

REGULAR ASSEMBLY MEETING 2023-26 MINUTES

December 11, 2023 at 7:00 PM



Assembly Chambers/Zoom Webinar/YouTube Livestream

Meeting No 2023-26: the Regular Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 7:17 p.m.

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

Mr. Smith provided the following land acknowledgement: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

C. ROLL CALL

Assemblymembers Present: Mayor Weldon, Deputy Mayor Michelle Hale, Greg Smith, Ella Adkison (via Zoom), Alicia Hughes-Skandijs, Wade Bryson, Paul Kelly (via Zoom), Christine Woll, and 'Wáahlaal Gídaag (via Zoom)

Assemblymembers Absent: None

Staff Present: City Manager Katie Koester, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Municipal Clerk Diane Cathcart, Port Director Carl Uchtyl, Parks and Recreation Director George Schaaf, Tour Manager Alexandra Pierce, Senior Planner Irene Gallion

D. SPECIAL ORDER OF BUSINESS – None

E. APPROVAL OF MINUTES – None

F. MANAGER'S REQUEST FOR AGENDA CHANGES - None

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Public Comment:

Carole Bookless, a Douglas resident, spoke to the South Douglas Steering Committee. She relayed that she is a member, and that the committee was supposed to do a twenty-year plan in one to two years, but now it has been five years and the committee has nothing. She stressed there are many matters coming up in front of Douglas, like tourism development, housing, and the Mayflower Island transfer. She urged members to act. In response to a question about what comes next for the Douglas plan, Ms. Bookless explained that the last meeting was in March with a meeting that was supposed to happen in July but didn't.

Skip Gray, a Twin Lakes resident, recounted that the State of Alaska took ten homes on Telephone Hill in 1984, and 40 years later, three of the homes have been demolished. He said proponents of the new capital building have given up on the idea, and that the state has divested itself of the hill properties. He asked members what would have been the fair and honorable thing for the state to do once it realized it didn't need the land anymore. He stated that he is not testifying today to argue the legality of the land being taken, but rather, the morality of it. He suggested that the right thing to do would be to give the land back to the owners or their heirs or offer to sell it back at fair market value.

Erik Pedersen, a Twin Lakes resident, voiced his opposition to the proposed municipal compost facility. He expressed his concerns that the building would require ongoing subsidies for maintenance and operation. He said he is unsure of the need for the facility as there's already a private composting business in town.

Emily Kane, a downtown resident, relayed that CBJ received a \$2.5 million federal grant to improve composting in Juneau, which is being put towards the building of a facility at 2300 Anka Street and cannot be used for administrative costs. She commented that she is unsure whether CBJ has the bandwidth to run a composting facility when there has already been such a facility in town for seven years. She shared that Juneau Composts is in contact with a national network of composters who have used grant money to improve facilities.

Sarah Caldwell, a Douglas resident, voiced support for Juneau Compost. She offered her hope that CBJ would open up the bid process.

Doreen Prieto, a downtown resident, directed attention to the EPA environmental assessment for the CBJ compost, and that it has no authors, lots of statements, and no facts. She moved to page four of the assessment, which explains that the Assembly directed CBJ staff to work with the owner of Juneau Compost to ensure the project compliments the existing compost program. Further, on page five, it says that CBJ has partnered with Juneau Compost and other area non-profits. She asked what CBJ staff has done to work with Juneau Compost.

Yvette Soutiere, a downtown resident, spoke in support of Juneau Compost and stressed that CBJ needs to either partner with them or ask for RFPs. She stressed the good job that the owner is already doing.

Lisa Daugherty, a Douglas resident and owner of Juneau Compost, offered her understanding that, for all of 2023, CBJ staff and Assembly told the public that the city is working with Juneau Compost in the federal grant. She said that only conversations have been held. She highlighted that Juneau Compost has delivered compost results for the community, but now is in limbo because the city is going to build a composting facility. She said there are many unknowns now: what if the RFP replicates what Juneau Compost already does, what if the city partners with someone else, what if staff capacity cannot handle managing a long-term compost facility. She asked how the city could say it will not compete with Juneau Compost when it is building a compost facility next to them.

Mr. Smith asked what path forward Ms. Daugherty would propose. She answered that the city has been her landlord since 2019, and that she would like to continue leasing land from the city. She stressed that CBJ is receiving the benefits from her landfill diversion work, which has been one of the assembly's goals for the past three years, for zero taxpayer dollars. Mr. Smith inquired as to whether there is enough room for Juneau Compost and Tlingit & Haida to both operate. She pointed out that across the country there's no town of 30,000 people that has two compost facilities because there is not going to be enough of a market, and that there is no way a non-subsidized facility can compete with a subsidized facility.

Mariya Lovishchuk, a Douglas resident, conveyed her support of Juneau Compost, and said that it could grow and absorb Juneau's composting needs. She suggested that the city take a pause and figure out how to make the existing composter work and grow. She concluded by thanking the city for helping Juneau Housing First Collaborative to get the AHFC grant.

