



REGULAR ASSEMBLY MEETING 2023-13 AGENDA

June 12, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

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

Submitted By:

Duncan Rorie Watt, 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. SPECIAL ORDER OF BUSINESS

1. 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.

E. APPROVAL OF MINUTES

2. December 12, 2022 Assembly Regular Meeting #2022-28 DRAFT Minutes

F. MANAGER'S REQUEST FOR AGENDA CHANGES

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

H. CONSENT AGENDA

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

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

3. Ordinance 2023-28 An Ordinance Authorizing the Manager to Convey Approximately 11.5 Acres of Property Located at Pederson Hill to Tlingit Haida Regional Housing Authority for Less Than Fair Market Value.

Last fall the Assembly authorized the City Manager to enter into negotiations with the THRHA for the disposal of property at Pederson Hill for less than fair market value. THRHA plans to build homes on these lots and sell 50% of them to low-income tribal citizens and the other 50% will be available to moderate income Juneau residents for purchase. The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on August 29, 2022, and passed a motion of support to the Assembly to direct the Manager to negotiate the sale of the CBJ property for less than fair market value. The Assembly reviewed this application at the September 12, 2022 meeting, and passed a motion authorizing the City Manager to enter into negotiations with Tlingit Haida Regional Housing Authority towards the disposal of City property for less than fair market value. Fair market value has been determined to be \$700,000. This ordinance will authorize \$600,000 to be forgiven as conditions in the ordinance are met.

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

4. Ordinance 2023-29 An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections.

This ordinance revises the land use code to address future development in stream setback and buffer areas.

For years, maintaining a balance between development and the preservation of fish habitat in the land use code has presented difficulty to developers who struggled with limited work area during construction to ensure the buffer is not disturbed. This ordinance provides flexibility in code by maintaining practical protection of anadromous waterbodies, while allowing development to occur in a portion of the outer buffer during construction -- by providing the work area necessary to construct outside the 50 foot buffer.

Drafts of this ordinance have been worked on since 2017. The full path through the Planning Commission, T49 Committee, the Assembly, and staff and Law review was outlined in a memo to the May 22, 2023 Lands, Housing and Economic Development Committee. The Planning Commission recommended a relatively complex ordinance that would allow development within the full 50' setback. The Manager had staff draft Ord. 2023-29 which simplifies the process and allows an incursion of up to 15 feet into the 50 foot setback, provided that the area is revegetated with native plants during the same construction season. This approach balances the need to relax development rules while still protecting fish stream habitat. The LHED motioned to support adoption of this ordinance.

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

5. Ordinance 2023-30 An Ordinance Authorizing the Manager to Advocate for and Provide Public Information Regarding the Need for a New City Hall, Including the Dissemination of Information That May Influence the Outcome of a Future Ballot Initiative.

This ordinance enables the Manager to advocate for a new City Hall project if the Assembly decides to put a ballot question before the voters this fall. \$50,000 for this purpose has been included in the FY24 budget. While CBJ regularly provides the public with nonpartisan information about upcoming ballot provisions, Alaska law requires the Assembly adopt an ordinance specifically authorizing the expenditure of funds if those funds are to be used to influence the outcome of an

election. Threading the needle of delivering nonpartisan information versus information that might influence the outcome of an election is particularly challenging in this case; people may reasonably debate about the difference of facts and arguments in favor of a City Hall facility.

These funds would be used to produce and disseminate materials via direct mail, media, presentations to the community, and online.

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

6. Ordinance 2023-31 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$27,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 3, 2023.

This ordinance would send a bond package to the voters to consider in the municipal election on October 3, 2023. This ordinance would send one general obligation bond proposition of up to \$27 million for the construction and equipment of a new city hall. The total project cost, with underground parking, is currently estimated at \$43.3 million, and the Assembly has already appropriated \$16.3 million of general funds.

The new City Hall would be built on Whittier Avenue, across the street from the State museum. A new facility would have a number of positive attributes for the City and our citizens, including the following: an end to office space rent payments in excess of \$800,000 annually, the freeing up of historical apartment spaces, and the ability for customers and employees to do municipal business in a more efficient manner as CBJ offices would be located in one place, instead of five different locations. Additionally, a new structure would be more economical to maintain, the existing City Hall is one of our most expensive municipal buildings to maintain (actually slightly more costly to maintain than the 60 year Augustus Brown Pool).

The Committee of the Whole selected 450 Whittier Street as the preferred site for a new city hall during the April 11, 2022 meeting. The Assembly requested staff introduce an ordinance to submit a proposition to the voters on the October 3, 2023 election ballot during the June 5, 2023 Committee of the Whole meeting.

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

7. Ordinance 2022-06(b)(AY) An Ordinance Appropriating up to \$500,000 to the Manager for the Information Technology Infrastructure Capital Improvement Project for the Purchase of Permitting, Land Management, and Property Valuation Software; Funding Provided by General Funds.

This ordinance would appropriate up to \$500,000 for permitting, land management and property valuation software for the Community Development and Finance Departments. The software would provide an online public portal for permit and land use applications, inspection requests, status updates, and payments. The software would maintain property data, property valuation, and ensure tax equity through uniform valuations for the Assessor's Office. Additionally, the Assessor's Office would use the software for the administration of exemptions, assessment notifications, appeals processing, and reporting. The software would increase staff productivity while offering faster, more accurate, and user-friendly systems for permit and land use applicants and property owners in the CBJ.

The software cost will exceed the requested \$500,000 by an estimated \$300,000. The excess funds would be provided by previously appropriated funds in the Information Technology Infrastructure CIP.

