process but he can go into further details if they wish.

Mayor Weldon thanked Mr. Palmer for the explanation. She said that now that everyone else has had a chance to speak, she will speak and then call on Ms. Hale and Mr. Edwardson again.

Mayor Weldon said she was part of the Assembly that initially voted on this and she would agree with Ms. Gladyszewski that a lot of the 5:4 votes wasn't necessarily, should they annex, but rather had to do with the different pieces and what parts should be annexed. She said that with respect to the question "Why should we annex?" she would disagree with Mr. Edwardson in that the reason we should annex is why our boundary was drawn in the first place. These weren't just lines drawn willy nilly to say we should do this. This is protecting ore bodies and

ore bodies are important to Juneau. A lot of our economy is based on our two major mines and this would be related to potential expansion for one mine in particular and another mine to be potentially started. That is why she sees it as a compelling reason. With all the residential property, she gets it. She owns a cabin in Taku. She said they should look at some point if these recreational properties should be taxed as much. Keep in mind they are not paying the full property tax since they are outside the roaded service area. She said we are working with the lighthouse association so hopefully we can find a solution for that and any other non-profit or conservation land. She said they have heard already that they went through an extensive period, two years, of working on this so it isn't something they will hear about in one meeting and solve the problem. They would need to take this on for a long period of time and she feels the Assembly has already weighed in on this. Mayor Weldon noted that as the City Attorney explained, this is not the end of it. It is going to the LBC and they will have public process, it will go to the legislature where there is more public process. There is still a lot of public process ahead of them. She said she is very sensitive to Angoon but she was one of the ones who reached out initially to the first mayor. It was not the same mayor they have now but at the time, she and the first mayor had conversations about this and CBJ had a trip planned to go to Angoon. She was planning on going on that trip and then Angoon chose not to have CBJ come down there. She said CBJ has reached out and unfortunately, Angoon is not in a position right now to become a borough and CBJ has waited for some time to see if they could do that and they have not. She said they can't claim the land until they are a borough. She said that why CBJ needs to take it on is that we learned our lesson with Petersburg. Petersburg took part of our land, sorry Ms. Triem, but we lost part of our land. There is another entity forming a borough right now that is looking to claim some land and again, CBJ does not want to wait and let them claim the land that we are trying to protect. We are trying to protect ore bodies.

Ms. Hale said that as a former state official who actually dealt with a lot of problems that arose from the fact that Alaska does not have counties, and because Alaska does not have counties, there are many people in boroughs or unorganized boroughs that simply rely upon the state to do what counties do in other states. She said she has long been an advocate for organized boroughs. She said she is coming to this situation in particular, one because it was sprung on them as an Assembly and she understands now the process. In general, she is an advocate and is eager for more public process around this. She said that she agrees that boroughs are a good idea and the areas for expansion make sense to her, they are more closely associated to Juneau any other community that she can see.

Mayor Weldon called on Mr. Edwardson. Mr. Edwardson asked if he could cover a number of subjects because he's been wanting to respond to people as they've gone along.

Mr. Edwardson said that the LBC has a public process but that it is their public process, not that of CBJ. When our citizens go before the LBC, they will be fighting the full weight of the CBJ government in a process to take over. They will fighting us and that is the way that it works. Instead of listening to them and saying "what are your concerns?" we will be basically taking them to court and saying "we're going to take your stuff, fight it, this is your process." He said that doesn't make sense to him. As for as willy nilly, he is still waiting to see some evidence that there are ore bodies or that we would have access to it. He is open for the evidence but we didn't see it last time and he doesn't see it at this meeting and this is one of the

reasons why he would rather have a process where the Assembly is receiving that information. As far as the Petersburg thing, he encouraged everyone to read all of the information possible, including the Supreme Court decision where they said the Juneau arguments were wrong and they explained each and every reason they were wrong. He said one of those was talked about earlier and that was the model borough boundaries. He suggested they go to the LBC website, print off the document on the model borough boundaries and read the whole thing. They were never meant to establish a claimed land. What they were, were questionnaires that were sent out to people to say "what do you think the boundaries should be?" He encouraged them to read the document itself and to read the Supreme Court decision. He said he has hundreds of hours into this and the reason he has hundreds of hours into this is because we are talking about taking drastic action against people's property. It that doesn't deserve the Assembly's time, what does? Do they want to get out of the meeting early. Do they want to understand it just enough? What is just enough? It is going to be hard to find out what it is they are making these huge decisions on, that is the job of the Assembly.

There being no other comments, Mayor Weldon asked for a roll call vote on the motion.