City Manager Koester provided an update regarding the compost grant and stated that, while the city does not intend to own or operate a facility, the grant must follow a competitive procurement process. She said diverting waste is one of the only ways CBJ can impact the life of the landfill, as almost 40 percent of what is landfilled is organic. She explained that CBJ is still in the application process and is not ready to issue the RFP because there are policy decisions, like whether there should be a contract or does the city just lease the property. She shared that city code gives more leeway to work with non-profits. She and Mr. Watt had conversations with Juneau Compost and said they are not interested in becoming a non-profit. She advised

that, if the community doesn't want to expand composting in a way that's fair and competitive through competitive procurement, then the city cannot move forward with the grant.

Mr. Bryson added that solid waste, Juneau's waste stream diversion, and trash are standing topics at the Public Works and Facilities Committee.

Mr. Kelly recalled reading emails from staff which said the city didn't get the grant that would subsidize building a facility and asked for clarification. Manager Koester answered that he is correct, the \$2.5 million would not build a facility, it would go to site development, utilities, and lights.

H. CONSENT AGENDA

Public Request for Consent Agenda Changes, Other than Ordinances for Introduction

Assembly Request for Consent Agenda Changes

Assembly Action

MOTION by Ms. Hale to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the Consent Agenda was adopted by unanimous consent.*

I. Ordinances for Introduction

1. Ordinance 2023-14(b)(E) An Ordinance Deappropriating \$950,000 from the Manager for Childcare Programs.

This housekeeping request would deappropriate \$950,000 from the Manager for childcare programs. Since the FY24 budget was adopted, the City and Borough of Juneau was awarded a \$2,000,000 grant from the State of Alaska for childcare programs and grants, appropriated under Ordinance 2023-14(b)(B). The deappropriated funds will be added to the FY25 budget as a one-time increment for childcare programs and grants.

The Committee of the Whole reviewed this request at the August 7, 2023 meeting.

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

2. Ordinance 2023-14(b)(R) An Ordinance Appropriating \$1,600,000 to the Manager for the Affordable Housing Fund; Funding Provided by General Funds.

This ordinance would appropriate \$1,600,000 for the Affordable Housing Fund. The Lands, Housing and Economic Development Committee (LHED) recently completed the third round of housing project proposals. The committee received six housing project proposals in the amount of \$6.3 million. Projects were ranked based on criteria from the 2023 Juneau Affordable Housing Fund (JAHF) program description and guidelines. Due to limited funds available, the committee selected one project and recommended a second project if additional funding was available. Due to the critical need for housing in the community, it is recommended that the top two ranked projects are funded. This request would provide sufficient funding to award the top two projects.

The Lands, Housing and Economic Development Committee approved this request at the November 6, 2023 meeting.

The City Manager recommends the Assembly introduce this ordinance and refer it to the next Committee of the Whole meeting.

3. Ordinance 2023-05 An Ordinance Authorizing an Alternative Procurement Method Related to the Eaglecrest Pulse Gondola Construction Project.

Eaglecrest Ski Area is in the process of expanding summer and winter opportunities through the development of a gondola project. Shortly after the Assembly appropriated \$2M for the purchase

of a gondola, Goldbelt Inc. injected \$10M to fund installation of the gondola and associated infrastructure. This ordinance would allow the CBJ to use the Construction Manager At Risk form of alternative procurement to complete design and construction work necessary for the gondola project. A number of factors justify an alternative procurement including: complexity of the aerial system, short construction windows, alpine environment, and the need to stay within budget.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Committee of the Whole, and schedule it for public hearing at the next regular Assembly meeting.

J. Resolutions

4. Resolution 3021 A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.

The Docks and Harbors Board approved changes to its bylaws at its November 30, 2023 regular Board Meeting. Changes to the bylaws require Assembly approval and were last updated in 2014. In addition to administrative housecleaning issues, some of the changes include:

- Acknowledging and leveraging virtual Board member participation in a post-pandemic world.
- Allowing citizens to transmit communications (written presentations and exhibits) to the Board via email instead of hard copies to the Port Director's Office.
- Reducing the number of standing committees from two (Operations & Planning, and Finance) to only the Operations & Planning Committee.
- Defining the quorum for special committees.

CBJ Law reviewed the proposed changes and found them to be legally sufficient.

The City Manager recommends the Assembly approve the Docks and Harbors updated bylaws.

K. Liquor/Marijuana Licenses

5. Liquor & Marijuana License Actions

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

Liquor License – New

Licensee: Kaitlyn Morgan d/b/a Pittman's Pub

License Type: Recreational Site, License: #6166 Location: 3000 Fishcreek Rd., Juneau

Marijuana License – Renewals

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory LLC

License Type: Retail Marijuana Store, License: #10800 Location: 237 Front St., Juneau

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory LLC

License Type: Standard Marijuana Cultivation, License: #10266 Location: 8415 Airport Blvd. Space B, Juneau

Licensee: Tree Logic LLC d/b/a Stoned Salmon Farms

License Type: Standard Marijuana Cultivation License: #27531 Location: 5763 Glacier Hwy, Juneau

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

The City Manager recommends the Assembly waive its right to protest the above-listed liquor and marijuana license actions.

L. PUBLIC HEARING

6. Ordinance 2023-18 An Ordinance Amending the City and Borough of Juneau Code Related to Development in Landslide and Avalanche Hazard Areas.

