



# REGULAR ASSEMBLY MEETING 2024-17 AGENDA

July 29, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:  
Robert Barr, Deputy City Manager

**A. FLAG SALUTE**

**B. 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**

**D. APPROVAL OF MINUTES**

- [1.](#) October 23, 2023 Assembly Reorganizational Meeting 2023-24 Minutes - Draft
- [2.](#) November 13, 2023 Regular Assembly Meeting 2023-25 Minutes - Draft
- [3.](#) July 2, 2024 Special Assembly Meeting 2024-15 (Empowered Board Appts) Minutes - Draft

**E. MANAGER'S REQUEST FOR AGENDA CHANGES**

**F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** *(Limited to no more than 20 minutes, with each speaker limited to a length of time set by the Mayor not to exceed three minutes.)*

**G. CONSENT AGENDA**

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

**Assembly Request for Consent Agenda Changes**

**Assembly Action**

**H. Ordinances for Introduction**

- [4.](#) **Ordinance 2024-27 An Ordinance Authorizing the Manager to Execute a Lease of the Mayflower Building located at 750 Saint Ann's Ave to the Juneau Montessori School, an Alaskan Non-Profit Corporation.**

The Montessori School has leased the Mayflower Building from the CBJ since 1992. The Montessori School has requested to continue to lease this building at less than fair market value. Section 4 of the current lease states that "the manager is only authorized to renew this lease with a rental rate at the fair market value. If the Lessee seeks to renew the lease at less than fair market value, then the Assembly must first authorize the reduced rental rate." At the April 15, 2024, meeting, the Lands Housing and Economic Development Committee passed a motion of support to continue to lease property to the Montessori School for less than fair market at \$2,200 per month.

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

**I. Transfers**

**5. Transfer Request T-2501 A Transfer of \$125,264 from CIPs W75-068 Douglas Water System Assessment and W75-077 Aurora Vault Removal to CIP W75-071 Water Pipeline Assessment.**

This request would transfer \$125,264 of Water Funds from the Douglas Water System CIP and the Aurora Vault Removal CIP to the Water Pipeline Assessment CIP. This funding would contribute to the continued mapping and life expectancy testing of older water main piping. During 2023, just under 6 miles of line was tested via soundwaves measuring the wall thickness of each pipe segment, and 8 additional miles of testing is planned this summer with additional testing planned for next summer. The Douglas Water System CIP and the Aurora Vault Removal CIP are ready to be closed and do not require the remaining funds.

The Public Works and Facilities Committee reviewed this request at the July 15, 2024 meeting.

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

**J. Liquor/Marijuana Licenses**

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

**Liquor License - Renewal**

**Licensee: Alaska Cache Liquor d/b/a Alaska Cache Liquor Inc.**

License Type: Package Store, Liquor License: #271 Location: 156 S. Franklin St., Juneau

**Licensee: Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave’s**

License Type: Restaurant/Eating Place, Liquor License: #5482 Location: 356 S. Franklin St., Juneau

**Liquor License – Transfer of Ownership & Location**

License Type: Restaurant/Eating Place, Liquor License: #5482

**Transfer From/Licensee: Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave’s**

Transfer From/Location: 356 S. Franklin St., Juneau

**Transfer To/Licensee: The Crepe, LLC d/b/a The Wagon**

Transfer To/Location: 3038 Clinton Drive, Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments reviewed the above licenses and recommended the Assembly waive its right to protest these 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 license actions.**

**K. PUBLIC HEARING**

**7. Ordinance 2024-11 An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 750, for the Purpose of Waterfront Commercial Activities.**

This is a new 35-year lease agreement with Trucano Family LLC. This property is located near 3560 N Douglas Hwy. Prior to the existing lease expiring, the Trucano Family LLC requested the CBJ continue leasing the property, which originated from a 55-year lease with the State of Alaska. The fair market value of this parcel was appraised at \$11,267 per year.

At the May 30th regular meeting, the Docks & Harbors Board recommended the Assembly continue leasing the property with a 35-year term and an automatic additional 35-year term. As currently written, this lease provides for a 35-year maximum term (Section 2.B). At the end of that term, the Assembly and Lessee can determine if this parcel should be leased again. The Lands, Housing and Economic Committee considered this ordinance at its July 15 meeting and forwarded it to the Assembly with the 35-year maximum term.

The Systemic Racism Review Committee reviewed this ordinance at its June 18, 2024 meeting and had the following comment for the Assembly: *The SRRC remains concerned and interested in the systemic processes by which the CBJ disposes of and leases land, particularly long-term leases, and believes CBJ should strive towards further opportunities for public engagement and involvement in those processes.*

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

**8. Ordinance 2024-12 An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 842 Tracts A&B, for the Purpose of Waterfront Commercial Activities.**

This is a new 35-year lease agreement with Trucano Family LLC. This property is located near 3560 N Douglas Hwy. The existing 55-year lease expires on August 18th, 2026; however, Trucano Family LLC has requested to place ATS 842 and ATS 750 on the same adjustment of rental schedule. Trucano Family LLC is vacating two years of lease opportunity under this new lease agreement. The fair market value of this parcel was appraised at \$20,909 per year.

At the May 30th regular meeting, the Docks & Harbors Board recommended the Assembly continue leasing the property with a 35-year term and an automatic additional 35-year term. As currently written, this lease provides for a 35-year maximum term (Section 2.B). At the end of that term, the Assembly and Lessee can determine if this parcel should be leased again. The Lands, Housing and Economic Committee considered this ordinance at its July 15 meeting and forwarded it to the Assembly with the 35-year maximum term.

The Systemic Racism Review Committee reviewed this ordinance at its June 18, 2024 meeting and had the following comment for the Assembly: *The SRRC remains concerned and interested in the systemic processes by which the CBJ disposes of and leases land, particularly long-term leases, and believes CBJ should strive towards further opportunities for public engagement and involvement in those processes.*

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

**9. Ordinance 2024-09(b) An Ordinance Amending the Parking Notice Requirements, Parking Management Advisory Committee, and Penalties Related to Parking Violations.**

With the new parking management system installed in the CBJ parking garages, CBJ staff identified a need for parking code amendments that would do three things. First, this ordinance would repeal the requirement to have a Parking Management Advisory Committee, which has not met for a number of years. Second, this ordinance would repeal an outdated and inconsistent 1971 law (CBJC 72.22.045) that requires parking tickets to be placed on a car. Since 1971, Alaska law (Civil Rule 4(h)) and CBJC 03.30.075(b)) have been amended to allow parking tickets to be served via certified mail or by placing the ticket on the vehicle. Third, this ordinance would create a tiered parking penalty structure in the parking garages because the existing \$25 parking penalty is not enough of a deterrent for rental car companies illegally occupying spaces.

The Assembly amended this ordinance on July 1 reducing the second offense for a 72.14.020 violation from \$50 to \$35. Due to lack of quorum, the Systemic Racism Review Committee did not review this ordinance prior to public hearing.

The City Manager recommends the Assembly adopt this ordinance.

L. UNFINISHED BUSINESS

M. STAFF REPORTS

10. School Budgets - Information from Superintendent Frank Hauser

11. Resolution 3068 A Resolution Deappropriating \$4,626,434 from the Treasury for FY24 School District Operations.

Ordinance 2023-15 appropriated the Juneau School District's FY24 budget in the amount of \$96,371,000. Since the adoption of the budget, the district's FY23 audit was finalized and reflected a decrease of nearly \$3 million in fund balance compared to projections. Further challenges were identified in the adopted budget regarding material overstatement of revenue and understatement of expenditures. To address these issues, the JSD Board of Education approved an FY24 budget revision on May 14, 2024 reducing the School District's budget authority by \$4,626,434 for a total revised FY24 appropriation of \$91,690,566.

The City Manager recommends the Assembly adopt this resolution.

N. NEW BUSINESS

12. Regulation 20 CBJAC 40.540 Class C Endorsement - Commercial Passenger Vehicle - Pedicab Geographical Area

This regulation would amend the geographic area where pedicabs are permitted to operate downtown. It would expand the area to include the portion of Egan Drive between Main Street and the lighted crosswalk at immediately before Glacier Ave that enables access to the Seawalk. Since the last time this geographic area has been looked at, DOT has upgraded this section of Egan to include an extra-wide bike lane that accommodates pedicabs.

A public information & comment meeting was held on July 25th, 2024, and no public comment was received.

The Assembly review of regulations is governed by CBJC 01.60.260.

The Manager recommends the Assembly approve this regulation.

13. School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)

On July 11, 2024, the Clerk's office completed its review of the two school board recall petitions for the recall of Board of Education Member Deedie Sorensen and Board of Education Member Emil Mackey and concluded that, with the supplemental signatures submitted on July 1, each petition met the requirement to obtain 2,359 signatures for certification and each petition is therefore considered sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

The next steps in this process are governed by AS 29.26.310-320, which states in part:

**"AS 29.26.310 ...if a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting."**

and

**"AS 29.26.320... (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election."**



Per AS 29.26.320, the Assembly needs to forward each recall, as a separate question, to be placed on the ballot for the October 1, 2024 Regular Municipal Election. Below is a suggested motion to accomplish that.

**Suggested Motion:**

***I move that the Assembly direct staff to place two individual questions on the October 1, 2024 Regular Municipal Election ballot for the recall of School Board President Deedie Sorensen and Vice President Emil Mackey, and ask for unanimous consent.***

**O. ASSEMBLY REPORTS**

**Mayor's Report**

**Committee, Liaison Reports, Assemblymember Comments and Questions**

**Presiding Officer Reports**

**14. Appeal before the Assembly 2023-AA01 Karla Hart v. PC and Huna Totem, Proposed Decision**

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, which was assigned to the State Office of Administrative Hearings. The Hearing Officer held the oral argument hearing on January 24, 2024. The Hearing Officer issued a draft decision to the parties. The Huna Totem Corp. filed an objection and Ms. Hart filed a letter of support. A status hearing was held and the parties submitted additional briefing.

On June 21, 2024, the Hearing Officer sent an amended proposed decision, which affirms the Planning Commission’s decision. Notably, the amended proposed decision concludes Huna Totem’s application “generally conforms” to the Long Range Waterfront Plan. (CBJC 49.15.330(f)(3)). That conclusion preserves the Assembly’s authority to adopt land use plans that provide direction to the Planning Commission when it is reviewing a conditional user permit; it also preserves the Planning Commission’s discretion to determine when a specific permit application “generally conforms” to a land use plan.

If the Assembly adopts the Hearing Officer’s amended proposed decision, the Assembly would then be in a position to facilitate a robust public process regarding the lease of CBJ property. The Assembly has complete authority whether to issue a lease for the new cruise ship dock. If the adopts or revises the Hearing Officer’s proposed decision, any aggrieved party can appeal to Superior Court.

**The City Attorney recommends the Assembly adopt the Hearing Officer’s amended proposed decision in open session.**

**P. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**Q. EXECUTIVE SESSION**

- 15. **Continued Deliberations on City Attorney Finalists from the 7/25/2024 Special Assembly meeting, if needed.**

**R. SUPPLEMENTAL MATERIALS**

- 16. School Budgets - Presentation by JSD Superintendent Frank Hauser  
FY2024 Wrap-Up, Looking Ahead in FY2025

- 17. *Manager’s Request for Agenda Changes, move this item from New Business to Staff Report.*

**School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)**

On July 11, 2024, the Clerk’s office completed its review of the two Board of Education recall petitions for Deedie Sorensen and Emil Mackey. With the supplemental signatures submitted on July 1, each petition met the 2,359 signature requirement for certification and each petition is therefore considered

sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

**Because state law (AS 29.26.320(a)) requires the recall questions to be on the October 1, 2024, regular municipal election, this is just an information item.**

**S. ADJOURNMENT**

**T. 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.

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.

# ASSEMBLY REORGANIZATION MEETING 2023-24 **DRAFT** MINUTES



October 23, 2023 at 7:00 PM

## Assembly Chambers/Zoom Webinar/YouTube

**Meeting No. 2023-24:** The annual Reorganizational Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 7:00pm.

### **A. FLAG SALUTE**

Assemblymember Loren Jones led the Flag Salute.

### **B. LAND ACKNOWLEDGEMENT**

Deputy Mayor Maria Gladziszewski 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. SPECIAL ORDER OF BUSINESS**

#### **1. Assembly Reorganization**

Recognition of Outgoing Assemblymembers:

#### **Recognition of Loren Jones**

Municipal Clerk Beth McEwen presented Loren Jones with a gift certificate on behalf of the staff and Assembly.

Mayor Weldon recognized Mr. Jones for his willingness to step into the seat vacated by Assemblymember Carole Triem this summer, especially since he has been attending meetings in the interim and was up to speed on the issues before the Assembly. All the Assemblymembers echoed their previous remarks when he finished his previous term on the Assembly and they thanked Mr. Jones for his dedication, his mentorship, the sharing of his institutional knowledge and his unflinching service to our community. Mr. Jones welcomed Paul Kelly and Ella Adkison and welcomed back Mr. Palmer. He said that while he would not be seated during the portion of the meeting at which they will be recognizing Sherri Layne for her service as Acting City Attorney, he extended his thanks and appreciation for all her work while Mr. Palmer had been away.

#### **Recognition of Deputy Mayor Maria Gladziszewski**

Municipal Clerk Beth McEwen presented Maria Gladziszewski with a photo album and outgoing gifts from the city staff and Assembly. Ms. Gladziszewski held the positions of Deputy Mayor from 2021-2023, Areawide Assemblymember from 2014-2023, Planning Commission member from 2000-2011, and CBJ Tourism Planning Manager, Public Information Officer, and Special Projects Manager from 2001-2009.

Staff and Assemblymembers expressed their appreciation for Ms. Gladziszewski's service to CBJ and her perspective from both a staff member and Assemblymember's viewpoint. Members expressed how important and valuable Ms. Gladziszewski's encyclopedic knowledge was for our community. They praised her for her leadership and the hard lifesaving decisions she was instrumental in helping the Assembly make during the pandemic. Mayor Weldon shared a poem she had composed honoring Ms. Gladziszewski's service and sense of humor.

Ms. Gladziszewski thanked everyone for their kind words and thanked the people of Juneau for the opportunity to serve. She recognized the staff and all their hard work and having been from Chicago, she was initially cynical about local government and she found out just how sincere and true Juneau's public servants are both on the staff and the elected official levels. She attributed the late Vic Fischer, on what local government and public

service in Alaska truly looks like. She shared that Mr. Fischer was a dedicated public servant longer than most of us had been alive and he had been working for the people of Alaska since the 1950s. He was Anchorage's first Planner and served on the Alaska Constitutional Convention and was the primary author of the portion of Alaska's constitution chapter on local governments. Paraphrasing some of Mr. Fisher's words of advice, she encouraged everyone to go float as many boats as possible in the cause of public service.

City Attorney Robert Palmer then swore in the new Assemblymembers Paul Kelly, Ella Adkison, and reelected members Alicia Hughes-Skandijs and Christine Woll.

## ROLL CALL

**Assemblymembers present:** Ella Adkison, Paul Kelly, 'Wáahlaal Gíidaak (via Zoom), Christine Woll (via Zoom), Greg Smith, Alicia Hughes-Skandijs, Wade Bryson, Michelle Hale, Mayor Beth Weldon.

**Staff Present:** City Manager Katie Koester, City Attorney Robert Palmer, Deputy Manager Robert Barr, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Assistant Attorney Sherri Layne, Assistant Attorney Emily Wright, Assistant Attorney Nicole Lynch, Port Director Carl Uchytel, Airport Manager Patty Wahto, Finance Director Angie Flick, Ashley Heimbigner, Irene Gallion, Isla Lund

## Election of Deputy Mayor

**NOMINATION** by Ms. Hughes-Skandijs to elect Michelle Hale as the Deputy Mayor and asked for unanimous consent. *Hearing no objection, Ms. Hale was elected Deputy Mayor.*

**MOTION** by Ms. Hale to approve the reorganized Assembly Committee/Liaison list as presented in the red folder and asked for unanimous consent. *Hearing no objection, the committee/liaison assignment list was approved by unanimous consent.*

Seat Reorganization – Mayor Weldon then invited Assemblymembers, in seniority order starting with the most senior member, to select their preferred seats at the dais.

## 2. 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. 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.

## D. APPROVAL OF MINUTES

## E. MANAGER'S REQUEST FOR AGENDA CHANGES

**Manager Koester** asked to pull the following items from the Consent Agenda: Ordinance 2023-39 re: Cold Weather Shelter, and Resolution 3040 re: Hotel-Bed Tax, and to move "Appeal 2023-AA01 Karla Hart v. PC (Huna Totem dock appeal) re: Motion for Hearing Officer Disqualification" from the Presiding Officer Report to Executive Session.

## F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (Not to Exceed a Total of 20 Minutes, Nor More than Three Minutes for Any Individual)

**Joshua Adams**, spoke on the Telephone Hill meeting of Oct. 11 and the importance of keeping Telephone Hill the way it is with its 142-year history. He spoke to the design project and its flaws and the concepts which propose the destruction of historic homes and the need to ensure green space is maintained. He spoke to the history of the current structures including the Webster house which is the oldest occupied home in the State of Alaska built in 1882.

**Tony Tengs**, a Telephone Hill resident, last spoke to the Assembly on Sept. 12, 2022 re: Ord 2022-06(b)(K) re funding to Manager's office for Telephone Hill \$100,000 appropriation for the demolition of the historical housing structures in Juneau's oldest neighborhood. He called then Eng/PW Director Koester about the process in creating the proposed Legislative Priorities and spoke about how those came about with unanimous Assembly approval. He noted that Legislative Priority #9 had zero public input, yet they voted unanimously to approve to demolish Juneau's oldest historical neighborhood. He also noted that it was lumped in with the 1% Sales Tax which was going to pass anyway and doesn't indicate true community support for that project.

**Peter Metcalfe**, a Distin Ave. resident, said what he values most about Juneau is our community. Standing in line at grocery store he hears conversations about maximizing community values and not maximizing property values. He suggested to make this more of a park-like setting, and not destroy it.

**Charles VanKirk**, a valley resident for 63 years, spoke to his history in Juneau when there was less than 10,000 people when he first moved here. When he first moved here, going out the road was an excursion on a dirt road. Over the years, the community has expanded and tripled in size and the valley contains housing for 2/3rds of the community. The Federal Building took out two baseball parks and those moved to the valley. We are now talking about destroying a historic district. Compared it to the historic district of Treadwell that has been revived. He said he would hate to see it being paved and turned into a parking lot. Just heard about it for the first time a day or two before the 10/11/23 meeting. This process is not right and urged the Assembly to keep in mind where we come from and the history of Juneau.

**Skip Grey**, a Twin Lakes resident. For most of this year, they were told that "Do Nothing" was an option for Telephone Hill, but it wasn't an option in any of the surveys or any of the preliminary plans for Telephone Hill. He said that "Do Nothing" is not really an option, because it needs some tender loving care, and would like to see it designated the Federally Recognized Historic District that it deserved to be and actually is and he would like to see it fixed up as a green belt. He suggested that some of the homes could be turned into community use being fixed up and lived in and possibly other uses such as childcare, meeting spaces, arts & crafts studios, housing for visiting musicians, artists, and guest lecturers. He would like to see a meandering trail through the historic cherry tree orchard, apple and lilac trees and gardens and included in a City's self-guided walking tour with interpretive signs describing the history and the homes, lives of people who have lived there and some of the history of the area including photos of the grand court house that used to be there. He would like to see this historic area, green space and homes saved so future generations can see the history of our community.

Ms. Woll asked Mr. Grey if his vision includes seeing people living there and if so, if he sees that as City owned/managed or sold off to private individuals? Mr. Grey said there could be a number of ways of handling that. It could be sold to private individuals with the caveat that required the purchaser to maintain it as a historic property with conditions to preserve the historic nature of the structures. He could see the City creating a trust or non-profit that could take over the management of the properties and it could be either city sponsored or other solution. He sees people living there and he also sees that it could provide an artistic/cultural center for the town.

**Maureen Connerton**, said Telephone Hill (Webster House) is the oldest consecutively lived in house in Alaska. She and her neighbors know the value of living on Telephone Hill and they do pay property taxes through the State and DOT. She stressed that the 4 options given to the community are not acceptable as they slice and dice the hill up. There is an option that has not been explored, as she is interested in having herself and her neighbors provide a proposal that would include new housing but also keep the historic homes as well as green space. She compared Juneau to Seattle with this feature being developed with new housing but also enhance the visitor's experience. She asked the Assembly to give the locals a chance as they want the ability to provide input and allow for housing without destroying it.

Mr. Smith asked if she has approached City staff about her idea about the neighbors providing input. Ms. Connerton said that she approached First Forty Feet. Unfortunately, the data they got when they came to town was skewed because the technology wouldn't allow for them to input their data. She said they would like to present the idea to First Forty Feet.

**Mr. John Ingalls**, a Telephone Hill resident, said he came from the Midwest and takes pride in the Juneau community. He spoke to the drug deals that he has observed, he didn't want to call the police so he took his weed-whacker to make those doing drug deals aware of people in the neighborhood. He said when he first lived there, he spoke with Alaska's premier historian, Robert DeArmand, about the Webster House which is the oldest consecutively lived in house in Alaska. Mr. Ingalls then raised money and put a plaque on that house. If the Assembly decides to bulldoze the Webster House, what will be the second oldest house that would replace it?

## **G. CONSENT AGENDA**

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

#### **Assembly Request for Consent Agenda Changes**

##### **Assembly Action**

Mr. Smith disclosed a conflict of interest with Alaska Kush Company as he previously worked with the business in the past. He asked that, should the consent agenda be approved, that he be shown as abstaining from that particular license application. Mr. Smith requested Resolution 3040 (*already pulled from the Consent Agenda by the City Manager*) be pulled from the consent agenda for the purposes of an amendment.

**MOTION** by Ms. Hale that the consent agenda, as amended with items 8 and 9 moved to the beginning of Public Hearing, and asked for unanimous consent. *Hearing no objection, motion passed by unanimous consent.*

## **H. Ordinances for Introduction**

### **3. Ordinance 2023-14(b)(N) An Ordinance Appropriating \$50,000 to the Manager for Cruise Ship Scheduling Services; Funding Provided by Marine Passenger Fees.**

This ordinance would appropriate \$50,000 of Marine Passenger Fees for cruise ship scheduling and port agent services at two CBJ-owned cruise ship docks and one lightering facility. Cruise ship services would reduce scheduling conflicts between cruise lines and ships to improve integration, provide greater efficiency, and enhance operations for the arrival and departure of cruise ships visiting the Port of Juneau. Port agent services would include activities such as longshoring, stevedoring, and other generalized services to vessels docked at the facilities. These services would enhance visitor experiences, economic activity, vessel services, and the well-being and quality of life for Juneau residents.

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

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

### **4. Ordinance 2023-14(b)(O) An Ordinance Appropriating \$300,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources.**

This ordinance would appropriate \$300,000 for the Trail Improvement Capital Improvement Project for the construction of phase 1 of Juneau's first Off-Road Vehicle (ORV) riding park. Phase 1 would construct five miles of trails through a 175-acre site contained within a larger 565-acre tract owned by the CBJ. It will likely take multiple years to build this phase, and subsequent phases will be

mapped, planned, and permitted in the field. A parking lot and secure gated entry will be funded by existing funding in the CIP. The local match requirement will be met through previously appropriated funds in the CIP.

The Planning Commission reviewed this request at the January 17, 2023 meeting. The Parks and Recreation Advisory Committee reviewed this request at the April 4, 2023 meeting. The Lands, Housing and Economic Development Committee reviewed this request at the June 12, 2023 meeting.

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

**5. Ordinance 2023-14(b)(P) An Ordinance Appropriating \$28,000 to the Manager for Increased Monitoring Services at Suicide Basin; Funding Provided by General Funds.**

This ordinance would appropriate \$28,000 for increased United States Geological Survey (USGS) monitoring services at Suicide Basin. The August 2023 flood event substantiated the need for advanced monitoring at Suicide Basin. This request would increase annual USGS flood monitoring from \$7,000 to \$35,000. This additional funding would contribute toward the installation of additional cameras and a laser stage sensor at Suicide Basin, helicopter time to access the equipment, and USGS staff time collecting and interpreting data.

The Committee of the Whole reviewed this request at the August 28, 2023 meeting. The Public Works and Facilities Committee reviewed and recommended this request at the September 18, 2023 meeting.

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

**6. Ordinance 2023-35 An Ordinance Amending the Animal Control and Protection Code Related to Service Animals.**

The CBJ animal control code was revised in 2009 and included a definition for service animals. Since then, the definition of service animals under the Americans with Disabilities Act has been clarified by federal regulation. This ordinance amends the CBJ animal control code to be consistent with the amendments to federal law.

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

**7. Ordinance 2023-38 An Ordinance Amending the Traffic Code Relating to Impounds of Vehicles.**

This ordinance would amend Titles 72 and 36 to allow departments charged with oversight of public property to impound-in-place. Docks and Harbors has utilized this process with much success. This change lessens the burden on JPD officers and allows the City to respond to abandoned and junked vehicles in a more efficient and timely manner.

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

**8. Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way.**

This ordinance exempts the use of 1325 Eastaugh Way as the Cold Weather Emergency Shelter from all requirements and prohibitions of the land use code for five years. CBJ has been operating a cold weather emergency shelter during the winter months since 2017, in partnership with various community organizations. The work of emergency sheltering presents numerous challenges that most communities only partially succeed at meeting. Ideally, proactive work and support services



exist in sufficient quality and quantity to prevent the need for a true emergency shelter; however, like most communities, we are not yet there. Funding for these services has already been appropriated in the FY24 budget.

**The City Manager recommends the Assembly (1) waive Planning Commission review, (2) introduce this ordinance and (3) set it for public hearing at the next regular Assembly meeting.**

**I. Resolutions**

**9. Resolution 3040 A Resolution Regarding the Allocation of the Hotel-Bed Tax.**

This resolution would change the current 9% Hotel-Bed Tax (HBT) allocation method and repeal all prior resolutions. The HBT current resolution allocates revenue 4% to tourism promotion, 3% to Centennial Hall operations, and 2% to Centennial Hall improvements. This resolution moves away from the formulaic split of the HBT and directs the Assembly to provide funding priorities for use of the tax to the City Manager at the beginning of each budget year, which should include allocation of the 2% temporary tax to Centennial Hall improvements. The Manager will present the budget recommendations based on HBT revenues and the needs of the community and visitors. This affords the greatest flexibility for the Assembly to meet community needs, address the volatility in the revenue stream, and provide greater budgeting stability for Centennial Hall operations and Travel Juneau's tourism promotion.

The Assembly Finance Committee reviewed this request at the August 2, 2023 and September 6, 2023 meetings and passed a motion directing staff to prepare this resolution.

**The City Manager recommends the Assembly adopt Resolution 3040.**

**10. Resolution 3041 A Resolution Authorizing the Manager to Submit a State of Alaska Land and Water Conservation Fund Grant Application to Assist with Improvements at Sigoowu Ye Park.**

The Land and Water Conservation Fund is a federal grant program administered by the State of Alaska. As funds are available, it can provide for up to 50% of the costs for public outdoor recreation projects. This resolution authorizes a grant application seeking \$125,000 of LWCF funds to match previously appropriated CBJ general funds of \$650,000 to complete Sigoowu Ye Park improvements.

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

**11. Resolution 3042 A Resolution Recognizing Sherri Layne's Excellent Performance as Interim Municipal Attorney.**

This resolution formally recognizes Attorney Sherri Layne for immediately filling the Municipal Attorney role upon an unexpected health condition causing Robert Palmer to be out of the office from February through September. Attorney Layne admirably performed the duties of Municipal Attorney. The following are some of her accomplishments: Attorney Layne provided guidance to the Assembly Finance Committee through the entire budget process, managed a large litigation load, provided guidance to the Planning Commission, drafted legislation for the Assembly, timely responded to client requests, helped the CBJ through multiple employment transitions, and did an excellent job managing the CBJ Law Department. In recognition of Attorney Layne's excellent performance, Attorney Layne deserves this formal recognition and a time off award.

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

**12. Resolution 3045 A Resolution of the City and Borough of Juneau Supporting Full Funding (\$7,644,677) for the State of Alaska Harbor Facility Grant Program in the FY2025 State Capital Budget.**

This resolution recommends full funding for the State of Alaska Department of Transportation’s Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$15 million in harbor grant funding since the program’s inception, including a \$2M grant for Phase III rebuild of Aurora Harbor which is scheduled for completion in May 2024.

For the current legislative session, Docks & Harbors has applied for a \$5M matching grant for Phase IV rebuild of Aurora Harbor. Statewide, only two communities - Sitka and Juneau, have committed to contribute \$7,644,677 in local match funding for FY2025 towards projects of significant importance. The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

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

**13. Resolution 3046 A Resolution of the City and Borough of Juneau in Support of Raising the Maximum Available Alaska Department of Transportation Harbor Facility Grant to \$7,500,000 for Eligible Projects on an Annual Basis.**

This resolution recommends increasing the maximum grant award eligibility under the State of Alaska Department of Transportation’s Harbor Facility Grant Program from \$5M to \$7.5M. This would not affect CBJ's current application but may impact grant strategies in the future, should the Legislature take action to amend AS 29.60.800.

The proposed resolution was drafted and adopted by the Alaska Association of Harbormasters and Port Administrators (AAHPA) at its annual conference on September 26. AAHPA encourages its member municipalities to also provide local support for this change.

The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

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

**J. Bid Awards**

**14. Bid No. 24-044 Charging Equipment for Battery Electric Bus(es)**

Bids were opened on this project on September 13, 2023. The following bids were received:

Bidder	Total Bid
North Coast Electric	\$1,748,443.85

The protest period ended September 13, 2023.

Staff recommends award to North Coast Electric on the basis of having the lowest responsive and responsible bid price in the amount of \$1,748,443.85 based on total bid.

**The City Manager recommends award of this project to North Coast Electric.**

**K. Liquor/Marijuana Licenses**

**15. 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 - Renewals**

**Licensee: BPO Elks Lodge #420 d/b/a Juneau Elks Club No. 420**

*License Type: Club, License: #5414 Location: 9321 Glacier Hwy., Juneau*

**Licensee: Midnight Ninja Venture Inc. d/b/a Lupo**

*License Type: Restaurant Eating Place , License :#2175 Location: 120 Second St. Suite B, Juneau*

**Liquor License - Transfer of Location**

**Licensee: Genuine Ventures LLC. d/b/a Tracy's King Crab Shack**

*License Type: Restaurant Eating Place, License: #4584*

*Transfer From: Location: Genuine Ventures LLC (Tracys Crab Shack **Support Location**), Juneau*

*Transfer To Location: Genuine Ventures LLC (Tracys Crab Shack - **No Premises**)*

**Marijuana License - Renewals**

**Licensee: Green Elephant LLC d/b/a Green Elephant LLC.**

*License Type: Standard Marijuana Cultivation, License: #10315 Location: 101 Mill St. Suite A, Juneau*

**Licensee: Green Elephant LLC d/b/a Green Elephant LLC.**

*License Type: Retail Marijuana Store, License: #10844 Location: 101 Mill St. Suite B, Juneau*

**Licensee: Taku Horticulture Company LLC. d/b/a Taku Horticulture Company LLC.**

*License Type: Standard Marijuana Cultivation License: #12176 Location: 1758 Anka St. Bldg. B Suite A1, Juneau*

**Licensee: Top Hat LLC. d/b/a Top Hat LLC.**

*License Type: Standard Marijuana Cultivation, License: #10270 Location: 2315 Industrial Blvd. Suite A, Juneau*

**Licensee: Alaskan Kush Company LLC. d/b/a Alaskan Kush Company**

*License Type: Retail Marijuana Store, License: #16213 Location: 159 S. Franklin St., 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.**

*The Assembly then took a break between the Consent Agenda and Public Hearing.*

**L. PUBLIC HEARING**

**Pulled from Consent Agenda:**

**8. Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way.**

This ordinance exempts the use of 1325 Eastaugh Way as the Cold Weather Emergency Shelter from all requirements and prohibitions of the land use code for five years. CBJ has been operating a cold weather emergency shelter during the winter months since 2017, in partnership with various community organizations. The work of emergency sheltering presents numerous challenges that most communities only partially succeed at meeting. Ideally, proactive work and support services exist in sufficient quality and quantity to prevent the need for a true emergency shelter; however, like most communities, we are not yet there. Funding for these services has already been appropriated in the FY24 budget.

**The City Manager recommends the Assembly (1) waive Planning Commission review, (2) introduce this ordinance and (3) set it for public hearing at the next regular Assembly meeting.**

Mayor Weldon noted that this is the meeting at which the ordinance is being introduced and while they don't normally take public testimony at this stage, she invited anyone from the public who wished to testify on the ordinance to do so at this time. She also noted that there will be additional opportunities for public testimony at the next meeting when the ordinance is before them for Public Hearing and Assembly action.

#### **Public Comment**

**Karen Perkins**, a Pastor at the Resurrection Lutheran Church, said she was not originally planning on testifying, but since they allowed testimony, she spoke to the process of the past location, this ordinance, and how the Cold Weather Emergency Shelter (CWES) is now placed in a location that she has major concerns about the safety of the individuals. It is more remote and will not likely have the same clientele. She urged that proper time be taken on this.

Mr. Smith thanked Rev. Perkins for the service they have provided to the community. He asked her to elaborate on the safety issue that she addressed. Rev. Perkins said CWES is the last available solution for those individuals that are the hardest to serve. There is a shuttle service but when people are at their worst, CWES is the likely to be their choice. She is concerned about people who are at their worst and most unable to access the shelter and walk up that road. She commented that, the harder it is to access and the more they are required to resort to the CWES, the more they will choose to use ER services and other emergency services.