The Mayor’s Housing and Development Task Force recommended the CBJ acquire permitting software as a major outtake of their work.

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 3028 A Resolution Amending the City and Borough of Juneau Personnel Rules.

This resolution amends the personnel rules to provide a deferred compensation plan employer match to PERS Tier 4 CBJ employees. This new benefit would provide a 50% employer match to every employee dollar contributed to their deferred compensation plan programs, up to a total of 4% employer contribution, based on years of service. PERS Tier 1, 2, and 3 employees will continue to be able to participate in the deferred compensation program without the employer match. The program includes a 5 year vesting schedule on the employer contributions that will begin with the onset of the program. This benefit is intended to make progress towards bridging the gap between the value of retirement benefits provided to PERS 1/2/3 employees versus Tier 4 employees as well as to create a new incentive to attract and retain employees.

The City Manager recommends the Assembly adopt this resolution.

9. Resolution 3032 A Resolution Amending the Bartlett Regional Hospital Personnel Rules.

This resolution would approve a change to the Bartlett Regional Hospital (BRH) Personnel Rules, which, along with the collective bargaining agreement, govern the rights and responsibilities of BRH employees, supervisors, and managers. The revised rules are set forth in the attachment to the resolution.

The Assembly is being asked to adopt the changes to the BRH Personnel Rules so that the hospital will have the authority to hire the incoming employees from Wildflower Court (WFC) at a similar rate of pay and comparable leave balance. These changes were unanimously approved by the hospital board at the May 23, 2023 board meeting, and the costs associated with these changes have been previously approved by the hospital board and the Assembly.

The Manager recommends the Assembly adopt this resolution.

K. Bid Awards

10. Bid Award No. 24-008 Term Contract for Sand for CBJ Streets Division & JNU Airport Runways

Bids were opened on this project on May 16, 2023. The following bids were received:

<u>Bidder</u>	<u>Total Bid</u>
Alaska Juneau Construction	\$211,857.00
Secon	\$257,600.00

The protest period ended May 17, 2023 at 4:30 p.m.

With the concurrence from Scott Gray, Superintendent of the CBJ Public Works Department, Streets & Fleet Division, and John Coleman, JNU Business Manager, the Purchasing Division recommends award to Alaska Juneau Construction, based on them having the lowest responsive and responsible TOTAL BID price of \$211,857.00.

L. Transfers

11. Transfer Request T-1059 A Transfer of \$43,000 from CIP P48-088 Downtown Parking Management to CIP P48-089 Parking Garage Security Cameras.

This request would transfer \$43,000 from the Downtown Parking Management CIP to the Parking Garage Security Cameras CIP. This transfer will pay additional costs required to complete the installation of a closed-circuit video camera system at the Downtown Transit Center (DTC) parking garage to deter and prosecute crimes. The DTC parking garage has been used for illegal activity and vandalism. The new camera system will provide court admissible footage to prosecute crimes, supporting the Assembly goals of public safety and economic development, and will assist in the management of the DTC parking garage.

The installation of video cameras at this facility was requested by the Juneau Police Department, Legislative Affairs Agency, and the Parks & Recreation Department. The Public Works and Facilities Committee reviewed this request at the June 5, 2023 meeting.

The Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses

12. Liquor and 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 - TRANSFER

License Type: Beverage Dispensary, License #4349

Transfer From: Fishbone LLC d/b/a Rockwell

Transfer To: Alaska Sustainable Seafoods LLC d/b/a Deckhand Dave's

Location: 117 S. Franklin St., Juneau

Liquor License - RENEWAL

License Type: Recreational Site - Seasonal, License #4881

Licensee: Alaska Travel Adventures. Inc. d/b/a Alaska Travel Adventures

Location: 9999 Glacier Hwy (Banks of Mendenhall River), Juneau

License Type: Recreational Site - Seasonal, License #3409

Licensee: Alaska Travel Adventures. Inc. d/b/a Gold Creek Salmon Bake

Location: 1061 Salmon Creek Lane (Salmon Bake location), Juneau

License Type: Beverage Dispensary - Tourism, License #447

Licensee: TCKS LLC, d/b/a Tracy's King Crab Shack 2

Location: 300 Whittier St. Lot C1 Juneau Subport Section 23, Juneau

Marijuana License - NEW

License Type: Retail Store, License: #33270

Licensee: Treadwell Herb Company LLC., d/b/a Treadwell Herb Company LLC

Location: 824 Front St., Douglas

Staff from the 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.

N. PUBLIC HEARING

13. Ordinance 2022-06(b)(AU) An Ordinance Appropriating \$30,000 to the Manager for the Deferred Maintenance Capital Improvement Project; Funding Provided by School District Operating Funds.

This ordinance would appropriate \$30,000 to the CBJ Deferred Maintenance CIP for Thane Warehouse building repairs. The Juneau School District has agreed to pay \$30,000 of the installation fees associated with the overhead coiling door at the Thane Warehouse. The installation of this door provides improved access to the property stored at the warehouse. Maintenance and repair costs are considered instructional in nature, and therefore will be funded inside the cap from School District operating funds.

The City Manager recommends the Assembly adopt this ordinance.

14. Ordinance 2022-06(b)(AX) An Ordinance Appropriating \$8,100,000 to the Manager for the Purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive; Funding Provided by Hospital Funds.

This ordinance would appropriate \$8,100,000 of hospital funds for the purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive. The property includes over 21k sq. ft. of medical and commercial space in two buildings on a 53k sq. ft. parcel. With clinical and healthcare administration space challenging to come by in the current real estate market, this acquisition would represent one of the few opportunities to increase Bartlett's (BRH) space for growth near our existing campus. Additionally, the existing JBJC property offers steady commercial rental income, providing immediate access to positive cash flow.