The City and Borough of Juneau currently regulates development in mapped landslide and avalanche hazard areas based on 1987 maps. In 2020, the City & Borough of Juneau contracted with Tetra Tech to update the landslide and avalanche hazard maps. Tetra Tech completed its task and produced a report with new maps in 2022. Since then, the Planning Commission, Assembly committees, and the Assembly have discussed the Tetra Tech maps and different regulatory options. Ordinance 2023-18 is the result of that public process.

This ordinance would repeal the 1987 landslide and avalanche maps, repeal the landslide provisions of Title 49, adopt the 2022 Tetra Tech avalanche maps, and regulate development in moderate and severe avalanche hazard areas based on the 2022 Tetra Tech avalanche maps.

On November 6, 2023, the Assembly Committee of the Whole recommended the Assembly introduce this ordinance.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

Mary Alice McKeen, a downtown resident, said her pitch is that the Assembly make sure it keeps its commitment to property owners to have an effective disclaimer stating that the landslide maps have not been adopted; do not in any way indicate that specific properties may have a significant landslide risk; might have errors; and that property owners have not been given the opportunity to correct the maps.

Mary Ellen Duffy, a downtown resident, suggested that not adopting the landslide maps and the ordinance could avoid economic impact on Juneauites. She explained that adoption of the maps would have had negative economic impacts on her as a mortgage holder. She asked members to not initiate a notification policy to specific properties that cites the maps that weren't adopted, and to adopt effective disclaimer language. She said that her concern in citing the maps is that financial lenders and insurers will use the maps for their purposes, and that they'll consider the properties hazardous. She elaborated that there are several areas in the borough that have potential hazards, and that by calling out a few specific neighborhoods, the city sends the message that all other areas don't have hazards.

Yvette Soutiere, a Starr Hill resident, concurred with previous testifiers and asked members to not issue notices.

Shawn Eisele, a downtown resident, stated that landslides and avalanches are risks in Southeast Alaska and should be addressed to keep the community physically and financially safe. He said the issue is "un-ringing the bell" when it comes to the hazard zone maps that were developed but not adopted. He recalled at the last public testimony held there was information about mortgages requiring unattainable landslide insurances for houses in the zone. He said there are zones in the map that are not accurate, and there is no way for residents to do the next steps or be exempted from the maps. He suggested that the city goes on record with a disclaimer stating that the maps are unadopted, and why it's not appropriate for the maps to be used for specific property determinations. He relayed that the unadopted maps are already being used by appraisers, so not adopting the maps isn't enough and the Assembly must take further steps. He said that the city sending postcards to residents based on the hazard zones is not a good idea.

Mr. Kelly highlighted Mr. Eisele's comment that there are some ways to improve public safety that weren't addressed in the ordinance, and asked if he would like to elaborate on that point. Mr. Eisele said doing a study is important and ideally would be done borough-wide to give a sense of the hazards. He suggested that the Assembly should think about what actions to take to make the community safer, like putting together insurance pools, monitoring on slopes in conjunction with monitoring rainfall, and a risk warning system.

Mark Ridgway, a Twin Lakes resident, said he followed the Planning Commission, and pointed to the November 6th meeting. He recalled that the motion made was to not adopt the maps and to not adopt the ordinance. He urged members to reconsider using the study, take a long view of the matter, and look toward mitigation efforts.

Ms. Hughes-Skandijs asked Mr. Ridgway if it would be his desire to have no regulation for any level of severity. Mr. Ridgway responded no, and said he is talking about what is stated in the ordinance. He stressed that the Tetra Tech study does not have enough definition, as there is no geotechnical data, and are only LIDAR (Light Detection and Ranging) maps. He suggested that it is premature to overutilize the Tetra Tech study.

Brianna Ackley, a Starr Hill resident, urged members to not adopt the maps. She asked that language be added, directing that the maps not be used for lending or insurance purposes. She shared that she bought her house last year, and if she cannot sell or insure it, then her entire financial well-being is gone.

Steve Soenksen, a valley resident, shared that he has been a builder for 30 years and has been working on a downtown housing project for the last five years. He stressed that the overlay maps are the single biggest barrier to downtown housing, as well as financing. He said the perception of the hazard is larger than the problem and recommended addressing the risk rather than regulating and designating. He relayed that he has worked on six projects, which could have added 166 units downtown, that did not go forward due to the hillside ordinance and hazard zone map. Further, in applying for funding from banks and local funders, he was told to find a level lot in the valley instead because downtown is a hazard. He suggested that the Assembly do not adopt any maps and just manage the risk, like adopting effective planning and land use policies to regulate what happens in the zones; conduct monitoring and assessments; put out warning and forecasts; and enhance emergency preparedness, awareness, and response. He offered that the city could get more housing downtown if it moves forward with a mitigation strategy and manages the risk.

Ms. Hughes-Skandijs asked Mr. Soenksen about the six projects that did not go forward and whether they were attempted in the same areas. He responded that the projects were throughout downtown, with most of them in the downtown core area. He explained that parking was one of the issues, but the hazard zones prevented people from looking seriously at doing anything downtown. He noted that Tlingit & Haida Housing Authority cannot participate in any housing projects where a civic government has placed an overlaid map calling an area a hazard zone, which he said is a problem because this is Tlingit land and there shouldn't be an ordinance that prohibits them from working in areas of downtown.