Mr. Bryson asked about the safety of the surrounding neighborhood, and whether she could elaborate on her organization's response to their neighborhood about the safety concerns that had been raised. Rev. Perkins said that she feels it is unfair to say that the neighborhood in general didn't feel safe. There were some specific neighbors who didn't feel safe and experienced some problems that should not be tolerated. She said, in general, when a shelter as proposed there are concerns raised by the neighbors about the risks that might be. She said that often those risks are often not actually encountered because there are opportunities for those using the services to get out of the cold, use the restroom, and make use of the services provided. She explained the spike in homelessness nationwide and how they needed more staff and needed better programming to move people through the system; there were issues that came up and in planning for this year, they planned for additional staff and ways to reduce the population so that it wouldn't exceed 50-60 people that they felt they could handle. She said they also shifted external security resources as well as having someone available during the day to address the concerns of the neighbors. They also try to keep talking with the neighbors. It doesn't mean they are able to make everyone happy but there is often a stereotype or a myth to compare what happened versus what feels like happened. She said the church wants to be a good neighbor, but they also want the safety of the staff and the individuals who are using it.

**Nicolas Barrett**, served in the Army and was homeless for about 10 years. He lived three winters in an RV and ended up getting better and he got a job and didn't have to use the Lutheran shelter. He asked the homeless about this new shelter and they weren't happy with it and that they didn't have a voice in it. He doesn't agree with this change and likes the way the Resurrection Church was running it. He said he has ideas from multiple shelters that he has encountered. The individuals need to be part of the community.

**Dan Wetherall**, Glacier Hwy resident. Member of Resurrection Lutheran Church ... thanked Ms. Koester and Mr. Barr for locating the CWES at the Thane location, as it is closer to the Mill Campground and it is safer for individuals having shuttle service. He said that he thinks the

homeless will be in good hands and will be taken care of this winter, and applauded the work that the City Manager has taken in this regard.

**Miguel Rohrbacher**, lives downtown next to Resurrection Lutheran. He relayed that, during the first year of the shelter, he and his wife made a mistake in not commenting to the Planning Commission (PC) as they wanted to give their neighbors a chance to do a good job since the CWES was being moved from the JACC. He said the last three years' experience has been very difficult, and it wasn't so much caused by the patrons but the management of the shelter and the lack of response to the concerns they raised. They are happy to see how fast the city has worked to get this new location put together and agree that a long term solution is needed.

Mr. Bryson asked if he could explain the likelihood of them being disturbed or impacted and speak to the extent of the impacts. Mr. Rohrbacher answered that it was very frequent. They bought their house from the church, and there is an alleyway there. People would be under their window fighting, cutting construction materials. They were frequently disturbed during the night. There were instances of people trying to break into their windows and doors. They had items stolen from their property. There was feces and vomit next to their house and they brought it to the attention of the Lutheran management but he usually had to resolve the issues himself. He said the most distressing part of this experience was that the conditions that the church agreed to during the PC meeting were not met; they were supposed to have patrons leave the area and not loitering, but often times there were drug deals happening and people loitering in the area. He raised the concern about patrons who were kicked out of the Glory Hall because the patron was accused of having sexually assaulted a female patron who was under the influence of heroin.

*The Assembly took a break at 8:41p.m. and returned at 8:43pm*

#### **Assembly Action**

**MOTION** by Ms. Hale that the assembly waive the planning commission review, introduce the ordinance, and set it for public hearing at the next regular assembly meeting. *Hearing no objection, motion passed by unanimous consent.*

#### **9. Resolution 3040 A Resolution Regarding the Allocation of the Hotel-Bed Tax.**

This resolution would change the current 9% Hotel-Bed Tax (HBT) allocation method and repeal all prior resolutions. The HBT current resolution allocates revenue 4% to tourism promotion, 3% to Centennial Hall operations, and 2% to Centennial Hall improvements. This resolution moves away from the formulaic split of the HBT and directs the Assembly to provide funding priorities for use of the tax to the City Manager at the beginning of each budget year, which should include allocation of the 2% temporary tax to Centennial Hall improvements. The Manager will present the budget recommendations based on HBT revenues and the needs of the community and visitors. This affords the greatest flexibility for the Assembly to meet community needs, address the volatility in the revenue stream, and provide greater budgeting stability for Centennial Hall operations and Travel Juneau's tourism promotion.

The Assembly Finance Committee reviewed this request at the August 2, 2023 and September 6, 2023 meetings and passed a motion directing staff to prepare this resolution.

**The City Manager recommends the Assembly adopt Resolution 3040.**

#### **Public Comment**

**Tom Sullivan**, Board member and Treasurer for Travel Juneau, spoke in favor of the resolution, and said the organization anticipates that the new process will provide the organization with greater flexibility over a longer time. He shared that they have had trouble in the past planning initiatives

that span over fiscal years; however, this resolution appears to address that challenge. He looks forward to working with the City Manager and Finance Director during the next budget cycle.

### Assembly Action

**MOTION** by Mr. Smith to adopt Resolution 3040, and he objected for purposes of amendment.

**Amendment #1** by Mr. Smith, as follows:

Amend Resolution 3040 in Section 2, page 2, lines 46-51, as follows to clarify the Assembly's intent that Hotel Bed Tax revenue funds Tourism promotion and Centennial Hall Operations:

"Section 2. Intended Allocation of 9% Hotel-Bed Tax. The City and Borough of Juneau Assembly will provide funding priorities for use of the nine percent (9%) HBT to the Manager at the beginning of each budget year, which should include allocating the 2% temporary tax to Centennial Hall Improvements as expressed by the voters in 2019, as well as stable and adequate funding for Tourism Promotion and Centennial Hall Operations. ..."

Mr. Smith explained that funding to Travel Juneau from hotel bed tax distributions have been unstable and uncertain, with some situations where funding estimates changes while they are crafting their budget.

Mr. Bryson asked about the 4% the Assembly allocated Travel Juneau, and whether the new language would provide the needed financial stability. Mayor Weldon explained that the Assembly wanted more freedom in how this funding is allocated because the funding has seemly increased greatly, which is why the allocations are not split up by percentages anymore. Mr. Palmer added that one of the balancing acts with the resolution is trying to achieve the intent of the Assembly while not binding this Assembly in the budget cycle. He said the balance in the resolution would express the intent that the Assembly wants money to be allocated in this manner, but it is ultimately up to the Assembly during budget season to decide exactly how much money is allocated where.

Ms. Hale commented that she does not see the amendment as needed but doesn't see it hurting anything either. She reminded members that resolutions are not binding.

Ms. Hughes-Skandijs concurred with Ms. Hale's comments.

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

**MOTION** by Mr. Smith to adopt Resolution 3040, as amended, and asked for unanimous consent.

Ms. Woll objected. They discussed this resolution in committee and the whole point of this discussion was to dedicate a portion of these funds for affordable housing even though they cannot commit future Assemblies. She said she was hopeful that a percentage was going to be dedicated to affordable housing.

**ROLL CALL Vote on Resolution 3040 as amended.**

**Yeas:** Mr. Smith, Ms. Adkinson, Ms. Hale, Mayor Weldon

**Nays:** Ms. Hughes-Skandijs, Ms. Woll, 'Wáahlaal Gíidaak, Mr. Bryson, Mr. Kelly

**Resolution 3040, as amended, failed 4 yeas/5 nays.**

**Mr. Smith gave notice of reconsideration on Resolution 3040.**

- 16. Ordinance 2022-06(b)(BA) An Ordinance Appropriating \$2,478,745 to the Manager to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2023 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$2,478,745 for the State of Alaska’s FY2023 2.79% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	\$1,228,053
Bartlett Regional Hospital	\$1,250,692

Funding is provided by the Alaska Department of Administration, authorized by passage of HB281 during the 2023 legislative session.

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

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

**Assembly Action**

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

**17. Ordinance 2023-14(b)(F) An Ordinance Transferring \$264,110 from CIPs W75-048 Back Loop Rd. Auke Bay Waterlines and W75-054 Douglas Highway Water Replacement to CIP R72-169 10th, F, W 8th Streets Reconstruction.**

This request would transfer \$264,110 of previously appropriated areawide sales tax and 1% sales tax funds from two completed Water CIPs to the 10th, F, W 8th Streets Reconstruction CIP. This project is ongoing and is in need of additional funds due to exponential cost increases from inflation. The Douglas Highway Water Replacement and Back Loop Road Auke Bay Waterlines CIPs are complete and in the process of being closed.

This transfer of 1% sales tax project funding is consistent with the intent of the 2005 1% Sales Tax initiative approved by voters in the October 4, 2005 municipal election.

The Public Works and Facilities Committee reviewed this request at the August 28, 2023 meeting.

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

**Assembly Action**

**MOTION** by Ms. Hughes-Skandijs to adopt Ordinance 2023-14(b)(F) and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

**18. Ordinance 2023-14(b)(G) An Ordinance Transferring \$1,853,000 from CIP P44-090 Deferred Building Maintenance to CIP F22-027 Juneau Police Department Roof Replacement.**

This ordinance would transfer \$1,853,000 from the Deferred Building Maintenance CIP to the Juneau Police Department Roof Replacement CIP. This project funding was allocated to the Deferred Maintenance CIP in the FY24 CIP Resolution 3016(b). The project is scheduled to advertise for bids in mid-November 2023 and will begin construction in summer 2024. This request would transfer funding from the Deferred Building Maintenance CIP to the project for clear financial accounting. The Deferred Building Maintenance CIP will retain sufficient funding for ongoing projects.

This transfer of project funding is consistent with the intent of the 2022 1% Sales Tax initiative approved by voters in the October 4, 2022 municipal election.

The Public Works and Facilities Committee reviewed this request at the August 28, 2023 meeting.

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

**Assembly Action**

**MOTION** by Ms. Adkinson to adopt Ordinance 2023-14(b)(G) and asked for unanimous consent.



Mr. Kelly objected for purposes of discussion. He asked Ms. Koester how old the current roof is, and what materials is it made out of. Ms. Koester answered that the roof is about 25 years old, and that the material is not adequate for this climate. Mr. Bryson added that the building was built in 1999. Mr. Kelly inquired as to what materials would be used for the new roof. Mr. Koester offered to provide a follow-up answer at a later date. Mr. Kelly removed his objection.

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

**19. Ordinance 2023-14(b)(L) An Ordinance Appropriating \$312,500 to the Manager as Funding for the Ramp Improvement Capital Improvement Project; Funding Provided by Airport CARES Act Funding.**

This ordinance would appropriate \$312,500 of Airport CARES Act funding for the Ramp Improvements CIP. This funding would support the construction of a new remain overnight (RON) large aircraft parking ramp, rehabilitate deteriorating pavement for large and commercial aircraft parking ramps, repair failing ramp drainage and catch basins, and upgrade ramp lighting. This funding would contribute to the local match requirement for grant funds appropriated under Ordinance 2022-06(b)(I).

The Airport Board reviewed this request at the June 8, 2023 meeting.

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

**Assembly Action**

**MOTION** by Mr. Kelly to adopt Ordinance 2023-14(b)(L) and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

**20. Ordinance 2023-14(b)(M) An Ordinance Appropriating \$213,506 to the Manager for the Terminal Construction Capital Improvement Project; Funding Provided by Airport CARES Act Funding.**

This ordinance would appropriate \$213,506 of Airport CARES Act funding for the Terminal Construction Improvements CIP. This funding would provide for the replacement tiles in the suspended ceiling which was a component of the reconstruction of the Juneau International Airport terminal. Funding is provided by previously received Airport CARES Act grant funding.

The Airport Board reviewed this request at the April 14, 2022 meeting.

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

**Assembly Action**

**MOTION** by Mr. Smith to adopt Ordinance 2023-14(b)(M) and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

*The Assembly took a break at 9:10 p.m. and returned at 9:19 pm*

**M. NEW BUSINESS**

**21. Docks and Harbors Regulations Omnibus - Rate Increase (9%)**

After the fiscal uncertainties caused by the pandemic, the Docks & Harbors Board (Board) hired a consultant to conduct a rate study, which was completed in September 2022. The rate study recommended a 9% increase to Docks & Harbors fees. The Board then engaged in a broad public process that included open house events, notices in local media, notices at CBJ facilities, notices in social media, and fliers. The Board held a public hearing on October 4, 2023, to avoid conflicting with the summer boating season, which also enabled companies involved with tourism to participate. Docks & Harbors received public comments. After considering the public comments and evaluating the consultant's recommendation, the Board approved raising most fees 9% effective January 2024. Notably, the Board recommended raising the monthly moorage fee over three years to 9% instead of at one time because the moorage fee affects nearly all harbor users. In addition to the 9% increase, various fee provisions also give the Board authority to adjust the fees in 2024 based on changes to the Consumer Price Index.

**The City Manager recommends the Assembly approve the regulations. If the Assembly wants to do something else, CBJC 01.60.260 provides other options.**

### **Public Comment**

**Clayton Hamilton**, a Douglas resident, uses both Douglas and Downtown harbors. He said the motion treats Docks and Harbors as one enterprise. He pointed out that that, according to the rate study, the cost drivers are from the docks side; therefore, harbor users are contributing more than their share and the dock side users are not. He referred to a comment by Mr. Uchytel that the harbors enterprise has been solvent for 12 years with revenues exceeding expenditures. He stressed that the harbor rate goes up with every CPI adjustment, and that it is irresponsible to raise rates for harbor users. He suggested moving forward with the dock rate raises and to leave the harbor rates alone. He recalled comments made during the public comment period, one being that Juneau already has the most expensive harbor in Southeast. Do not think of Docks and Harbors and an enterprise, rather, it is a public transportation utility. He added that the harbor is a regional hub and is important infrastructure for more than just Juneau. He said the public process was deficient, with meetings being changed frequently, non-working zoom links being provided, and some public comments not being recorded. He highlighted liveboards and said that raising rates on this part of the harbor population is going to impact housing and homelessness in Juneau.

Mr. Smith asked Mr. Hamilton to speak to his comments about the cost drivers being on the dock side rather than the harbors. Mr. Hamilton referred to Mr. Uchytel's letter regarding cost drivers, which said that there is a rapidly growing insurance liability cost. He said this is not coming from harbors because they aren't growing. He stressed that personnel costs and assets are conflated between the two enterprises

Ms. Woll, asked how Mr. Hamilton knew to testify at tonight's Assembly meeting. Mr. Hamilton said he has been spending a lot of his own time and efforts to keep abreast of this process and he has been trying to get the word out to other users. After sending a letter to the fishing fleet in town and encouraging others to publicly comment. Following the letter, Docks and Harbors made a brochure addressing the concerns. He knew to testify tonight through calling Harbor Administrative Officer Teena Larson and asking for details.

**Todd Vaily**, a Douglas resident, owns a fishing vessel, spoke in opposition to the rate increase to the harbor. He concurred with Mr. Hamilton's comments. The city should try to encourage more boats and more fishing permits because the city would get the landing tax. He said it seems like it has been getting more difficult to use the harbors, especially Statter Harbor, as there is no more free parking. He added that asking the harbor users to subsidize the dock side isn't fair.

**Shane Krause**, a Douglas resident, has been harbor resident since 2015, and a former harbor manager in WA. He said the docks/tourism cost too much and this proposal is flawed. Juneau's rates are already highest in Southeast. He suggested finishing Aurora Harbor first and keep the rates down so it could be filled. He discussed the unusable Zoom sessions, technical issues, locked entrance door after the 10/4 meeting began, and that not all public comments were recorded. He said the board couldn't understand the calculations brought up during the 10/4 meeting.

**Max Stanley**, a downtown resident, commercial and recreational docks and harbors user, said the need to increase revenue is warranted, given that operational expenses are up, and there are capital projects that are needed. Much of Juneau would support this revenue coming from cruise ships and vessels over 200 feet. Moorage rates should not be increased in the harbors. He understands there are structural issues in the D&H rate funds but feels that could be addressed. Holding D&H rates the same for residents and increasing revenue from large vessels directly benefits Juneau residents.

**Assembly Discussion**

Mr. Smith highlighted that the proposed increases are across the board at 9%, rather than cost increases being covered appropriately. Why is the rate the same for docks and harbors. Mr. Uchytel answered that the rate study was conducted after there was a pandemic and docks were running in the red for several years. The D&H Board hired a consultant who recommended a 9% increase for both the docks and harbors enterprises, which the board determined to be fair and equitable as there are needs in both. Mr. Smith said the 9% increase adds \$700,000 more a year, and asked whether the funding is for the needed capital projects. Mr. Uchytel responded that the consultant reviewed the entire D&H portfolio and said D&H should try to recapitalize 2.5% of their enterprise on an annual basis, thereby leading to the recommended 9% increase.

Ms. Hale asked whether the consultants recommended a 9% for docks and harbors or did the D&H board come to that number. Mr. Uchytel said the recommendation came from the consultants, and that the increase be placed on both docks and harbors.

Ms. Woll commented that the moorage fee increase is not one-time, and that the increase will add up to 9% over the course of three years. She asked if the D&H Board made the decision to increase based on the input, or if it had been planned for some time. Mr. Uchytel answered that it was a board decision that was made at the public hearing on October 4, which was when the board elected to break up the 9% increase over three years, with a 3% increase starting January 2024, another 3% in 2025, and 2.5% in 2026.

Ms. Hughes-Skandijs asked if cost generation from both docks and harbors were discussed with the consultants when they were considering the 9% increase recommendation. Mr. Uchytel said the consultant report was more focused on the revenues than it was on the expenditure side. He explained that the D&H Board determined that a 9% increase for both dock and harbor users was more equitable than to pick and choose.

Mr. Smith inquired as to whether the users who are incurring the costs are going to be the ones paying the 9% increase. Mr. Uchytel explained that, on the dock side, not enough revenue is being raised to cover expenses, so D&H applies for marine passenger fees to help with staffing. On the harbor side, costs were being driven by the UAS property increasing from \$12,000 a year to \$230,000. He added that the users are mostly commercial. He said another cost driver was a 280% increase in insurance. In revenues, \$5 million was collected from harbors and \$2.5 million were from docks. He said they try to move money into the harbor enterprise as best they can.

Ms. Hale asked about the insurance costs being split 50 to docks and 50 to harbors, and that if there insurance was separate instead, which of the two would be more expensive. Mr. Uchytel answered that there may be more risk with smaller boats in the harbors. There are two arrivals per day for 180 days a year, and if something were to happen, D&H would be able to achieve collection, whereas with 1,200 slips and 3,000 boat launch permits, there is the risk of damage and oil pollution. He said he will have to ask the risk manager what the costs are but said there may be more risks in the harbors than the docks. Ms. Hale stressed that insurance has gone up everywhere and asked if the insurance increases have mirrored increases happening in other CBJ departments. Mr. Uchytel said the insurance is set at the value of the property one maintains. D&H has the third most valuable infrastructure, followed by Water and Wastewater, and then Juneau Schools having the most.

Ms. Woll asked for more information regarding the D&H Board's discussions, as well as what the votes were like. Mr. Uchytel shared that D&H was looking at possible rate increases in 2021, and he had recommended was to double the liveaboard rate but the board did not approve that; there was a request to double the cruise ship dockage rate, but that was not approved by the assembly. The board

hired a consultant and underwent a public process, and then at the October 4 meeting, every item was unanimous with the exception of one item. The fee rate of 9% was across the board, there wasn't an appetite to do anything other than be consistent with the same fee increase to all of them

Mr. Bryson asked that, since harbors collect enough revenue to cover annual expenses, how that is separate from capital investment. Mr. Uchytel explained that the docks enterprise and the harbor enterprise have separate fund balances and personnel. On an annual basis, D&H tries to be frugal enough so it can save money to put into its fund balance, which worked up until the pandemic when there were two years of diminishing returns in the docks enterprise. He said their charge is to build a fund balance that can be used to leverage in grant opportunities. He informed members that the D&H budget is not funded by sales tax or property tax on an annual basis and that, while they can compete for the 1% sales tax every 5 years, they try to build up the fund balance so they can be more successful in federal and state grants. There is less than \$2 million in the harbors fund balance and \$1.7 million in the docks fund balance, but about a quarter of a billion dollars in infrastructure. They have an application for a drive down dock, which requires match funding, as well as a need for reevaluation for breakwater at Statter Harbor, which will also require match funding. He stressed that they need the 9% increase in order to recapitalize D&H's needs. He pointed to the \$5 million in funding towards Aurora Harbor from the 1% sales tax and, with the assembly's recommendation tonight to the state to fully fund the Alaska Municipal Harbor Grant Program, the state would contribute another \$5 million for a total of \$10 million. He said the 9% increase will help in this effort.

Ms. Hughes-Skandijs inquired about expenditures between the docks and the harbors. Mr. Uchytel said that at the end of the year they will know what the expenditures are for the docks and for the harbors. He recounted that, during the pandemic, docks had to pull money from the fund balance due to the loss of cruise traffic; had the docks and harbor funds been comingled, someone in the harbors could say the money is being used to subsidize the cruise industry. Ms. Hughes-Skandijs pointed to today's public testimony saying that Juneau's harbor fees are highest in the region, and asked if the board discussed that. Mr. Uchytel advised that Sitka's rate is \$4.64 per liner foot per month, while Juneau's downtown harbor rate is \$4.97. Sitka's transient moorage rate is a \$1.44 per linear foot for vessels up to 80 feet, Juneau's overall rate is \$.66 cents.

Mayor Weldon offered her understanding that the revenues and expenditures are neutral, and D&H is seeking extra money to do capital projects. Mr. Uchytel responded that D&H has been in the black for harbors, and that they need more revenue in their fund balance so they can finish off the infrastructure at Aurora and Statter Harbors. Mayor Weldon asked if docks could pay more in insurance costs than harbors, or if there is a legal reason not to. Mr. Palmer answered that he can't answer right now if the split is close enough, or if it can be made better. He reminded members that, during the lawsuit with the cruise line industry, the judge required CBJ to keep the two funds separate because fees that are charged to ships on the docks have to be returned to service those docks or ships. He said there is probably an opportunity to evaluate options for shared costs. Mayor Weldon recalled that passenger fees have to stay with the dock, but did not realize moorage fees had to stay with the dock too.

Mr. Smith said he did not see cruise ship dockage fee comparisons in the rate study, and asked if that was looked into. Mr. Uchytel said other rates were not looked at, as D&H proposed to raise rates and the Assembly told them not to. Mayor Weldon said the tourist manager is working with the industry on those rates.

Ms. Hughes-Skandijs recounted that, at a previous meeting, the tourism manager said they have to wait for the results of the rate study before raising rates on the dockage. Mayor Weldon answered that the tourism manager wanted to wait for the study today, and then work on it after to see what the rates should be. She advised that private docks consider their rates to be proprietary.

Ms. Hale commented that the last D&H proposed rate increase in 2021 came out of the blue with little public process, which they followed up with a public process on the current proposal.

Mr. Smith asked what the Assembly's options are, can they table regulation. Mr. Palmer explained that CBJ code binds the Assembly in regulations that are unlike the restrictions that a resolution or ordinance would have. He said, if the Assembly has been presented with a regulation, and they don't take up consideration of the item, then it is automatically approved tonight; tabling might mean it's automatically approved. He added that another option is to approve this tonight. If the Assembly disapproves of the regulation package, it must state its general concerns to the D&H Board, but not specific conditions the Assembly wants them to change. If the Assembly does want to specifically change something, then it would need to direct him to bring back regulations as a resolution. Mr. Smith said he is not certain as what to do, he wants more time but doesn't know how to get more. Mr. Palmer advised that the simplest way to get more time is to direct him to come back to the Assembly with a resolution or an ordinance. Mr. Smith asked about timeline, in that, if it were introduced in November, how soon would the document take effect. Mr. Palmer explained that if the Assembly adopted a resolution, they are effective immediately, but can have a date specified. Mr. Smith asked Mr. Uchytel if November 13 works. Mr. Uchytel said the language that says the fees begin January 1 is arbitrary and could let it slide. He stressed that D&H has worked to get as much public input as possible.

Ms. Hughes-Skandijis sought confirmation that dividing a regulation wouldn't work if the Assembly gets too specific. Mr. Palmer nodded in affirmation.

Mr. Kelly asked Mr. Palmer for clarification that the Assembly would need to vote the item down today or else it takes effect today. Mr. Palmer said it depends on the motion, for example, if a motion was made to direct him to come back with a resolution and it passes, then that motion passes; if it doesn't pass, the Assembly can evaluate options at that point.

### **Assembly Action**

**MOTION** by Ms. Hale that the Assembly approve the Docks and Harbors Regulations Omnibus Rate Increase.

Ms. Hale recalled that, when the Assembly kicked back the rate increase three years ago, they had directed the D&H Board to be more thorough and do a more thorough public process. She said they have done that, worked hard, and hired a consultant to help figure out the rates. She stated that the Assembly went backwards on the hotel bed tax issue, which the Assembly spent a lot of time talking about. She advocated that the regulations be approved.

Mr. Smith objected to the motion. He said he would like more time to understand the background of the matter better.

Ms. Woll asked Mr. Palmer that, if the motion were to fail because people want more time, can the Assembly make a new motion, or would the current motion have to be amended. Mr. Palmer answered yes, if the current motion fails then a subsequent motion can be made.

Mr. Bryson shared that he has been the D&H liaison for the last year and saw that the board had as deep a conversation about the rate increase as the Assembly did with property tax. They looked at how it was going to impact different user groups, and discussed it for several months. He shared his appreciation of the idea to stagger out the rate increase. He said he doesn't believe the Assembly has talked about raising a single price tag that hasn't been met with opposition, despite how inflationary things are now. He commented that, while he would like a month to figure out how to soften the increase, it wouldn't make it any less painful or get any easier. He called on passing the regulations tonight.

Mayor Weldon commented that the city is facing inflationary times, and that the D&H Board – after the first rate proposal was rejected and were ordered to work on it – went back and did work on the proposal. She said D&H is solvent but needs money for capital projects, but have a very little fund balance, so she will be supporting the motion. She said that when she compares the two user groups, it is easy to pick a winner as one is better funded, and the other are people who live in the community.

Ms. Hughes-Skandijs opined in the harbor fee increases; if the enterprises are in the black, and the increase is for the purpose of building up capital funds, she would rather see D&H come to the Assembly when they need capital funds. She said she does not know how she will vote on this, but would like to see the harbor part tweaked.

Mr. Kelly concurred with Mr. Smith that this is a consequential decision and would like more time to evaluate the matter.

Ms. Hale advised that, when the D&H Board comes to the Assembly for money, they are actually coming to the residents of Juneau for money; everyone that doesn't have a boat or live in the harbor are paying the money for harbor improvements. She said the Assembly needs to think about how it wants to allocate funding that they themselves are able to allocate.

Ms. Adkinson conveyed her appreciation to D&H for the public process they underwent. She agreed with Mr. Smith's concerns about raising rates, especially for liveboards, when there is a housing crisis in town. She said she would like more time to think about this.

*The Assembly took a break at 10:31 p.m. and returned at 10:38 p.m.*

**ROLL CALL Vote on Docks and Harbors Regulations Omnibus - Rate Increase**

**Yeas: Ms. Hale, Mr. Bryson, Ms. Hughes-Skandijs, 'Wáahlaal Gíidaak, Mayor Weldon**

**Nays: Mr. Smith, Ms. Woll, Mr. Kelly, Ms. Adkinson**

**Motion passed 5 yeas/4 nays.**

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

There are 12 property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

**The City Manager recommends the Assembly act on each of these applications individually.**

**Assembly Action - Skipped due to time constraints.**

**N. STAFF REPORTS**

**23. Cold Weather Emergency Shelter (CWES) Update**

Mr. Barr reported that the cold weather contract process via normal CBJ procurement, called for a request for bids in June and received none. He explained they have to decide whether or not the process is redone or to find a solution to the program. He said they then started looking at alternative options, looking at every CBJ-owned facility as well as private options. He reminded members that Resurrection Lutheran didn't bid during the first part of the process, so that left the city with two

options: go back to Resurrection Lutheran for a second vote, a preferred option, or looking at the Downtown Transit Center (DTC) with warm busses. After the second vote failed at Resurrection Lutheran, there was more community engagement, which lead to re-evaluating reasons some CBJ facilities were ruled out; Mt. Jumbo Gym and the Thane Warehouse came up and CBJ ultimately landed on Thane due to the location solving the transportation problem, as well as not being in a residential neighborhood and is not next to a school.

Mayor Weldon asked how many people were at the CWES last night. Mr. Barr said there were 19 on Friday and about 20 over the weekend.

Mr. Kelly referred to the bullet list of criteria that any CWES should meet. He asked how many of those criteria are met by the Thane warehouse. Mr. Barr answered that Thane meets all of them.

Mayor Weldon noted that people are shuttled back and forth as needed. She asked about where they are going for food. Mr. Barr said there is some food at the shelter, and that many people choose to go to the Glory Hall in the morning.

**24. October 3, 2023 CBJ Municipal Election Report to the Assembly with attachments – Skipped due to time constraints.**

**25. Assembly 2024 Meeting Calendar - Draft for Assembly Review/Approval – Skipped due to time constraints.**

**O. ASSEMBLY REPORTS**

**Mayor's Report** - Skipped due to time constraints.

**Committee Reports** - Skipped due to time constraints.

**Presiding Officer Reports**

**26. Appeal 2022-AA07 Bayhouse Properties LLC vs. CBJ Planning Commission - Order re: Withdrawal of Appeal**

On September 28, 2023, a status hearing was held with CDD Director Maclean and Mr. Falk. The parties discussed potential resolution of this appeal via another permit application. At the conclusion of the hearing, Mr. Falk requested his appeal be withdrawn with the understanding that he is free to file a subsequent permit application and, if necessary, file an appeal on that subsequent permit application. The Presiding Officer issued such an order, and this appeal is closed.

**No further action is needed.**

**27. Appeal 2023-AA01 Karla Hart v. PC (Huna Totem dock appeal) re: Motion for Hearing Officer Disqualification**

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 Assembly accepted the appeal, and a hearing officer was appointed. Ms. Hart filed a motion with the hearing officer asking him to withdraw. The hearing officer responded to the motion with an order describing that he did not have a conflict of interest and could be fair and impartial. Ms. Hart now asks the Assembly to disqualify the hearing officer. Huna Totem Corporation has filed an opposition pleading. Ms. Hart filed a pleading this morning in response.

Because this is a quasi-judicial matter, the Assembly may recess into executive session to discuss and make a decision on Ms. Hart’s disqualification request. AS 44.62.310(d)(1). The Assembly’s decision would need to be issued in writing and provided to all the parties to the appeal.

**The City Attorney recommends the Assembly recess into executive session to address the motion to disqualify the hearing officer.**



**Assembly Action**

Mayor Weldon asked if there was any member of the public who does not wish the Assembly to go into Executive Session. Seeing/Hearing none, she asked if there were any members of the Assembly who did not wish the Assembly to go into Executive Session.

Mr. Smith said that unless there are specific reasons from the Attorney, he feels the matter should be discussed in public.

Ms. Hughes-Skandijs agreed to discussing the matter in public.

Mayor Weldon asked Mr. Palmer if there is a reason the Assembly should go into executive session. Mr. Palmer explained that the Assembly can stay in public session but does not know of a case in which the Assembly has never gone into executive session to discuss a quasi-judicial matter. He said precedent doesn't matter, that is just what caused him to make the recommendation. He stated that the Assembly can definitely stay in public if it wants to stay in public.

Mr. Bryson said that, while he'd appreciate having this discussion in public, it would be the first time they discuss it. He suggested that there might be a better discussion among Assemblymembers if they are in executive session.

**MOTION** by Mr. Bryson to recess into executive session to discuss matters, the immediate knowledge of which would defame or prejudice the character or reputation of any person, and asked for unanimous consent.

**ROLL CALL Vote on adjourning into executive session**

**Yeas:** Mr. Bryson, 'Wáahlaal Gíidaak, Ms. Hale, Mayor Weldon

**Nays:** Ms. Hughes-Skandijs, Mr. Smith, Ms. Woll, Mr. Kelly, Ms. Adkinson,

**Motion failed 4 yeas/5 nays.**

Mayor Weldon asked Mr. Palmer to advise what the Assembly should take care in saying before they should proceed. Mr. Palmer explained that the only question before the body is whether the hearing officer should be disqualified, or if the hearing officer should be kept, so the substance of the appeal is not relevant, what is only relevant is whether the Assembly believes there's enough evidence presented by Ms. Hart that the hearing officer should be disqualified, or if there are other reasons for them to be disqualified those are also appropriate to be discussed.

Mr. Smith inquired as to how much time and additional costs would go into getting another hearing officer. Mr. Palmer answered it would be fair to say that it may take approximately two weeks, and in terms of cost, he does not have an exact number, but imagines there would be extra costs.

Mr. Bryson asked Mr. Palmer that if he found an alternative hearing officer, and the applicant again feels like the officer is not fair enough, would they be faced with the same situation. Mr. Palmer responded that a subsequent hearing officer that is appointed would be subject to the same disqualification that is being addressed right now. He said he could find another qualified and unbiased hearing officer, but it's going to take a bit of time.

Ms. Hale sought clarification as to what a registered agent is, and what they do. Mr. Palmer explained that every business in Alaska is required to have a registered agent to accept legal service, and that such an agent doesn't have to be an attorney, but they typically are. He said many corporations appoint an owner or officer to be the registered agent. If a registered agent for the business cannot be found, then a state commissioner becomes the registered agent.

Ms. Hughes-Skandijs sought clarification that the additional costs for a new hearing officer would be just to hire another one since the city already paid for the other one. Mr. Palmer said there are two rate

types that hearing officers tend to charge, a flat fee or a per-hour basis. He explained that it's challenging to find an attorney who has experience with Planning Commission permits, who has experience with Administrative Law, and who is not also conflicted; there are not many left in Southeast so they'll have to go to Anchorage, who tend to charge more than those in Southeast.