**Roll Call vote on the MOTION by Mr. Edwardson for the Assembly to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am.**

**Ayes: Edwardson, Bryson, Hughes-Skandijs**

**Nays: Becker, Gladziszewski, Hale, Triem, Weldon**

**Motion Failed Ayes: 3 Nays: 5**

*Mayor Weldon called for a 10 minute break at 10 p.m.*

## **XII. ASSEMBLY REPORTS**

### **A. Mayor's Report**

*Mayor Weldon noted that she excused Mr. Bryson for the remainder of the meeting so he could spend what was left of the evening with his daughter who was heading to Peru in the morning.*

Mayor Weldon reported on the following various activities and events she attended or was involved with:

- Marched in the Whitehorse Canada Day Parade with a contingency of JPD officers, they reciprocated with a plane load of Royal Canadian Mounties
- She was back in Juneau for the Independence Day celebrations and hopes Whitehorse Mayor Curtis and others can join Juneau at next year's Independence Day celebrations.
- Attended Eaglecrest public meeting on their summer expansion plans
- Attended the Red Cross Diversity and Inclusion training and she thanked the Red Cross Association and the Sealaska Heritage Institute for the event held at the Walter Soboleff Building.
- She checked in at the end of the Airport Disaster Drill; they had a very good drill and she thanked everyone who participated as volunteers and as rescuers.
- She attended the Filipino Scholarship event and they gave out around 45 scholarships which was quite impressive and she appreciates their dedication. Senator Kiehl was their keynote speaker.

- She attended the USS Juneau Memorial event earlier that day which featured Ashley DeRamos who has sung the national anthem and said the Pledge of Allegiance in all 50 states as of today. She is the first person with Down Syndrome to do so and she is an advocate for those with special needs and we are honored that she chose Juneau to collect her 50th state certificate. Mayor Weldon thanked Mr. Uchytel and Docks & Harbors staff for setting up the event.
- She has been busy working with City Hall staff sorting out what the financial future will look like as a result of the state budget. The House was in session briefly earlier this evening and will be meeting again tomorrow to work on trying to solve the problems.

Looking ahead, the following dates are events coming up that members may be interested in:

- July 30 at 4:30 p.m. is the Alaska National Guard Veterans' Appreciation Dinner at the Juneau Yacht Club and it is also the 100 year anniversary of the American Legion which is hosting the event. Mayor Weldon said she is unable to attend and asked if anyone would like to speak at that event to let her know after the meeting.
- August 6 is National Night Out which is a community-oriented celebration which aims at crime and drug awareness and prevention. This is where the police officers and the fire department go into neighborhoods and speak with the neighborhood associations and meet the people of the neighborhoods. More details are available on the JPD website.
- Mayor Weldon was asked for an update on the Amalga fish cleaning station issue so she asked Ms. Hale if a status report on that could be included in her PWFC report.

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

Ms. Hale said the Amalga project not been before PWFC for some time but she knows that they are working on it so she will make a request. She'll make sure it comes back to PWFC so they know what is going on it with. She said that her understanding of it is that the Docks and Harbors Board has modified their idea of adding fish cleaning stations and that was a big issue.

Ms. Hale reported that in upcoming PWFC meetings, they will receive information about a heat pump project. This has been a priority for Juneau Commission on Sustainability (JCOS) and this is a spin off group that has a heat pump proposal. They will also find out how the \$250,000 for the Juneau Renewable Energy Strategy (JRES) implementation is planning on being spent by the Engineering/Public Works Department. She said that everything else that has happened with PWFC has ended up before the Assembly.

For liaison reports, Ms. Hale said the Bartlett Regional Hospital Board meeting will be on July 23. The JCOS is reviewing its resolution establishing JCOS and making sure that they are understanding the framework and aligning the commission's activities to their scope and goals per the resolution.

Ms. Hughes-Skandijis reported that she attended a Juneau Commission on Aging (JCOA) meeting and their guest speaker with Chuck Bill who gave a good presentation. JCOA had so many questions for him that they will be having him come back again soon. She said the newly appointed members were present and also several members of the public. JCOA is continuing to work on the senior survey project and they have a lot of energy and drive for this project.

Ms. Hughes-Skandijs reported that the Sister Cities Committee meeting was rescheduled from last week to July 25. She was not able to attend the last Downtown Business Association meeting as she was working on a deadline with her day job. Lisa Parady was welcomed as a new board member and they are all pretty busy as the season is in full swing. She also attended the Red Cross workshop on "Diversity and Inclusion" and it was a good reminder that we all should and can stretch a little further. She also attended the Filipino scholarship program and the Filipino community picnic at Sandy Beach.

Ms. Triem reported that the Aquatics Board had a lot of action, most of which Mr. Edwardson will be including in his report. She did thank outgoing Aquatics Board members Becky Monagle, Joe Parrish, Richie Dorrier, Max Mertz, Charlie Williams, and Phil Loseby for their service on the board as many of them were serving longer than they intended to be. The next Aquatics Board meeting is July 23 and there will be a lot of new faces there. The July Travel Juneau meeting has been rescheduled to August 2.