James Bibb, a Thane resident, architect by profession, conveyed that the overlay maps can be used in terms of the regulation and oversight from the city. He relayed that planning directors recommend non-approval on a proposed housing project because of restrictions that the maps and other regulations place. He said he would like to see a more proactive approach from the city as it relates to promotion of downtown development and to promote more description beyond just adopting the maps.

Tom Fletcher, a Starr Hill resident, stated that he is located a couple of blocks in and is in green zone on Kennedy Street; there is medium to high risk just 60 to 70 feet from his house. He concurred with

statements calling on the city to deal with hazard areas, and said the current maps aren't defined enough and don't include mitigation strategies.

Olivia Sinaiko, a downtown resident, commented that she had testified on this issue at the September meeting and felt that the concerns had been heard; comments and questions from Assemblymembers show that thought was seriously being put into how to minimize future harm to homeowners based on the Tetra Tech maps. She stated that, now hearing today's meeting, she thinks the Assembly is close but not there yet. She pointed to the lack of a disclaimer, and that whereas language in the proposed ordinance appears to validate the maps. She stressed that she would like to see an explicit disclaimer in the ordinance and the maps.

Charles Renick, a Starr Hill resident, concurred with previous testifiers suggesting that postcards do not go out saying there is risk based on maps that are not being adopted, and that there be clear disclaimer language.

Reverend Karen Perkins, a valley resident, said she is not testifying today for or against adopting the maps, rather, to point out that the city's new warming warehouse is in the middle of a middle to high-risk zone that may or may not be safe for human habitation.

Ke Mell, a downtown resident, concurred with previous testimony and thanked the Planning Commission as well as the Assembly for the work on the matter. She asked that members adopt enhanced clarification for the maps in order to clarify what they do and do not represent.

The Assembly took a break at 8:28 p.m. and returned at 8:36 p.m.

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2023-18.

AMENDMENT #1 by Mr. Smith, as follows:

Amend Ordinance 2023-18 in Section 9, page 11, to insert a disclaimer related to the 2022 unadopted landslide hazard assessment maps and to renumber existing Section 9 to Section 10:

"Section 9. Amendment of Chapter. CBJC 49.70 Sensitive Areas is amended by adding a new section to read:

49.70.305 Landslide hazard assessment disclaimer. The following disclaimer should appear on or be associated with Tetra Tech's mapping related to the Landslide Hazard Designation figures 1.6a-j (10 pages), dated, April 27, 2022:

The City and Borough of Juneau did not adopt these landslide hazard assessment maps. The landslide hazard assessments maps do not consider any human-made structures or mitigating measures. The landslide hazard assessment maps do not provide an indication of risk as would be necessary to determine whether landslide hazards actually pose a threat to specific properties. A more detailed site-specific investigation and evaluation would be required to determine risk to and appropriate mitigations for specific properties.

Section 10 ~~Section 9~~. Effective Date. This ordinance shall be effective 30 days after its adoption."

(Clerks Note: For numbered lines of Amendment #1, please see attached.)

Mr. Smith explained that he worked with the city attorney on the statement language, and that the intent is to stamp it on the maps.

Ms. Hughes-Skandijs objected to the amendment for the purposes of a question. She asked City Attorney Palmer where he had pulled the statements from. Mr. Palmer answered that the first statement is a

statement of fact, if that's what the assembly does, and the second, third, and fourth statements are summarized from language in Tetra Tech's report. In response to a follow-up, Mr. Palmer confirmed that lines 11-17 of the amendment are summarized from the Tetra Tech report.

Ms. Woll recalled a previous meeting where adding disclaimer language was discussed, and that the Assembly provided direction to do that. She asked if the amendment is needed (to get the disclaimer language in) or if direction was already provided. Mr. Palmer responded that there is some tension with the disclaimer: on the one hand, the Assembly is saying it does not intend to adopt landslide maps, but to have a disclaimer, he had to somehow identify the maps, which he has tried to do. He explained that there's challenge as to how to create a disclaimer. He said it's probably preferred not to have a disclaimer in code and to have it somehow attached to the maps, as people may either lose this add-on to the map or not remember that there's a non-code ordinance. He explained that the best approach is to put the disclaimer in code, specify the landslide hazard maps, and be explicit that the Assembly is not adopting them. Ms. Woll asked what a disclaimer accomplishes when it comes to insurers and mortgage companies and their use of the maps. Mr. Palmer said it is tricky, as it is almost a "chicken and the egg" concept, did the landslide hazard come first or did the maps; Tetra Tech's report identifies that they are only mapping current conditions and what they expect to be the hazards for those current conditions. He said that, even without the maps, the finance industry, the assessing industry, and the lending industries could make their own determinations that there are risks and hazards.

Mr. Smith commented that he reached out to appraisers about the ordinance and disclaimer, and explained that, even with the new maps, they look at the adopted 1987 maps when they write hazards on a report that they provide to a lender. He said his sense is they will continue to do that even if the Assembly un-adopts the 1987 maps.