This ordinance will appropriate authority to a capital improvement project for the purchase of this building to offer Bartlett maximum flexibility in transaction closing.

This request was reviewed by the Hospital Board at the April 25, 2023, meeting.

The City Manager recommends the Assembly pull this ordinance from public hearing and refer it to the Assembly Finance Committee or Committee of the Whole for further review.

15. Ordinance 2023-26 An Ordinance Creating a Short Term Rental Registration Program and Providing for a Penalty.

This ordinance requires owners to register the location and occupancy details of each individual short-term rental unit that they operate. Registration of individual short-term rental units has two objectives: first, registration will assist the CBJ Sales Tax Office in ensuring compliance with sales tax and hotel-bed tax requirements, and second, registration will give the Assembly and the public greater visibility into the number, type, and geographical distribution of short-term rental units. This ordinance does not require registration for any dwelling units rented for longer than 30 days. The ordinance also provides for a penalty if owners publicly list short-term rental units without having properly registered those units with CBJ.

The City Manager recommends the Assembly adopt this ordinance.

O. UNFINISHED BUSINESS

16. Ordinance 2023-16(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2023 Based Upon the Proposed Budget for Fiscal Year 2024.

This ordinance establishes the mill rates for property taxes for 2023, which funds a significant portion of the City and Borough of Juneau's FY24 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY24 Revised Budget as amended by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviews, amends and recommends to the Assembly the final mill levies.

For FY24, the AFC recommends a decrease of 0.40 mills from the FY23 Adopted Budget, resulting in a total mill levy of 10.16 mills, the components of which are:

Operating Mill Rate by Service Area

Areawide: 6.20 (a decrease of 0.40 from FY23 Adopted)

Roaded Service Area: 2.45 (flat from FY23 Adopted)

Fire Service Area: 0.31 (flat from FY23 Adopted)

Operating Total: 8.96 (a decrease of 0.40 from FY23 Adopted)

Debt Service: 1.20 (flat from FY23 Adopted)

Total Millage: 10.16 (a decrease of 0.40 from FY23 Adopted)

An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2023. The AFC reviewed the mill rate ordinance at its meetings on April 5 and May 17, 2023, referring the amended ordinance to the full Assembly for adoption.

The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.

17. Resolution 3016(b) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2024 through 2029, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY24.

The Public Works and Facilities Committee reviewed the preliminary CIP at its March 6, 2023 meeting and forwarded the plan to the Assembly.

The CIP resolution was introduced at the April 5, 2023 Special Assembly Meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at the Special Assembly Meeting on April 26, 2023. The AFC referred the amended resolution to the full Assembly for adoption at the May 17, 2023 meeting. The Charter requires adoption of the FY24 CIP by June 15.

The City Manager recommends the Assembly adopt this resolution, as amended by the Assembly Finance Committee.

18. Ordinance 2023-14(b) An Ordinance Appropriating Funds from the Treasury for FY24 City and Borough Operations.

This ordinance appropriates \$536,244,200 in expenditure authority for the City and Borough of Juneau's FY24 operating budget, excluding the School District. This ordinance appropriates all transfers between

funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves.

This ordinance also recognizes \$504,360,300 of forecast revenue and transfers-in and decreases fund balances, across all funds, by \$31,883,900. The forecast revenue and draw from fund balance are sufficient to fund the budgeted expenditures.

The original ordinance was introduced at the April 5, 2023 Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at the Special Assembly meeting on April 26, 2023. The AFC referred the amended budget ordinance to the full Assembly for adoption at the May 17, 2023 meeting. The Charter requires adoption of the FY24 operating budget by June 15.

The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.

P. NEW BUSINESS

19. Request to Purchase City Property Located Adjacent to 11260 North Douglas Highway (Fraction of Lot 2, USS 3559)

In May 2022, the City Manager received an application to acquire City property from Jon and Susanne Reiswig, the owners of 11260 North Douglas Highway. The application is for roughly 3,000 square feet of City property adjacent to the applicant's 11.6-acre property and states that the request is being made in order to secure more road frontage on Douglas Highway. The City property is a large 92-acre parcel, transected by Douglas Highway. The requested property is managed by the Lands Division and the 2016 Land Management Plan designated this property as retain/dispose. The Plan also states that this property could be utilized for a future residential subdivision. The LHED Committee reviewed this request at the May 2, 2022 meeting, and forwarded this application to the Assembly with a motion of support for disposal. The Planning Commission reviewed this application at the September 13, 2022 meeting, and recommended approval of this disposal.

The Manager recommends the Assembly pass a motion of support to work with Jon and Susanne Reiswig towards the disposal of City property in accordance with City Code 53.09.270.

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

There are 11 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.

Q. STAFF REPORTS

R. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

- S. ASSEMBLY COMMENTS & QUESTIONS**
- T. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- U. EXECUTIVE SESSION**
- V. SUPPLEMENTAL MATERIALS**

[21.](#) Resolution 3016(b)

W. ADJOURNMENT

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.org.

REGULAR ASSEMBLY MEETING 2022-28 **DRAFT MINUTES**

December 12, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream



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

MEETING NO. 2022-28: The Regular Assembly Meeting of the City & Borough of Juneau Assembly held at City Hall in the Assembly Chambers and virtually via Zoom webinar was called to order by Mayor Beth Weldon at 7:03 p.m.