Ms. Triem said that she had a busy month including attending an Entrepreneur Meet-Up event which is a semi-regular event. This one was held at the Rendezvous which is under new ownership. It was great to meet the new owners and see the new space and what they are doing with it. On July 8 she attended the Save our State rally and appreciated the remarks by Mayor Weldon and Mr. Jones. On July 18 she attended the Eaglecrest public meeting as well and she was very impressed with Mr. Scanlan's presentation. She also attended the Filipino scholarship night and she extended her congratulations to both the parents and students on their accomplishments.

Mr. Edwardson said that most of the Human Resources Committee (HRC) actions were reported at the Special Assembly Meeting so he won't be including those at this meeting. He reported that prior to this Assembly meeting, they held the regular HRC meeting and are forwarding the following recommendations for appointments to the Juneau Commission on Sustainability and asked for unanimous consent.

Appointment of Ms. Lisa Daugherty, Mr. Duff Mitchell, and Mr. John Smith III to terms beginning immediately and ending June 30, 2022.

Appointment of Mr. Iura Leahu to a term beginning immediately and ending June 30, 2021.

*Hearing no objection, those appointments were approved.*

Mr. Edwardson said they also received the annual report from JCOS. It wasn't extensive but it was information filled. They have had a very packed year and they deserve kudos for all their hard work. They have done a lot of work and even inspired Assembly goals which were incorporated in the goal making at the beginning of the year. The HRC also received a written report from the outgoing Aquatics Board. It is pretty extensive and covers what they have done over the past year but was also a retrospective of what they have accomplished over the past 4 years. It is pretty impressive on what they have accomplished and the new Aquatics board is ready for the next step. There are two incumbents who are continuing on the Aquatics Board and all the others are new members.

Mr. Edwardson said that in other matters, he attended the Douglas parade and did not even try to attend the Juneau parade because every other year that he attended the Juneau parade, they never make it to Douglas in time to attend that parade. He said attending the Douglas parade reminded him of the parades he used to see in Ketchikan and it was pretty fun. He said that he attended the Save the State rally and while the news reported that there were approximately 750 people present, he thinks there were more.

Mr. Edwardson reported that the HRC also discussed the Assembly Rules of Procedure and they referred those to the Committee of the Whole (COW). The main changes are to Rule 4 relating to legislation (Assemblymember presentation) and Rule 5 which is moving the Aquatics Board from the requirement that the full Assembly interview the members.

Ms. Becker reported that the next Lands Meeting is on July 29. The next Docks and Harbors meeting is July 25. She reported on the following meetings that she attended: Chamber of Commerce with Dave Scanlan presenting on Eaglecrest, at another Chamber meeting Senator Jesse Kiehl spoke. She said the UAS Campus Council has met a couple of times to discuss the budget for the university system. The Alaska Committee met and mainly discussed the state fairs in Palmer and Fairbanks and as of the last meeting, they were still looking for two people to attend the Palmer fair. She stayed up for the Juneau fireworks on July 3 and it was very pleasant that there weren't so many other fireworks going on. She did not make it to 4th of July parade but she did go to Douglas and it was great. She went to the Filipino picnic and to the Save our State rally at the Capitol. She said that she attended the funeral service for Marilyn Miller. Marilyn was the wife of former Juneau Senator Mike Miller.

Ms. Gladziszewski said she was sorry to have missed out on a planeload of Mounties. She said she missed all the 4th of July activities because she was on the North Slope in Kotzebue taking photos of caribou. She did get to see Reggie Joule do a back flip on the blanket toss and she has video that she can share. She reported that they held two COW meetings on July 8 and July 15 and that the next COW meeting is on July 29. She said that at the July 8 meeting they discussed the Pederson Hill subdivision, the marijuana ordinance, and the impacts from the governor's vetos. They also talked about Centennial Hall and the New JACC at both the July 8 and July 15 meetings and will be talking about those again at the July 29 meeting.

Mr. Edwardson reminded members that on Thursday, August 1 the full Assembly as the HRC will conduct interviews for the Airport Board at 5:30 p.m. Ms. Becker apologized that she will not be able to attend that meeting.

Mayor Weldon extended her thanks and the thanks of the full Assembly to all the members on the Aquatics Board who served past their term expiration dates to see that the transition happened smoothly.

C. Presiding Officer Reports

### **XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

### **XIV.EXECUTIVE SESSION**

## **XV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 10:27 p.m.

Signed: \_\_\_\_\_

Elizabeth J. McEwen  
Municipal Clerk

Signed: \_\_\_\_\_

Beth A. Weldon  
Mayor