Mr. Kelly asked Mr. Palmer what the effect of lines 8 through 10 would be, and what the language "should be associated with Tetra Tech's mapping" means. Mr. Palmer said the concept is that, if the city has the ability to put a watermark on the maps, this language would be on the maps. If the city can't, and if the maps are on the Community Development Department's webpage, then the language would be associated either as a cover page or on the maps so that people can recognize that disclaimer language exists.

AMENDMENT #1a by Ms. Woll to strike the sentence that begins on line 13 to read as follows:

"Section 9. Amendment of Chapter. CBJC 49.70 Sensitive Areas is amended by striking a section to read:

49.70.305 Landslide hazard assessment disclaimer. The following disclaimer should appear on or be associated with Tetra Tech's mapping related to the Landslide Hazard Designation figures 1.6a-j (10 pages), dated, April 27, 2022:

~~The City and Borough of Juneau did not adopt these landslide hazard assessment maps. The landslide hazard assessments maps do not consider any human-made structures or mitigating measures. The landslide hazard assessment maps do not provide an indication of risk as would be necessary to determine whether landslide hazards actually pose a threat to specific properties. A more detailed site-specific investigation and evaluation would be required to determine risk to and appropriate mitigations for specific properties."~~

Ms. Woll explained that the Assembly is trying to strike a balance between letting the public know about the safety risks associated with landslides, and respecting homeowners' desire to insure their properties. She said she is supportive of not adopting the maps because they are not great for regulating and site-specific information.

Mr. Smith objected for the purposes of discussion. He asked Mr. Palmer to reference the language used to write the language for Amendment #1a. Mr. Palmer cited that, on page 10 of the Tetra Tech report, and page 30 of the PDF, "The hazard designations assigned do not account for current or future positioning of infrastructure or people as this is considered risk mapping, which beyond the scope of this study. Similarly, analysis of magnitude, frequency run out, and risk assessment are not part of the study."

Mr. Bryson asked what the impact would be in removing the proposed sentence. Mr. Palmer answered that the sentences don't specifically refer to risk, and the value of the sentence is the reference to risk.

Ms. Hale referred to an email sent September 8th, which mentioned that the maps do not indicate the site-specific risk level for individual Juneau properties and says they shouldn't be used for insurance, home lending, financing, or other site-specific purposes. She said this is what members of the public are asking the Assembly to do: point out that the maps don't indicate site specific risk level. She added that the proposed sentence that is being struck is talking about the same thing just in a different way.

Ms. Hughes-Skandijs thanked Mr. Smith for bringing the main amendment forward and recognizes that Ms. Woll's amendment would delete the section related to risk. She offered that there is a cleaner way to bake risk and mitigation into the third sentence and capture what the Assembly is trying to do, as well as capturing the sentiment of the Tetra Tech.

Mr. Smith maintained his objection and commented that the language is important and beneficial to include.

Ms. Woll opined that a member of the public who's going to be reading the language is probably not going to know the specific definition of all the words when they are just trying to understand what they are looking at.

Mr. Kelly said he is supportive of removing the language to insert a phrase that might be clearer.

Mayor Weldon objected and said the statement should remain.

Roll Call Vote on Amendment #1a

Yeas: Ms. Woll, Mr. Kelly, Ms. Hughes-Skandijs

Nays: Ms. Adkison, 'Wáahlaal Gíidaak, Mr. Bryson, Mr. Smith, Ms. Hale, Mayor Weldon

Amendment #1a failed to pass: 3 Yeas/6 Nays.

The Assembly took a break at 9:00 p.m. and returned at 9:06 p.m.

Amendment #1b by Ms. Hughes-Skandijs to add language starting on line 15, as follows:

"A more detailed site-specific investigation and evaluation would be required to determine risk to and appropriate mitigations for specific properties."

Hearing no objection, Amendment #1b passed by unanimous consent.

Hearing no objection, Amendment #1, as amended by #1b, passed by unanimous consent.

Ms. Woll asked Manager Koester to provide an overview of what the ordinance would accomplish. Ms. Koester explained that the ordinance will repeal the current landslide avalanche combined maps from 1987, and though they won't be available on the website anymore, they would be available as a public record. She said CBJ would post the avalanche and landslide maps online, and that the avalanche maps

will be used to regulate development in avalanche zones, while the landslide maps will be for information purposes only and will have a watermark of the disclaimer language. She commented that she expects to get direction from the Assembly regarding the notification process.

Mr. Smith asked what compels the Assembly to remove the 1987 maps from the website. Mr. Palmer responded that the ordinance specifically repeals the 1987 maps and replaces them with the newer maps.

Ms. Hughes-Skandijs thanked members of the public for being engaged in the process. She pointed to the Wrangell and Haines landslides, and said that, as climate change continues and the weather gets warmer and wetter, there is a real danger.

Ms. Woll said she concurs with Ms. Hughes-Skandijs and that, during discussions at the retreat last week, the Assembly committed to the priority of continuing to research emergency preparedness.

Mayor Weldon thanked members and said that, while the ordinance is not a perfect document, it is the best they could come up with.

Hearing no objection, the motion to adopt Ordinance 2023-18, as amended, passed by unanimous consent.