Mr. Kelly asked that, if a judge were actually entertaining this case, hypothetically, would they find that the current presiding officer has a conflict of interest. Mr. Palmer said, not weighing the political implications or perception implications, he does not believe there has been sufficient evidence presented that the officer has a conflict of interest.

Ms. Woll asked whether the body can consider perception in its response. Mr. Palmer responded that if she thinks the perception of a connection that Ms. Hart has raised is sufficient enough, that could be a justification to find a new hearing officer.

**MOTION** by Mr. Smith that they accept the motion by Ms. Hart to disqualify the hearing officer.

Mr. Bryson objected. He said the hearing officer should not be disqualified.

Ms. Hale also objected to the motion. She said that, in reading through the objections, many of them were reiterating statements in the motion. She pointed to one reason being that the officer lives in Ketchikan, which she does not find to be appropriate or acceptable reason to disqualify the hearing officer. She feels the reasons stated are frivolous and would be slowing the process down again.

Mr. Kelly objected for a question. He asked if the permit issue by the planning commission is still valid, and would the status of the appeal do anything to hold it up Huna Totem from proceeding. Mr. Palmer said CBJ code provides that a permit issued by the Planning Commission that is then appealed is still valid, but the applicant developers are at their own risk if they choose to go forward with it while the appeal is going through its process.

Mr. Kelly removed his objection.

**ROLL CALL Vote on the motion to disqualify the hearing officer**

**Yeas:** Mr. Smith, Ms. Hughes-Skandijs, Ms. Woll, Mr. Kelly, Ms. Adkison, Mayor Weldon

**Nays:** Mr. Bryson, 'Wáahlaal Gíidaak, Ms. Hale

**Motion adopted 6 yeas/3 nays.**

**P. ASSEMBLY LIASON REPORTS, COMMENTS, & QUESTIONS - Skipped due to time constraints.**

**Q. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**R. EXECUTIVE SESSION**

**28. Placeholder in case the Assembly wishes to go into Executive Session for Appeal 2023-AA01 Karla Hart v. PC (Huna Totem dock appeal) re: Motion for Hearing Officer Disqualification**

**S. SUPPLEMENTAL MATERIALS**

**29. Cover Memo for Docks and Harbors' Regulation Changes**

**30. Appeal 2023-AA01 Karla Hart v. PC (Appellant's Reply to Intervenor's Opposition to Motion)**

**T. ADJOURNMENT**

*The Mayor adjourned the meeting at 10:59 p.m.*

Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Signed: \_\_\_\_\_  
Beth A. Weldon, Mayor



# REGULAR ASSEMBLY MEETING 2023-25

## DRAFT MINUTES

November 13, 2023 at 7:00 PM



### Assembly Chambers/Zoom Webinar/YouTube Livestream

Meeting No 2023-25: the Regular Assembly Meeting of the City and Borough of Juneau Assembly held at City Hall and virtually was called to order by Mayor Beth Weldon at 7:00pm.

#### A. FLAG SALUTE

#### B. LAND ACKNOWLEDGEMENT

‘Wáahlaal Gídaag 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 Beth Weldon, Deputy Mayor Michelle Hale, Greg Smith, Christine Woll, ‘Wáahlaal Gídaag, Wade Bryson, Paul Kelly, and Ella Adkison

**Assemblymembers Absent:** Alicia Hughes-Skandijs

**Staff Present:** City Manager Katie Koester, 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

##### 1. Introduction of Exchange Students

Three exchange students were introduced. Noel Previti from Germany, attending Thunder Mountain High School (TMHS), said he thought everyone was very welcoming. Havobegim Qurbonmamadova from Tajikistan, at Juneau Douglas High School (JDHS), said that it was her 18<sup>th</sup> birthday that day. She said she enjoyed that school emphasized more practice than theory. Ronja Sieber from Switzerland, was attending TMHS. She said everyone was very nice and she was surprised that sports are part of school instead of being in separate clubs.

#### E. APPROVAL OF MINUTES

##### 2. February 1, 2023 Special Joint Assembly Meeting 2023-04 with BRH Board - Draft Minutes

**MOTION** by Ms. Woll to approve the February 1, 2023 Special Joint Assembly/BRH Board minutes as corrected by Ms. Hale and asked for unanimous consent.

*Hearing no objection, the minutes were adopted.*

#### F. MANAGER'S REQUEST FOR AGENDA CHANGES – None

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

##### Public Comment:

**Albert Shaw**, from downtown, asked the Assembly to start the process to put incinerators at Lemon Creek in cooperation with Alaska Waste. He said there are incinerators that meet EPA standards. He said they will not be

cheap but that we created the problem and we need to solve it. He said that, assuming the numbers come in good, the Assembly should vote on it. He said this is a long path and that it is time to start this process. He said there are several unknowns still, like what to do with the ash or other residues, but that we are not reinventing the wheel. He said it will require some type of increase in fees or taxes, but that's the way it is. He said there was an award a couple of weeks ago for people who have been picking up trash but that it is like sweeping the floor and putting the dirt under the rug – nothing went away, it just got piled in a different place. Second, he asked the Assembly to start the process to annex the northern part of Admiralty Island. He said he has been working on this for 60 years but that he does not give up.

**Mark Whitman**, from Douglas, came to testify on Telephone Hill. He said he saw it this morning from the Douglas waterfront, a tight ribbon of green and a cluster of tall buildings around it. He said that Telephone Hill has always been a pivot point of Juneau's waterfront; the central spot from which our shared history has played out fairly and unfairly; the green heart from which all things have been measured, surveyed, and lived out geologically, historically, politically in sight and in the lives of families residing in homes handed down. He said this central rock that sits above the tideline points to what we have been and what we may become. He said that when dealing with something this central, this primal, wisdom is needed. He asked the Assemblymembers to place their hand upon their heart. He said the health of the body depends on the health of the heart, its steady beat informing the whole. He said to imagine your right arm swinging all the way to Gold Creek to the bridge and your left to line up with South Franklin. He said to imagine sitting on Telephone Hill, green trees, blooming gardens, children at play, birds at rest, as neighbors tinker and build. He said it is a vibrant place to sit and walk. He said to let this be the measure of who we are going forward for the crowded summer sidewalks hold no place for us, that swarming visiting tourists leave with the fall turning much of the city to a ghost town with clothes, shops, and no one living here. He said the at the hill there is a living example of homes preserved, gardens grown, life lived out. He asked what the harm would be in restoring and repairing it, preserving an example of how we live and how we make our way in this place so beyond measurements of engineers and architects, or bill rates and the tax base. He asked the Assembly to look for a new scale of value for this green treasure. He asked what harm is there in a partnership of restoration, with high school building classes working in partnership with local carpenters, electricians, and contractors to restore historical homes; what harm is there in raising a new generation of builders. He asked what our legacy would be if we pave paradise and put-up parking lots. He said he dares the Assembly to go small, go green, go garden forward and to not lose the green heart that carries our lives with it.

**Tony Tengs**, from downtown Juneau, said he is a former Telephone Hill resident. He said that aside from respecting its history and the charming green space in the heart of Juneau, his concerns are related to process. He said there seems to be invisible hands driving this redevelopment forward. He said there are many states where taking property under eminent domain from one purpose and using it for another is illegal. He said that the Assembly's legislative priority #9, which got this started, had zero public input. He said that now that the horse is out of the barn about what to do with the neighborhood, they are asking for public input. He said the July 26 open house survey said that none of the homes were eligible for historical recognition because they have been modified. He said that is a huge stretch, as many of the modifications were made more than 50 years ago. He said these surveys are important for our history and future and should be unbiased and true.

**Callie Connerton**, from Telephone Hill, said she is a local teacher and has lived on Telephone Hill since her birth. She said that over the last 30 years she has seen so many changes downtown made by companies trying to profit for tourists, outside developers who do not really understand anything about Juneau. She said that during the last open house meeting she asked questions of the Portland contractors, and that they did not seem to know answers to basic design questions, such as snow removal, trash, and fuel access. She said that without a plan in place in the designs, it does not seem very intelligent or worthwhile spending-wise for the city to run. She said it is hard to think about being asked to leave her childhood neighborhood and home and then have it sit empty due to lack of funding or votes when it could be housing currently. She said there was not an "no option for development" on the recent survey. She said this is not Seattle or Portland; it is a small, vibrant community of friends, families, and local businesses. She asked the Assembly to not continue to build over what makes it special, unique, and green. She said the process is being rushed, that it is unclear, and that the city needs to consider the

long term effects instead of rushing in and tearing down history and building more things that do not necessarily serve all. She said there are plenty of other places downtown and all over that are affordable or where affordable housing can be built. She said the community does not feel like it's being heard in this sudden, impulsive process and asked the Assembly to slow down.

**Joshua Adams**, from Auke Bay, said he is with Friends of Telephone Hill. He said he came to the Assembly to ask them to parcel off the houses on Telephone Hill and sell them at auction with small plots of adjacent land. He said he thinks that private ownership is the best guarantee of maintaining each individual structure on the hill at minimum cost to CBJ. He said that before any such auction, to apply for the nomination of Telephone Hill as a historical district so that the owners of the properties can apply for federally mandated historic grants and tax credits only available to historical districts. He said that nothing fattens up a horse like a watchful owner and that some things in government are best left to the private sector. He said he believes that private owners for each of these historic homes will best serve to protect our cultural legacy and that the owners will pay property tax. He said he directed his attention to the new Assemblymembers who have only been serving for a couple of weeks and that he is counting on them to think independently. He said he wants the Assembly to stop squandering our tax dollars on consultants from out of state and to listen to the public. He said that we need an Assembly that offers, seeks out, and administers historic preservation grant programs and low interest loan programs for property owners and not an Assembly that hires consultants from outside the state of Alaska at the taxpayer's expense to carry out renovation projects that are unwanted and unaffordable. He asked to work with the Assembly to parcel off the hopes on Telephone Hill. He said it is a plan that makes Juneau money and preserves our history all at once. He asked the Assembly to make use of the resources available through the Anchorage based Office of History and Archeology to foster a culture of preservation.

**Shoshana Seligman**, from downtown Juneau, said she has lived in Juneau for 32 years and about ten of those years on Telephone Hill. She said she would like CBJ to decide on a plan for the hill that has three components; one is to truly take into consideration input from the public, two is to have appropriate funding already in place, and three is to have a plan that weaves Telephone Hill into the city's overall plans for housing. She said there are other housing projects and options including Deckhand Daves, Peterson Hill, and Juneau Affordable Housing projects, and many abandoned building and offices that will alter downtown Juneau's housing needs. She said that from the open houses she learned that Telephone Hill holds a special place of fondness and imagination for Juneau residents and tourists. She said that as the Assembly goes forth in setting new priorities for our city, to please consider the value of this jewel, the greenbelt, the historic homes of Telephone Hill.

**Charles VanKirk**, from the valley, said he has lived in Juneau for 63 years and has seen many, many changes. He said the population has tripled, but that almost 2/3<sup>rd</sup> of the population has moved out to the Mendenhall Valley. He said that when he moved here there was nothing but a one lane dirt road in the valley with turnouts to the glacier. He said the changes he has seen have been a bit disturbing. He said we have to look at process, but that we don't want to lose our historic value. He said that he has always been proud of Alaska as the last frontier. He said that our last frontier has lost the courthouse to the State Office Building, the State Jail that had a set of gallows on the side of the building, many of the ballparks to the federal building, the evergreen swimming pool that is now Cope Park, the AJ mine building. He said he is sad that there is a lot of history to Juneau that his grandchildren will never see or experience. He said that Telephone Hill is an opportunity to experience history. He said the Assembly should explore the possibility of applying for nomination of Telephone Hill as a historic district through the National Park Service. He said that opens up a whole bunch of opportunities and the Assembly could look at establishing a task force to explore the need for a historic preservation grant program and low interest loan program. He said he would vehemently request to table any discussions based on the recommendations of the consultants from Portland that did not provide alternatives that were acceptable to anyone.

**Skip Grey**, from Twin Lakes, said he would like to address misconception being thrown around in the community regarding Telephone Hill. He said that at the October workshop held by the city to gather the public's opinion about the future of the hill, one individual said that the only people who wanted to save the historic homes on the hill were the people who lived there and implied it was so they could continue to live there. He said that was later

repeated by someone else in an opinion piece in the Juneau Empire. He said it is obvious that neither of those people know how to count, as there are only about 17 residents living on the hill but about 50 participants at the meeting. He said the majority of people at the meeting were sympathetic to the desire to save either the homes or the greenbelt, or both. He said he hoped the Assembly could view the recording of the event, as it should give them a realistic impression of the opinions of the crowd and their mood, their wishes for the future, and their opinions. He said the crowd was so frustrated with the process that they refused to go along with half of the agenda, insisting on speaking their minds. He said another way to get a feel for the sentiments of the public is to search Telephone Hill on Facebook and examine the likes, dislikes, and comments. He said the Assembly would see that more than 17 people are concerned about the possibility of seeing this historic treasure destroyed. He said that they do not all live downtown, either. He said that the Assembly should listen to the residents of the hill as they are the ones who know how special of a place it is. He said he lived there for 10 years, 38 years ago and it still holds a place in his heart. He said he did not think it would if it had been a bunch of high-density apartment buildings.

**Michael Reiderer**, from North Douglas, has lived within CBJ for 25 years on and off. He said his vessel is docked in Douglas Harbors and it is used for commercial fishing and seaweed harvesting. He thanked Assemblymembers Adkinson, Kelly, Smith, and Woll for voting against the unimaginative harbor rate increases at the October 3<sup>rd</sup> meeting. He said the rationale for this rate increase is lacking, and that it is disheartening that the voices of hard-working citizens were ignored. He said that Docks and Harbor's work is questionable, especially considering they recommended doubling the dockage fees for large ships in 2021, only to turn around and spend consulting money, \$36,000, on the same issue. He said it is inefficient, like the discussion about City Hall and Telephone Hill. He said the new drive down dock is Auke Bay if functional, the Statter Harbor breakwater is functional, but crowded by summertime mega yachts; he said that yachts and transient vessels contribute to congestion and need to contribute more to their cost and that a 300-foot yacht pays less per foot than a smaller 150-foot yacht. He said that transient moorage in Juneau is less than half the rate of Sitka's. He said that resident fisher people have reliably contributed to docks and harbors revenue, helping fund the Statter Harbor upgrades that heavily favor the tourism industry. He said that CBJ needs to focus on completing the Aurora Harbor floats to generate revenue and reach an agreement with UAS on the boatyard's future. He said that discussing the revitalization of Bridge Park to Norwood Point and a new drive down dock should only happen after these other issues are addressed. He said that CBJ should considering subsidizing harbor department salary costs because continued maritime usage is in the best interest of all CBJ citizens. He said that cruise ships, whale watching vessels, and megayachts should share this cost because they wake pollution and congestion that is burdensome to commercial fish people and resident voters that live here. He said that CBJ needs to find additional revenue and reduce the cost of living for everyone and should responsibly develop its existing, vacant land. He said that constantly taxing fisher people for CBJ's grand projects will make the entire city a tourist dominated area akin to a boater's Breckenridge where the local economy is eclipsed by seasonal tourism entities.

**Betsy Brenneman**, from downtown Juneau, recommended that the Assembly adopt the Blueprint Downtown Area Plan. She said the Assembly has been accused publicly for not being transparent and not listening to the community in the case of the Blueprint plan in 2017. She said there was a year of award-winning public involvement process done by local consultants where 800-900 individuals gave input. She said that in 2018 she was one of the volunteers appointed to the Steering Committee to help develop the plan. She said it has been estimated to take 1.5-2 years, but instead it took 41 public meetings or focus groups over 4 years of long hard work to write the draft. She said that since it was finished it has never come before the Planning Commission or Assembly. She said she believes the Blueprint Area Plan would be a big help to the Assembly and it was a shame that they do not have it for guidance. She said she is proud of it and the city should be proud too. She said that it provides a 20-year vision for downtown that is action oriented. She said they agreed on six main goals and the first was more housing of all types downtown, and for Telephone Hill the plan "supports higher density housing that is integrated into the existing neighborhood, preserving existing historical structures to the extent possible." She said she would personally go further, and is adamantly in favor of city involvement in preserving and revitalizing the historic structures. She said she also supports integrating a small increase in housing units in



keeping with the hill's historic character. She said she favors the city being more proactive about other structures downtown that could be converted into housing units. She said the city can and must develop housing that ensures the character vibrancy and health of downtown continues and that's still the heart of the community. Ms. Woll asked why the Blueprint Downtown Area Plan has been paused. Ms. Brenneman said they had finished it in January, but then there was turnover, lack of staff, and too much work in the planning department. She said they were told to be ready to testify and talk about the plan within the next few months but that they never heard anything. Mr. Bryson said he thought the Assembly has been aggressive on housing, and asked Ms. Brenneman why she thought differently. Ms. Brenneman said she has lived here for 50 years and it has always been an issue downtown. She asked what the Assembly will do about housing in terms of climate change and public safety, and that the Assembly could be approaching people who privately own buildings that could be converted into housing. She said the city can't enforce things when there is only one code compliance officer.

## H. CONSENT AGENDA

**Public Request for Consent Agenda Changes, Other than Ordinances for Introduction - None**

**Assembly Request for Consent Agenda Changes – None**

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

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

### **Assembly Action**

#### I. Ordinances for Introduction

#### **3. 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 11/2/22 and 11/1/23.

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

#### **4. 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.**

**5. Ordinance 2023-36 An Ordinance Authorizing the Sale of Foreclosed Property Located at 520 Sixth Street by Sealed Competitive Bid Auction.**

In June of 2023, the City and Borough of Juneau received a Clerk’s Deed for the property located at 520 Sixth Street (downtown/Starr Hill area) after the owners failed to pay property tax for the tax years of 2019-2022. The property consists of a 5,353 square foot lot and a 780 square foot house, which is in poor condition. The current amount owed for tax years through 2023, including penalties and interest, is approximately \$22,324.

This property will be sold through a sealed bid process and if the property sells for more than the amount owed in taxes and penalties and interest, the remainder is forwarded to the former owner and lienholders.

The Lands, Housing, and Economic Development Committee considered this topic at its meeting on July 13, 2023.

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

**6. 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.**

**7. 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.**

**J. Resolutions**

**8. Resolution 3039 A Resolution of Support for the Release of the Full 50 Percent of Funds Appropriated by the Legislature to the Alaska Department of Natural Resources for Land and Water Conservation Fund Grants to Cities, Boroughs, and Tribes, and Increasing the Maximum Award to \$500,000.**

The Land and Water Conservation Fund (LWCF) is a federal grant program administered by the Alaska Department of Natural Resources Division of Parks and Outdoor Recreation (DNR DPOR) that provides funds for close-to-home outdoor recreational opportunities. Since FY18 the Alaska Legislature has appropriated over \$12.2 million for the LWCF, and expressed its clear intent that half of all funds should be provided as grants to Alaska’s cities, boroughs, and tribes. However, DNR DPOR has expended less than \$7.6 million through FY25, with over 91% of these funds being used on state projects. With over \$4.1 million currently available for LWCF projects in Alaska, DNR DPOR has offered just \$1 million in grants to Alaska’s cities, boroughs, and tribes in FY25.

This resolution would formally ask the DNR DPOR to comply with the Legislature’s intent by (1) releasing \$4.2 million in LWCF grants to cities, boroughs, and tribes; (2) providing half of all future LWCF funds as grants to cities, boroughs, and tribes; and (3) raising the maximum grant award to \$500,000.

**The City Manager recommends the Assembly adopt Resolution 3039.**

**9. Resolution 3044 A Resolution Expressing Support for the United States Department of Justice, Office of Justice Program, FY23 Edward Byrne Memorial Justice Assistance Grant (JAG).**

The Juneau Police Department has been awarded \$41,241 in grant funding from the U.S. Department of Justice for training and equipment. This grant will provide funding for select staff to attend training on less lethal and arrest control tactics, radio microwave maintenance, property, evidence and tactical dispatch, and disaster planning for the Communications Center. Equipment funding will provide for a 360-degree camera used for crime scene documentation, court room case presentation and major incident training, and the replacement of aging service weapons. No local match is required for this grant.

The required 30-day public comment period for the FY23 JAG grant spending plan ended November 10, 2023. No public comments were received.

**The City Manager recommends the Assembly adopt Resolution 3044.**

**10. Resolution 3047 A Resolution Adopting an Alternative Allocation Method for the FY2024 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ’s participation in the State’s FY2024 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during the calendar year 2021 from fisheries business activities within the CBJ’s qualifying area.

Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast area.

It is anticipated that the CBJ’s share will be approximately \$3,906.

**The City Manager recommends the Assembly adopt Resolution 3047.**

**11. Resolution 3048 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition’s Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.**

On October 26, 2023, the Juneau Coordinated Transportation Coalition (JCTC) met and reviewed nominations for funding for the FY2024 Alaska Department of Transportation Human Services Transportation Service Grant. To be considered for grant funding, each community must prioritize their projects and that priority list must be endorsed by motion or resolution by the local municipal government.

SAIL submitted the only request for funding for a Replacement ADA Taxi. The project was endorsed by JCTC.

The Public Works and Facilities Committee (PWFC), at their November 6, 2023 regular meeting, voted to forward a resolution of support for the SAIL application to the full Assembly.

Upon approval, the resolution would serve as an addendum to the CBJ 2020 Juneau Coordinated Human Services Transportation Plan.

**The City Manager recommends the Assembly adopt Resolution 3048.**

**K. Liquor/Marijuana Licenses**

**12. Liquor License Action**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

**Liquor License - Transfer of Ownership**

***License Type: Beverage Dispensary - Tourism License: #175***

**Licensee (Transfer From): CNH Holding LLC. d/b/a Breakwater Inn Restaurant & Lounge**

**Licensee (Transfer To): Waterfront on Glacier Restaurant LLC. d/b/a Arabella**

***Location: 1711 Glacier Ave., Juneau***

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

**The City Manager recommends the Assembly waive its right to protest the above-listed liquor license action.**

**L. PUBLIC HEARING**

**13. Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way.**

This ordinance exempts the use of 1325 Eastaugh Way as the Cold Weather Emergency Shelter from all requirements and prohibitions of the land use code for five years. CBJ has been operating a cold weather emergency shelter during the winter months since 2017, in partnership with various community organizations. The work of emergency sheltering presents numerous challenges that most communities only partially succeed at meeting. Ideally, proactive work and support services exist in sufficient quality and quantity to prevent the need for a true emergency shelter; however, like most communities, we are not yet there. Funding for these services has already been appropriated in the FY24 budget.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment**

**Karen Lawfer**, Douglas resident, said she was a member of the Resurrection Lutheran Church speaking on her own behalf, not as a representative of the church. She said she is concerned that access to the Thane warehouse required about a two mile walk, some of which is not lit. She said you can see the building from the road, but it is down a slope of 30-45 degrees in brush, and people need to go around Mill street which is full of no trespassing signs. She said the Thane warehouse only has three porta-potties and no water. She said it does not meet code and that the location is not workable.

**Reverend Karen Perkins**, Valley resident, said she is the pastor of Resurrection Lutheran Church. She said she was extremely concerned about the injustice of the way this process has gone down, the condition of the shelter that has been thrown up, and the safety of the people who may or may not be able to use it. She said the criteria listed

are vague and inconsistent with the criteria that was in the Request for Proposal, which do not meet national standards for low barrier emergency shelter. She said there was an emphasis on not being adjacent to an elementary school or residential neighborhood, but she said that nobody bothers to question or check the data about whether or not that is valuable, either for the people using the shelter or for the community. She said it is completely distracting because the emergency warming shelter does not affect the school, other than sometimes schools do fundraisers for it. She said a number of people were misled in the process, including Resurrection Lutheran Church. She said that the idea that no one who is affected by this, none of the businesses that are affected by this in the area, had any opportunity to be consulted as it got slipped through between Assemblies. She said she had done extensive work in the area and extensive research and what makes people mad the most is when they don't know and don't have input. She said she heard there was no food, no running water, that people will have to go outside to use a porta potty. She said shuttles may or may not be useful to people. She said low barrier means low barrier, and that having shuttles means people need to know when and where the shuttles are picking up. She said people have to know how to use the system, and they knew how to use Resurrection Lutheran Church. She said that the fact that this was an emergency that had to bypass any processes is misleading and that it was not an emergency because RCL was available and could have opened before the Mill Campground closed, and that this emergency was manufactured.

**Leora Blackwell**, South Douglas, said she has lived in Juneau her whole life. She said she has seen this town grow and blossom, but that it has also brought in a lot of homelessness. She said she worked at the warming shelter and she started a petition that received over 250 signatures to keep the warming shelter at the church. She said a lot of those signatures were from downtown business owners who were scared that people were going to be in their storefronts instead at a warming shelter to be safe. She said a lot of participants and patrons of the warming shelter did not feel safe or brave enough to come in and talk, so she is here trying to talk for them. She said that the number of people utilizing the RLC warming shelter were high, because people felt safe, and the number of people utilizing the Thane warming shelter is low, which scares her because it means people are not using it. She said that a lot of people are choosing to stay in the woods instead. She said we need to be considering the people that use the shelter, not just the property, and that people need to be kept safe and they are not objects to be tucked into a warehouse. Ms. Woll asked if Ms. Blackwell could share copies of the petition.

**Nicholas Barrett**, said he as lived in Juneau for a bit over 10 years and that he was a homeless veteran for almost nine years. He said he went to college on the GI bill where he learned a lot, including core values. He said that no matter where you go, homeless is homeless. He said he has traveled a lot overseas and that homelessness is everywhere. He said that food is the number one concern of the people staying in a shelter and that at Thane they have not even added blankets. He said people only get flavored water, and a peanut butter and jelly sandwich. He said there was no running water so people could not shower. He said at RLC they had food and a shower; he said he knows the shelter cannot stay there permanently but encouraged the Assembly to have it be there this winter until a better and more thoughtful process can be developed.

### **Assembly Action**

Ms. Hale asked Ms. Koester to provide a brief update on how the Thane Warming Shelter was operating. Ms. Koester said they were averaging about 37 people overnighing in the shelter, with a total of 107 unique individuals. She said the staff has been working on transitioning people into other options if they have them available. Ms. Koester said that there is transportation from 8:30pm until 1:00am and that staff patron the downtown area and look for residents. She said there was a total of five different loops that staff make looking for people. She reported that most ridership is earlier in the evening and there is more usership of the shelter when it gets colder. She said right now there are outdoor porta potties, but they are looking at investing in indoor restrooms. She said that would make a lot of sense over the long run if they maintained the cold weather shelter at this location for several years.

Ms. Woll asked about hot meals. Ms. Koester said that basic foods, but not hot meals, were provided. She said that patrons were provided with transportation to the Glory Hall in the morning for a hot breakfast.

Mr. Kelly asked if there were any signs or notices posted to help people learn about transportation services. Ms. Koester said she had not asked Mr. Ringle, the Warming Shelter manager, about that specifically. She said there were regular places the van stopped, and locations they regularly checked.

Ms. Adkison asked about a comparison in usage between RLC and Thane Warming Shelters. Ms. Koester said that RLC had up to 77 people utilizing bed services. She said she did not know what the average usage was, but suspected it was less than 77.

Ms. Hale asked if JPL is doing more drive throughs in the Thane area and if any issues have been reported. Ms. Koester said they have not been alerted to any issues.

‘Wáahlaal Gídaag asked if the Systemic Racism Review Committee (SRRC) reviewed this ordinance. Ms. Koester said that the SRRC has a process to forward comments to the Assembly, and that process was not activated.

Ms. Woll asked what the perspective of staff and service providers was about the location of the Thane Warming Shelter. Ms. Koester said that CBJ has been in contact with various organizations which have all been overwhelming supportive of Thane as an alternative.

Ms. Woll asked for a brief at-least to review the petition. *The Assembly took a 5 minute at-ease.*

**MOTION** by Mr. Bryson to adopt Ordinance 2023-39 A Noncode Ordinance Authorizing a Cold Weather Emergency Shelter at 1325 Eastaugh Way and asked for unanimous consent.

**Objection** by ‘Wáahlaal Gídaag. She said that running water is a basic human need, and its inaccessibility is a dealbreaker for her. She said she thought the process could have unfolded more strategically and with more planning into a way to treat human beings with basic human decency. She said that the testimony and petition make it clear to her that a lot of people are not being treated with basic human needs.

Mr. Bryson said that they do not want anyone slipping through the cracks. He said he is a board member of the Housing First Glory Hall, and that the Glory Hall is very pleased with the outcome of having the shelter and morning transportation. He said the Glory Hall has received zero complaints from their shared users.

**Roll Call Vote:**

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

**Nays:** ‘Wáahlaal Gídaag

*Ordinance 2023-39 passed, 7 yeas, 1 nay.*

**14. Ordinance 2023-35 An Ordinance Amending the Animal Control and Protection Code Related to Service Animals.**

The CBJ animal control code was revised in 2009 and included a definition for service animals. Since then, the definition of service animals under the Americans with Disabilities Act has been clarified by federal regulation. This ordinance amends the CBJ animal control code to be consistent with the amendments to federal law.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment** - None

**Assembly Action**

**MOTION** by Woll to adopt Ordinance 2023-35 An Ordinance Amending the Animal Control and Protection Code Related to Service Animals and asked for unanimous consent.

*Hearing no objection, Ordinance 2023-35 passed by unanimous consent.*

**15. Ordinance 2023-38 An Ordinance Amending the Traffic Code Relating to Impounds of Vehicles.**

This ordinance would amend Titles 72 and 36 to allow departments charged with oversight of public property to impound-in-place. Docks and Harbors has utilized this process with much success. This change lessens the burden on JPD officers and allows the City to respond to abandoned and junked vehicles in a more efficient and timely manner.

The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment** – None

**Assembly Action**

**MOTION** by ‘Wáahlaal Gídaag to adopt Ordinance 2023-38 An Ordinance Amending the Traffic Code Relating to Impounds of Vehicles and asked for unanimous consent.

*Hearing no objection, Ordinance 2023-38 passed by unanimous consent.*

**16. Ordinance 2023-14(b)(N) An Ordinance Appropriating \$50,000 to the Manager for Cruise Ship Scheduling Services; Funding Provided by Marine Passenger Fees.**

This ordinance would appropriate \$50,000 of Marine Passenger Fees for cruise ship scheduling and port agent services at two CBJ-owned cruise ship docks and one lightering facility. Cruise ship services would reduce scheduling conflicts between cruise lines and ships to improve integration, provide greater efficiency, and enhance operations for the arrival and departure of cruise ships visiting the Port of Juneau. Port agent services would include activities such as longshoring, stevedoring, and other generalized services to vessels docked at the facilities. These services would enhance visitor experiences, economic activity, vessel services, and the well-being and quality of life for Juneau residents.

The Committee of the Whole reviewed this request at the August 7, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment** – None

**Assembly Action**

**MOTION** by Ms. Adkison to adopt Ordinance 2023-14(b)(N) An Ordinance Appropriating \$50,000 to the Manager for Cruise Ship Scheduling Services; Funding Provided by Marine Passenger Fees and asked for unanimous consent.

*Hearing no objection, Ordinance 2023-14(b)(N) passed by unanimous consent.*

**17. Ordinance 2023-14(b)(O) An Ordinance Appropriating \$300,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources.**

This ordinance would appropriate \$300,000 for the Trail Improvement Capital Improvement Project for the construction of phase 1 of Juneau’s first Off-Road Vehicle (ORV) riding park. Phase 1 would construct five miles of trails through a 175-acre site contained within a larger 565-acre tract owned by the CBJ. It will likely take multiple years to build this phase, and subsequent phases will be mapped, planned, and permitted in the field. A parking lot and secure gated entry will be funded by existing funding in the CIP. The local match requirement will be met through previously appropriated funds in the CIP.

The Planning Commission reviewed this request at the January 17, 2023 meeting. The Parks and Recreation Advisory Committee reviewed this request at the April 4, 2023 meeting. The Lands, Housing and Economic Development Committee reviewed this request at the June 12, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment** – None

**Assembly Action**

**MOTION** by Mr. Kelly to adopt Ordinance 2023-14(b)(O) An Ordinance Appropriating \$300,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Natural Resources and objected for purposes of a question.

Mr. Kelly asked what the neighbors' opinion on this ordinance was. Mr. Schaaf said there was a tremendous amount of public process on this project over the years. He said that one of the benefits of the site is that the nearest home is 2.5 miles away. He said the parcel otherwise has no abutting neighbors except for the US Forest Service. He said that in addition to the normal abutters notice, they also posted signs on Glacier Highway, held public meetings via zoom, and posted signage around town. He said the comments they received were positive, with no one specifically objecting to this location. Mr. Kelly asked about environmental impacts of the park. Mr. Schaaf said that as a city project they are not required to do an environmental analysis for a project like this. He said that because this grant was federally funded, there was additional layers of environmental review that they went through, including consultations with NOAA, National Marine Fisheries Service, Fish and Game, and the State Historical Preservation Office. He said they also secured wetland permits from the US Army Corps of Engineers and completed a wetland delineation. He said the objections of all agencies they have consulted with have already been addressed. Mr. Kelly removed his objection.

*Hearing no objection, Ordinance 2023-14(b)(O) passed by unanimous consent.*

Mr. Bryson said this has been 20 years in the making and thanked all the organizations involved. Ms. Hale said this came up at her very first Parks and Recreation Advisory Committee meeting and it has remained a high priority for them every since. She said this is going to serve a segment of the population not served by other Parks and Recreation facilities.

**18. Ordinance 2023-14(b)(P) An Ordinance Appropriating \$28,000 to the Manager for Increased Monitoring Services at Suicide Basin; Funding Provided by General Funds.**

This ordinance would appropriate \$28,000 for increased United States Geological Survey (USGS) monitoring services at Suicide Basin. The August 2023 flood event substantiated the need for advanced monitoring at Suicide Basin. This request would increase annual USGS flood monitoring from \$7,000 to \$35,000. This additional funding would contribute toward the installation of additional cameras and a laser stage sensor at Suicide Basin, helicopter time to access the equipment, and USGS staff time collecting and interpreting data.