A. FLAG SALUTE

Assemblymember Christine Woll led the Flag Salute.

B. LAND ACKNOWLEDGEMENT

Assemblymember Carole Triem provided the following Land Acknowledgment:

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous peoples 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 Maria Gladziszewski, Greg Smith, Christine Woll, Michelle Hale, 'Wáahlaal Gíidaak (via zoom), Carole Triem, Alicia Hughes-Skandijs, and Wade Bryson

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Municipal Clerk Diane Cathcart, Finance Director Jeff Rogers, Engineering/PW Director Katie Koester, Assistant City Attorney Adam Gottschalk

D. SPECIAL ORDER OF BUSINESS

1. 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.org.

There were some audio/technical difficulties at the beginning of the meeting with an at ease taken to resolve the issues before the meeting resumed.

E. APPROVAL OF MINUTES - None

F. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt noted a change to the recommendation for **Ordinance 2022-34** that it be introduced and referred to the Assembly Human Resources Committee and then set for public hearing at the next Regular Assembly meeting.

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

Emily Mesch, a member of the Juneau Human Rights Commission (JHRC), said that JHRC Chair Haifa Forughi was also listening on Zoom. Ms. Mesch provided the following statement on behalf of JHRC: "The Juneau Human Rights Commission congratulates CBJ Assembly for earning a perfect score on the Human Rights Municipality Equality Index (MEI) scorecard for two consecutive years. Your focused and concentrated efforts to establish non-discrimination laws addressing discrimination on the basis of sexual orientation and gender identity in areas of employment, housing, and public accommodations, equivalent benefits and protections to LGBTQ+ employees assuring an inclusive workplace and access to city services and programs, fair enforcement of the law, including responsible reporting of hate crimes, and engaging with the LGBTQ+ community in a thoughtful and respectful way, and leadership on LGBTQ+ equality commitment. These are all demonstrations of integrity, professionalism, and respect for diversity and human rights. Thank you for all the contributions you have made in making our community an example of dedicated and continued work on integration, safety and opportunities for the whole community." On behalf of the whole Juneau Human Rights Commission, Ms. Mesch thanked the Assembly.

Mayor Weldon thanked Ms. Mesch and the Juneau Human Rights Commission for their work and bringing this to their attention. She said the Assembly will continue to work on those issues.

H. CONSENT AGENDA

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

Assembly Request for Consent Agenda Changes - None

Assembly Action

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

I. Ordinances for Introduction

- 2. Ordinance 2022-62 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of 10.97 acres of the Pederson Hill Property Located near Karl Reishus Boulevard and Hamilton Street, from D-10SF to D-10.**

At its regular meeting on September 13, 2022, the Planning Commission recommended that the Assembly adopt a rezone of 10.97 acres of Pederson Hill from D10SF zoning to D10 zoning located at Pederson Hill between Karl Reishus Boulevard and Hamilton Street - [AME2022 0005](#). The purpose of the rezone is not to increase density, but to provide greater flexibility in how density is distributed. Both zoning districts allow for up to 10 dwelling units per acre; however, D10SF provides only for the development of single-family dwellings, while D10 provides for multifamily structures. This rezone conforms with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 Economic Development Plan.

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

3. Ordinance 2022-63 An Ordinance Authorizing the Manager to Enter into a Revenue Sharing Agreement with Goldbelt, Inc. to Fund Installation of the Gondola and Associated Infrastructure at the Eaglecrest Ski Area.

This ordinance would allow the CBJ to accept \$10M from Goldbelt Inc for the installation of the gondola and associated facilities. In exchange for the capital contribution, the CBJ would share summer revenues from the gondola project. Notably, the City and Borough of Juneau is not pledging taxes, revenue from taxes, or the full faith and credit of the municipality. Goldbelt, Inc. is uniquely situated to execute a revenue sharing agreement with the CBJ because Goldbelt, Inc. owns the Goldbelt Tram Alaska, which eliminates competition concerns, encourages diversification of impacts and sustainable use of both aerial conveyances, and Goldbelt, Inc. has a natural financial interest to see both aerial conveyances prosper while benefiting the community.

This topic has been discussed at numerous meetings of the Assembly Finance Committee and Assembly Committee of the Whole since the spring of 2022.

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

4. Ordinance 2022-64 An Ordinance Reorganizing and Consolidating the Aquatics Board, the Treadwell Arena Advisory Board, the Jensen-Olson Arboretum Advisory Board, and the Parks and Recreation Advisory Committee.

This ordinance would dissolve the Treadwell Arena Advisory Board, the Aquatics Board, the Jensen-Olson Arboretum Advisory Board, and transfer those board duties to the Parks & Recreation Advisory Board ("PRAC"). The various Parks & Recreation boards were created when there were pressing community issues, which have waned and decreased community interest for so many boards. Because recruitment and retention for so many community volunteers are so difficult, we have prolonged vacancies and frequently cancelled meetings due to lack of quorum. Consolidation into the PRAC will result in more effective and impactful meetings, which will improve morale of board members and community engagement. If a discrete community concern arises, the PRAC or the Assembly would be able to create a temporary task force to address a future concern.

The Assembly Committee of the Whole discussed this topic on November 7, 2022.

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

5. Ordinance 2022-65 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Mountain Lift, LLC, for Coffee and Baked Goods Service.

This ordinance would authorize the Eaglecrest Ski Area to enter into a franchise agreement for a coffee shop in the Fish Creek Lodge. Normally, the CBJ would use the lease process for this type of arrangement, but the federal Land and Water Conservation Fund prohibits the CBJ from issuing leases at Eaglecrest. However, the CBJ can grant a franchise for a coffee shop concessionaire by ordinance. After soliciting statements of interest, the current vendor, Mountain Lift LLC, was the only respondent. This ordinance would allow Mountain Lift LLC to operate the coffee shop for five winter seasons.