MOTION: by Ms. Hale to direct the manager that a general notice be included in the property tax letter all property owners get, which would state:

“If you live on a slope, you may be in danger of landslides or avalanches. If you live by the water, you may be in danger of flooding or erosion.”

Ms. Hale explained that this statement gets the city providing a general notification rather than a specific notification based on the maps.

Ms. Woll asked if this language would be used instead of a specific notification to owners within 500 feet, or in addition to notice being sent to owners within 500 feet of potential hazards. Ms. Hale answered that the proposed language would be used instead of a notification to specific owners. Ms. Woll objected and said she would prefer that the city notify individuals that are known to be in a dangerous area. She shared a personal anecdote about not knowing the landslide risk in Juneau until one hit a house she moved out of. She said she would have liked to have known that there was information about the risks.

Mr. Bryson voiced his support for Ms. Hale’s motion, as Juneau has hazards everywhere, and there are people who live in hazard areas that think there aren’t any hazards. He said he would support an overall announcement on people’s property tax mailer to remind residents that they live in a hazard prone area.

Ms. Hughes-Skandijs pointed out that some residents rent where they live, and so may not get a disclaimer via a property tax notice. She said she is not sure about this approach.

Mr. Kelly said he likes the idea in concept, but understands Mr. Hughes-Skandijs’ concerns, and so would appreciate more reflection.

MOTION by Mr. Kelly to refer the motion to the Assembly Committee of the Whole.

Objection by Ms. Hale. In conversations with people who have been affected, she said they suggested that the city conduct broader scale hazard identification before it sends hazard area notifications to people. She pointed out that directing staff to send the notification with the property tax announcement does not preclude the city from doing anything broader in the future.

Mr. Bryson also voiced objection to referring the motion to the Committee of the Whole.

Mr. Kelly withdrew his motion.

Roll Call Vote on Ms. Hale's motion

Yeas: Ms. Hale, Mr. Bryson, Mr. Smith, Ms. Adkison, Mr. Kelly, Mayor Weldon

Nays: Ms. Hughes-Skandijs, Ms. Woll, 'Wáahlaal Gíidaak

Motion passed: 6 yeas/3 nays

The Assembly took a break at 9:28 p.m. and returned at 9:39 p.m.

[Clerk's Note: During the break, Mr. Bryson and Waahlaal Giidaak left the meeting.]

7. Ordinance 2022-60(b) An Ordinance Amending the Purchasing Code Regarding Public Notice, Price Thresholds, Contracting Process, Contract Requirements, and Approval Process.

The intent of this ordinance is to clarify purchasing code provisions and increase efficiency of CBJ purchasing while maintaining competition for CBJ services and contracts. Section 2 would define new terms and amend existing terms. Section 3 would create a new purchasing category and process for purchases between \$25,000 and \$50,000. Section 4 would require Assembly review of competitively solicited general contracts in excess of \$750,000 and public improvement contracts in excess of \$1.5M. Section 5 would modify the exemptions for competitive solicitation.

The Assembly Finance Committee discussed this ordinance on November 2, 2022 and November 1, 2023.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

None

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-60(b) and asked for unanimous consent. Hearing no objection, the motion passed by unanimous consent.

8. Ordinance 2023-14(b)(Q) An Ordinance Appropriating \$500,000 to the Manager for the Cruise Ship Dock Safety Railing Capital Improvement Project; Funding Provided by Docks Funds.

Since the construction of the new berths in 2017, Docks and Harbors has submitted annual Marine Passenger Fee requests for the installation of safety railings along the downtown waterfront. With increased Seawalk users, there are concerns for the safety and well-being of users in areas without safety railings. This funding would provide approximately 25% of the installation of safety railings along the Seawalk from the CT Dock to Marine Park.

The Public Works and Facilities Committee reviewed and approved this request at the November 6, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Kirby Day, Twin Lakes resident, encouraged members to adopt the ordinance, as the Seawalk is a fantastic amenity. He pointed out the need for safety railings along the entirety of the Seawalk, and that a bull rail is not going to keep anyone from going over the ridge.

Assembly Action

MOTION by Ms. Woll to adopt Ordinance 2023-14(b)(Q) and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs. She said that they passed it out of Public Works and Facilities Committee but she has issues about the funding source being used for this project. She said that residents sit on the bull railing to eat and tourists to take a rest, and while it might be a potential safety

hazard, there are already safety hazards throughout the community. She offered that out of the 1.6 million passengers using the Seawalk, she has heard of only two incidents, and so has not proven itself to be a major safety concern.

Ms. Hale asked Mr. Etheridge to speak to the ordinance, namely, what the discussion was at the Docks and Harbors board, and does the board support it.

Docks & Harbors Chair Don Etheridge said that all but one member of the board was in support of the ordinance and the one member who was opposed said they wanted people to still be allowed to jump off the docks into the water.

Mr. Smith asked about the \$500,000 only covering 25% of the project costs and how they intend to finance the remaining 75% of the project.

Chair Etheridge said that it is their intention to use fund balance monies to construct as much as the funding allows.