The Committee of the Whole reviewed this request at the August 28, 2023 meeting. The Public Works and Facilities Committee reviewed and recommended this request at the September 18, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance at its meeting on October 24, 2023.

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

**Public Comment** – None

**Assembly Action**

**MOTION** by Mr. Smith to adopt Ordinance 2023-14(b)(P) An Ordinance Appropriating \$28,000 to the Manager for Increased Monitoring Services at Suicide Basin; Funding Provided by General Funds and asked for unanimous consent.

*Hearing no objection, Ordinance 2023-14(b)(P) passed by unanimous consent.*

**M. UNFINISHED BUSINESS**

**19. Potential Reconsideration Item: Resolution 3040(b) A Resolution Regarding the Allocation of the Hotel-Bed Tax.**



The Assembly considered this resolution at its meeting on October 23, 2023. After the Assembly amended this resolution, the resolution failed to receive enough votes for adoption. Assemblymember Smith gave notice of reconsideration.

This resolution would instruct the Assembly to provide funding priorities for use of the hotel bed tax to the City Manager, which should include allocation of the 2% temporary tax to Centennial Hall improvements. The Manager would then present the budget recommendations considering hotel bed tax revenues and the needs of the community and visitors. This affords the greatest flexibility for the Assembly to meet community needs, address the volatility in the revenue stream, and provide greater budgeting stability for Centennial Hall operations and Travel Juneau’s tourism promotion.

The Assembly Finance Committee reviewed this request at the August 2, 2023, and September 6, 2023, meetings.

**Assembly Action**

Attorney Palmer outlined the legal process for reconsideration for the Assembly.

**MOTION** by Mr. Smith that the Assembly reconsider Resolution 3040(b) A Resolution Regarding the Allocation of the Hotel-Bed Tax.

In speaking to his motion, Mr. Smith said after hearing and listening to the debate, he wanted to bring an amendment regarding affordable housing forward, if they did decide to reconsider. He said that with the amendment, they would hopefully get the Assembly to find support on the resolution.

*Hearing no objection, the motion to reconsider Resolution 3040(b) passed by unanimous consent.*

**Amendment #2**

**MOTION** by Mr. Smith to amend Resolution 3040(b) in Section 2 to add the words “and affordable housing” to the sentence that currently reads “The City and Borough of Juneau Assembly will provide funding priorities for use of the nine percent (9%) HBT to the Manager at the beginning of each budget year, which should include allocating the 2% temporary tax to Centennial Hall Improvements as expressed by the voters in 2019, as well as stable and adequate funding for Tourism Promotion and Centennial Hall Operations, and affordable housing.” and asked for unanimous consent.

In speaking to his motion, Mr. Smith said he hopes the Assembly can decide the numbers and percentages during the budget process, but that this provides general guidance to the City Manager for priorities.

**Objection** by Mr. Bryson for the purpose of a question. Mr. Bryson asked if this would provide stability and consistent funding for Travel Juneau. Ms. Koester said that from her perspective this amendment clarifies that the highest priorities from the Assembly for this revenue are tourism promotion, Centennial Hall operations, and affordable housing. She said that the resolution leaves the judgement of how to split it up to the City Manager at the time of the budget, because priorities might change. She said affordable housing has been a high priority for a long time and she does not anticipate that changing any time soon. Mr. Bryson removed his objection.

**Objection** by Ms. Woll for purposes of a statement. She said she wanted to apologize to the body. She said normally objects to something she should offer an improvement and she did not know that her objection at the last meeting would result in the resolution failing. She said it is not perfect, but it is better than before and thanked Mr. Smith for improving it on her behalf. She removed her objection.

*Hearing no further objection, Resolution 3040(b) as amended, passed by unanimous consent.*

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

There are 14 property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

**The City Manager recommends the Assembly act on each of these applications individually.**

**MOTION** by Ms. Hale to accept Ioanna Manolakaki, John Sweeny, Michael Audap, Paul Simpson, Paula Terrel, Roy Carte, Verdi Brogdon, Monica Ritter, Nancy Barnes, Mark Riederer, Sana Efrid, Stephen Iha, Donald Howell, and Randy Little for the Hardship or Late File Senior and Disabled Veteran Exemption List and refer them to the Assessor's for action and asked for unanimous consent.

*Hearing no objection, motion passed.*

**O. STAFF REPORTS**

**21. October 3, 2023 Regular Municipal Election Report**

This report was included in the October 23, 2023 Assembly Reorganizational meeting packet but due to limited time during that meeting, it was continued to this agenda.

Ms. McEwen provided some statistics about the October 3, 2023 election.

Ms. Hale asked for a rough idea for the cost of running a by-mail election compared to a precinct election. Ms. McEwen said that in 2019, the last year that they ran a precinct-based election, staff were able to borrow voting equipment from the State of Alaska Division of Elections. She said that using that borrowed equipment, it cost around \$40,000 to run an election. Ms. McEwen said that for the by-mail elections it cost approximately \$100,000 to conduct the election, with an additional \$40,000 being put aside annually for future equipment. Ms. Hale said that she believed that the State no longer lent out election equipment. Ms. McEwen said that was correct, and that if the city wanted to do precinct-based elections, they would need to purchase new equipment.

Mr. Bryson said the Assembly has determined that Juneau would be a by-mail municipality. He said he has been approached by citizens asking if it could revert to precinct-based elections. He asked what it would take for the Assembly to revisit precinct-based elections. Ms. McEwen said that by-mail voting language has been in the code since 2007, but required the Assembly to make a motion to hold the election by-mail each year. She said that did not happen until 2020, when the Municipality of Anchorage offered their services; she noted that CBJ did not have to pay MOA staff for their help. She said that this year, 2023, the Assembly voted to make by-mail the default, and the Assembly would have to pass a motion to hold a precinct-based election. She said that if the Assembly wanted to have a precinct-based election, staff would need enough lead time and budget to purchase new precinct voting election equipment. She said by-mail and precinct-based voting equipment differs, and you cannot do a hybrid of the two.

Mr. Kelly asked if there were long lines to vote on Election Day and if anyone was still voting past 8:00pm. Ms. McEwen said that there were lines on Election Day at the two Vote Centers and some people had to wait between 35-40 minutes, and that only one or two people were in line at 8:00pm when the polls closed. She noted that people who are in line at 8:00pm are still legally able to vote.

Mr. Smith said that 168 ballots were rejected this year and asked how that number compared to precinct-based voting. Ms. McEwen said that in precinct-based elections people who aren't registered, do not have an ID, or have another issue vote a "questioned" ballot which is reviewed later by staff. She said she did not have numbers for how many were rejected, but that it fluctuated over the years.

Ms. Woll asked if staff received feedback from the public about the voting process. Ms. McEwen said that they have received comments from some individuals that felt very passionately that the option they wanted to use was not available in the way they wanted to use it. She said that most people who called the election call center were able to find an option that worked for them. She said about 6 to 10 people per year are traveling somewhere in the world or off-grid through the entire time that ballots were available and could not necessarily take advantage

of the various voting options. She noted that has been the case every year regardless of how the election was conducted.

Mayor Weldon asked about what ‘challenged’ means and how to cure a ballot. Ms. McEwen said that a ballot might be challenged in a variety of ways, including the voter not registering in time, being registered in another community in Alaska, being ineligible, missing their signature or personal identifier, or their signature or personal identifier not matching the records. She said they are sent a letter in the mail with the way to cure their issue. Ms. McEwen said that ballots received after election day with no postmark or received with a postmark after election day are not able to be counted or cured. Mayor Weldon said some people are worried about their signature not matching because it has changed over time and asked how a person can cure that. Ms. McEwen said that staff encourage people to sign the same way as their driver’s license or voter registration form. She said for people who do not match, the cure letter received in the mail will allow them to fix this problem, and that the signature is then kept for the following year, so hopefully they will not have the same issue again.

**P. ASSEMBLY REPORTS**

**Mayor's Report**

The mayor said that at a previous meeting they used a “thumbs up/thumbs down” method for indicating where they wanted future tourism levels to be. Mayor Weldon asked each member of the Assembly to verbalize their position.

Mayor Weldon said there were a record number of cruise ship tourists this year and there was tension in the community. She said that her “maintain” signal was based on the fact that there will be lower rates of visitation in 2024 with the 5-ship limit and a reduction of hot berthing and infrastructure projects in Eaglecrest. Ms. Hughes-Skandijis provided her response to the Mayor ahead of time, which was read out during the meeting; “We had a tourism taskforce based on 1.3 million visitation numbers. Then without any significant developments in managing those tourists, we went up to 1.6 million. The seasons get longer, the numbers grow, and the impact on the ground is too great. If you are giving blunt direction on this point to reduce or maintain, the clear answer is reduce.”

Ms. Hale said she voted to reduce, as she heard from people she had never heard from before that this year had too many tourists. She said she believed that 2024 and 2025 are projected to have approximately 1.6 million visitors. She said they are sending a message to industry that this year was rough, and impacts need to be ameliorated. She said she was not looking at huge decreases but is looking for tools in the toolbox that would allow the Assembly to take action if needed.

Mr. Smith said he voted to maintain. He said that moving forward peak days will decrease, and that the industry and the community know ways to better manage tourism. He explained that it is not 1.6 million people in a year that causes a problem, rather, it is whale watching boats with too much wake, too much traffic, and pinch points at Thane that are issues that affect people’s day to day life, and so a reduction in peak will help reduce impacts on residents. He said he hopes that the Assembly pursue things that reduce negative impacts on residents

Mr. Kelly stated that he would like to see a level of tourism that Juneau’s infrastructure can handle. He relayed that, when he was campaigning, people said they have trouble navigating downtown, fishers are having difficulty going out of Statter Harbor, and residents are not able to enjoy favorite hiking trails because they are too crowded. He said he would like to see more independent travelers and a year-round revenue stream, and that Juneau shouldn’t rely on one sector of the tourism industry.

Ms. Adkinson spoke on her vote to decrease tourism levels. She said she has heard comments that the local impacts are severe, and that it is not so much a numbers issue, but rather a capacity and infrastructure issue. She stressed that it is important to look at the long-term health of the tourism industry, and that when visitors come, they are having a good time and Juneau remains a place people want to come to. She elaborated that she is not suggesting decreasing levels forever, but rather, decreasing levels until they are better able to manage the tour numbers.

‘Wáahlaal Gídaag voted decrease with a lean toward maintaining. She pointed to congestion over the summer, which she heard from both Juneau residents as well as friends getting off cruise ships. Many people who rode the tram up had trouble getting off in time before their boat left, as an example. She echoed Ms. Adkinson’s comments that the reduction is not forever, just enough to get congestion more controlled.

Ms. Woll said she voted down because she wants to know what the tools and options there are for the future. The Assembly can’t just say “1.3 million” or “1.5 million” and make it so.

Mr. Bryson explained that that there are only two directions the assembly can take with the tour industry: either encouraging and supportive, or discouraging. He said he is okay with managing to reduce the impacts of tourism, which is being worked towards as a member of the Visitor Industry Task Force. Having boats in Juneau longer because they’re not hot birthing and agreed to the five-ship limit will then allow for time to go on tours. Every tourist that the Assembly says cannot go on the ship is an impact on the local businesses. He pointed out that the task force addressed what restrictions on tourism would look like and what could be legally done, and Mr. Plamer provided 15 reasons why Juneau is not allowed to put limitations on boats that come one being that the city cannot reduce tourism and impact your revenue stream while they have a loan out on the 16b docks. He urged that levels stay flat because it means the cruise ships are full and tour operators would have a better time fulfilling tour requests.

Mayor Weldon returned to her mayor’s report. She attended Vic Fisher’s funeral in Anchorage yesterday and paraphrased a quote of his: “the best thing you can do for your community is vote, vote, vote.” She suggested to staff that, after speaking with Capital City Fire Rescue, they investigate making a position that is non-trained with the aim to train a person up, send them to the academy, and enroll them EMT classes.

**Committee and Liaison Reports**

**Assembly Committee of the Whole (COW)** Chair Hale reported that the committee met on November 6 and were presented CBJ efforts on the Mendenhall River flooding. They forwarded the hazard maps ordinance to the full assembly, which will be open to public comment on December 11. There were also tourism updates.

**Assembly Finance Committee (AFC)** Chair Woll shared that the committee forwarded an ordinance updating procurement policies, which was introduced tonight, as well as discussed community grants. She said the next meeting on November 29 is scheduled earlier than normal so that it is a few days before the retreat, with the focus being retreat prepping.

**Public Works and Facilities Committee (PWFC)** Chair Bryson recounted the November 6 meeting had a long agenda, with most of the items having been passed tonight.

**Human Resources Committee (HRC)** Chair Smith said there are no appointments tonight. He relayed that the committee heard about a new process available where local communities can petition the Alcoholic Beverage Control Board for additional restaurant and eating place licenses; this is part of a rewrite that passed in the state legislature that granted this new power to local governments. He said they heard from the city attorney about an ordinance establishing a Juneau Whistleblower Act, which was forwarded to the full Assembly, as well as another ordinance clarifying the appointment of an assembly member due to a mid-term vacancy, also forwarded to the full Assembly. Empowered board interviews for the Planning Commission and the Bartlett Regional Hospital Board are coming up, as those terms end December 31.

Ms. Woll advised members that the finance committee’s meeting may be earlier going forward. She reported that the Chamber of Commerce did not meet this month because they are changing offices but will be holding a retreat at the end of the month. The Eaglecrest board met two weeks ago, who said they are actively recruiting staff.

‘Wáahlaal Gídaag relayed that the Airport Board discussed the second crossing and have issue with any crossing that may interfere with airport traffic. A letter from the board regarding this matter is forthcoming.

Ms. Adkinson said the Docks & Harbors Board met and discussed the barrier on the Docks, which was forwarded to the full Assembly. The Juneau Commission on Sustainability held a forum on composting.

Mr. Kelly reported that the Planning Commission met and considered a conditional use permit for a new multi housing family development and will continue to discuss it at their December 12 meeting. Tomorrow they are considering a request by the Douglas Indian Association about their learning center. He advised that the commission is cancelling two of their future meetings, November 28 and December 26. The School Board Finance Committee met on November 7 and reviewed their audit report, which had four findings, one regarding the changing of accounting standards, another having to do with city charter appropriation authority, as well as a medical billing issue and student data reporting issue. The Emergency Planning Committee discussed everything the city is doing regarding glacial outburst floods, and the Red Cross talked about their Real Hero awards closing nominations December 11. There was also a report from the Alaska Department of Transportation and Public Facilities about public LIDAR maps of the Mendenhall Valley, and about their drone program; they are considering using drones for avalanche mitigation.

Mr. Smith relayed that the Board of Education met and swore-in new members and elected Deedie Sorenson as President, Emil Mackey as Vice President, and Will Muldoon as Clerk. Enrollment is down 82 students below projections. He said they are expecting to deal with a \$2 million deficit.

Ms. Hale shared that she represented CBJ in the Heritage Way renaming ceremony. She said she attended the Parks and Recreation Advisory Council’s meeting, and they talked about permits for non-commercial uses, a new naming policy, their capital improvement project list, and their legislative capitol priorities list.

Mayor Weldon recalled that the Lands, Housing, and Economic Development Committee received a report from the Affordable Housing Fund Committee. There were two projects that rose to the top. She said Mr. Smith has put forward an ordinance for \$1.6 million to add to the fund so they can do the two projects. She reminded members that the legislative reception is on January 16.

**Presiding Officer Reports**

**Q. ASSEMBLY COMMENTS & QUESTIONS** – None.

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

**S. EXECUTIVE SESSION**

**22. Litigation Strategy.** The Municipal Attorney recommends the Assembly recess into executive session to discuss pending CBJ litigation, specifically a candid discussion of the facts and litigation strategies with the municipal attorney.

Ms. McEwen noted that once the Assembly goes into Executive session, the Zoom portion and recording of the meeting will be ended.

**Motion** by Ms. Hale to enter into Executive Session to discuss matters, the immediate knowledge of which could have an adverse effect on the finances of the city, specifically a litigation update. There being no members from the public or the Assembly objecting to that motion, the Assembly recessed into Executive Session at 9:43p.m.

**T. SUPPLEMENTAL MATERIALS**

**23. Cold Weather Emergency Shelter – 2023**

**U. ADJOURNMENT**

Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Signed: \_\_\_\_\_  
Beth A. Weldon, Mayor

# SPECIAL ASSEMBLY MEETING 2024-15 (AIRPORT, EAGLECREST, DOCKS/HARBORS BOARD APPOINTMENTS) MINUTES



July 02, 2024 at 8:30 PM - **DRAFT**

Zoom Webinar (immediately following HRC meeting)

8:30pm start time is approximate, meeting will start immediately following adjournment of the Full Assembly sitting as the Human Resources Committee

<https://juneau.zoom.us/j/95241164899> or 1-253-215-8782 Webinar ID: 952 4116 4899

## A. CALL TO ORDER

Mayor Weldon called Special Assembly Meeting 2024-15 for Empowered Board appointments, held via Zoom, to order at 8:53 p.m.

## B. ROLL CALL

**Assemblymembers Present:** Mayor Beth Weldon, Greg Smith, Wade Bryson, Christine Woll, ‘Waahlaal Gídaag, Ella Atkison and Paul Kelly

**Assemblymembers Absent:** Michelle Hale and Alicia Hughes-Skandijs

**Staff/Others:** Deputy Municipal Clerk Di Cathcart

## C. AGENDA TOPICS

### 1. Docks & Harbors Board Appointments

**MOTION:** by Assembly Human Resources Committee Chair, Greg Smith for the Assembly to take the following action for the Docks and Harbors Board, to reappoint James ‘Jim’ Becker and Matthew Leither and to appoint Nicholas Orr all to full terms beginning July 1, 2024, and ending June 30, 2027; and to appoint Claton Hamilton and Thomas ‘Tyler’ Emerson both to unexpired terms beginning immediately and ending June 30, 2026, and asked for unanimous consent. **Hearing no objection, motion passed unanimously.**

### 2. Airport Board Appointments

**MOTION:** by Assembly Human Resources Committee Chair, Greg Smith for the Assembly to take the following action for the Airport Board, to reappoint Danial Spencer, to a general public seat, and to appoint Charles Williams, to a tenant/public seat, both to full terms beginning July 1, 2024, and ending June 30, 2027; and asked for unanimous consent. **Hearing no objection, motion passed unanimously.**

### 3. Eaglecrest Board Appointments

**MOTION:** by Assembly Human Resources Committee Chair, Greg Smith for the Assembly to take the following action for the Eaglecrest Board, to reappoint Michael Satre and Hannah Shively both to full terms beginning July 1, 2024, and ending June 30, 2027; and to appoint Brandon Cullum to an unexpired term beginning immediately and ending June 30, 2025, and asked for unanimous consent. **Hearing no objection, motion passed unanimously.**

## D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

E. **ADJOURNMENT** - *There being no further business before the Assembly, meeting adjourned at 8:55 p.m.*

Signed: \_\_\_\_\_  
Diane Cathcart  
Deputy Municipal Clerk

Signed: \_\_\_\_\_  
Beth Weldon  
Mayor

Presented by: The Manager  
Presented: 7/29/2024  
Drafted by: S. Layne

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2024-27**

**An Ordinance Authorizing the Manager to Execute a Lease of the Mayflower Building located at 750 Saint Ann’s Ave to the Juneau Montessori School, an Alaskan Non-Profit Corporation.**

WHEREAS, the Juneau Montessori School (“Montessori”) is a non-profit organization (Entity #34833D) providing education to the children of the City and Borough of Juneau; and

WHEREAS, Montessori has been leasing property for its school from the City and Borough since 1992; and

WHEREAS, pursuant to Ordinance 2008-37, the City and Borough executed a lease with Montessori allowing for Montessori’s use of the Mayflower Building and an additional 14,816 square feet of Lots 12 and 25 of Block 32 of the Tye 2<sup>nd</sup> Millsite Addition, Douglas Townsite with an address of 750 Saint Ann’s Ave; and

WHEREAS, Ordinance 2014-44 authorized the continuation of the lease to Montessori for up to 10 years; and

WHEREAS, the fair market rental value of the proposed lease premises is \$3,255 per month; and

WHEREAS, CBJC 53.09.270(b) authorizes the lease of City and Borough property to a private, nonprofit corporation at less than fair market value provided the lease is approved by the Assembly and the property to be leased is used for the purpose of providing a service to the public that could or should reasonably be provided by the state or the City and Borough; and

WHEREAS, the Lands, Housing, and Economic Development Committee reviewed this lease request at the April 15, 2024, meeting and provided a motion of support to the full Assembly to continue leasing the property to Montessori for less than fair market with the increased rate of \$2,200 per month.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is a noncode ordinance.

**Section 2. Authorization.** The manager is authorized to negotiate and execute a lease with Montessori of approximately 5,086 square feet of space known as the Mayflower Building and 14,816 square feet of Lots 12 and 25 of Block 32 of the Tyee 2<sup>nd</sup> Millsite Addition, Douglas Townsite as shown on Exhibit A, subject to the following essential terms and conditions:

(A) Term. The lease term shall be for a period of five years.

(B) Renewal Options. The manager may negotiate any number of lease term extensions, provided that the extensions total no more than five additional years after the original lease term.

(C) Adjustment of Rental. The City and Borough may adjust the rent to reflect changes in fair market value at the time each renewal option is exercised, except the Assembly must approve any adjustment that results in a rental amount at less than fair market value.

(D) Use of Premises. Montessori shall use the leased premises solely for the operation of an elementary school and day care facility.

(E) Hold Harmless. The lease agreement shall provide that Montessori indemnify, defend, and hold harmless the City and Borough, its officers, volunteers, and employees for any claim related to or arising out of Montessori’s use, operation, or maintenance of the leased premises.

(F) Rent. Consistent with CBJC 53.09.270(b), rent shall be \$2,200 per month, an amount less than the fair market value, for the initial five-year term.

(G) Other terms and conditions. The manager may include other lease terms and conditions as the manager determines to be in the public interest.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



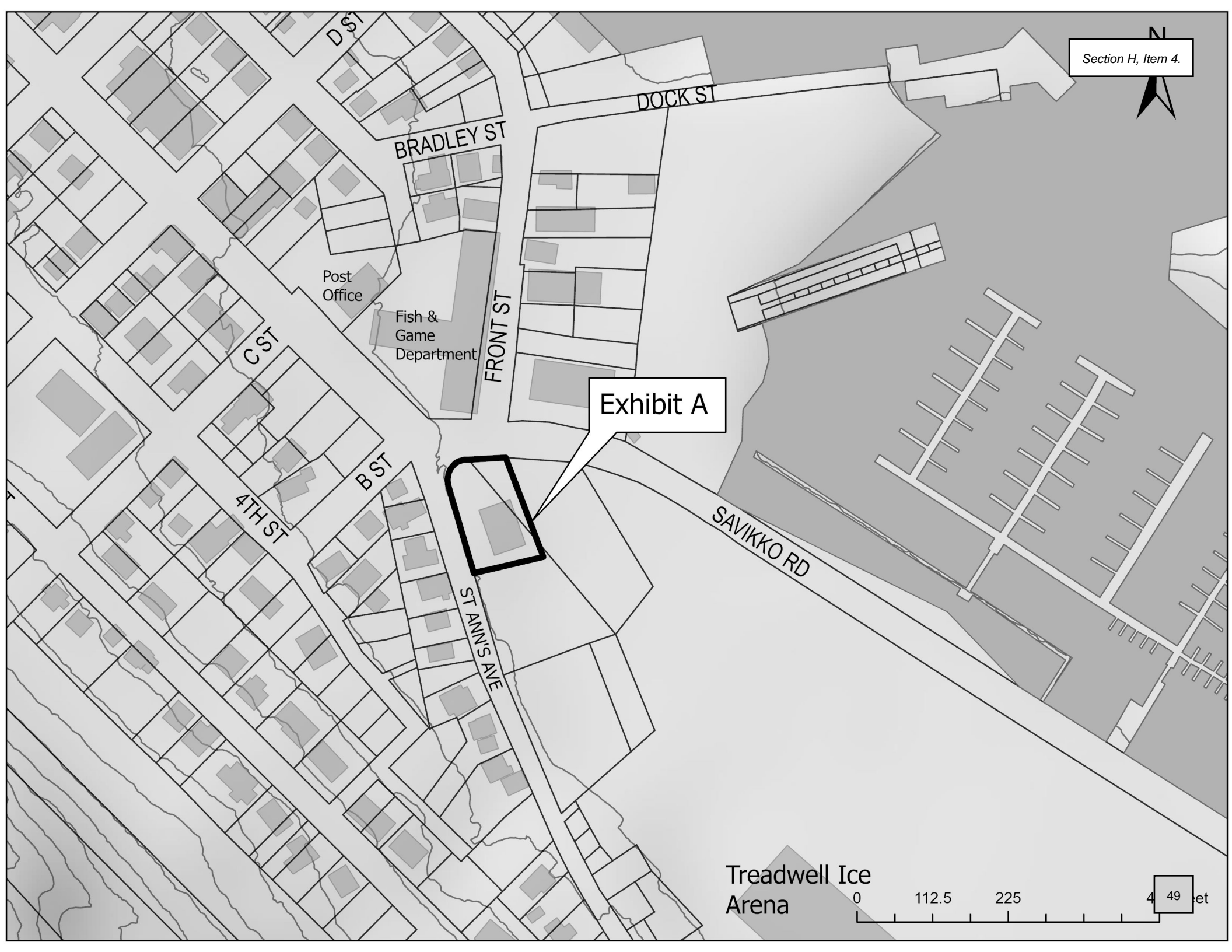
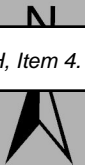
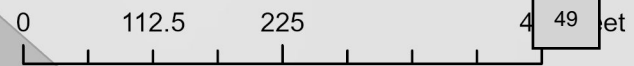
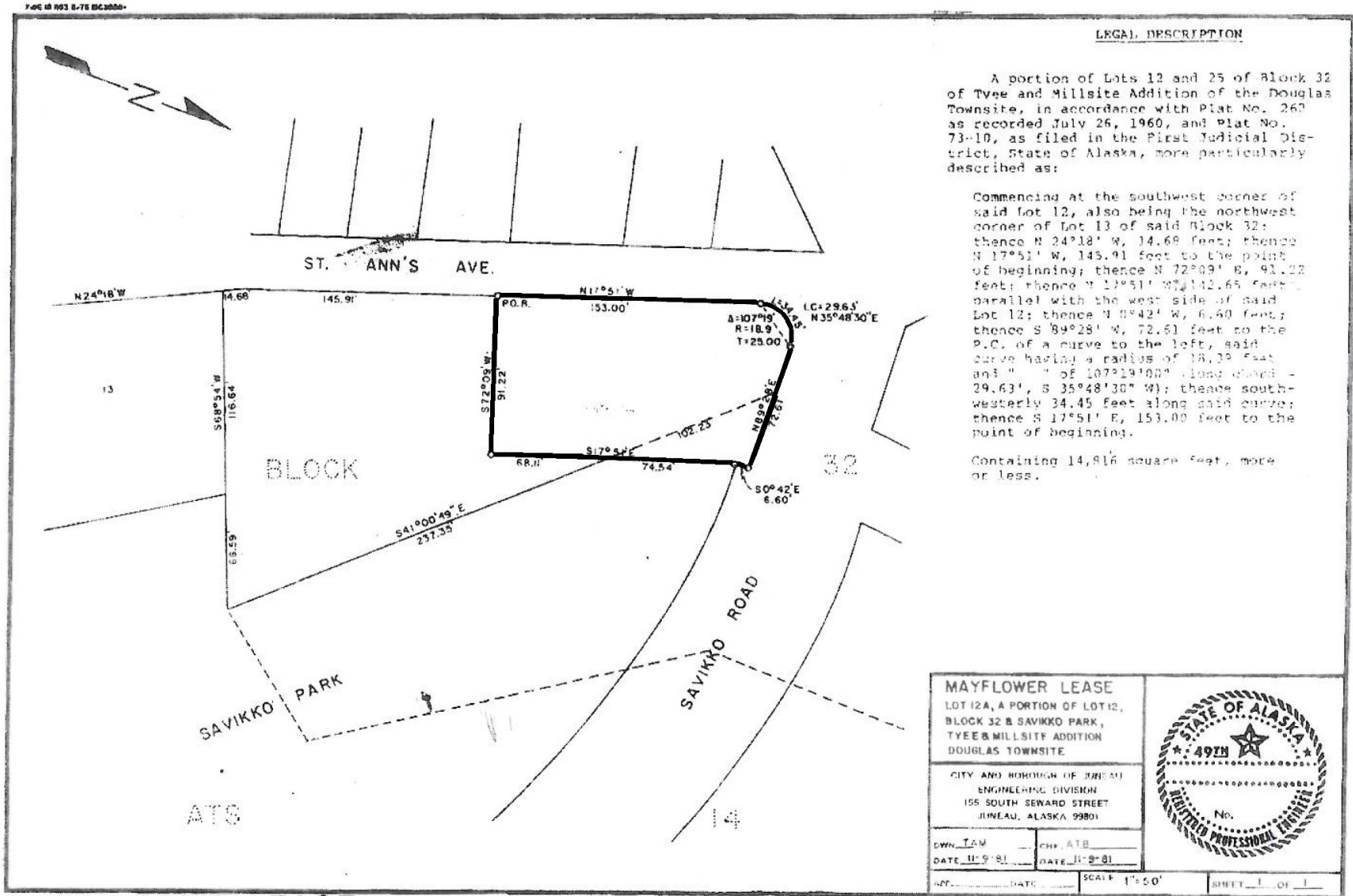


Exhibit A

Treadwell Ice  
Arena





MAYFLOWER LEASE EXHIBIT A      CBJ Ordinance No. 2014-44

Presented by: The Manager  
Introduced: July 29, 2024  
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,  
ALASKA

SERIAL NUMBER T-2501

It is hereby ordered by the Assembly of the City and Borough of Juneau,  
Alaska, that \$125,264 be transferred:

From: CIP

W75-077	Aurora Vault Removal	\$ (100,000)
W75-068	Douglas Water System Assessment	\$ (25,264)

To: CIP

W75-071	Water Pipeline Assessment	\$ 125,264
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The \$125,264 consists of:

Water Funds	\$ 125,264
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Moved and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Katie Koester, City Manager

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

July 1, 2024

From: Alcohol.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: Alaska Cache Liquor DBA: Alaska Cache Liquor Inc VIA email: akcacheliqor@gmail.com CC: Local Government 1: City and Borough of Juneau Local Government 2: Via Email: di.cathcart@juneau.gov; city.clerk@juneau.gov;

Community Council: Via Email:

Re : Package Store License #271 Combined Renewal Notice

Table with 2 columns: Field Name, Value. Rows include License Number (#271), License Type (Package Store License), Licensee (Alaska Cache Liquor), Doing Business As (Alaska Cache Liquor Inc), Physical Address (156 S Franklin Street), and Phone Number (907-723-7717).

[X] License Renewal Application [ ] Endorsement Renewal Application

Dear Licensee:

Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to the local governing body(ies), your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body(ies) will have 60 days to protest the renewal of your license.

Your application will be scheduled for the **June, 25<sup>th</sup> 2024** board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

Please feel free to contact us through the [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov) email address if you have any questions.

**Dear Local Government:**

We have received completed renewal applications for the above listed licenses within your jurisdiction. This is the notice required under AS 04.11.480. A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license with one or more endorsement, or issuance of an endorsement by sending the director and the applicant a protest and the reasons for the protest in a clear and concise statement within 60 days of the date of the notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer.

To protest any application(s) referenced above, please submit your written protest for each within 60 days to AMCO and provide proof of service upon the applicant and proof that the applicant has had reasonable opportunity to defend the application before the meeting of the local governing body.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

**Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)**

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This letter serves to provide written notice to the above referenced entities regarding the above application, as required under AS 04.11.310(b) and AS 04.11.525.

Please contact the local governing body with jurisdiction over the proposed premises for information regarding review of this application. Comments or objections you may have about the application should first be presented to the local governing body.

If you have any questions, please email [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov)

Sincerely,



Joan M. Wilson, Director  
907-269-0350



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

June 17, 2024

From: Alcohol.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: Alaska Sustainable Seafoods, LLC DBA: Deckhand Dave's VIA email: davidmccasland907@gmail.com Local Government 1: Juneau Borough Local Government 2: Juneau Via Email: di.cathcart@juneau.gov; city.clerk@juneau.gov Community Council: N/A Via Email: N/A

RE: Restaurant or Eating Place License #5482 Combined Renewal Notice

Table with 2 columns: Field Name, Value. Fields include License Number (5482), License Type (Restaurant or Eating Place), Licensee (Alaska Sustainable Seafoods, LLC), Doing Business As (Deckhand Dave's), Physical Address (356 South Franklin Street), Designated Licensee (David McCasland), Phone Number (907-957-2212), and Email Address (davidmccasland907@gmail.com).

[X] License Renewal Application [ ] Endorsement Renewal Application

Dear Licensee:

Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to the local governing body(ies), your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body(ies) will have 60 days to protest the renewal of your license.

Your application will be scheduled for the June 25th, 2024, board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The

board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

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We have received completed renewal applications for the above listed licenses within your jurisdiction. This is the notice required under AS 04.11.480. A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license with one or more endorsement, or issuance of an endorsement by sending the director and the applicant a protest and the reasons for the protest in a clear and concise statement within 60 days of the date of the notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer.

To protest any application(s) referenced above, please submit your written protest for each within 60 days to AMCO and provide proof of service upon the applicant and proof that the applicant has had reasonable opportunity to defend the application before the meeting of the local governing body.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

**Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)**

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This letter serves to provide written notice to the above referenced entities regarding the above application, as required under AS 04.11.310(b) and AS 04.11.525.