The Manager recommends the Assembly introduce this ordinance, refer it to the Lands, Housing, and Economic Development Committee, and schedule it for public hearing at the next regular Assembly meeting.

6. Ordinance 2022-06(b)(Y) An Ordinance Transferring \$60,000 from Eaglecrest's Fleet and Equipment Reserve Account to the Eaglecrest Gondola Capital Improvement Project.

Transportation of Eaglecrest’s gondola exceeded cost estimates by \$261,608 as a result of steep fuel surcharges and detention fees on global shipping containers transported to Juneau. This expense will be covered by the following funding sources:

Eaglecrest Deferred Maintenance CIP (D28-101)	\$161,608
Eaglecrest Fleet/Equipment Reserve Account	\$ 60,000
Eaglecrest Gondola CIP (E28-102)	\$ 40,000

This ordinance provides for the \$60,000 transfer from Eaglecrest’s fleet and equipment reserve account. Goldbelt loan proceeds may reimburse this account once the loan agreement is effectuated.

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

7. Ordinance 2022-06(b)(Z) An Ordinance Appropriating \$250,000 to the Manager for Junk Vehicle Cleanup and Remediation at River Road; Funding Provided by General Funds.

To date, 103 vehicles have been removed from the River Road property, costing a total of \$152,500. CBJ has been reimbursed for \$105,000 of that amount. The remaining balance will be reimbursed pursuant to a court order, which allows CBJ to foreclose on the property beginning with the vehicles.

As of October 27, 2022, there are still approximately 228 vehicles located at the River Road property. CBJ will request a court order to seize and auction any vehicles of value to attempt to recoup some of the remaining balance owed.

Due to the lengthy court process, there is a need for additional funds now to complete remediation work. Similar to the last round of clean up, CBJ will seek reimbursement of these expenses in subsequent legal proceedings, which may result in property foreclosure.

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

8. Ordinance 2022-06(b)(AA) An Ordinance Appropriating \$3,164,401 to the Manager for the Power Upgrades for Electric Buses Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$3,164,401 to the Power Upgrades for Electric Buses CIP. Grant funding is comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of \$558,425 is being met by previously appropriated funds in the Power Upgrades for Electric Buses CIP.

The Public Works and Facilities Committee will review this request at the December 19, 2022 meeting.

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

9. Ordinance 2022-06(b)(AB) An Ordinance Appropriating \$1,039,438 to the Manager for the School Roof Replacement Capital Improvement Project; Grant Funding Provided by the Alaska Department of Education and Early Development.

This ordinance would appropriate \$1,039,438 to the School Roof Replacement CIP for the Gastineau School roof replacement project. Grant funding provided by the Alaska Department of Education and Early Development replaces previously appropriated general funds, which will be reallocated to the Juneau School District Deferred Maintenance CIP. The local match requirement of \$559,697 is being met by previously appropriated bond proceeds in the School Roof Replacement CIP.

The Public Works and Facilities Committee will review this request at the December 19, 2022 meeting.

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

10. Ordinance 2022-06(b)(AC) An Ordinance Appropriating \$119,986 to the Manager for the Valley Transit Center Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$119,986 to the Valley Transit Center CIP. Grant funding is comprised of Federal Transit Administration funds passed through the Alaska Department of Transportation and Public Facilities. The local match requirement of \$29,997 is being met by previously appropriated funds in the Valley Transit Center CIP. The original grant award erroneously excluded administrative overhead as an eligible expense; this grant amendment corrects this error by allocating additional funds for this purpose.

The Public Works and Facilities Committee will review this request at the December 19, 2022 meeting.

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

J. Resolutions

11. Resolution 3009 A Resolution Adopting the 2022 Updates to the City and Borough of Juneau Investment Policy.

This resolution, and a companion ordinance (#2022-54) set for public hearing on December 12, 2022, would update the City and Borough of Juneau Investment Policy. Specifically, this resolution would make grammatical changes, would clarify how the investment policy is updated, would add sustainability to the investment objectives, and would add two more authorized investment instruments.

On September 7, 2022, the Assembly Finance Committee recommended these changes to the investment policy.

The City Manager recommends the Assembly adopt this resolution.

12. Resolution 3010 A Resolution Seeking Membership in the AARP Network of Age-Friendly States and Communities.

As the population in the United States ages and people stay healthy and active longer, communities must adapt. Juneau’s population that is 60 and older has consistently and rapidly grown for over 20 years and is expected to grow another 9% over the next ten years. In 2020, 14.7% of Juneauites’ income came from retirement and Social Security. These two categories were only 11.7% of Juneauites’ income in 2010. Members of the AARP Network of Age-Friendly States and Communities become part of a global network of states and communities that are committed to giving their older residents the opportunity to live rewarding, productive, and safe lives. Membership in the AARP Network of Age-Friendly States and Communities includes access to financial assistance and technical expertise. The resolution would authorize the City Manager to seek membership in the AARP Network of Age-Friendly States and Communities.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

13. RFB 23-009, Term Contract for Airport Runway Painting, posting notice of successful bidder

Bids on this project were opened on November 28, 2022. The bidders and their total bids are as follows:

Specialized Pavement Marking, LLC	\$224,839.53
Northwest Contracting	\$280,067.85
Jolt Construction & Traffic Maintenance, Inc.	\$400,748.25

All amounts were read into the record. However, due to missing documentation, Northwest Contracting and Jolt Construction are deemed non-responsive.