Ms. Hale asked whether the safety railing would go outside the bull railing so people could still sit on the railing, or on the railing. Port Director Carl Uchtyl answered that the safety railing would go on top of the bull railing, which means there would be no room to sit on the bull railing.

Mr. Kelly asked, since just 25% would be constructed, what section of the Seawalk would be prioritized. Mr. Uchtyl responded that work would start towards the Cruise Ship Terminal (CT) dock due to the railing there being newer and more cost effective to install at.

Mr. Smith asked Mr. Uchtyl if he anticipates using dock funds for the remaining 75%. Mr. Uchtyl answered that his intentions are to make requests for money from marine passenger fees, though that hasn't been approved by the board yet. He pointed to Chair Etheridge also indicating that the board believes in building what they can, and if there is no money available from passenger fees, then money from the fund balance would be used.

Mayor Weldon also objected to the ordinance and concurred with the points Ms. Hughes-Skandijs expressed. She said she understands that the safety railing is being proposed for safety, but said people need to have some personal responsibility. She added that she would like to keep the bull railing the same.

Roll Call Vote on Motion to Adopt Ordinance 2023-14(b)(Q)

Yeas: Ms. Woll, Mr. Kelly, Ms. Adkison, Ms. Hale

Nays: Mr. Smith, Ms. Hughes-Skandijs, Mayor Weldon

[Absent: Bryson & Waahlaal Giidaak]

Motion failed: 4 Yeas, 3 Nays

[Clerk's note: it takes 5 votes in the affirmative to pass a motion.]

Mr. Kelly gave notice of reconsideration on the motion to adopt Ordinance 2023-14(b)(Q)

9. Ordinance 2022-06(b)(BB) An Ordinance Appropriating \$6,320,400 to the Manager for the City and Borough of Juneau's Fiscal Year 2023 Operating Costs; Funding Provided by Various Sources.

The following departments and funds require supplemental budget authority in FY2023:

Human Resources: \$35,000 of supplemental authority is needed to cover unbudgeted costs relating to the NeoGov implementation, one of the initiatives to improve recruitment; funding provided by general funds.

Airport: this ordinance appropriates \$309,700 of Federal CARES Act funding for required repairs and maintenance upgrades at the Airport.

Eaglecrest: this ordinance appropriates \$17,400 of Eaglecrest funds for increased insurance, road plowing, and vehicle repair costs, and \$43,800 of Eaglecrest's inventory reserve balance to write off obsolete inventory.

Debt Service Fund: this ordinance appropriates \$60,400 for bond issuance costs; funding provided by Debt Service funds.

Pandemic Response Fund: this ordinance provides budget authority to transfer federal revenue to the General Fund, including the last tranche of federal ARPA funds and the first tranche of the Local Assistance and Tribal Consistency Grant. This ordinance also appropriates approximately \$320,000 for CBJ's FY2023 COVID-related costs, funded by FEMA revenue.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2022-06(b)(BB) and asked for unanimous consent. Hearing no objection, the motion passed by unanimous consent.

M. UNFINISHED BUSINESS – None

N. NEW BUSINESS – None

O. STAFF REPORTS

10. Sales Tax Cap Change

City Manager Koester provided a notice to the public and members that the sales tax cap will increase January 1, 2024.

P. ASSEMBLY REPORTS

Mayor's Report

Mayor Weldon congratulated the Thunder Mountain-Juneau-Douglas High School wrestling team for winning the Region V Championship, as well as the Ice Hockey Team for winning against Kodiak over the weekend. She also congratulated Ms. McEwen for being named Municipal Clerk of the Year for Alaska.

Committee and Liaison Reports

Assembly Committee of the Whole (COW) Chair Hale said the next meeting will be on the 18th at 6 pm.

Assembly Finance Committee (AFC) Chair Woll relayed that the committee had a good budget discussion at its retreat. She said she will be working with staff to figure out what the next couple finance committee meetings will look like. She noted that the sales tax holiday proposal was discussed at the last meeting.

Lands, Housing, and Economic Development Committee (LHEDC) Chair Hughes-Skandijs said the committee reported out the Crazy Horse Drive lease renewal and discussed the Juneau Affordable Housing Fund 2023 funding recommendations. It was also updated on the Christmas tree and firewood harvesting policy by Mr. Bleidorn. She said the next meeting will be on Monday, December 18.

Human Resources Committee (HRC) Chair Smith forwarded the following board recommendations for appointment:

Juneau Economic Development Council (JEDC) reappointments of Mark Guevara to the at-large seat and Joe Whites to the nonprofit environmental organization seat, and appointment of Brian Klein Henz to the at-large seat all to terms beginning immediately and expiring October 31, 2026.

Local Emergency Planning Committee (LEPC) to forward the recommendations to the State of Alaska Emergency Response Commission the reappointment of Scott Erickson to Peace Officer Seat 2, Destiny Sargeant to General Public Seat 4, Louisa Phillips to General Public Seat 4a, Evan Price to Bartlett Regional Hospital Seat 5, Kenneth Murphy to Haz/Mat Transporter Seat 10a, and Krag Campbell to Peace Officer Seat 2a for terms beginning January 1, 2024, and ending December 31, 2026, and appointment of Sabrina Boone to Alaska Native Tribal Representative Seat 12 and Rhonda Butler, Alaska Native Tribal Seat 12a for terms beginning immediately and ending December 31, 2024.