Please contact the local governing body with jurisdiction over the proposed premises for information regarding review of this application. Comments or objections you may have about the application should first be presented to the local governing body.

If you have any questions, please email [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov)

Sincerely,



Joan M. Wilson, Director  
907-269-0350





June 17, 2024

Juneau, City and Borough

VIA Email: [di.cathcart@juneau.gov](mailto:di.cathcart@juneau.gov); [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov)

<b>License Type:</b>	Restaurant or Eating Place	<b>License Number:</b>	5482
<b>Licensee:</b>	The Crepe, LLC		
<b>Doing Business As:</b>	The Wagon		
<b>Premises Address</b>	3038 Clinton Drive		

From: Alaska Sustainable Seafoods, LLC 100% 356 S. Franklin Street, Juneau To: The Crepe, LLC 100% 3038 Clinton Drive, Juneau

- New Application
  Transfer of Ownership Application  
 Transfer of Location Application
  Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



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Presented by: The Manager  
Presented: 06/17/2024  
Drafted by: E. Wright

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**  
**Serial No. 2024-11**

**An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 750, for the Purpose of Waterfront Commercial Activities.**

WHEREAS, on June 30, 1969, the State of Alaska entered into a lease agreement with J.E. Trucano (“the Applicant”) for ATS 750 for a period of 55 years with the annual rental rate of \$75.00; and

WHEREAS, in 2001, the State of Alaska conveyed ATS 750 to the City and Borough of Juneau, and transferred the administration of the lease to the City and Borough; and

WHEREAS, the lease expires in June, 2024; and

WHEREAS, Trucano Family LLC, the successor to J.E. Trucano, now desires to enter into a new lease agreement with the City and Borough of Juneau for the lease of ATS 750, containing approximately .426 acres; and

WHEREAS, the Docks and Harbors Board and the applicant conducted appraisals for the property to be leased; and

WHEREAS, the Docks and Harbors Board reviewed this lease proposal at its meeting on May 30, 2024, and approved the lease of ATS 750 to Trucano Family LLC, for the purpose of waterfront commercial activities, with an annual lease payment of \$11,267.00, the annual lease payment established for the first five years, with an adjustment every five years thereafter pursuant to the terms of the lease; and

1 WHEREAS, the Docks and Harbors Board is authorized in CBJC 85.02.060(a)(5) to lease  
2 lands as provided in CBJ Chapter 53.20.020 and any action required by the City Manager may  
3 be performed by the Port Director; and

4 WHEREAS, CBJC 53.20020 authorizes the lease of lands owned by the City and Borough,  
5 including tidelands and submerged lands, by ordinance under such procedures and minimum  
6 terms and conditions as set forth in the ordinance.

7  
8 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,  
9 ALASKA:

10 **Section 1. Classification.** This ordinance is a noncode ordinance.

11 **Section 2. Authorization to Lease.** The Port Director is authorized to negotiate and  
12 execute a lease to Trucano Family LLC, for ATS 750, a parcel of approximately .426 acres,  
13 located at ADL36091-ATS750, Juneau Recording District, First Judicial District, State of  
14 Alaska, as generally depicted in Exhibit "A," subject to the following minimum essential terms  
15 and conditions:

- 16 (A) The leased property shall be used by the Lessee for waterfront commercial  
17 activities;
- 18 (B) The lease shall be for a maximum term of 35 years (CBJC 53.20.080);
- 19 (C) The annual lease rent for the first five-year period of the term shall be \$11,267.00,  
20 plus sales tax. The first payment under the lease agreement shall be due at the  
21 start of each year of the term. The Port Director shall review and adjust the annual  
22 rental payment every fifth year of the lease in accordance with CBJC 53.20.190(2)  
23 and CBJC 85.02.060(a)(5), as well as Docks and Harbors administration  
24 regulations;
- 25 (D) Applicant shall be responsible for obtaining all necessary permits and approvals for  
its use and development of the leased property;
- (E) Applicant shall indemnify, defend, and hold harmless the City and Borough and its  
officers and employees for any claims related to or arising out of the Applicant's use,  
operation, or maintenance of the leased property, equipment, and improvements, or

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any further development of the leased property or improvements by the Applicant;  
and

(F) The lease shall include all provisions of the standard CBJ land lease form not in conflict with ordinance, and any other provisions that the Port Director determines to be in the public interest.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

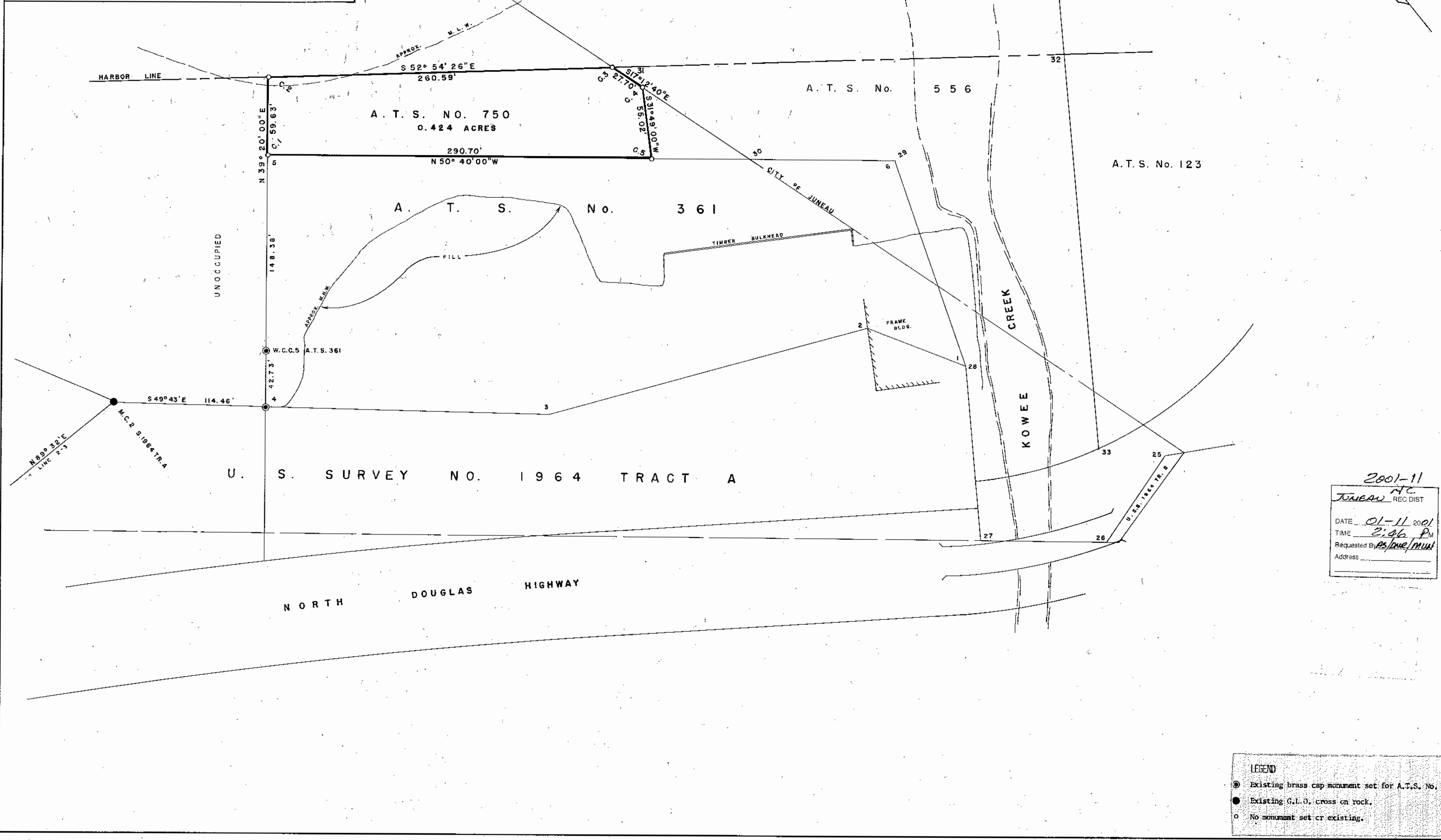
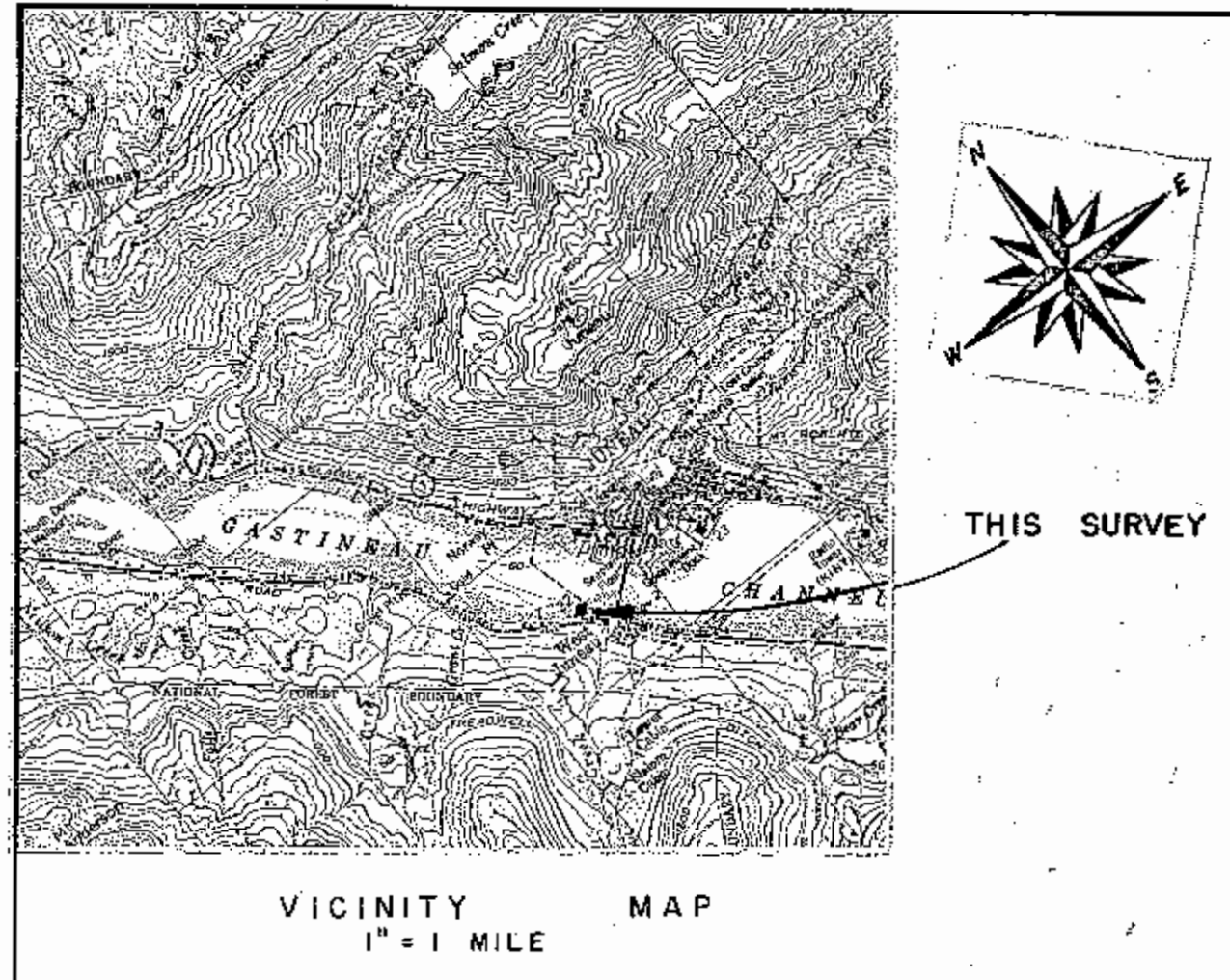
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Ordinance 2024-11 Exhibit A ATS 750



**DESCRIPTION OF A.T.S. NO. 750**

Beginning at Cor. No. 1, identical with Cor. No. 5, A.T.S. No. 361, Thence, from Cor. No. 1, by metes and bounds, N. 39° 20' 00" E., 59.65 ft., to Cor. No. 2; S. 52° 54' 26" E., 260.59 ft., to Cor. No. 3; S. 17° 12' 40" E., 27.70 ft., to Cor. No. 4; S. 31° 49' 00" W., 55.02 ft., to Cor. No. 5; N. 50° 40' 00" W., 290.70 ft., to Cor. No. 1, the point of beginning, containing in all 0.424 acres, more or less.

Latitude 58° 18' N. Longitude 134° 26' W.

**NOTE:** The origin of bearings for this survey originated between Cor. No. 3 and Cor. No. 2, MCC., USS 1964, Tract A, officially reported as N. 89° 32' E.

**LEASE APPLICANT:** J. E. Trucano  
314 Highland Drive  
Juneau, Alaska

**ENGINEER'S CERTIFICATE**

I hereby certify that I am registered to practice land surveying in Alaska and that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as located, and that all dimensional and other details are correct to the best of my knowledge.

\_\_\_\_\_  
Aug 15 1967



2001-11  
JUNEAU REC DIST

DATE 01-11 2001  
TIME 2:46 PM  
Requested By J. E. Trucano  
Address \_\_\_\_\_

**LEGEND**

- Existing brass cap monument set for A.T.S. No. 361.
- Existing G.L.O. cross on rock.
- No monument set or existing.

Plot Prepared May 12, 1967		ADL 36091	
DATE OF SURVEY	Beginning: April 21, 1967	ENDING: April 21, 1967	
TONER & NORDLING REGISTERED ENGINEERS JUNEAU, ALASKA			
ALASKA DIVISION OF LANDS STATE OF ALASKA ANCHORAGE, ALASKA			
ALASKA TIDELANDS SURVEY NO. 750 (CR 41S 67E)			
Drawn By: G. W.	Approved: [Signature]	Acting Chief Cadastral Engineer	
Date Approved:	Approved: [Signature]	Acting Director of Lands	
Scale: 1" = 40'	Checked:	File No:	ATS 750

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Presented by: The Manager  
Presented: 06/17/2024  
Drafted by: E. Wright

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**  
**Serial No. 2024-12**

**An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 842 Tracts A&B, for the Purpose of Waterfront Commercial Activities.**

WHEREAS, on August 19, 1971, the State of Alaska entered into a lease agreement with J.E. Trucano (“the Applicant”) for ATS 842 Tracts A&B for a period of 55 years with the annual rental rate of \$400.00; and

WHEREAS, in 2001, the State of Alaska conveyed ATS 842 Tracts A&B to the City and Borough of Juneau, and transferred the administration of the lease to the City and Borough; and

WHEREAS, the lease expires in August, 2026; and

WHEREAS, Trucano Family LLC, the successor to J.E. Trucano, now desires to enter into a new lease agreement with the City and Borough of Juneau for the lease of ATS 842 Tracts A&B, containing approximately 1.01 acres; and

WHEREAS, the Docks and Harbors Board and the applicant conducted appraisals for the property to be leased; and

WHEREAS, the Docks and Harbors Board reviewed this lease proposal at its meeting on May 30, 2024, and approved the lease of ATS 842 Tracts A&B to Trucano Family LLC for the purpose of waterfront commercial activities, with an annual lease payment of \$20,909.00, the annual lease payment established for the first five years, with an adjustment every five years thereafter pursuant to the terms of the lease; and

1 WHEREAS, the Docks and Harbors Board is authorized in CBJC 85.02.060(a)(5) to lease  
2 lands as provided in CBJ Chapter 53.20.020 and any action required by the City Manager may  
3 be performed by the Port Director; and

4 WHEREAS, CBJC 53.20.020 authorizes the lease of lands owned by the City and Borough,  
5 including tidelands and submerged lands, by ordinance under such procedures and minimum  
6 terms and conditions as set forth in the ordinance.  
7

8 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,  
9 ALASKA:

10 **Section 1. Classification.** This ordinance is a noncode ordinance.

11 **Section 2. Authorization to Lease.** The Port Director is authorized to negotiate and  
12 execute a lease to Trucano Family LLC, for ATS 842 Tracts A&B, a parcel of approximately  
13 1.01 acres, located at ADL51488 - ATS 842 Tracts A & B, Juneau Recording District, First  
14 Judicial District, State of Alaska, as generally depicted in Exhibit "A," subject to the following  
15 minimum essential terms and conditions:

- 16 (A) The leased property shall be used by the Lessee for waterfront commercial  
17 activities;
- 18 (B) The lease shall be for a maximum term of 35 years (CBJC 53.20.080);
- 19 (C) The annual lease rent for the first five-year period of the term shall be \$20,909.00,  
20 plus sales tax. The first payment under the lease agreement shall be due at the  
21 start of each year of the term. The Port Director shall review and adjust the annual  
22 rental payment every fifth year of the lease in accordance with CBJC 53.20.190(2)  
23 and CBJC 85.02.060(a)(5), as well as Docks and Harbors administration  
24 regulations;
- 24 (D) Applicant shall be responsible for obtaining all necessary permits and approvals for  
its use and development of the leased property;
- 25 (E) Applicant shall indemnify, defend, and hold harmless the City and Borough and its  
officers and employees for any claims related to or arising out of the Applicant's use,  
operation, or maintenance of the leased property, equipment, and improvements, or

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any further development of the leased property or improvements by the Applicant;  
and

(F) The lease shall include all provisions of the standard CBJ land lease form not in conflict with ordinance, and any other provisions that the Port Director determines to be in the public interest.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

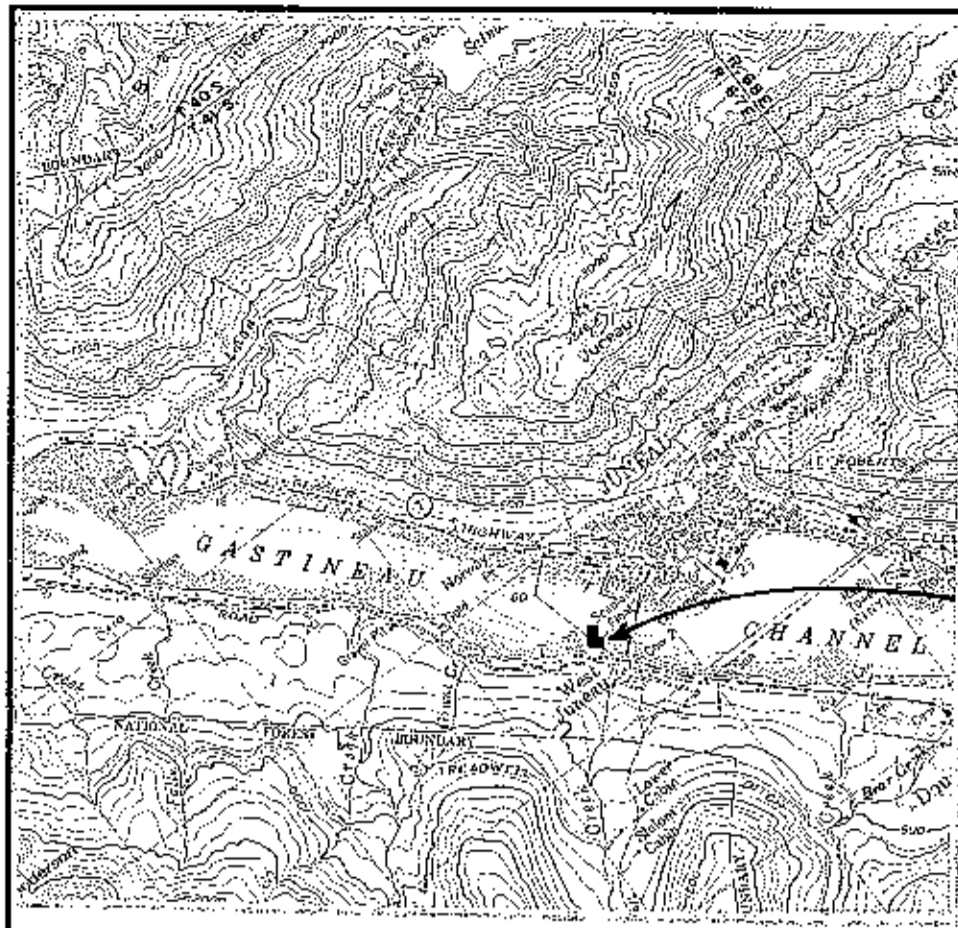
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



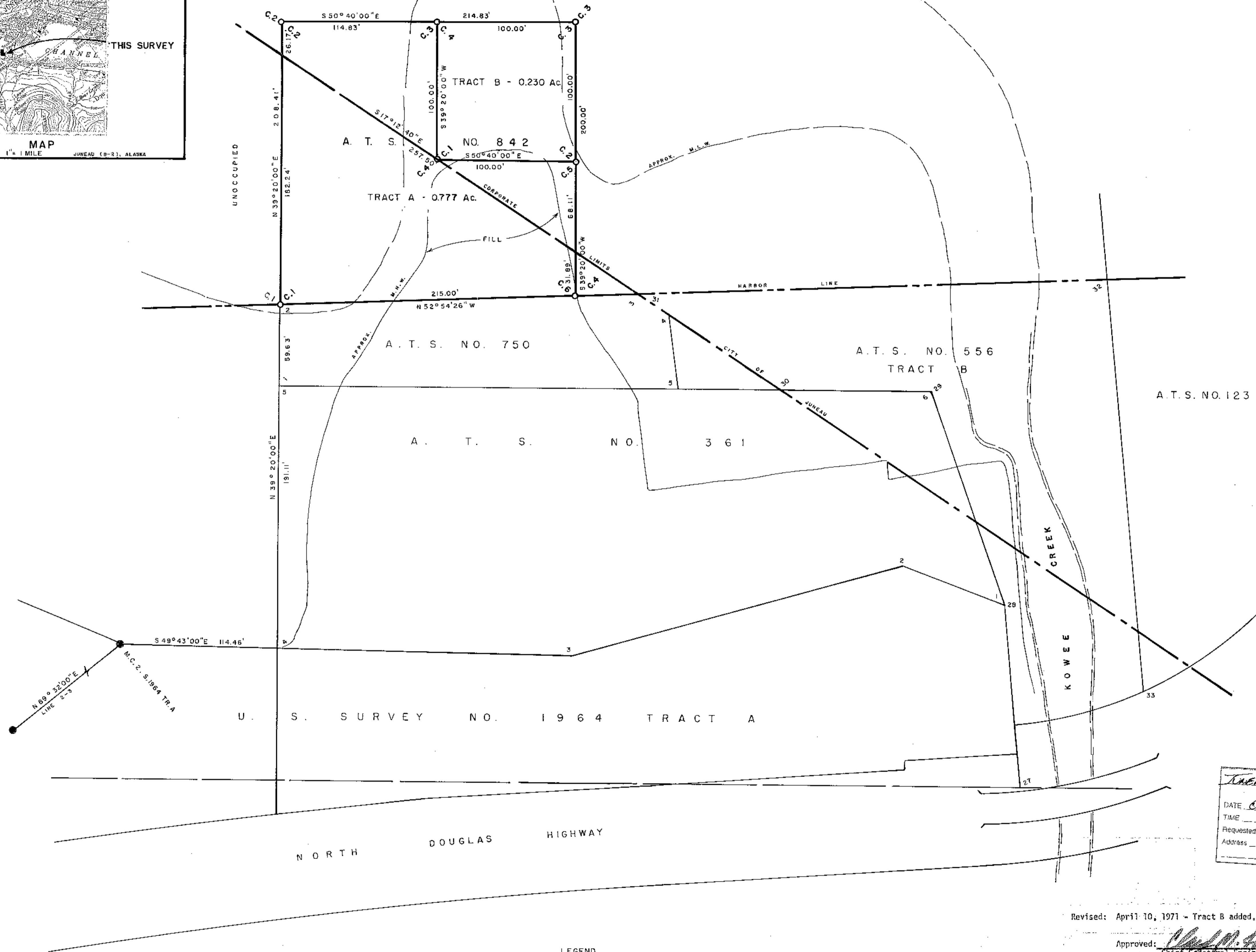


THIS SURVEY

VICINITY MAP  
U.S.C.S. QUADRANGLE SCALE 1" = 1 MILE JUNEAD (9-3), ALASKA

GASTINEAU CHANNEL

Ordinance 2024-12 Exhibit A ATS 842



DESCRIPTION OF ATS NO. 842  
Beginning at Cor. No. 1, identical with Cor. No. 2, ATS 750. Thence, from Cor. No. 1, by metes and bounds, N 39° 20' 00" E, 208.41 ft. to Cor. No. 2; S 50° 40' 00" E, 214.83 ft. to Cor. No. 3; S 39° 20' 00" W, 200.00 ft. to Cor. No. 4; N 52° 54' 26" W, 215.00 ft. to Cor. No. 1, the point of beginning, containing in all 1.007 acres, more or less.

DESCRIPTION OF TRACT A  
Beginning at Cor. No. 1, identical with Cor. No. 1 of ATS 842 described above. Thence, from Cor. No. 1, by metes and bounds, N 39° 20' 00" E, 208.41 ft. to Cor. No. 2; S 50° 40' 00" E, 114.83 ft. to Cor. No. 3; S 39° 20' 00" W, 100.00 ft. to Cor. No. 4; S 50° 40' 00" E, 100.00 ft. to Cor. No. 5; S 39° 20' 00" W, 100.00 ft. to Cor. No. 6; N 52° 54' 26" W, 215.00 ft. to Cor. No. 1, the point of beginning, containing in all 0.777 acres, more or less.

DESCRIPTION OF TRACT B  
Beginning at Cor. No. 1, identical with Cor. No. 4, Tract B, ATS 842 described above. Thence, from Cor. No. 1, by metes and bounds, S 50° 40' 00" E, 100.00 ft. to Cor. No. 2; N 39° 20' 00" E, 100.00 ft. to Cor. No. 3; N 50° 40' 00" W, 100.00 ft. to Cor. No. 4; S 39° 20' 00" W, 100.00 ft. to Cor. No. 1, the point of beginning, containing in all 0.230 acres, more or less.

Latitude 58° 18' N. Longitude 134° 26' W.  
at Cor. No. 1, ATS No. 842

LEASE APPLICANT:  
J.E. Trucano  
314 Highland Drive  
Juneau, Alaska 99801

CERTIFICATE OF REGISTERED LAND SURVEYOR  
I hereby certify that I am a registered land surveyor, and that this plat represents the survey made by me or under my direct supervision, and that all dimensional and other details are correct to the best of my knowledge.  
July 24, 1970



2001-10  
TANAW REC DIST  
DATE 01-11-2001  
TIME 2:46 PM  
Requested by: M.L.W.  
Address:

LEGEND  
● Existing G.L.D. cross on rock.  
○ No monument set or existing.

NOTE: The origin of bearings for this survey originated between Cor. No. 3 and Cor. No. 2, MC, USS 1964, Tract A, officially reported as N 89° 32' E.

Revised: April 10, 1971 - Tract B added.  
Approved: [Signature] Chief Cadastral Engineer  
Approved: [Signature] Director of Lands

Plat Prepared May 27, 1970		ADL 51488
DATE OF SURVEY Beginning: May 8, 1970 Ending: May 8, 1970	TONER & NORDLING REGISTERED ENGINEERS JUNEAU, ALASKA	
ALASKA DIVISION OF LANDS STATE OF ALASKA ANCHORAGE, ALASKA		
ALASKA TIDELANDS SURVEY NO. 842 (T41S, R67E, C.R.M.)		
Drawn By: G. R. M.	Approved: [Signature] Chief Cadastral Engineer	
Date Approved: 10-28-70	Approved: [Signature] Director of Lands	
Scale: 1" = 40'	Checked: [Signature]	File No. ATS 842



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Presented by: The Manager  
Presented: 7/1/2024  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2024-09(b)**

**An Ordinance Amending the Parking Notice Requirements, Parking Management Advisory Committee, and Penalties Related to Parking Violations.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJC 03.30.070 Violations; civil fines, is amended to read:

**03.30.070 Violations; civil fines.**

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

CBJ	Type of Violation	Civil Fine
...		
	<b>TRAFFIC VIOLATIONS</b>	
...		
<b>72.14</b>	<b>Parking Payment Equipment</b>	

72.14.020	Improper parking; vehicle other than motor vehicle	<u>25.00</u>
	<u>1<sup>st</sup> offense</u>	<u>35.00</u>
	<u>2<sup>nd</sup> offense within one year</u>	<u>35.00</u>
	<u>3<sup>rd</sup> offense within one year</u>	<u>100.00</u>
	<u>4<sup>th</sup> offense within one year</u>	<u>200.00</u>
	<u>5<sup>th</sup> and subseq. offense within one year</u>	<u>300.00</u>
72.14.025	Failure to deposit money	<u>25.00</u>
	<u>1<sup>st</sup> offense</u>	<u>35.00</u>
	<u>2<sup>nd</sup> offense within one year</u>	<u>50.00</u>
	<u>3<sup>rd</sup> offense within one year</u>	<u>100.00</u>
	<u>4<sup>th</sup> offense within one year</u>	<u>200.00</u>
	<u>5<sup>th</sup> and subseq. offense within one year</u>	<u>300.00</u>
...		

(b) *Late payment fee.* The above civil fines shall be increased by an additional \$15.00 in the event that the fine is not paid in full within 30 days of the date the notice of violation was issued, unless a timely appeal is filed or late-filed appeal accepted as authorized by CBJ 03.30.085(b)(1). In addition to the civil fines described above, the violator or presumed violator shall pay all collection and legal costs incurred in collection of a civil fine exclusive of the costs of administrative appeal described in CBJ 03.30.085 and the costs of mailing the notice described in CBJ 03.30.075(b).

(c) *Collection of civil fines, and costs.* An alleged violator of any of the ordinances described in subsection (a) of this section who has failed to pay all applicable fines, late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the City and Borough in the amount of such fines, late payment fees, and costs. In addition to or in lieu of any other provision for collection of such fines, late payment fees, and costs, the City and Borough may collect these amounts as a debt and may use such collection services and methods as are determined by the manager.

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**Section 3. Repeal of Section.** CBJC 72.14.045 Parking Management Advisory Committee authorized, is repealed.

~~**72.14.045 Parking Management Advisory Committee authorized.**~~

~~(a) The manager is authorized to establish a Parking Management Advisory Committee for the City and Borough to advise CBJ departments, the Planning Commission, manager, and assembly on matters related to parking.~~

~~(b) The Parking Management Advisory Committee shall be appointed by the manager and composed of CBJ department or division directors, or their designee, from the Lands and Resources Office, Parks and Recreation Department, Community Development Department, Juneau Police Department, Docks & Harbors Department, and four members of the public, one of whom shall be the owner of a business whose physical location is within that area formerly known as Service Area 1, and one of whom shall be a resident of a dwelling within that area formerly known as Service Area 1.~~

~~(Serial No. 2010-21, § 5, 7-19-2010)~~

**Section 4. Repeal of Section.** CBJC 72.22.045 Traffic citation on illegally parked vehicle, is repealed.

~~**72.22.045 Traffic citation on illegally parked vehicle.**~~

~~Whenever a motor vehicle without a driver is found parked, stopped or standing in violation of any of the restrictions imposed by this title, the officer finding such vehicle shall take its registration number and may take any other information displayed upon or within the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation on a form provided by the City and Borough for the driver to answer to the charge~~

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~~against him or her in the municipal court at an appointed time within 20 days from such  
alleged violation specified in the citation.~~

~~(CBJ Code 1970, § 72.22.045; Serial No. 71-59, § 4, 1971)~~

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



July 20, 2024

Katie Koester  
City Manager  
City and Borough of Juneau  
155 South Seward Street  
Juneau, Alaska, 99801

Dear Ms. Koester:

On May 14, 2024, the Juneau School District Board of Education approved a revision for the operating fund for FY24.

The Board of Education originally adopted the FY24 operating fund budget in March 2023. Since that adoption, the district's FY23 audit was finalized and reflected a decrease of \$2,915,440 in fund balance compared to the projected amount in the adopted budget. Further challenges were identified in the approved FY24 budget regarding material overstatement of revenue and understatement of expenditures. The need to correct actual FY24 operating revenue and expense was the basis for the budget revision.

The following provides detailed information regarding the approved revision acted on by the Board of Education for the operating fund for FY24 and is provided to you for informational purposes.

**Revenues:**

**Tuition and Other Local Revenue**

Adjustments were made in various Local Revenue line items to align with actual YTD and remaining projected receipts. Additional revenue of \$260,128 is presented as a revision in this source.

**Foundation**

The FY24 Foundation Revenue is reconciled and certified by AK DEED based on final review of the FY 2024 OASIS report of student count submitted in October 2023. There is an overall reduction of \$3,811,400 in Foundation Revenue in FY24 from the original approved budget.

**State Aid to Districts (One-Time)**

These funds were appropriated from the FY23 legislature during the budgeting process. This number is reconciled and certified by AK DEED after finalizing the review of the OASIS count for all school districts.

An amount of \$2,764,319 is JSD's portion of the one-time supplemental state funding appropriation by the 2023 legislature. It was not included in the original budget adoption due to the lateness of the appropriation by the legislature. Also included in this revision are actual

receipts for state raffle proceeds in the amount of \$35,339. These amounts total \$2,799,658 and are reflected as additional income for FY24 in this revision.

PERS/TRS On-Behalf

The initial adopted budget estimated the on-behalf revenue (OBH) at an overstated \$4.3M. This revision includes a calculation of OBH PERS and TRS payments based on actuarial rates for FY24 of 3.1% and 12.96%, respectively, applied to benefit-eligible payments to staff. The TRS OBH expense calculates to \$3,098,344 and PERS OBH calculates to \$349,257. The original budgeted OBH revenue is being revised by \$5,041,999 to cover the anticipated OBH activity.

Medicaid

Medicaid reimbursement is being decreased by \$175,000 for FY24. A new Medicaid billing system was rolled out midyear.