The apparent low bidder is Specialized Pavement Marking, LLC. This notice begins the protest period per Purchasing Code 53.50.062.

The City Manager recommends the Assembly award this bid to Specialized Pavement Marking, LLC, for the total amount bid of \$224,839.53.

L. Transfers

14. Transfer Request T-1046 A Transfer of \$161,608 from CIP D28-101 Eaglecrest Deferred Maintenance to CIP E28-102 Eaglecrest Gondola.

Transportation of Eaglecrest’s gondola exceeded cost estimates by \$261,608 as a result of steep fuel surcharges and detention fees on global shipping containers transported to Juneau. This expense will be covered by the following funding sources:

Eaglecrest Deferred Maintenance CIP (D28-101)	\$161,608
Eaglecrest Fleet/Equipment Reserve Account	\$ 60,000
Eaglecrest Gondola CIP (E28-102)	\$ 40,000

This request provides for the \$161,608 transfer from Eaglecrest’s Deferred Maintenance CIP. Goldbelt loan proceeds may reimburse this project once the loan agreement is effectuated.

The Public Works and Facilities Committee reviewed this request at the November 28, 2022 meeting.

The City Manager recommends approval of this transfer.

15. Transfer Request T-1047 A Transfer of \$1,039,438 from CIP S02-104 School Roof Replacement to CIP S02-105 Juneau School District Deferred Maintenance.

The Juneau School District was awarded a grant from the Alaska Department of Education and Early Development for the Gastineau School roof replacement. This grant will be appropriated via Ordinance 2022-06(b)(AB) to the School Roof Replacement CIP and replaces previously appropriated general funds for this purpose. This request transfers \$1,039,438 of general funds from the School Roof Replacement CIP to the Juneau School District Deferred Maintenance CIP for other priority school maintenance projects.

The City Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses

16. Liquor & Marijuana License Renewals for Review

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

License Type: Beverage Dispensary, License #674

Licensee: MSE, LLC d/b/a Lucky Lady

Location: 192 S. Franklin St., Juneau

License Type: Package Store, License #3352

Licensee: Costco Wholesale Corp. d/b/a Costco Wholesale #107

Location: 5225 Commercial Way, Juneau

License Type: Brewery, License #5517

Licensee: Devil's Club Brewing LLC d/b/a Devil's Club Brewing Company

Location: 100 N. Franklin St., Juneau

License Type: Winery, License #5801

Licensee: Devil's Club Brewing LLC d/b/a Devil's Club Brewing Company

Location: 100 N. Franklin St., Juneau

License Type: Brewery, License #5729

Licensee: Forbidden Peak Brewery LLC d/b/a Forbidden Peak Brewery LLC

Location: 11798 Glacier Hwy., Juneau

Marijuana License Renewals

License Type: Standard Marijuana Cultivation Facility, License #15245

Licensee: North Star Gardens, Inc. d/b/a North Star Gardens

Location: 5310 Commercial Blvd. 2A, Juneau

License Type: Retail Marijuana Store, License #15246

Licensee: Borealis Mountain, Inc. d/b/a Thunder Cloud 9

Location: 5310 Commercial Blvd. 2B, Juneau

Staff from the 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 renewal 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 renewals.

N. City/State Project Review

17. CSP20220004 Teal Street Road Improvements.

On November 8, 2022, the Planning Commission recommended the Assembly approve [CSP 2022 0004](#) right-of-way improvements for Teal Street. CBJ Engineering and Public Works is requesting to reconstruct and repave two 12-foot lanes, including curb, gutter, and sidewalk on both sides of the street; reconstruct ADA compliant ramps and landing for the sidewalk; reconstruct improvements to street lighting; and replace water and sewer mains, and services; and a Capital Transit bus pull out.

The City Manager recommends that the Assembly APPROVE the ROW improvements.

O. PUBLIC HEARING

18. Ordinance 2022-06(b)(V) An Ordinance Transferring \$200,000 from CIP W75-061 Douglas Highway Water - David to I St. to CIP R72-141 Hospital Drive Improvements.

This request would provide \$200,000 in funding to remedy a conflict with the existing water system and the proposed Bartlett Regional Hospital Emergency Department (ED) addition. The funding will allow the waterline to be upgraded and relocated away from the proposed ED addition. This work will connect the new water systems completed from other recent projects. The Douglas Highway water project is complete and in the process of being closed out.

The Public Works and Facilities Committee reviewed this request at the November 7, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the November 22, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Bryson to adopt Ordinance 2022-06(b)(V) and asked for unanimous consent. *Hearing no objection, the ordinance was adopted by unanimous consent.*

19. Ordinance 2022-21(b) An Ordinance Related to Property Tax Appeals and Codifying the Board of Equalization Rules of Procedure.

This ordinance would amend the Juneau Board of Equalization’s rules of procedure, which govern property tax appeals. The substance of this ordinance comes from three sources: the Anchorage Board of Equalization rules, the existing Juneau Board of Equalization rules, and changes to state law since the existing Juneau property tax appeal code was adopted in the 1970s.