Douglas Advisory Board (DAB) appoint Shannon Crossley to a term beginning immediately and ending September 30, 2024.

Hearing no objections, all the appointments passed by unanimous consent.

Mr. Smith relayed that the HRC also voted to introduce a resolution that would petition for new restaurant and eating place liquor licenses in Juneau. He said information is still being gathered and a number still needs to be chosen, but the committee asked that such a resolution be drafted.

Ms. Hughes-Skandijs said the Alaska Municipal League (AML) conference was a positive experience. She added that she has not been to a SRRC meeting yet but will be attending her first meeting tomorrow. She noted that Travel Juneau has gotten traction on its NatGeo campaign, the office is fully staffed, and the board is preparing to hold a retreat on January 30, 2024.

Ms. Woll commented that she attended the Eaglecrest Board meeting, and said they finalized a request to use alternative procurement for the next steps in the Gondola. She shared that the Chamber of Commerce has not had a meeting since the Assembly's meeting but did hold a retreat where she and the Mayor were given their draft priorities.

Ms. Adkison said that the Docks and Harbors Board meeting covered preparations for the Joint Assembly-Docks and Harbors Board meeting; an area the Docks and Harbors Board wishes to discuss is the potential changes to Title 85. She added that the board forwarded on its CIP list as well as a bylaw clean-up. She said the Juneau Economic Development Council had reviewed and forwarded candidates during its meeting, which were approved today.

Mr. Kelly shared that the Planning Commission met and approved permits for the learning center on St. Anns. The Title 49 subcommittee talked about amending code for accessory dwelling units and will be receiving language for consideration on December 21. He thanked the assembly for taking him to the AML conference, as well as Ms. Koester for speaking on a housing panel. He also thanked the Zach Gordon Youth Center for inviting him to their gratitude dinner.

Mr. Smith reported that the Downtown Business Association met and discussed that they are looking for new members. They were also given a presentation on the proposed Huna Totem dock. He said the School Board meets tomorrow.

Ms. Hale concurred with Mr. Kelly, and said she missed the Parks and Recreation Advisory Committee meeting due to being at the AML conference.

MOTION by Ms. Hale to adopt the revised 2024 Assembly Meeting Calendar. Hearing no objection, the motion passed by unanimous consent.

Presiding Officer Reports

11. TDLH LLC v. Community Development Department

This appeal relates to a grading permit for property located near 3101 Mendenhall Loop Road. The Community Development Department revoked the grading permit in early March 2021. Travis Arndt, the representative for the property owner, TDLH LLC, appealed.

The parties have been working on a resolution and recently agreed to withdraw this appeal. The Hearing Officer dismissed the appeal on November 14.

There is no action for the Assembly.

12. Hart v. Planning Commission & Huna Totem Corporation

In the summer of 2023, the Planning Commission issued a conditional use permit for a new cruise ship dock at the Juneau Subport. Ms. Hart filed a timely appeal.

The State Office of Administrative Hearings is providing a Hearing Officer. Ms. Hart filed her opening brief. Huna Totem and the Planning Commission’s briefs are due on January 2.

There is no action for the Assembly.

Q. ASSEMBLY COMMENTS & QUESTIONS – included under Committee Liaison Reports

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

S. EXECUTIVE SESSION - None

T. SUPPLEMENTAL MATERIALS

13. 2024 Assembly Meeting Calendar - Revised 12/11/2023

U. INSTRUCTION FOR PUBLIC PARTICIPATION

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. **Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

V. ADJOURNMENT

There being no further action to come before the Assembly, the meeting adjourned at 10:22 p.m.

Signed: _____

Elizabeth J. McEwen,
Municipal Clerk

Signed: _____

Beth A. Weldon,
Mayor

1 **Ord 2023-18 Amendment 1b (via Assemblymembers Smith & *Hughes-Skandijs*)**

2 Motion: I move to amend Ordinance 2023-18 as follows to insert a disclaimer related to
3 the 2022 unadopted landslide hazard assessment maps:

4 1. Insert a new Section 9 and renumber existing Section 9 as Section 10:

5

6 “**Section 9.** Amendment of Chapter. CBJC 49.70 Sensitive Areas is amended by adding a
7 new section to read:

8 **49.70.305 Landslide hazard assessment disclaimer.** The following disclaimer should
9 appear on or be associated with Tetra Tech’s mapping related to the Landslide Hazard
10 Designation figures 1.6a-j (10 pages), dated, April 27, 2022:

11 The City and Borough of Juneau did not adopt these landslide hazard assessment maps.
12 The landslide hazard assessments maps do not consider any human-made structures or
13 mitigating measures. The landslide hazard assessment maps do not provide an
14 indication of risk as would be necessary to determine whether landslide hazards actually
15 pose a threat to specific properties. A more detailed site-specific investigation and
16 evaluation would be required to determine **risk to and appropriate mitigations for**
17 specific properties.

18

19 **Section 10 ~~Section 9.~~ **Effective Date.**** This ordinance shall be effective 30 days after
20 its adoption.”

21