**Expenditures:**

Staff Costs of Existing Staff

Since the initial presentation of the FY24 budget revision in January, the district has experienced staff resignations of 34 FTE. These positions have not been replaced, allowing for additional anticipated savings of \$1,363,000 for the remainder of the year.

Additionally, several staff positions, such as special education teachers, special education specialists, and special education paraprofessionals, along with other teaching and classified positions, were temporarily vacant as a result of retirements, resignations, or promotions. Identified savings of \$978,100 is considered in this revision for these vacancies.

Health Insurance Adjustment

As noted in a February budget work session, it was determined that the FY24 original approved budget included various expenditure line items for health insurance within the budget that were significantly overstated. This revision includes reduction of various health insurance line items throughout the budget.

Utilities Adjustment

A reduction of \$838,035 is presented in this revision after releasing encumbrances for invoices paid and calculating anticipated remaining utility expenses for the year.

HomeBRIDGE Allotment Reduction

The original approved FY24 Budget included expenditure authority in the amount of \$463,000 for HomeBRIDGE allotments. This amount would cover 100% of all current and carryover allotment balances for HomeBRIDGE. A review of historic annual allotment expense allowed for a reduction of \$350,000 in that expenditure line.

Non-Personnel Savings

Upon identifying the FY24 budget status mid-year, the superintendent directed moratoriums on staff travel and non-essential goods, services, and supplies funded through the operating fund. Various professional memberships and subscriptions were also deferred or not renewed. Small amounts of allowable expenses were identified and transferred to available grants, ensuring that

supplanting was not an issue. It is estimated that these efforts have saved/will save approximately \$425,000 for the last half of FY24.

PERS & TRS Employer Contributions

As noted above, the on-behalf revenue in the initial adopted FY24 budget was significantly overstated. However, the expense side of the OBH transactions were not budgeted for at all in the originally approved budget. This revision includes a calculation of OBH PERS and TRS payments based on actuarial rates for FY24 of 3.1% and 12.96%, respectively, applied to benefit-eligible payments to staff. The PERS OBH calculates to \$349,257 and the TRS OBH expense calculates to \$3,098,344. These amounts are included in this revision as needed to cover the anticipated employer obligated contributions for FY24.

CBJ Shared Services FY24 – Non-Instructional Costs


The CBJ Assembly approved ordinance 2023-14(b)(AB) providing for up to \$3,922,787 to the District for non-instructional costs attributed to the maintenance, utilities, and insurance on public facilities owned by CBJ and to provide for non-instructional costs for operations related to community-sponsored events, activities, and facility rentals. This budget revision reflects a transfer of \$3,922,787 in non-instructional maintenance and operations expenses to the special revenue fund to be covered by this appropriation.

Fund Balance

The district has a projected positive fund balance of \$633,185, or 0.9%.

This budget revision projects an FY24 operating fund balance of \$2,580,608 minus the FY23 audited ending fund balance deficit of (\$1,947,423). The net of these two years’ activities equal the projected positive fund balance of \$633,185.

On behalf of the Juneau School District, we appreciate the ongoing partnership and support of CBJ.

Sincerely,  
  
Frank Hauser  
Superintendent

*Ordinance Serial No. 2023-15  
An Ordinance Appropriating Funds from the Treasury  
for FY24 School District Operations*

**Section 3. Appropriation.** The following amounts are hereby appropriated for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

**APPROPRIATION:**

General Operations	75,221,700	
Special Revenue	21,095,300	21,095,300
Total Original Appropriation		96,317,000

**Juneau School District Revised FY24 Budget  
JSD Board approved 5/14/2024**

	JSD Board Approved FY24 Revision	CBJ Ordinance 2023-14(b)(AB) (Shared Services)	Adjusted Fund Distribution based on CBJ Shared Services
<b>EXPENDITURES:</b>			
General Operations	70,595,266	(3,922,787)	66,672,479
Special Revenue	21,095,300	3,922,787	25,018,087
Total Revised Appropriation	91,690,566	-	91,690,566



Juneau School District FY24 Expenditures - FUNCTION REVISION - 4.16.24		Board Action Required from Original Budget		
Function	Board Approved Original Budget 3.19.23	Budget Adjustment 4.16.24	FY24 Projected Expenditures (REVISED)	
100 INSTRUCTION	Function Level Detail Not Provided in Original Approved Budget	Function Level Detail Not Provided in Original Approved Budget	24,159,270	
120 BILINGUAL/BICULTURAL			\$ 909,445	
130 EXTENDED LEARNING			\$ 445,961	
140 CORRESPONDENCE STUDY			\$ 506,496	
160 VOCATIONAL EDUCATION			\$ 168,070	
200 SPECIAL EDUCATION INSTR.			\$ 12,337,102	
220 SPECIAL EDUCATION SUPPORT			\$ 4,741,007	
300 SUPPORT SERVICES-STUDENT			\$ 7,846	
310 ATTENDANCE AND SOCIAL WORK			\$ 2,699	
320 GUIDANCE SERVICES			\$ 1,456,270	
330 HEALTH SERVICES			\$ 901,892	
350 SUPPORT SERVICES INSTR.			\$ 1,839,574	
352 LIBRARY SERVICES			\$ 21,736	
360 TECH SERVICES INSTR.			\$ 1,792,473	
400 SCHOOL ADMINISTRATION			\$ 2,656,219	
450 SCHOOL ADMIN SUPPORT SVCS			\$ 3,000,026	
511 BOARD OF EDUCATION			\$ 40,064	
512 OFFICE OF SUPERINTENDENT			\$ 407,794	
515 PUBLIC INFORMATION SER			\$ 249,290	
550 DISTRICT ADM SUPPORT SVCS			\$ 1,791,459	
551 FISCAL SERVICES	\$ 532,752			
553 STAFF SERVICES	\$ 114,305			
560 DISTRICT ADM TECH SVCS	\$ 1,069,660			
600 OPERATIONS AND MAINTENANCE	\$ 6,956,379			
700 STUDENT ACTIVITIES	\$ 49,681			
780 COMMUNITY SERVICES	\$ 155,993			
900 OTHER FINANCING USES	\$ 359,016			
<b>Grand</b>	<b>\$ 74,656,300</b>	<b>\$ (7,983,821)</b>	<b>\$ 66,672,479</b>	
<b>JSD Board Approved 4.16.24</b>		\$ (1,363,000)	Resignations Since 12/2023	
		\$ (978,100)	Hiring Freeze Savings	
		\$ (3,554,500)	Health Insurance Overstated Originally	
		\$ (838,035)	Utility Savings - Release Encumbrances	
		\$ (350,000)	Homebridge Allocations	
		\$ (425,000)	Superintendent Reductions	
		\$ 349,257	PERS OBH	
		\$ 3,098,344	TRS OBH	
		\$ (4,061,034)		
		\$ (3,922,787)	CBJ - Shared Services - Non-Instructional	
<b>\$ (7,983,821)</b>				

**Juneau School District  
FY24 Expenditures - OBJECT  
REVISION - 4.16.24**

**Board Action Required from Original Budget**

Section M, Item 10.

Object	Board Approved Original Budget 3.19.23	Budget Adjustment 4.16.24	FY24 Projected Expenditures (REVISED)
3110-SUPERINTENDENT			\$ 187,247
3130-PRINCIPALS			\$ 1,841,331
3140-CERT DIRECTOR/MANG/COORD			\$ 858,008
3150-TEACHERS			\$ 18,570,950
3160-EXTRA DUTY COMPENSATION			\$ 20,000
3171-CERTIFICATED TEMPORARY			\$ 450,918
3175-CERTIFICATED PAYMENT FOR LEAVE			\$ 2,153
3180-SPECIALIST-CERTIFIED			\$ 2,429,439
3210-CLASS. DIRECT/MANG/COORD			\$ 769,496
3220-SPECIALIST-CLASSIFIED			\$ 348,567
3230-AIDES			\$ 4,771,529
3240-SUPPORT STAFF 9 MONTH			\$ 903,512
3241-SUPPORT STAFF 10 MONTH			\$ 983,659
3242-SUPPORT STAFF 12 MONTH			\$ 1,824,067
3250-MAINTENANCE/CUSTODIAL			\$ 2,036,591
3270-OVERTIME			\$ 161,804
3280-PAYMENT FOR LEAVE			\$ 222,815
3290-SUBSTITUTES			\$ 958,364
3291-HOURLY EMPLOYEES			\$ 111,949
3292-STUDENT INTERNS			\$ 3,572
3293-BOARD STIPENDS			\$ 24,144
3611-LIFE INS			\$ 233,730
3612-HEALTH INS - JESS			\$ 3,807,612
3614-HEALTH INS - CO ADMIN			\$ 99,163
3615-HEALTH INS - TEACHERS			\$ 5,401,564
3616-HEALTH INS - JSAA			\$ 310,239
3617-HEALTH INS - EXEMPT			\$ 149,718
3620-UNEMPLOYMENT INSURANCE			\$ 8,739
3630-WORKER'S COMPENSATION			\$ 532,025
3640-FICA CONTRIBUTION			\$ 1,359,200
3650-TRS			\$ 2,154,353
3651-TRS - PAID BY STATE			\$ 3,098,345
3660-PERS			\$ 2,569,888
3661-PERS - PAID BY STATE			\$ 349,257
3670-LEGAL TRUST			\$ 33,964
3680-MILEAGE ALLOWANCE			\$ 78,577
3690-OTHER EMPLOYEE BENEFITS			\$ 99,759
4100-PROFESSIONAL TECHNICAL SVC			\$ 2,448,225
4140-LEGAL SERVICES			\$ 5,016
4200-STAFF TRAVEL			\$ 28,903
4250-STUDENT TRAVEL			\$ 2,612
4300-UTILITIES SERVICES			\$ 431
4310-WATER AND SEWER			\$ 38,122
4320-GARBAGE			\$ 58,992
4330-COMMUNICATIONS			\$ 5,503
4331-TELEPHONES			\$ 297,092
4333-POSTAGE			\$ 13,378
4351-HEATING OIL			\$ 490,474
4352-ELECTRICITY			\$ 496,887
4400-OTHER PURCHASED SERVICES			\$ 588,306
4401-PURCHASED SVCS - COPIER			\$ 186,047
4410-RENTALS			\$ 4,600
4420-BUILDING REPAIR/MAINT SVC			\$ 35,899
4430-EQUIPMENT REPAIR/MAINT SVC			\$ 41,849
4440-GROUNDS REPAIR/MAINT SVC			\$ 6,293
4450-INSURANCE PREMIUMS			\$ 1,307,964
4470-LIABILITY INSURANCE			\$ 677,350
4500-SUPPLIES/MATERIALS/MEDIA			\$ 779,672
4515-SNACKS			\$ 1,615
4517-TEACHER DISCRETIONARY			\$ 20,380
4520-MAINT/CONST SUPPLIES			\$ 49,485
4530-JANITORIAL SUPPLIES			\$ 66,045
4570-SMALL TOOLS AND EQUIPMENT			\$ 10,650
4580-GAS AND OIL			\$ 15,803
4750-SUPPLIES-TECHNOLOGY RELATED			\$ 1,193,912
4810-TUITION			\$ 500
4900-OTHER EXPENSES			\$ 209,550
4910-DUES AND FEES			\$ 22,820
4950-INDIRECT COSTS			\$ (577,346)
5100-EQUIPMENT (OVER \$5,000)			\$ 20,184
5520-TRANSFERS TO SPECIAL REV			\$ 18,000
5521-TRANSFER TO PUPIL TRANSP			\$ 341,016
	<b>\$ 74,656,300</b>	<b>\$ (7,983,821)</b>	<b>\$ 66,672,479</b>

Object Level Detail Not Provided in Original Approved Budget

Object Level Detail Not Provided in Original Approved Budget

**Information Only**

\$ (1,363,000)	Resignations Since 12/2023
\$ (978,100)	Hiring Freeze Savings
\$ (3,554,500)	Health Insurance Overstated Originally
\$ (838,035)	Utility Savings - Release Encumbrances
\$ (350,000)	Homebridge Allocations
\$ (425,000)	Superintendent Reductions
\$ 349,257	PERS OBH
\$ 3,098,344	TRS OBH
\$ (4,061,034)	
\$ (3,922,787)	CBJ - Shared Services - Non-Instructional
\$ (7,983,821)	

Presented by: The Manager  
Introduced: July 29, 2024  
Drafted by: Finance

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 3068**

**A Resolution Deappropriating \$4,626,434 from the Treasury for FY24 School District Operations.**

WHEREAS, under Article IX of the Home Rule Charter of the City and Borough of Juneau, the Assembly by resolution may reduce any appropriation, except for debt service or for cash deficit, provided that no appropriation may be reduced by more than the amount of the unencumbered balance; and

WHEREAS, Ordinance 2023-15 appropriated \$96,317,000 to the Treasury for FY24 School District Operations; and

WHEREAS, the Juneau School District Board of Education approved an FY24 budget revision on May 14, 2024 reducing the School District’s budget authority by \$4,626,434 for a total revised FY24 appropriation of \$91,690,566.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Deappropriation.** There is deappropriated from the Treasury the sum of \$4,626,434 for FY24 School District Operations, as follows:



**CITY AND BOROUGH OF JUNEAU, ALASKA**  
**NOTICE OF PROPOSED CHANGE TO REGULATIONS**  
Commercial Passenger Vehicle Regulation 20 CBJAC 40

**Purpose:**

The Commercial Passenger Vehicle (CPV) regulations provide for Class A endorsement. This proposed regulation amends 20 CBJAC 40.540 Class C endorsement as follows.

**Existing Regulation with Proposed Changes:**

**20 CBJAC 40.540 Class C endorsement.**

- (a) A Class C endorsement shall authorize operation of one or more commercial passenger vehicles subject to the following conditions:
  - (1) Operation of Class C vehicles shall be limited to daylight hours. Class C vehicles are restricted to the downtown area, from 10th and Egan to Mill Street, excluding Egan Drive from Glacier Avenue ~~Willoughby Avenue~~ to 10th Street.
  - (2) Operators of Class C vehicles may not stop for passengers at any location that obstructs traffic or causes a safety hazard to passengers or others.
  - (3) Operation of a Class C vehicle is prohibited between October 16 and April 14.
- (b) Violation of subsection (a) above is an infraction.

...

**Summary:**

The Commercial Passenger Vehicle (CPV) regulations provide that Class C endorsement vehicles are restricted in the downtown area. With the recent repaving and expansion of Egan, a bicycle lane is available for use. The use of a dedicated bicycle lane will improve safety for these vehicles.

The proposed regulation can be viewed at: <https://juneau.org/law-department/cbj-regulations>

**Public Comments Requested by July 22, 2022:**

A public hearing will be held on July 25, 2024, from 12-1pm in Assembly Chambers, 155 Heritage Way, Juneau, AK 99801.

Comments may be submitted in writing by 4:30 p.m. on July 24, 2024 to: [managers\\_office@juneau.org](mailto:managers_office@juneau.org) or to the City Manager’s office at 155 Heritage Way, Juneau AK 99801.



Published July 3, 2024

**A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Amendment of Title 20, Chapter 40  
COMMERCIAL PASSENGER VEHICLES**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE MANAGER ADOPTS THE FOLLOWING REGULATIONS:

**Section 1. Authority.** These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 20.40.130(b).

**Section 2. Amendment of Regulation.** 20 CBJAC 40.540 Class C endorsement, is amended to read:

**20 CBJAC 40.540 Class C endorsement.**

- (a) A Class C endorsement shall authorize operation of one or more commercial passenger vehicles subject to the following conditions:
  - (1) Operation of Class C vehicles shall be limited to daylight hours. Class C vehicles are restricted to the downtown area, from 10th and Egan to Mill Street, excluding Egan Drive from Glacier Avenue ~~Willoughby Avenue~~ to 10th Street.
  - (2) Operators of Class C vehicles may not stop for passengers at any location that obstructs traffic or causes a safety hazard to passengers or others.
  - (3) Operation of a Class C vehicle is prohibited between October 16 and April 14.
- (b) Violation of subsection (a) above is an infraction.

**Section 3. Notice of Proposed Adoption of a Regulation.** The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on July 3, 2024, which is not less than 21 days before the date of adoption of these regulations as set forth below.

**Adoption by Agency**

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mary Katherine Koester  
City Manager

**Legal Review**

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert H. Palmer III  
Municipal Attorney

**Assembly Review**

These regulations were presented to the Assembly at its meeting of \_\_\_\_\_. They were adopted by the Assembly.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

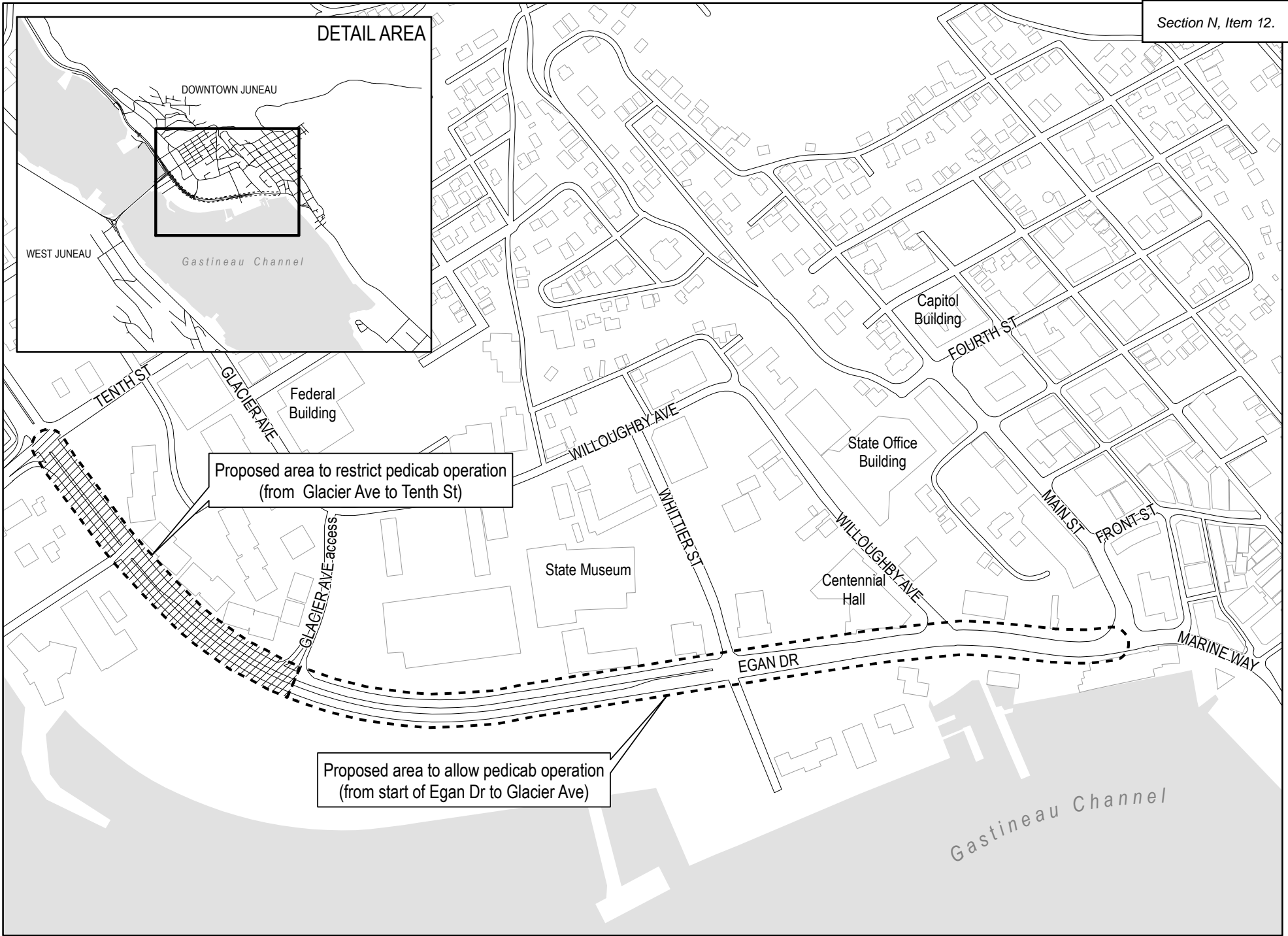
**Filing with Clerk**

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

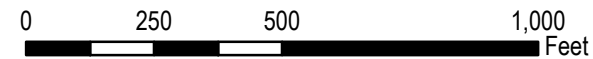
- 1. These regulations were accepted for filing by the office of the clerk at \_\_\_:\_\_\_ a.m./p.m. on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
- 2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
- 3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
- 4. Effective date: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



PROPOSED AREA OF ALLOWABLE PEDICAB OPERATION ON EGAN DRIVE







**OFFICE OF THE MUNICIPAL CLERK/  
ELECTION OFFICIAL**  
City and Borough of Juneau  
155 Heritage Way, Room 215  
Juneau, Alaska 99801-1397  
Phone: (907)586-5278 Fax: (907)586-4552  
email: [Beth.McEwen@juneau.gov](mailto:Beth.McEwen@juneau.gov)  
[CBJ.Elections@juneau.gov](mailto:CBJ.Elections@juneau.gov)

July 11, 2024

Jenny Thomas  
via email (7/11) and USPS Certified Mail  
4460 Windfall Ave.  
Juneau, AK 99801

**Re: Certification of Recall Petitions for Deedie Sorensen & Emil Mackey**

Dear Ms. Thomas and Petitioner Committee,

As communicated in my initial letter of April 4, 2024, in consultation with the CBJ Law Department, we approved, in part, the Recall Petitioners Committee application for the recall of Board of Education Member Deedie Sorensen and Board of Education Member Emil Mackey based on the following grounds as stated in the petitioner’s affidavit:

**Recall of Juneau School Board Member Deedie Sorensen, President**

*7. Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.*

**Recall of Juneau School Board Member Emil Mackey, Vice President**

*7. Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.*

For reference purposes in this memo, I will be referring to the petitions collectively and the process in general, however, each petition is separate and is its “own instrument” as referenced in AS 29.26.290. Please note that while Article VIII of the CBJ Charter would govern our recall process, the provisions of AS 29.26.240-AS 29.26.360 govern in the event of a conflict with the Article VIII Charter provisions. All dates referenced take place in 2024 unless specified otherwise.

The Clerk’s office completed its review of the two recall petitions and concluded that, with the supplemental signatures submitted on July 1, each petition met the requirement to obtain **2,359** signatures for certification and is therefore considered sufficient. Attached are the certifications of each of the recall petitions.

Per AS 29.26.310, “if a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting.” I will forward these certifications to the Assembly’s next meeting, which is a Special Assembly meeting scheduled for Monday, July 22 at 7:00 p.m. Since the July 22 Assembly meeting is 71 days prior to the Regular Municipal Election on October 1, the Assembly will not need to call

for a Special Election to be held in accordance with AS 29.26.320<sup>1</sup> but the Assembly will need to forward the questions to the ballot for the October 1, 2024 Regular Municipal Election.

In accordance with AS 29.26.330<sup>2</sup>, each official named in the recall petition will have the opportunity to submit a statement of 200 words or less to appear on the ballot along with the following grounds and question from the petition committee.

**Short Title: Recall [Name of official]**

Based on the following grounds: "Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460,"

Shall [Name of official] be recalled from the office of Board of Education?

Yes [  ]

No [  ]

If you have any questions regarding this matter, please contact our office at 907-586-5278.

Sincerely,

Elizabeth "Beth" McEwen, MMC  
CBJ Municipal Clerk/Election Official

Attachments:

- Certifications of Petition Sufficiency for Sorensen and Mackey Recall Petitions
- Affidavits of Petitioners Committee (redacted)
- Alaska Statutes 29.26.240-29.26.360

cc: Board of Education President Deedie Sorensen  
 Board of Education Vice President Emil Mackey  
 Acting City Attorney Emily Wright  
 JSD Superintendent Frank Hauser  
 CBJ Board of Education Members  
 CBJ Mayor & Assemblymembers

**<sup>1</sup> Sec. 29.26.320. Election.**

- (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- (b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.
- (c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

*History. (§ 9 ch 74 SLA 1985)*

**<sup>2</sup> Sec. 29.26.330. Form of recall ballot.**

A recall ballot must contain

- (1) the grounds for recall as stated in 200 words or less on the recall petition;
- (2) a statement by the official named on the recall petition of 200 words or less, if the statement is filed with the clerk for publication and public inspection at least 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [ ] No [ ]".

*History. (§ 9 ch 74 SLA 1985; am § 18 ch 80 SLA 1989)*

**CERTIFICATE**

I, Elizabeth J. McEwen, the duly appointed and qualified Municipal Clerk of the City and Borough of Juneau, Alaska, a municipal corporation of the State of Alaska, DO HEREBY CERTIFY receipt of the Recall Petition of Board of Education Member Deedie Sorensen, President submitted by the Petitioners Committee, and partially approved the petition affidavit, under the following grounds:

**Recall of Juneau School Board Member Deedie Sorensen, President**

*7. Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.*

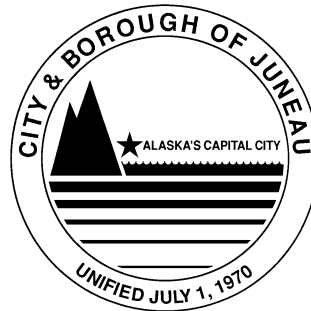
And that the above petition was filed in the proper form and bears the 2,359 signatures required for certification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and Borough of Juneau this 11<sup>th</sup> day of July, 2024.



---

Elizabeth J. McEwen, MMC  
Municipal Clerk/Election Official  
City and Borough of Juneau



**CERTIFICATE**

I, Elizabeth J. McEwen, the duly appointed and qualified Municipal Clerk of the City and Borough of Juneau, Alaska, a municipal corporation of the State of Alaska, DO HEREBY CERTIFY receipt of the Recall Petition of Board of Education Member Emil Mackey, Vice President submitted by the Petitioners Committee, and partially approved the petition affidavit, under the following grounds:

**Recall of Juneau School Board Member Emil Mackey, Vice President**

*7. Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.*

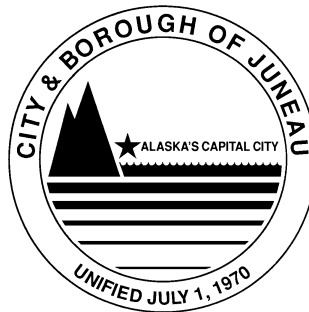
And that the above petition was filed in the proper form and bears the 2,359 signatures required for certification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and Borough of Juneau this 11<sup>th</sup> day of July, 2024.



---

Elizabeth J. McEwen, MMC  
Municipal Clerk/Election Official  
City and Borough of Juneau



Revised AA CBJ CLERK

Section N, Item 13.

# AFFIDAVIT OF PETITIONERS COMMITTEE CITY & BOROUGH OF JUNEAU, ALASKA

RECEIVED

Reference: CBJ Charter Articles VI, VII, VIII & XIV and CBJ Code 29.10 Initiative and Petition

Check one:

- Initiative Petition Affidavit
- Recall Petition <sup>Dmc</sup>
- Referendum Petition Affidavit

Request of Petitioner's Committee (add as many lines as necessary, notary block must be complete with notarized signature on same page as notarization):

Initiative Short Title: Recall - Deedie Suresen

Language of proposed initiative ordinance, resolution, or other measure:

See attached

The following qualified voters and residents of the City and Borough of Juneau, Alaska, state under oath that they constitute the petitioners committee for the above referenced initiative/referendum (circle one). The coalition has been formed and will be responsible for circulating booklets for voter signatures.

All notices should be mailed to:

Name: Jenny V Thomas  
 Address: 4460 Winfall Ave Juneau, AK 99801  
 Phone: 907.957.7411 Fax: \_\_\_\_\_  
 Email address: Debs-judgyahoo.com  
 DATED this 28 day of March, 2024

Please Print: Legal Names and Mailing Addresses of each Member of the Petitioner's Committee:

1. Jenny Thomas 4460 Winfall Ave Juneau, AK 99801
2. Charles Kenneth VanKirk P.O. Box 33883 Juneau, AK 99803
3. Shannon Kelly 8202A Keegan St, Juneau, AK 99801
4. ~~Melissa Cullum 2787 Duran Juneau, AK 99801~~
5. Jhanner Greene 8007 Poppy Ct, Juneau AK 99801

4. Lynne VanKirk P.O. Box 33883 Juneau, Alaska 99803
6. Heather Sikes PO Box 35495 Juneau, AK 99803

CBJ CLERK  
MAR 28 2024

RECEIVED DMC

↓ over

7. Bjorn Wolter 3335 Meander Way Juneau AK 99801
8. Lucinda Brown-Mills 4447 Taku Blvd Juneau AK 99801
9. Jessica Kathleen Miller 8518 Forest Lane, Juneau AK 99801
10. Olivia Orsborn 9152 Jerry Dr, Juneau AK 99801
11. Sharyn Augustine 10780 mendenhall Loop Rd, Juneau AK 99801

Section N, Item 13.



March 28, 2024

Application to recall: Juneau School Board Member: Deedie Sorensen, President

Sorensen demonstrated failure to perform prescribed duties, misconduct in office, and incompetence by:

- 1. Failure to communicate with stakeholders, creating an avoidable crisis, and rushing to adopt a polarizing consolidation model while refusing to factor in significant negative community impacts, violating Juneau Borough School District<sup>i</sup> BP1100<sup>ii</sup>, BP0530(2)(2.3)(5.3)(6).<sup>iii</sup>
- 2. Failure to heed 2017 study warning of declining enrollment and need to consolidate, violating BP3000(1)(2), <sup>iv</sup>BP1100.
- 3. Failure to instruct Superintendent to be transparent about looming debt crisis when notifying public by 10/1/23 per BP3460<sup>v</sup>, BP 3100<sup>vi</sup>.
  - a. Officially notified public of budget deficit crisis 1/12/24.
  - b. Consolidation model hastily approved on 2/22/24.
- 4. Refusal to incorporate community input and testimony 3/12/24, violating BP1120<sup>vii</sup>.
- 5. Permitting Mackey to intimidate/demean a fellow board member at the 3/7/24 board meeting, then attacking and degrading community members. Demonstrated inability to maintain order and censure Mackey for his inappropriate behavior, violating BP0200<sup>viii</sup>, BP9010<sup>ix</sup>. BP1000<sup>x</sup>, BP1120.
- 6. Publishing an Opinion News article 3/9/24 undercutting a board member's 'approved' motion to present new information to the community, violating BP1000.
- 7. Failure to understand the FY24 budget and accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.

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 MAR 28 2024  
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Jenny Thomas - primary contact  
4460 Windfall Ave  
Juneau, AK 99801  
907-957-7411

Charles VanKirk - secondary contact  
3654 Tongass Blvd.  
Juneau, AK 99801  
907-321-3383

<sup>1</sup>We read statutory and regulatory citations as one word, so it is unnecessary to eliminate the spaces in such citations in order to meet the 200 word requirement.