The Juneau Board of Equalization reviewed this ordinance on September 20, 2022. The Assembly Committee of the Whole reviewed this ordinance on September 26, November 7, and November 28, 2022.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Dave Hanna, a valley resident, said that he has sent emails and spoken on this subject to them before. He stressed that we need more fairness in the situation with the Board of Equalization (BOE) hearings. He is asking for one change and one addition to this ordinance. The change would be with respect to the time limit. At this time, it is at the discretion of the BOE chair at the meeting to decide. He said that last year, he attended in excess of 50 and closer to 100 BOE hearings so he has a good understanding of what goes on there and how they are conducted. He said that he saw some personality conflicts and possibly some bias. Mr. Hanna provided an example of one of the meetings/appeals and said that if there was a complex case, the appellant should have a minimum of 30 minutes which would give them enough time to present their case and to provide time for rebuttal. Mr. Hanna said that the addition he would suggest would be with respect to training the BOE members. He stated that he believes the BOE would benefit from receiving training from an industry professional and preferably a reputable industry appraiser. He said that he thinks the BOE was given incorrect information such as if a sale occurred after the close of the assessment period, they had to ignore that. He said that if you go to the International Association of Assessing Officer standards, it states in section 9, that when testing the resulting valuations, it is appropriate to use sales data after the last date for changing the assessments. It also says to use the most current information available. He said he thinks training by a professional would clarify some of these standards.

Mayor Weldon asked Assemblymembers if they had any questions for Mr. Hanna.

Ms. Gladziszewski asked where it states the amount of time is limited to 15 minutes.

Mr. Palmer noted that on page 10 of the draft ordinance, line 25 states that “each party shall be allowed a total of fifteen minutes to present evidence...” He also noted that on page 11, starting at the end of line 4, it states: “Upon finding good cause, the presiding officer may extend both the appellant’s initial presentation and the assessor’s presentation by equal amounts...”

Mayor Weldon asked Assemblymembers if they had any additional questions for Mr. Hanna.

Mr. Smith asked Mr. Hanna how much time people have to present now. Mr. Hanna said that they currently have fifteen minutes which is not near enough if they need to rebut incorrect information.

There being no further questions for Mr. Hanna, Mayor Weldon thanked him for his testimony.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-21(b) and asked for unanimous consent.

Ms. Hale objected for purposes of a question. She said that she looked through the ordinance for information about training but that the ordinance appears to be silent with respect to training.

Assistant Attorney Adam Gottschalk said that the ordinance is silent on training. He said that they do try to conduct training every year with the Board but this past year, they were not able to hold training due to lack of quorum.

Ms. Hale asked for clarification that lack of quorum meant that they were not able to meet to hold a training.

Mr. Gottschalk said that was correct. He noted that the 2021-2022 appeal cycle ended in April and then they started conducting appeal hearings again in June. He said the BOE membership consisted of all veteran members who had conduct approximately 100 appeal hearings during the past year.

Ms. Hale said that she spoke with Mr. Palmer earlier in the day about a different ordinance that will be coming before them to address process for assessments and training. She asked Mr. Palmer if he could elaborate on what that might look like. Mr. Palmer said that is correct, he is working on a subsequent ordinance that would prescribe standards for the assessor to follow. He said that might touch on what Mr. Hanna was referring to with respect the industry professional component and training.

Mr. Smith asked if the attorneys could provide clarity with respect to the current practice and time allowed for each party to present and have time for rebuttal and how that would compare to the language in Ordinance 2022-21(b).

Mr. Gottschalk explained that currently, parties are given fifteen minutes each. In advance of the hearing, they are all given information stating that they will have fifteen minutes to present and that there will be board questioning. He said that at beginning of each hearing, the presiding officer lets them know that they have fifteen minutes and if they choose to reserve some of that time for rebuttal, they can do so and that time will be reserved for them for rebuttal. He said that if the chair finds that there is good cause to extend that, they will. He said that the language in the ordinance before them on pages 10 and 11 just codifies that current practice.

Mayor Weldon asked Mr. Gottschalk to speak to the question/answer period between the BOE members and the parties. Mr. Gottschalk explained that they discussed this at the previous Committee of the Whole meeting. He said that the time used by the BOE members to ask questions and receive responses from the parties does not count against the fifteen minutes that each parties has allocated to them. He said that there is almost always board questions for the parties and those can be extensive Q&A timeframes depending on the points raised during the parties' presentations.

Ms. Gladziszewski asked Mr. Gottschalk has been to most of these hearings. Mr. Gottschalk said he attended every single one of them this past year. Ms. Gladziszewski asked if he ever saw someone denied time to speak or discouraged from finishing their presentation. Mr. Gottschalk said that in his experience, he has seen a few occasions for which that may have happened. Those would primarily been during which parties were represented by a particular attorney or in which they had several thousand pages of materials. He said that it does occasionally happen, however, none of them should feel blindsided and this also makes clear that if there is a complicated issue or they want to do a summary of thirty years of income, they can always submit a memo or briefing to the board ahead of the hearing.

Ms. Hale and Mr. Gottschalk asked and answered additional questions about times involved in previous appeals. Ms. Hale removed her objection.

Hearing no further objection, the ordinance was adopted by unanimous consent.

20. Ordinance 2022-40 An Ordinance Authorizing the Manager to Lease Space at the Juneau Police Department Headquarters to L3Harris Technologies, Inc. for Aircraft and Air Traffic Control Safety Equipment.

The Federal Aviation Administration (FAA) is updating safety controls for aircraft collision avoidance. A contractor for the FAA, L3Harris submitted an application to lease cabinet and antenna space at the Juneau Police Station located at 6255 Alaway Avenue. L3Harris would use the leased space to

improve the Wide Area Multilateration surveillance system for the airport. Fair market value has been determined by appraisal to be \$540 per year.