- <sup>ii</sup> BP1100: Communication with the public
- <sup>iii</sup> BP0530: Discontinuation or closure of schools
- <sup>iv</sup> BP3000: Concepts and roles
- <sup>v</sup> BP3460: Periodic financial reports
- <sup>vi</sup> BP3100: Budget
- <sup>vii</sup> BP1120: Public involvement in Board of Education meetings
- <sup>viii</sup> BP0200: Goals for the school district
- <sup>ix</sup> BP9010: Public statements
- <sup>x</sup> BP1000: Communications with the public

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MAR 28 2024

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AFFIDAVIT OF PETITIONERS COMMITTEE – page 2

Initiative Short Title: RECALL- DEE DEE SORESENSEN

PETITION COMMITTEE MEMBER 1:

Charles Kenneth Van Kirk (Signature of Petitioner)  
Printed Legal Name of Petitioner: Charles Kenneth Van Kirk  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3654 Tongass Blvd Juneau AK 99801 P.O. Box 33883 Juneau AK 99803 [Redacted] ✓  
(Optional) Phone: 907-321-8781 Email address: chuckvk@gmail.com

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Charles Kenneth Van Kirk known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



PETITION COMMITTEE MEMBER 2:

[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Jenny Thomas [Redacted] ✓  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 4460 Windfall Ave Juneau AK 99801  
(Optional) Phone: 907-957-7411 Email address: bebs-jvd@yahoo.com

State of Alaska  
Judicial District 1 SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Jenny Thomas known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/27

SEAL:



CBJ CLERK  
MAR 28 2024  
RECEIVED [Signature]

AFFIDAVIT OF PETITIONERS COMMITTEE - page 3

Initiative Short Title: Recall - Deedie Sorensen

PETITION COMMITTEE MEMBER 3:

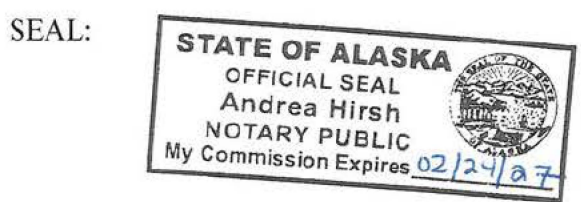
[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Shannon Marie Kelly  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8202 A Keegom Street, Juneau, AK 99801 ✓  
(Optional) Phone: 575-776-7867 Email address: ShannonKelly76@gmail.com  
Voter ID [Redacted]

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Shannon Marie Kelly known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 200 02/24/2027



PETITION COMMITTEE MEMBER 4:

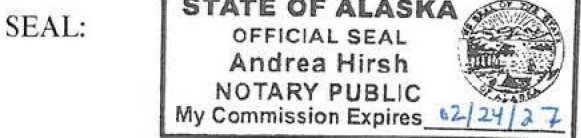
[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Melissa Cristine Moseley Cullum  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8787 Duran Juneau, AK 99801  
(Optional) Phone: 907-209-1665 Email address: relief16b@yahoo.com

State of Alaska  
Judicial District 1 SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Melissa Christine Moseley Cullum known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027



Withdrawn  
re: conversation  
with Jenny  
Thomas  
3/21/24

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MAR 28 2024  
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Initiative Short Title: Deedie Soransen - Recall

**PETITION COMMITTEE MEMBER 3:**

\_\_\_\_\_  
(Signature of Petitioner)  
Printed Legal Name of Petitioner: \_\_\_\_\_  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) \_\_\_\_\_  
(Optional) Phone: \_\_\_\_\_ Email address: \_\_\_\_\_  
State of \_\_\_\_\_  
Judicial District \_\_\_\_\_ SS

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned notary public, personally appeared: \_\_\_\_\_  
known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public (Signature)  
\_\_\_\_\_  
(Notary's printed name)  
My commission expires \_\_\_\_\_

SEAL:

**PETITION COMMITTEE MEMBER 4:**

Lynne Vankirk  
(Signature of Petitioner)  
Printed Legal Name of Petitioner: Lynne Vankirk  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3654 Tongass Blvd P.O. Box 33883, Juneau, AK 99803 \_\_\_\_\_  
(Optional) Phone: 907-321-8700 Email address: clvankirk@hotmail.com  
State of Alaska  
Judicial District 1 SS

On this 29 day of march in the year 2024 before me, the undersigned notary public, personally appeared: Lynne Vankirk  
known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Andrea Hirsh  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



AFFIDAVIT OF PETITIONERS COMMITTEE - page # 5

Initiative Short Title: RECALL - DEEDIE SORENSEN

PETITION COMMITTEE MEMBER 5:

Shannan D. Greene (Signature of Petitioner)  
Printed Legal Name of Petitioner: SHANNAN D. GREENE  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8007 POPPY CT - JUNEAU AK 99801 ✓  
(Optional) Phone: (508) 566-6420 Email address: NILLAROO@ADL.COM  
AKIDL - [REDACTED]

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Shannan Denise Greene known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



CBJ CLERK

MAR 28 2024

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DMC



Initiative Short Title: Recall - Deedie Sorensen

**PETITION COMMITTEE MEMBER 6:**

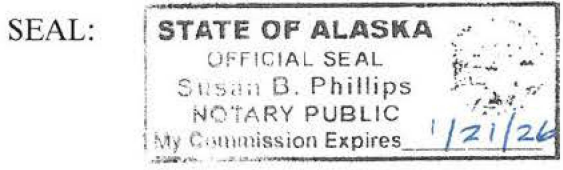
Heather J. Sikes (Signature of Petitioner)  
Printed Legal Name of Petitioner: Heather J. Sikes ✓  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 14331 Ocean View Dr. Juneau, AK 99801, PO Box 35495 Juneau, AK 99805  
(Optional) Phone: 907-209-7502 Email address: sikesk907@gmail.com

State of Alaska  
Judicial District Juneau SS

On this 29<sup>th</sup> day of March in the year 2024 before me, the undersigned notary public, personally appeared: Heather Sikes known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Susan B. Phillips  
Notary Public (Signature)  
Susan B Phillips  
(Notary's printed name)  
My commission expires 1/21/26



**PETITION COMMITTEE MEMBER 7:**

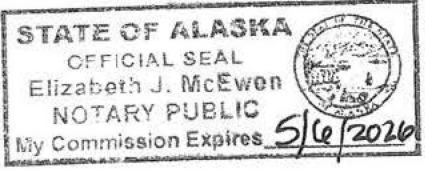
[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: BJORN WOLTER [Redacted] ✓  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3335 MEANDER WAY, JUNEAU, AK, 99801  
(Optional) Phone: \_\_\_\_\_ Email address: bjorn.wolter@gmail.com

<sup>1st</sup> State of Alaska  
Judicial District Juneau SS

On this 2nd day of April in the year 2024 before me, the undersigned notary public, personally appeared: Bjorn Wolter known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Elizabeth J. McEwen  
Notary Public (Signature)  
Elizabeth J. McEwen  
(Notary's printed name)  
My commission expires 5/6/2026



AFFIDAVIT OF PETITIONERS COMMITTEE - page 7

APR 7

Section N, Item 13.

Initiative Short Title: Recall Deedie Sorensen

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PETITION COMMITTEE MEMBER 8:

Lucinda Brown-Mills (Signature of Petitioner) ✓

Printed Legal Name of Petitioner: Lucinda Brown-Mills

Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 4447 Taku Blvd. Juneau AK 99801 [REDACTED]

(Optional) Phone: 907-723-7078 Email address: Lucinda.BrownMills@gmail.com

State of Alaska  
Judicial District 1 SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Lucinda Brown-Mills known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)

SEAL:



Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

PETITION COMMITTEE MEMBER 9:

Jessica Kathleen Miller (Signature of Petitioner) ✓

Printed Legal Name of Petitioner: Jessica Kathleen Miller

Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) [REDACTED] 8518 Forest Lane

(Optional) Phone: 907-465-7022 Email address: \_\_\_\_\_

State of Alaska  
Judicial District 1st SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Jessica Kathleen Miller known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)

SEAL:



Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027



Initiative Short Title: Recall Deedie Sorensen

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PETITION COMMITTEE MEMBER 10:

(Signature of Petitioner) [Signature]  
Printed Legal Name of Petitioner: Olivia Elzina Orsborn ✓  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 9152 Jerry Dr Juneau AK 99801  
(Optional) Phone: 907 723 4773 Email address: olivia\_orsborn@hotmail.com

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Olivia Elzina Orsborn known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



PETITION COMMITTEE MEMBER 11:

(Signature of Petitioner) [Signature]  
Printed Legal Name of Petitioner: SHARYN ANNE AUGUSTINE ✓  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) [Redacted] - 10780 Mendenhall Loop Rd, Juneau, AK 99801  
(Optional) Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

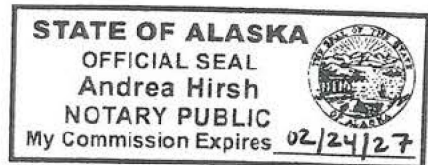
State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Sharyn Anne Augustine known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



revised  
AP  
CBJ CLERK

# AFFIDAVIT OF PETITIONERS COMMITTEE CITY & BOROUGH OF JUNEAU, ALASKA

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Reference: CBJ Charter Articles VI, VII, VIII & XIV and CBJ Code 29.10 Initiative and Petition

Check one:

- Initiative Petition Affidavit
- Recall Petition *Done*
- Referendum Petition Affidavit

Request of Petitioner's Committee (add as many lines as necessary, notary block must be complete with notarized signature on same page as notarization):

Initiative Short Title: Recall - Emil Mackey

Language of proposed initiative ordinance, resolution, or other measure:

See attached

The following qualified voters and residents of the City and Borough of Juneau, Alaska, state under oath that they constitute the petitioners committee for the above referenced initiative/referendum (circle one). The coalition has been formed and will be responsible for circulating booklets for voter signatures.

All notices should be mailed to:

Name: Jenny Thomas  
 Address: 4460 Windfall Ave Juneau, AK 99801  
 Phone: 907-957-7411 Fax: \_\_\_\_\_  
 Email address: debs\_jtd@yahoo.com  
 DATED this 28 day of March 2024.

Please Print: Legal Names and Mailing Addresses of each Member of the Petitioner's Committee:

1. Jenny Thomas 4460 Windfall Ave Juneau AK 99801
2. Charles Kenneth VanKirk P.O. Box 33883 Juneau, AK 99803
3. Shannon Kelly 8202A Keegan St. Juneau, AK 99801
4. ~~4. Melissa Cullum 8787 Duran Juneau, AK 99801~~
5. Shannon Greene 8007 POPPY CT - JUNEAU, AK 99801
6. Lynne VanKirk P.O. Box 33883 Juneau, AK 99803
7. Heather Sikes POB 35495 Juneau AK 99803

CBJ CLERK

MAR 28 2024

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\\WP\CLERKS\ELECTION\PETITION\Petition Committee Sample Affidavit Form.Doc

✓ over



7. Bjorn Walter 3335 Meander Way Juneau AK 99801
8. Lucinda Brown-Mills 4447 Taku Blvd Juneau AK 99801
9. Jessica Miller 8518 Forest Lane, Juneau AK 99801
10. Olivia Orsborn 9152 Jerry Dr Juneau AK 99801
11. Sharyn Augustine 10780 Mendenhall Loop Rd, Juneau AK 99801

Section N, Item 13.

March 28, 2024

Application to recall: Juneau School Board Member: Emil Mackey, Vice President

Mackey demonstrated failure to perform prescribed duties, misconduct in office, and incompetence by:

1. Not communicating with stakeholders and refusing to factor in significant negative community impacts in rush adopting a polarizing consolidation model, violating Juneau Borough School District<sup>i</sup> BP1100<sup>ii</sup>, BP0530(2)(2.3)(5.3)(6).<sup>iii</sup>
2. Failure to heed 2017 study warning of declining enrollment and need to consolidate, violating BP3000(1)(2), <sup>iv</sup>BP1100.
3. Failure to instruct superintendent on 9/23 to notify the public by 10/1/23, per BP3460<sup>v</sup>, BP 3100<sup>vi</sup>.
  - a. Officially notified the public of the budget deficit 1/12/24.
  - b. Consolidation model hastily approved on 2/22/24.
4. Refusal to incorporate community input and testimony 3/12/24, violating BP1120<sup>vii</sup>.
5. Publicly intimidating a board member at the 3/7/24 board meeting for motioning to present alternative consolidation model information, which achieved a majority vote, violating BP0200<sup>viii</sup>, BP9010<sup>ix</sup>.
  - a. Verbally attacking and degrading community members; visually displayed his inability to maintain composure, violating BP1000<sup>x</sup>, BP1120.
6. Publishing Open Letter article 3/8/24 undercutting a board member's 'approved' motion to present new information to the community, violating BP1000.

*BE MORE SPECIFIC*

*06*  
*0*

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MAR 28 2024  
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*me*

- 7. Failing to understand FY24 budget accounting errors resulting in \$7.9M deficit and taxpayer loan from CBJ, violating BP3460.
- 8. Failing to disclose a conflict of interest when discussing JCCS contract and relocation in addition to advertising personal business during board meetings, violating BP9270<sup>xi</sup>.

Jenny Thomas - primary contact  
 4460 Windfall Ave  
 Juneau, AK 99801  
 907-957-7411

Charles VanKirk - secondary contact  
 3654 Tongass Blvd  
 Juneau, AK 99801  
 907-321-3383

<sup>i</sup>We read statutory and regulatory citations as one word, so it is unnecessary to eliminate the spaces in such citations in order to meet the 200 word requirement.

- <sup>ii</sup>BP1100: Communication with the public
- <sup>iii</sup>BP0530: Discontinuation or closure of schools
- <sup>iv</sup>BP3000: Concepts and roles
- <sup>v</sup>BP3460: Periodic financial reports
- <sup>vi</sup>BP3100: Budget
- <sup>vii</sup>BP1120: Public involvement in Board of Education meetings
- <sup>viii</sup>BP0200: Goals for the school district
- <sup>ix</sup>BP9010: Public statements
- <sup>x</sup>BP1000: Communications with the public
- <sup>xi</sup>BP9270: Conflict of interest

CBJ CLERK  
 MAR 28 2024  
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*Dme*



Initiative Short Title: RECALL- EMIL MACKAY

**PETITION COMMITTEE MEMBER 1:**

Charles Kenneth VanKirk (Signature of Petitioner)  
Printed Legal Name of Petitioner: Charles Kenneth VanKirk  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3654 Tongass Blvd Juneau, AK 99801 P.O. Box 33553 Juneau, AK 99803  
(Optional) Phone: 907-321-8781 Email address: chuckvk@gmail.com

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Charles Kenneth VanKirk known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Andrea Hirsh  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



**PETITION COMMITTEE MEMBER 2:**

Jenny Thomas (Signature of Petitioner)  
Printed Legal Name of Petitioner: Jenny Thomas  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 4460 Windfall Ave Juneau, AK 99801  
(Optional) Phone: 907-957-7411 Email address: bebs-jvd@yahoo.com

State of Alaska  
Judicial District 1 SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Jenny Thomas known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Andrea Hirsh  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



MAR 28 2024

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Initiative Short Title: Recall - Emil MacKey

**PETITION COMMITTEE MEMBER 3:**

[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Shannon Marie Kelly  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8202A Keegan Street, Juneau, AK 99801  
(Optional) Phone: 575-776-7867 Email address: ShannonKelly76@gmail.com  
Voter ID: [Redacted]

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Shannon Marie Kelly known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



**PETITION COMMITTEE MEMBER 4:**

[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Melissa Christine Moseley Cullom  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8787 Duran Juneau, AK 99801  
(Optional) Phone: 907-209-1665 Email address: relief16b@yahoo.com

State of Alaska  
Judicial District 1 SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Melissa Christine Moseley Cullom known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/27

SEAL:



*withdrawn re: conversation with Jenny Thomas 3/27/24*

OBJ CLERK  
MAR 28 2024  
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Initiative Short Title: Recall Emil Mackey

**PETITION COMMITTEE MEMBER 3:**

\_\_\_\_\_  
(Signature of Petitioner)  
Printed Legal Name of Petitioner: \_\_\_\_\_  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) \_\_\_\_\_  
(Optional) Phone: \_\_\_\_\_ Email address: \_\_\_\_\_  
State of \_\_\_\_\_  
Judicial District \_\_\_\_\_ SS

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned notary public, personally appeared: \_\_\_\_\_  
known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public (Signature) SEAL:  
\_\_\_\_\_  
(Notary's printed name)  
My commission expires \_\_\_\_\_

**PETITION COMMITTEE MEMBER 4:**

Lynne Vankirk (Signature of Petitioner)  
Printed Legal Name of Petitioner: Lynne Vankirk  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3654 Tongass Blvd, P.O. Box 33883, Juneau, AK 99803  
(Optional) Phone: 907-321-8100 Email address: lvankirk@hotmail.com  
State of Alaska  
Judicial District 1 SS

On this 29 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Lynne Vankirk  
known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Andrea Hirsh (Signature)  
Notary Public (Signature) SEAL:  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027





Initiative Short Title: RECALL - EMIL MACKAY

PETITION COMMITTEE MEMBER 5:

[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: SHANNAN D. GREENE  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 8007 POPPY CT - JUNEAU AK 99801  
(Optional) Phone: (508) 566-6420 Email address: NILLAROO@AOL.COM  
AKIDL - [REDACTED]

State of Alaska  
Judicial District 1 SS

On this 28 day of March in the year 2024 before me, the undersigned notary public, personally appeared: Shannan D. Greene known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



CBJ CLERK  
MAR 23 2024  
RECEIVED  
[Signature]

Initiative Short Title: Recall - Emel Mackey

**PETITION COMMITTEE MEMBER 6:**

Heather J. Sikes (Signature of Petitioner)  
Printed Legal Name of Petitioner: Heather J. Sikes  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 16331 Oceanview Dr Juneau, AK 99801 E PO BOX 35495 JUNEAU, AK 99801  
(Optional) Phone: 907-259-7502 Email address: sikeshs907@gmail.com

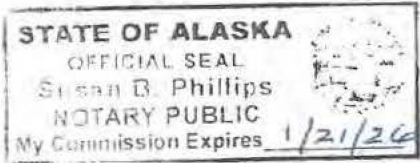
State of Alaska  
Judicial District Juneau SS

On this 29th day of March in the year 2024 before me, the undersigned notary public, personally appeared: Heather Sikes known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Susan B. Phillips  
Notary Public (Signature)  
Susan B. Phillips  
(Notary's printed name)  
My commission expires 1/21/26

SEAL:



**PETITION COMMITTEE MEMBER 7:**

Bjorn Wolter (Signature of Petitioner)  
Printed Legal Name of Petitioner: Bjorn Wolter  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 3335 MEANDER WAY, JUNEAU, AK, 99801  
(Optional) Phone: \_\_\_\_\_ Email address: bjorn.wolter@gmail.com

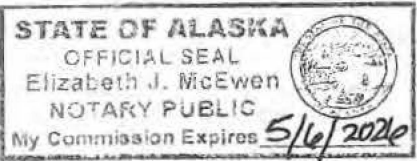
<sup>1st</sup> State of Alaska  
Judicial District Juneau SS

On this 2nd day of April in the year 2024 before me, the undersigned notary public, personally appeared: Bjorn Wolter known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Elizabeth J. McEwen  
Notary Public (Signature)  
Elizabeth J. McEwen  
(Notary's printed name)  
My commission expires 5/6/2026

SEAL:





Initiative Short Title: Recall - Emil Mackey

**PETITION COMMITTEE MEMBER 8:**

Lucinda Brown Mills (Signature of Petitioner)  
Printed Legal Name of Petitioner: Lucinda Brown Mills  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 4447 Taku Blvd. Juneau, AK 99801 [REDACTED]  
(Optional) Phone: 907-723-7078 Email address: lucinda.brownmills@gmail.com

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Lucinda Brown-Mills known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



**PETITION COMMITTEE MEMBER 9:**

[Signature] (Signature of Petitioner)  
Printed Legal Name of Petitioner: Jessica Kathleen Miller  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) [REDACTED] 8518 Forest Lane  
(Optional) Phone: 907-465-7022 Email address: \_\_\_\_\_

State of Alaska  
Judicial District 1<sup>st</sup> SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Jessica Kathleen Miller known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



CBJ CLERK  
APR 03 2024  
RECEIVED



Initiative Short Title: Recall Emil Mackey

**PETITION COMMITTEE MEMBER 10:**

(Signature of Petitioner)  
Printed Legal Name of Petitioner: Olivia Elzina Orsborn  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 9152 Jerry Dr Juneau AK 99801  
(Optional) Phone: 907 723 4773 Email address: olivia-orsborn@hotmail.com

State of Alaska  
Judicial District 1 SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Olivia Elzina Orsborn known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(Signature)  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



**PETITION COMMITTEE MEMBER 11:**

(Signature of Petitioner)  
Printed Legal Name of Petitioner: SHARYN ANNE AUGUSTINE  
Residence and Mailing Addresses, and one Identifier (Voter Number, Last 4 digits of SSN, or Date of Birth) 10780 MENDENHALL LOOP RD, JUNEAU, AK 99801  
(Optional) Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

State of Alaska  
Judicial District 1st SS

On this 3 day of April in the year 2024 before me, the undersigned notary public, personally appeared: Sharyn Anne Augustine known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(Signature)  
Notary Public (Signature)  
Andrea Hirsh  
(Notary's printed name)  
My commission expires 02/24/2027

SEAL:



CBJ CLERK

APR 03 2024

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[AS 29.26.240 – AS 29.26.360](#)

**Article 3. Recall.**

**Sec. 29.26.240. Recall.**

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.

**History.**

(§ 9 ch 74 SLA 1985)

**Sec. 29.26.250. Grounds for recall.**

Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.

**History.**

(§ 9 ch 74 SLA 1985)

**Sec. 29.26.260. Application for recall petition.**

(a) An application for a recall petition shall be filed with the municipal clerk and must contain

- (1) the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
- (2) the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
- (3) a statement in 200 words or less of the grounds for recall stated with particularity.

(b) An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

**History.**

(§ 9 ch 74 SLA 1985; am § 14 ch 80 SLA 1989)

**Sec. 29.26.270. Recall petition.**

(a) If the municipal clerk determines that an application for a recall petition meets the requirements of [AS 29.26.260](#) , the clerk shall prepare a recall petition. All copies of the petition must contain

- (1) the name of the official sought to be recalled;
- (2) the statement of the grounds for recall as set out in the application for petition;

- (3) the date the petition is issued by the clerk;
- (4) notice that signatures must be secured within 60 days after the date the petition is issued;
- (5) spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;
- (6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
- (7) space for indicating the number of signatures on the petition.

(b) The clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

**History.**

(§ 9 ch 74 SLA 1985; am § 15 ch 80 SLA 1989)

**Sec. 29.26.280. Signature requirements.**

(a) The signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. The statement provided under AS 29.26.270 (a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

(b) The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date written notice is given to the contact person that the petition is available. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of the voters residing in the district equal to 25 percent of the number of votes cast in the district for that office at the last regular election held before the date the written notice is given to the contact person that the petition is available.

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.

(d) A petition signer may withdraw the signer's signature upon written application to the clerk before certification of the petition.

**History.**

(§ 9 ch 74 SLA 1985; am § 16 ch 80 SLA 1989)

**Sec. 29.26.290. Sufficiency of petition.**

(a) The copies of a recall petition shall be assembled and filed as a single instrument. A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled. Within 10 days after the date a petition is filed, the municipal clerk shall

(1) certify on the petition whether it is sufficient; and

(2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

(b) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected if

(1) the petition contains an adequate number of signatures, counting both valid and invalid signatures; and

(2) the supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.

(c) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

**History.**

(§ 9 ch 74 SLA 1985; am § 17 ch 80 SLA 1989)

**Sec. 29.26.300. New recall petition application.**

A new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected as insufficient.

**History.**

(§ 9 ch 74 SLA 1985)

**Sec. 29.26.310. Submission.**

If a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting.

**History.**

(§ 9 ch 74 SLA 1985)

**Sec. 29.26.320. Election.**

(a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

(b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

**History.**  
(§ 9 ch 74 SLA 1985)

**Sec. 29.26.330. Form of recall ballot.**

A recall ballot must contain

- (1) the grounds for recall as stated in 200 words or less on the recall petition;
- (2) a statement by the official named on the recall petition of 200 words or less, if the statement is filed with the clerk for publication and public inspection at least 20 days before the election;
- (3) the following question: “Shall (name of person) be recalled from the office of (office)?  
Yes [ ] No [ ]”.

**History.**  
(§ 9 ch 74 SLA 1985; am § 18 ch 80 SLA 1989)

**Sec. 29.26.340. Effect.**

- (a) If a majority vote favors recall, the office becomes vacant upon certification of the recall election.
- (b) If an official is not recalled at the election, an application for a petition to recall the same official may not be filed sooner than six months after the election.

**History.**  
(§ 9 ch 74 SLA 1985)

**Sec. 29.26.350. Successors.**

- (a) If an official is recalled from the governing body, the office of that official is filled in accordance with AS 29.20.180 . If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 29.20.180 .
- (b) If a member of the school board is recalled, the office of that member is filled in accordance with AS 14.12.070 . If all members are recalled from a school board, the governor shall appoint three qualified persons to the school board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070 .

(c) A person who has been recalled may not be appointed under (a) or (b) of this section to the office from which the person was recalled. A person appointed under (a) or (b) of this section serves until a successor is elected and takes office.

(d) If an official other than a member of the governing body or school board is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

(e) Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

**History.**

(§ 9 ch 74 SLA 1985; am § 19 ch 80 SLA 1989)

**Sec. 29.26.360. Application.**

AS 29.26.250 — 29.26.360 apply to home rule and general law municipalities.

**History.**

(§ 9 ch 74 SLA 1985)

**Chapter 28. Elections.**

*[Repealed, § 88 ch 74 SLA 1985.]*

[AS 14.12.030-14.12.070](#)

**Article 2. School Boards.**

**Sec. 14.12.030. School boards.**

(a) Each borough and city school district with an average daily membership of 5,000 or less has a school board of five members, except that the governing body of the borough or city may by ordinance, concurred in by a majority of the district school board, provide for a school board of seven members.

(b) Each borough and city school district with an average daily membership exceeding 5,000 has a school board of seven, nine, or eleven members, as established by ordinance.

(c) The provisions of (a) and (b) of this section do not apply if the assembly serves as the school board of the borough school district.



(d) The provisions of (a) and (b) of this section do not apply to a regional educational attendance area that converts to a city or borough school district. The number of school board members may be changed by the qualified voters in a district by placing the question on the ballot at a regular school board election in the manner prescribed by law.

(e) Each city or borough school district that is operating schools on a military reservation under AS 14.12.020 (a) has one nonvoting delegate from the military reservation or reservations to the school district board to advise and assist the board in matters relating to the military reservation schools operated by the school district and to act as liaison between the board and the military community. The nonvoting delegate shall be appointed by the school district board, shall serve at the pleasure of the school district board, and must be an inhabitant of the area served by the military reservation schools operated by the school district by contract. If an elected community school committee is established on a military reservation, the only inhabitants of that military reservation who are eligible for appointment as the nonvoting delegate are those inhabitants who are members of the elected school committee.

**History.**

(§ 1 ch 98 SLA 1966; am § 1 ch 71 SLA 1969; am § 1 ch 83 SLA 1974; am § 2 ch 13 SLA 1975; am § 6 ch 124 SLA 1975; am § 4 ch 24 SLA 1979; am § 3 ch 73 SLA 1985; am § 27 ch 74 SLA 1985; am § 21 ch 37 SLA 1986; am § 1 ch 86 SLA 1986)

**Sec. 14.12.035. Advisory school boards in borough school districts.**

A borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers, and duties.

**History.**

(§ 1 ch 81 SLA 1974)

**Sec. 14.12.040. Transition from five to seven member board.**

The transition from a five-member to a seven-member school board shall be made at the regular election following, or being held within 90 days preceding, the completion of the second regular school term during which the district maintains an average daily membership exceeding 5,000 or at the regular election following the effective date of an ordinance increasing board membership as provided in AS 14.12.030 (a). Once the district has a seven-member school board, the number of members may not be changed.

**History.**

(§ 1 ch 98 SLA 1966; am § 2 ch 71 SLA 1969)

**Sec. 14.12.050. School board terms.**

(a) The term of office of a member of a borough or city school board is three years and until a successor takes office. However, the members of a newly created five-member school board hold office for initial terms as follows: two for a term of three years, two for a term of two years, and one for a term of one year, the terms being assigned to the members by lot. The members of a newly created seven-member school board hold office for initial terms as follows: three for a



term of three years, two for a term of two years, and two for a term of one year, the terms being assigned to the members by lot.

(b) When a transition is made from a five-member school board to a seven-member school board, the length of the terms of office for the two new members to be elected shall be determined by lot so that when the terms of office for the two new members are assigned, the terms of office for the entire seven-member board shall be as follows: three members have a three-year term, two members have a two-year term, and two members have a one-year term. A seven-member school board, the terms of office of whose members at the time of transition from a five-member board did not result in terms expiring in the manner provided in this section, may, by resolution adopted by a majority of the members of the board, adjust the terms of office to conform to the schedule for expiration of terms of office provided in this section.

(c) Nothing in this section prevents school board members from succeeding themselves.

**History.**

(§ 1 ch 98 SLA 1966; am § 1 ch 41 SLA 1972)

**Sec. 14.12.070. Vacancies.**

If a vacancy occurs on the school board, the remaining members shall within 30 days fill the vacancy. The person selected shall serve until the next regular election when a successor shall be elected to serve the balance of the term.

**History.**

(§ 1 ch 98 SLA 1966)



**II. Facts and Proceedings**

**A. The Project Background**

The project at issue involves the proposed construction of a fifth dock in the Juneau Subport at the southeast corner of Eagan and Whittier Streets.<sup>1</sup> The subport consists of tidelands owned in part by CBJ and in part by the State of Alaska, as well as 2.2 acres of associated uplands currently owned by HTC.<sup>2</sup>

Efforts to a build a dock have been ongoing since at least 2019, when Norwegian Cruise Lines (NCL) purchased the uplands property and began exploring the possibility of a floating cruise ship dock and related waterfront development.<sup>3</sup> NCL engaged in various outreach efforts during its ownership of the property, including three community meetings, in which HTC participated.<sup>4</sup>

**B. Process for Consideration of a Fifth Dock**

The CBJ’s process for considering a fifth dock in Juneau was outlined at a public meeting in January 2022.<sup>5</sup> The process entails three steps: (1) an update to the Long Range Waterfront Plan (LRWP), which is included in the CBJ Comprehensive Plan and codified at CBJ Code (CBJC) 49.05.200(b)(1)(C);<sup>6</sup> (2) the application for a conditional use permit for consideration by the Planning Commission for compliance with Title 49 of the CBJC and related plans; and (3) an application for a tidelands lease, to be submitted to the CBJ Division of Lands and Resources for consideration by the CBJ Assembly.<sup>7</sup>

The first step in the process was completed on March 14, 2022, through the CBJ Assembly’s adoption of Ordinance 2022-12, which amended the LRWP “to allow for creation of a dock facility capable of accommodating one large cruise ship.”<sup>8</sup> The ordinance also contained an appendix (Appendix B) that listed criteria for future dock construction projects, for reference

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<sup>1</sup> R. 57.  
<sup>2</sup> R. 61. The property at issue is identified as Lot C1 on the Plat 2009-37, which subdivided the Subport. R. 57. The tidelands are zoned Waterfront Commercial, and the uplands are zoned for mixed use development. R 346.  
<sup>3</sup> R. 75; Tr. at 60.  
<sup>4</sup> Tr. at 60.  
<sup>5</sup> This process was established when NCL still owned the property. R. 55.  
<sup>6</sup> CBJ Tourism manager Alexandra Pierce has described the LRWP as “an infrastructure plan and guidebook to manage waterfront change along four overarching goals identified by the CBJ: (1) enhance community quality of life; (2) strengthen tourism product offerings as well as downtown retail, entertainment, residential and service activities; (3) improve Juneau’s image and attractiveness for investment; and (4) recognize all current waterfront uses.” R. 765. The LRWP was originally adopted in 2004. R. 765.  
<sup>7</sup> R. 55.  
<sup>8</sup> R. 280.

during the conditional use permitting process.<sup>9</sup> The criteria had been recommended by the Visitor Industry Task Force, a task force established by the CBJ Mayor in 2019 in part to make recommendations on tourism and updating the LRWP.<sup>10</sup> Appendix B of the 2022 amendment to the LRWP states:

**VITF Criteria for Subport Dock Construction**

In 2020, the CBJ VITF established the following criteria for constructing a cruise ship dock at the Subport. This amendment supports the VITF’s criteria and any application for development needs to be evaluated consistent with the following:

1. One larger ship per day using one side of the facility;
2. Maximum of five larger ships in port per day;
3. No hot berthing at the new facility;
4. No larger ships allowed to anchor as the sixth ship in town. Larger ships may anchor but the number of larger ships in port would still be limited to five (CBJ to consider legal ramifications of limiting size of ships at anchor.”)
5. CBJ manages dock to some extent through a public private partnership or management agreement;
6. **Dock is electrified;**

The following criteria are related to uplands development and remain strong recommendations for uplands-related proposals:

7. High quality uplands development for community and visitors;
8. Year-round development orientation.<sup>11</sup>

The bolding in the above quotation has been added.

Later in 2022, NCL transferred the uplands property to HTC.<sup>12</sup>

**C. HTC’s Conditional Use Permit Application**

The appeal in this case concerns the second step in the three-step process: an application for a CUP for development of the Subport. On January 25, 2023, HTC submitted a CUP application, which it revised and updated on May 18, 2023, for a development project referred to as the Aak’w Landing project.<sup>13</sup> HTC described the project as:

<sup>9</sup> R. 55 and 58.

<sup>10</sup> R. 283 and 803. After meeting twelve times, holding two public meetings, and receiving written and public testimony, the task provided a final report with its recommendations to the Assembly. R. 803.

<sup>11</sup> R. 283 (emphasis supplied).

<sup>12</sup> R. 58.

<sup>13</sup> R. 1-52; R. 58 R. 86. The original application was for development of the uplands only. The revised application proposed the construction of a floating dock in the tidelines. R. 1-52; R. 86.

a phased development of mixed use, including retail, food and beverage, community park, docking and associated parking. . . . The Aak’w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. . . .

The pier portion of the project will utilize a proven steel float solution that will be built with a deck up to 70 feet wide and 500 feet long, allowing for the best facility layout and passenger handling solution.<sup>14</sup>

The application also states that the dock will include “cable trays and structure for integrating future shore power connections once the municipal feed is available.”<sup>15</sup>

***D. Review and Approval of the CUP***

The CUP application was distributed to various CBJ departments and outside agencies for review and comment, and a public comment period was held from June 2-20, 2023.<sup>16</sup> Only one public comment, which opposed the project due to over-tourism concerns, was received.<sup>17</sup> On June 29, 2023, the Community Development Department (CDD) submitted a staff report to the Planning Commission, evaluating the proposal under the permitting standards in CBJ 49.15.330(e) and (f), concluding, among other things, that the project would not materially endanger public health and safety and would conform with the CBJ comprehensive plan, the LRWP as amended, and various other adopted plans.<sup>18</sup> The CDD recommended that the Commission approve the application with nine conditions, including the provision of shore power by HTC within 24 months of a power line being located nearby; the completion of a navigability study; a limit of one large cruise ship at the dock every 24 hours; no hot berthing; and no temporary certificate of occupancy for the dock until a tidelands lease is recorded.<sup>19</sup>

The Commission convened a public hearing on the CUP application on July 11, 2023.<sup>20</sup> Public interest in the application was surprisingly low, with only three members of the public

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<sup>14</sup> R. 120. HTC described the first phase of the project as developing the dock and a retail/welcome center; the second phase as adding retail space and an upper-level plaza; and the third phase as parking and a flexible space.  
<sup>15</sup> R. 119.  
<sup>16</sup> R. 74-75, 292-300, and 337.  
<sup>17</sup> R. 353.  
<sup>18</sup> R. 8—81.  
<sup>19</sup> R. 81-82.  
<sup>20</sup> R. 346 and 1521.

(other than the applicant) testifying, each in support of the project.<sup>21</sup> Although Commissioners expressed concern that the uplands portion of the application (particularly phase 3) required further clarification, they determined that they had sufficient information about the proposed dock to take a vote on that portion of the project.<sup>22</sup> At the conclusion of the hearing, they voted 5-2 to approve the CUP for the floating dock.<sup>23</sup> On July 20, 2024, they issued a decision approving a floating steel dock up to 70 feet wide and 500 feet long, with the nine conditions specified in the CDD’s staff report, including condition 5:

The dock owner will, at their own expense, provide shore power within 24 months after an appropriately-sized power line is within 25 feet of the property line. When shore power is provided, large ships using the dock will be required to use shore power instead of ship power.<sup>24</sup>

Ms. Hart’s notice of appeal followed, which was accepted by the CBJ Assembly, and HTC was allowed to intervene as a real party of interest in the subject of the appeal. The appeal was referred to Alaska Office of Administrative Hearings to supply a hearing officer as permitted by CBJC 01.50.040.<sup>25</sup>

A hearing by Zoom videoconference was held on January 24, 2024. In this context, a “hearing” consists of oral argument by the parties, with an opportunity for the hearing officer to ask questions of the presenters. Participants in the oral argument included Ms. Hart, and counsel for the Commission and HTC, respectively. A proposed decision was issued on March 12, 2024, followed by a written objection to the proposed decision by Huna, and a written response by Ms. Hart to the objection. On April 25, 2024, the undersigned requested additional briefing from the

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<sup>21</sup> Tr. 38-48. Commissioner Pedersen expected there would have been more public comment on the project, and Commission Chair LeVine described being “baffled” by the level of public participation. Tr. at 103-104.

<sup>22</sup> Tr. at 81. Commission Chair LeVine expressed his hope that the Commission’s approve of the CUP for a dock “will signal to the developer and the Assembly that we’re supportive of this development and would like to see a complete application come back before the Commission as quickly as possible.” Tr. at 104.

<sup>23</sup> Tr. at 105.

<sup>24</sup> R. 362-363. The Commission did not adopt the analysis and findings regarding the uplands portion of the application because it “did not contain sufficiently specific information, particularly about the portion designated Phase 3, to support a conclusion that the project as a whole would comport with Title 49, including the MU2 land use designation.” R. 363. The uplands portion of the project was heard at the Planning Commission’s August 8, 2023, an approved as a separate CUP.

<sup>25</sup> The appeal was referred to the Office of Administrative Hearings after the Assembly granted a motion by Ms. Hart to disqualify the hearing officer originally designated to hear this case. Order Re Disqualification of Hearing Officer, October 25, 2023.

parties. Upon consideration of the parties’ briefs and all information in the record, this amended proposed decision follows.<sup>26</sup>

The appeal points and arguments raised at the hearing and in the parties’ written filings are discussed below. Before turning to the merits of the arguments, however, a short explanation of the process and legal standards is provided.

**III. Discussion**

**A. Procedure**

A decision of the Commission to grant or deny a CUP may be appealed by “any party affected by the proceedings,” a member of the Assembly, or a municipal officer or employee.<sup>27</sup> The appeal is to the Assembly, which may appoint a hearing officer to conduct a hearing and issue a proposed decision for the Assembly’s consideration.<sup>28</sup>

Appeals of a CUP are heard on the established record, as supplemented by relevant and admissible “new information” - i.e., information that was not presented to the Commission and that could not have been presented for reasons beyond the control of the party seeking its submission.<sup>29</sup> After briefing and oral argument, a proposed decision is issued, followed by the opportunity for parties to file written objections or statements of support after which either an amended proposed decision is issued, or a statement that no changes to the proposed decision should be made.

**B. Standard of Review**

The standard of review governing this appeal is established by the CBJC. For the Commission’s decision to be set aside, the appellant has the burden of proving at least one of the following: (1) the decision is not supported by substantial evidence in light of the whole

<sup>26</sup> Under the CBJC, after briefing and oral argument, a proposed decision is issued, to which the parties may file written objections and, potentially statements of support. CBJC 01.50.140(c)(1). Ultimately, upon consideration of these submissions, the Assembly issues a written decision affirming, modifying, or setting aside the proposed decision in whole or in part, remanding the matter to the Commission, or directing that the matter be reheard. CBJC 01.50.140(a) and (c).

<sup>27</sup> CBJ Home Rule Charter, 3.16(b).

<sup>28</sup> CBJC 01.50.030(e)(4)(A); CBJ 01.05.040.

<sup>29</sup> CBJC 01.50.030(f). CUP applications must be submitted to the CDD Director. Once the application is accepted, the CDD Director is required to schedule and notice a public hearing in front of the Commission. CBJC 49.15.330(d)(2). The Director shall also forward the application to the Commission with a report containing the Director’s recommendation for approval or denial of the application, and a determination of whether (1) the proposed project is an appropriate use of the property, (2) the application is complete, and (3) the project will comply with the requirements of Title 49. CBJC 49.15.330(d)(3) and 49.15.330(e).

record;<sup>30</sup> (2) the decision is not supported by adequate written findings, or the findings fail to identify the basis upon which the decision was made;<sup>31</sup> or (3) a due process or other material procedural violation occurred.<sup>32</sup>

“Substantial evidence” means “such relevant evidence a reasonable mind might accept as adequate to support a conclusion.”<sup>33</sup> This standard requires the reviewer to uphold the original factual findings if they are supported by substantial evidence, even if the reviewer may have a different view of the evidence. In a case reviewed on the substantial evidence standard, “[i]t is not the function of the [hearing officer] to reweigh the evidence or choose between competing inferences, but only to determine whether such evidence exists.”<sup>34</sup> For decisions based on the interpretation of a zoning ordinance implicating the Commission’s expertise or the formulation of fundamental policies, the decision is “entitled to considerable deference” and is reviewed under the “reasonable basis” standard of review.<sup>35</sup> In those circumstances, review of the Commission’s decisions is narrow, and a “presumption of validity” is applied.<sup>36</sup> Otherwise, the decision is reviewed under the “independent judgment” standard of review.<sup>37</sup>

**C. CUP Requirements**

The standards applicable to CUP applications are set forth CBJC 49.15.330(e) and (f). Under section 330(e), at the hearing on the CUP, the Commission shall review the CDD Director’s report to consider:

- (1) Whether the proposed use is appropriate according to the table of permissible uses;
- (2) Whether the application is complete; and
- (3) Whether the development as proposed will comply with the other requirements of this title.<sup>38</sup>

<sup>30</sup> CBJC 01.50.070(a)(1).

<sup>31</sup> CBJC 01.50.070(a)(2).

<sup>32</sup> CBJC 01.50.010. A fourth basis for setting aside the Commission’s decision, that it would violate the law, is implicit.

<sup>33</sup> CBJC 01.50.010.

<sup>34</sup> *Interior Paint Co. v. Rodgers*, 522 P.2d 164, 170 (Alaska 1974).

<sup>35</sup> *South Anchorage Concerned Coalition, Inc. v. Coffey*, 862 P.2d 168, 176 (Alaska 1993); *Balough v. Fairbanks North Star Borough*, 995 P.2d 245, 254 (Alaska 2000).

<sup>36</sup> *South Anchorage*, 862 P.2d at 173.

<sup>37</sup> *Balough*, 995 P.2d at 254.

<sup>38</sup> CBJC 49.15.330(e)(1).



The Commission is required to adopt the Director’s determination on each of these items “unless it finds by a preponderance of the evidence that the Director’s determination was in error, and it states its reasons for each finding with particularity.”<sup>39</sup>

Under CBJC 49.15.330(f) if the Commission decides to adopt the staff report, it may nevertheless deny or place conditions on the permit in some circumstances. That section states:

- (f) *Commission determinations; standards.* Even if the commission adopts the Director’s determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based on its own independent review of the information submitted at the hearing, that the development will more probably than not:<sup>40</sup>
  - (1) Materially endanger the public health or safety;
  - (2) Substantially decrease the value of or be out of harmony with the property in the neighboring area; or
  - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

**D. Points on Appeal**

Ms. Hart raised a number of points in her notice of appeal, which she expressly narrowed through briefing to the two issues summarized below. She has not briefed any additional issues identified in her notice of appeal. Thus, those issues are waived.<sup>41</sup>

1. Appellant’s Arguments Regarding Health, Safety, and Welfare

Ms. Hart argues that the Commission’s finding that the project will not materially endanger public health and safety is not supported by substantial evidence, and the project is inconsistent with the goal of the Comprehensive Plan to “promote public health and the general welfare.”<sup>42</sup> As support for her position, she contends that the CDD failed to consider relevant studies and research concerning the effects of cruise ship emissions on human health. She quotes a statement from a CBJ Dock Electrification Fact Sheet by the Juneau Commission on Sustainability regarding significant health problems from exposure to cruise-ship related air pollution; she cites an EPA Shore Power Calculator she purportedly used to estimate the costs of

<sup>39</sup> CBJC 49.15.330(e)(2).

<sup>40</sup> The language of the section that the Commission “may” deny a CUP if specific circumstances exist suggests that the Commission has the discretion, but not the obligation, to deny a CUP in those circumstances.

<sup>41</sup> *Martinez v. GEICO*, 473 P.3d 316, 326 (Alaska 2020); *Hagen v. Strobel*, 353 P.3d 799, 805 (Alaska 2015) (argument “given only a cursory statement in the argument portion of a brief” was waived due to inadequate briefing and “will not be considered on appeal”).

<sup>42</sup> Appellant Brief, November 30, 2023, at p. 1

one year of air emissions from a large cruise ship at dock for 16 hours per day during the cruise season, which she claims “are realized as deaths, disabilities, emergency room visits, asthma attacks, and other harms;” and she references a Harvard School of Public Health publication as “one of many examples” of scientific studies and other “peer-reviewed federal government tools” about diesel air pollution she alleges the CDD should have examined to properly assess the health effects of emissions from the project.<sup>43</sup>

The threshold problem with Ms. Hart’s assertions on these points is that the studies and documents she references are not in the record in this case.<sup>44</sup> In the context of appellate review, the Commission’s approval of the CUP must be evaluated solely based on the established record – i.e., the information that was before it – not some larger body of evidence that was not presented to the Commission.<sup>45</sup>

There are similar problems with other assertions by Ms. Hart. For example, she contends generally that “[d]iesel air pollution has been associated with respiratory, cardiovascular, and neurodegenerative disease (such as Parkinson’s and Alzheimer’s), as well as cancer,” and “[p]renatal exposure is also of concern” – without citing any supporting authority or clarifying how these concerns are related to potential cruise ship emissions in this case.<sup>46</sup> She also maintains that to properly assess the effect of emissions from the project on human health, the CDD should have commissioned its own studies.<sup>47</sup> Again, Ms. Hart cites no legal authority in the CBJC or elsewhere that supports this position. Where legal authority is asserted without citation, it is waived.<sup>48</sup>

Here, the question is whether the finding that the project would not materially endanger public health and safety is supported by substantial evidence in the record. The 30-page CDD staff report that was presented to the Commission looked at the whole project and included a section on health, with a particular focus on shore power. The report recognized that shore

<sup>43</sup> Appellant Brief, November 30, 2023, at pp. 2-4.

<sup>44</sup> Nor did Ms. Hart seek to supplement the record to include any of these items. The deadline for motions to supplement the record was November 9, 2023. Prehearing Order, September 25, 2023, at p. 2.

<sup>45</sup> Ms. Hart wanted the Commission to consider particular information in its decision-making process, she could have availed herself of the opportunity to submit that information to the Commission through the public comment and public meeting process. She did not elect to do so.

<sup>46</sup> Appellant Brief, November 30, 2023, at p.4.

<sup>47</sup> Appellant Brief, November 30, 2023, at p. 2; Appellant’s Response Brief to Opposition Briefs of Appellee and Intervenor Appellee, January 16, 2023, at p. 4.

<sup>48</sup> *Coppe v. Bleicher*, 318 P.3d 369, 378–79 (Alaska 2014) (upholding determination that issues are waived where argument “lacked citation to authority or a legal theory to support it.”)

power would improve health through reduction of combustion byproducts, that the dock would be built to accommodate shore power when a municipal line is available, and identified suggestions of the local electric utility, Alaska Electric Light & Power (AEL&P), about options for a transmission line to the Subport. The report provided information on the effects of the project on safety, noting that sidewalk and traffic congestion in downtown are major concerns of Juneau residents, and the project would take pressure off downtown by moving roughly 120,000 passengers west of Main Street. The report provided information about sanitation, traffic, noise and lighting (among other things), and discussed the dock and related issues, including sidewalks, walkways, and bus traffic from the dock, passenger fees to offset impacts, and the percentage of local residents employed by tourism.

The Commission then reviewed the staff report and conducted its public hearing in July 2023. Following a presentation of the project proposal by HTC, the Commissioners asked many questions about the project design and timing, parking and traffic, and most notably, shore power. There was considerable discussion about the timing of shore power to the project, with HTC stating that it is “investing in the infrastructure as part of the initial plan” so it will be “plumbed and ready for shore power” as soon as a transmission line is available to the property. Because of power capacity limitations in Juneau, HTC emphasized that the timing of a power line to the property is largely out of its control, but it explained that it has met with the power utility to discuss the project, and approving the CUP would serve as a catalyst to help prioritize bringing power to the property.

The Commission considered and weighed all this evidence in deciding to adopt the staff report’s findings regarding the dock. There is substantial evidence in the record to support the conclusion that the CUP as conditioned will not materially affect public health and safety.

## 2. Appellant’s Argument that the Proposed Project Violates the LRWP

Ms. Hart contends that the conditions in Appendix B of the LRWP are mandatory, including the criterion that “the dock is electrified.” She observes that condition 5 of the CUP does not require shore power before the dock is allowed to operate – only that shore power be provided within 24 months of a line becoming accessible to the property. This means the dock could operate without shore power for at least some period of time, contrary to the condition about shore power in Appendix B. Thus, Ms. Hart argues that approving the CUP violated the LRWP.

The Commission and HTC dispute this contention, arguing that the LRWP is part of the CBJ comprehensive plan, which consists of aspirational goals and policies, rather than obligatory standards. Thus, they claim that the Appendix B criteria are likewise aspirational only, and while they should be considered in deciding whether to approve a CUP, but they are not compulsory. The Commission and HTC argue that if the criteria were mandatory, development of a fifth dock would be delayed indefinitely, contrary to the LRWP’s purpose “to allow a large cruise ship dock that accommodates one large cruise ship. . . .”<sup>49</sup> They reason that if a dock were required to have shore power before operating, no one would try to build a dock in Juneau, given the considerable uncertainty about electrical capacity beyond the dock operator’s control.

a. *The conditions in the LRWP are aspirational goals and policies rather than mandatory requirements.*

Whether the Appendix B condition that the “dock is electrified” is a mandatory requirement or an aspirational goal requires an interpretation of the land use ordinances concerning the LRWP. Because the Commission has expertise applying zoning and land use ordinances, including officially adopted plans of the CBJ, the reasonable basis standard of review applies to the Commission’s interpretation of the ordinances in this instance. According to the plain language of CBJC 49.05.200(c), the LRWP is a part of the CBJ comprehensive plan. That section specifically states:

There is adopted the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, 2013 Update, including the following additions:

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(C) The Long Range Waterfront Plan for the City and Borough of Juneau, dated January 22, 2004, as amended including by Ordinance 2022-12.

Thus, understanding the nature of the LRWP necessitates an understanding of CBJ comprehensive plan and its role in municipal land use planning and zoning. Alaska law defines a comprehensive plan as “a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development. . . of the borough. . . including recommendations for implementation of the comprehensive plan.” Consistent with this definition, CBJC 49.05.200(b) identifies the CBJ comprehensive plan as “the policies that guide and direct public and private land use activities in the City and Borough.”

<sup>49</sup> R. 282.

The CBJC makes clear that the policies of the comprehensive plan are aspirational only; they are not regulations of land. CBJ 49.05.200(c) specifically states:

**The goals and policies set forth in the comprehensive plan are aspirational in nature**, and are not intended to commit the City and Borough to a particular action, schedule, or methodology. **Neither the comprehensive plan nor the technical appendix adopted under this section nor the amendment of either** creates any right in any person to a zone change nor to any permit or other authority to make a particular use of land; neither do they **constitute a regulation of land nor a reservation or dedication of privately owned land for public purpose.** (Emphasis supplied)

Because the comprehensive plan consists of aspirational goals and policies, and the LRWP, including Appendix B, is part of the comprehensive plan, it follows logically that the Commission reasonably construed the Appendix B conditions as aspirational goals and objectives, albeit goals specific to development of the downtown waterfront area.<sup>50</sup> As aspirational goals, they are not mandatory requirements, despite their seemingly mandatory language, including that the “dock is electrified.”<sup>51</sup>

The language of the CBJ comprehensive plan supports this conclusion. The plan contains 123 policies, each of which contains an associated “Standard Operating Procedure”, “Development Guideline”, and/or “Implementing Action,” described as “directives for how to carry out [each] policy.”<sup>52</sup> These actions include the adoption and revision of zoning ordinances. The language of the plan specifies that it is the zoning ordinances that “regulat[e] the use of land and the improvements on it. . . which implement the land use policies and maps of this Comprehensive Plan,” by “establish[ing] standards for development and create[ing] different zoning districts or classification of land. In CBJ, zoning regulations are adopted within Title 49, the Land Use Code.”<sup>53</sup>

This conclusion is reinforced by the Alaska Supreme Court’s general description of the land use planning and zoning process in *Lazy Mountain Land Club v. Matanuska-Susitna Borough Board of Adjustment and Appeals*, 904 P. 2d 373, 378 (Alaska 1995). In that case, the Court drew a distinction between development policies and goals, which are contained in a

<sup>50</sup> This conclusion would be the same even if the independent basis standard of review were applied.  
<sup>51</sup> This conclusion is also supported under the “independent basis” standard of review.  
<sup>52</sup> <https://juneau.org/index.php?gf-download=2017%2F08%2F20170316UPDATEComp.Plan2013WEB.pdf&form-id=22&field-id=11&hash=44bf8467abf6aacec02114d42e16e845d6a7d6c9ebb1b73a4e0e299b018299a8>, p. 227.  
<sup>53</sup> *Id.* at 243.

comprehensive plan and the measures that implement them. The Court described land use planning and zoning as a “hierarchical process in which the comprehensive plan of a municipality serves as a ‘long-range policy guide for development of the [municipality] as a whole,’”<sup>54</sup> which is then implemented through measures such as zoning regulations and permit requirements.<sup>55</sup>

The determination that the Appendix B conditions are aspirational goals rather than mandatory requirements is not altered by the language of CBJC 49.05.200(b) regarding the relationship between the policies in the comprehensive plan and the ordinances implementing them. CBJC 49.05.200(b) states that the “implementation of policies” in the comprehensive plan “includes the adoption of ordinances in this title,” and “[w]here there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.” Relying on this language, Ms. Hart suggests that the ordinance adopting the LRWP, Ordinance 2022-12, conflicts with and takes precedence over the comprehensive plan, rendering the Appendix B conditions mandatory. But this argument is misplaced. Ordinance 2022-12 was not adopted pursuant to the comprehensive plan to implement the plan’s policies. As explained previously, the adoption of the ordinance incorporated the LRWP into the comprehensive plan, establishing goals and policies for development of the downtown waterfront area – not legally binding requirements.<sup>56</sup>

The CBJ could certainly adopt specific ordinances providing mandatory permitting requirements for a fifth dock in the Subport, including a requirement mandating shore power, to implement the LRWP specifically. But the CBJ has not done so to date. Thus, only the general CUP requirements in CBJC 49.15.330(e) and (f) are binding in this context.

b. *The application of CBJC 49.15.330(f) supports the Commission’s determination that the proposed project is in conformity with the LRWP.*

<sup>54</sup> *Lazy Mountain*, 904 P.3d at 377.

<sup>55</sup> *Id.* , 904 P.3d at 377 (“the legitimate function of a zoning regulation is to implement a plan for the future development of the community.” Citing 1 Robert M. Anderson, *American Law of Zoning*, § 5.02, at 263 (2d. ed. 1976)).

<sup>56</sup> The CBJ could have adopted ordinances with specific permitting requirements for proposed dock projects in the Subport, to specifically implement the LRWP, but it has not yet done so. Thus, only the general CUP requirements in CBJC 49.15.330(e) and (f) apply here.

In this case, the Commission adopted the findings in the CDD staff report. Under CBJC 49.15.330(f), the Commission nevertheless had the authority to deny or condition the permit in certain circumstances. CBJC 49.15.330(f), in pertinent part, states:

- (f) *Commission determinations; standards.* Even if the commission adopts the Director’s determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based on its own independent review of the information submitted at the hearing, that the development will more probably than not:<sup>57</sup>

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**(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.**  
 (Emphasis supplied)

Here, the Commission concluded that the proposed development was in “general conformity” with the comprehensive plan and other officially adopted plans. The legal question is whether the Commission’s determination is supported by substantial evidence in the record.

The record reflects that proposed project is in general conformity with the goal of the LRWP that a fifth dock be electrified. The CDD recognized there is not currently a power line to the property, but it sought to ensure that the project be ready for shore power within a reasonable time of a power line becoming accessible. The CDD made note that the proposal includes cable trays and structures for integrating shore power once a power line to the property is available, and it recommended a condition requiring the dock owner to pay for and provide shore power within 24 months of a power line being within 25 feet of the property, and for large ships to use shore power at the dock once it is available.<sup>58</sup>

For its part, the Commission spent substantial time at the public hearing on the subject of shore power. Vice-Chair Cole asked multiple questions about the timeline for the availability of a power line to the property, and Chair Levine asked whether any portion of the project could be expedited to enable shore power to be provided sooner.<sup>59</sup> HTC’s representatives explained that HTC is “committed to shore power,”<sup>60</sup> the dock will be “plumbed and ready” for shore power,<sup>61</sup>

<sup>57</sup> The language of the section that the Commission “may” deny a CUP if the specified circumstances exist suggests that the Commission has the discretion, but not the obligation, to deny a CUP in those circumstances.

<sup>58</sup> T. 70, 77, 79, and 81.

<sup>59</sup> T. 20 -24, 30-31.

<sup>60</sup> T. 31.

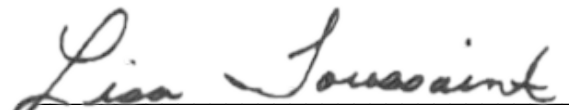
<sup>61</sup> T. 20.

and all of the necessary infrastructure will be in place for the “power to come to us.”<sup>62</sup> But HTC does not know when a transformer will be available to run power to the property,”<sup>63</sup> claiming that is “outside of our control,”<sup>64</sup> so it cannot promise shore power will be available on day one.<sup>65</sup> After robust questioning and discussion, the Commission voted to adopt the CDD’s findings and approve the project with condition that HTC pay for and provide shore power within 24 months of a power line being within 25 feet of the property. This condition was aimed at balancing the goal of providing shore power with the practical reality that the timing of availability of electricity to the dock is uncertain. Substantial evidence supports the Commission’s conclusion that the proposed project is in general conformity with the LRWP, including the goal in Appendix B that the dock “is electrified.

**IV. Conclusion**

Under the standard of review afforded to the Commission’s land use determinations, there is sufficient evidence to persuade a reasonable mind that the proposed CUP will not materially endanger the public health or safety, and that it is in general conformity with the LRWP. Accordingly, the Commission’s decision to adopt the CUP is AFFIRMED.

DATED: June 21, 2024.

  
\_\_\_\_\_  
Lisa M. Toussaint  
Administrative Law Judge

**Certificate of Service:** I certify that on June 21, 2024, this document was distributed by email to Karla Hart, Sherri Layne, Garth Schlemlein, Even Garcia, Dan Bruce, Robert Palmer, Emily Wright, and the Juneau City Clerk.

By:   
\_\_\_\_\_  
Office of Administrative Hearings

<sup>62</sup> T. 22 (“ . . . all the electricity is to the place where the transformer would sit.”); R. 24.

<sup>63</sup> T. 24 (“ . . . we’ve already been talking with the designer to have all of the connections and everything needed to bring the power to the ships that are ready to go, but the problem is going to be connecting from our property to the power supply. . . ”)

<sup>64</sup> T. 22 (“ . . . the city has already ordered or is in line for two transformers, so we’d be the third in line, but we wanted to make sure that we are plumbed, meaning that all the electricity is to the place where the transformer would sit, it’s run all the way to the dock, that we’ve invested in that infrastructure as part of the initial plan.”)

<sup>65</sup> T. 24 (“So we were initially anticipating that the project would have shore power on day one, and then we were told that there’s not enough capacity in town to provide it. So the problem wasn’t us; the problem was bringing power to us, and then to our location. . . ”)





# FY 2024 Wrap-Up, Looking Ahead in FY 2025

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Frank Hauser, Superintendent  
Juneau School District  
July 29, 2024

# Help Limit the Spread of Misinformation

## Spread Facts

Section R, Item 16.

- Since 2000, JSD has lost 1,533 students, 27% of its student population. The only change to the district footprint since 2000 was the addition of a high school.
- The district has lost nearly \$8.5M in state foundation funding since 2017.
- Declining enrollment, inflation, and nearly flat state funding stretched resources and staffing, affecting academic opportunities for students.
- Change had already come to JSD. High schools, separately, could no longer offer a full slate of in-person classes. Post-pandemic, students continued to rely on online courses, and students, some freshmen and sophomores, had “free periods” because there were no classes available for them to take.

# Juneau's aging population and low fertility rates raise concerns about declining future

Annual JEDC report also shows growing income gap, plus high housing and healthcare costs.

By [Mark Sabbatini](#)

Friday, November 17, 2023 10:49am | [NEWS](#) [ECONOMY](#)

<https://www.juneauempire.com/news/juneaus-aging-population-and-low-fertility-rates-raise-concerns-about-declining-future/>

# Audit shows ‘deeply concerning’ deficit for school district

Independent report says failure to follow policy contributed to negative balance.

By [Clarise Larson](#)

Friday, November 18, 2022 6:20pm

NEWS

LOCAL NEWS

SCHOOLS



Juneau School District spent at a deficit of over \$620,000, in the past fiscal year while failing to adhere to district policies that could have lessened the total, according to an [independent third-party audit](#) presented at a recent school board meeting.

“It’s a big deal,” said Rorie Watt, CBJ city manager. “It’s a really serious issue, and I am concerned that the school district needs to resolve its budget issues and I don’t think it’s going to be easy.”

<https://www.juneauempire.com/news/audit-shows-deeply-concerning-deficit-for-school-district/>

# A Tale of 3 Budget Years and 3 Deficits

Section R, Item 16.

NOV 2023

JAN 2024

APR 2024

## FY2023

### November 2023

- Audit identified \$2M deficit from 2022-2023 school year
- Had to be resolved by June 30, 2024

### April 2024

- Budget revision to balanced FY24 budget

## FY2024

### January 2024

- School finance specialist brought in
- Identified FY24 budget errors
  - overstated revenues
  - understated expenses
- Immediate Board action (e.g., hiring freeze)

### April 2024

- Budget revision to balanced FY24 budget

## FY2025

### Structural deficits looming plus ongoing:

- Declining enrollment and Foundation Funding
- Increased contractual and staffing costs
- Increased fixed costs

### February 2024

- Consolidation and RIF plans adopted by the Board

### March 2024

- Balanced FY25 budget submitted to CBJ Assembly

# The Juneau School District had a \$9.5M projected deficit this year. It's now a \$633,185 surplus. How is that possible?

Resignation of 34 employees since January, health insurance savings among reasons, officials say.

By [Mark Sabbatini](#)

Monday, April 22, 2024 1:14pm

NEWS

EDUCATION FUNDING

SCHOOLS

<https://www.juneauempire.com/news/the-juneau-school-district-had-9-5m-projected-deficit-this-year-its-now-a-633185-surplus-how-is-that-possible/>

**JSD FY 2024 Operating Fund Budget**

**REVISION**

April 16, 2024

Section R, Item 16.

Adjustments since 1/9/24 initial presentation:

Revenue:

Other Local Revenue	\$	260,128
State Foundation	\$	(3,811,400)
One Time Supplemental	\$	2,799,658
PERS/TRS Onbehalf	\$	(5,041,999)
Medicaid Reimbursements	\$	(175,000)

Adjust to YTD Actual  
 \* Enrollment Driven, Budgeted BSA Adjustment  
 Legislative Appropriation  
 Overstated Originally  
 Adjust to YTD expected

**Board Approved 3/19/23 \$ 75,221,700**

\$ (5,968,613)

**\$ 69,253,087 REVISED 4/16/24**  
**FY24 Revised Revenue**

Expense:

Reconciled Staffing Expense	\$	(1,363,000)
Reconciled Staffing Expense	\$	(978,100)
Health Insurance Line Item	\$	(3,554,500)
Utility Line Items	\$	(838,035)
Supplies Reduction	\$	(350,000)
Operation Savings	\$	(425,000)
PERS ER Contribution	\$	349,257
TRS ER Contribution	\$	3,098,344

\* Resignations Since 12/2023  
 \* Hiring Freeze Savings  
 Health Insurance Overstated Originally  
 Utility Savings - Release Encumbrances  
 \* Homebridge Allocations  
 \* Non-Personnel Savings  
 PERS OBH  
 TRS OBH

**Board Approved 3/19/23 \$ 74,656,300**

\$ (4,061,034)

**\$ 70,595,266 REVISED 4/16/24**

**Footnote**

\$ 418,000	Rev	* Enrollment Driven - Intensive SPED Additional Revenue Over 1.9.24 Projected Revenue
\$ (1,363,000)	Exp	* Resignations Since 12/2023
\$ (978,100)	Exp	* Hiring Freeze Savings
\$ (350,000)	Exp	* Homebridge Allocations
\$ (425,000)	Exp	* Non-Personnel Savings
\$ (3,534,100)		

\* This amount reflects budget impacts realized since 1.9.24 that were not included in the original FY24 budget presentation



Footnote

\$	418,000	Rev	*	Enrollment Driven - Intensive SPED Additional Revenue Over 1.9.24 Projected Revenue
\$	(1,363,000)	Exp	*	Resignations Since 12/2023
\$	(978,100)	Exp	*	Hiring Freeze Savings
\$	(350,000)	Exp	*	Homebridge Allocations
\$	(425,000)	Exp	*	Non-Personnel Savings
\$	(3,534,100)			

Section R, Item 16.

\* This amount reflects budget impacts realized since 1.9.24 that were not included in the original FY24 budget presentation

- Since January, for **FY24**: Over \$3.5M savings in resignations, hiring freeze, non-personnel savings, and DEED Intensive Need review + \$3.9M in non-instructional, shared services from CBJ = over \$7.4M.
- Over \$7.4M in savings since Jan. for **FY24**, but the district has a current projected fund balance—not of \$7.4M—but of \$633,185 for FY24. Because there was an **FY24** deficit.
- In addition, the **FY25** projected deficit was **separate**. That deficit was addressed separately in the **FY25** budget—not through the savings above for FY24, but through consolidation, PTR, reductions in force, and FY25 shared services.
- Without the board-approved reorganization and consolidation plan for FY25, severe staff and program-altering cuts would have been required to balance the FY25 budget.

# Looking Forward – FY 2025

Section R, Item 16.

On June 28, the Governor signed into law the operating budget that included the following education funding items:

- \$175 million (\$680) in one-time, outside-the-formula funding for education
- \$7.3 million one-time funds for pupil transportation.

On July 6, the Board of Education met and approved “add-back” positions for FY25:

- Additional teaching positions for HomeBRIDGE, Special Education, English Language, Talent Enrichment Development, reading interventions, and secondary and elementary classrooms;
- Special Education, general, and literacy paraeducators;
- Classified positions in Maintenance, Custodial, IT, Finance and school offices.

At the July 6 meeting, and with the approval of the additional one-time funds, the board voted not to take a loan from CBJ and to hold some of the new, one-time money in fund balance to comply with Board Policy on required fund balance.

# Commitments to Avoid Future Budget Issues

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- Implementation of updated financial practices: Continued clear and open communication about the district's finances
- Realistic enrollment projections: Build budget on accurate and realistic enrollment numbers
- Budgetary planning: Develop the budget based on known and realistic projections, avoiding overly optimistic assumptions
- Maintain fund balance: Adhere to Board Policy on maintaining an adequate fund balance for financial stability
- Spreading the facts: Continued honest discussions about budget realities, including declining enrollment, to support informed decisions

**7/29/2024 Regular Assembly Meeting**  
**Manager’s Request for Agenda Changes, move this item from New Business to Staff Report.**

**School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)**

On July 11, 2024, the Clerk’s office completed its review of the two Board of Education recall petitions for Deedie Sorensen and Emil Mackey. With the supplemental signatures submitted on July 1, each petition met the 2,359 signature requirement for certification and each petition is therefore considered sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

Because state law (AS 29.26.320(a)) requires the recall questions to be on the October 1, 2024, regular municipal election, this is just an information item.

West’s Alaska Statutes Annotated
Title 29. Municipal Government (Refs & Annos)
Chapter 26. Elections
Article 3. Recall

AS § 29.26.320 Election

- (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- (b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.
- (c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

**Credits**  
SLA 1985, ch. 74, § 9.

Jones v. Biggs, 508 P.3d 1121, 1124 (Alaska 2022)

If the clerk determines that the application meets the requirements, the clerk must issue a recall petition.<sup>8</sup> Proponents of the recall then gather signatures and file the petition with the clerk, who must certify whether the petition is sufficient.<sup>9</sup> If it is certified as sufficient, the clerk must submit it to the governing body and a recall election must be held. [[AS 29.26.310-.320](#).]

von Stauffenberg v. Comm. for Honest & Ethical Sch. Bd., 903 P.2d 1055, 1059 (Alaska 1995)

Sufficient petitions are then submitted to the municipal governing body which schedules a recall election. AS 29.26.310–.320. The statutes offer the recall target an opportunity to make a rebuttal statement of 200 words or less which will be placed on the recall ballot alongside the statement of the charges. AS 29.26.330(2).

McCormick v. Smith, 793 P.2d 1042, 1046 (Alaska 1990)

Under AS 29.26.290, the clerk must certify on the petition whether it is sufficient or insufficient. Sufficient petitions are submitted to the municipal governing body which schedules a recall election. AS 29.26.310–320.