The Juneau International Airport Manager reviewed this application and is in favor of granting this lease. The Juneau Police Department Radio Electronics Specialist reviewed this application and is in favor of granting this lease. The LHED Committee reviewed this request at its meeting on June 27, 2022, and provided a motion of support for leasing this property to L3Harris. On August 1, 2022, the Assembly authorized the Manager to negotiate with L3Harris.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Triem to adopt Ordinance 2022-40 and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs for purposes of a question. Ms. Hughes-Skandijs said that she isn't the second or third thing that they have seen and asked if they anticipate any additional leases as she thinks that JPD may be running out of potential space to lease.

Mr. Palmer said that he believes this is the last item like this that will be coming before the Assembly.

Mr. Barr said that he wouldn't say that this is "it" for these types of leases but he said this would be the last of them with respect to this particular topic.

Ms. Hughes-Skandijs removed her objection.

Hearing no further objection, the ordinance was adopted by unanimous consent.

21. Ordinance 2022-54 An Ordinance Amending the Investments and Collateral Chapter of Title 57 Related to Investment Policies.

This ordinance, and a companion resolution (#3022) that will be presented on December 12, 2022, would update the City and Borough of Juneau Investment Policy. Specifically, this ordinance would clarify how the investment policy is updated, would add sustainability to the investment objectives, and would add two more authorized investment instruments.

On September 7, 2022, the Assembly Finance Committee recommended these changes to the investment policy. The Systemic Racism Review Committee reviewed this request at the November 22, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by 'Wáahlaal Gíidaak to adopt Ordinance 2022-54 and asked for unanimous consent.
Hearing no objection, the motion passed by unanimous consent.

P. UNFINISHED BUSINESS

Q. NEW BUSINESS

R. STAFF REPORTS

22. Affordable Housing Fund Recommendations - 2022

At the November 28, 2022 Lands, Housing, and Economic Development Committee meeting, the Committee forwarded recommendations for Round Two of the Juneau Affordable Housing Fund.

Mr. Watt reported that the Affordable Housing Fund recommendations for 2022, at the November 28 Lands, Housing, Economic Development Committee (LHEDC) meeting, the LHEDC forwarded recommendations for round two of the Juneau Affordable Housing Fund. The LHEDC recommended funding for four applications: AWARE, Tlingit Haida Regional Housing Authority, Rooftop Properties LLC, and St. Vincent DePaul and the motion passed without objection. He said they are looking for a motion from the Assembly to endorse that recommendation from the LHEDC.

Mr. Bryson declared a conflict saying that prior to November 28, he had not looked at any of the properties involved in this matter. Since that time, he has looked at one of the properties that was denied during this process so asked to be recused from participating and voting in this matter.

Mayor Weldon asked for any objection in recusing Mr. Bryson, hearing none, she recused Mr. Bryson from this matter.

MOTION by Ms. Gladziszewski to endorse the recommendations as presented by the Lands, Housing and Economic Development Committee for awards from the Affordable Housing Fund and asked for unanimous consent.

Ms. Hale objected for purposes of a question. She said that her memory was that there was \$2M available for this action but that the Assembly recently put \$5M into that fund. She said that given the urgency of the need, she asked why we are capping it at \$2M this year.

Mr. Watt noted that the Assembly during the budget cycle identified the \$2M that would be made available for this round of the Affordable Housing Fund awards.

Ms. Hale thanked him for the clarification. She also noted that there was discussion during the retreat about the possibility of doing two rounds of the Affordable Housing Fund during the year rather than just one.

Additional discussion took place about the LHEDC review process and recommendation and the final amount identified by the Assembly. Ms. Hale removed her objection.

Hearing no objection, the motion passed by unanimous consent.

S. ASSEMBLY REPORTS

Mayor's Report

Mayor Weldon congratulated Mr. Watt for receiving the Alaska Municipal League Employee of the Year award for 2022. She also congratulated Mr. Rogers for being elected the President of the Alaskan Government Financial Officers of America.

Mayor Weldon noted that most of the Assembly and senior staff attended the Alaska Municipal League annual conference in Anchorage. She noted that they are becoming some of the older Assemblymembers and were moving into moderation segments of the AML process. She thanked all those involved in putting it on and especially Ms. Hughes-Skandijs and Ms. Triem for their work with AML.

Mayor Weldon reported on the Assembly retreat that was held on Sunday, December 11 from 10am-4:30p.m. She said that they changed things up at this year's retreat. They started out with great cheers and slogans for CBJ. Ms. Woll then facilitated a great conversation and process on Housing and lots of great ideas came out of that. She has graciously agreed to put together the results of those discussions and those will be coming to the next COW meeting on 12/19/22. She said they also had good discussions on the budget and those will continue to be ongoing. They gave direction to the City Manager on the budget that if he needed to spend a little bit more, to hold the line where he could, but go ahead and spend a little bit more on the goals the Assembly has tasked staff with accomplishing. She thanked Ms. Hughes-Skandijs for leading that discussion. Mayor Weldon noted that they also had a discussion during the retreat on the Visitor Industry Task Force recommendations and they stopped that due to time constraints and those will be taken up again during a COW meeting. She said that they looked at the rest of the Assembly goals and that Mr. Barr will be finalizing those to be sent out in an email to the Assembly and those will be discussed at a COW in the near future.

Committee and Liaison Reports

Assembly Committee of the Whole (COW) Chair Gladziszewski reported that they last met on November 28 and had some of the same discussion on items that were covered during the Assembly retreat including hearing a cruise ship industry updates and they talked about the Visitor Industry Task Force recommendations and received the tourism survey results from McKinley. She said they also discussed the Eaglecrest Gondola installation funding and a proposed agreement with Goldbelt that was forwarded to the Assembly. Lastly, they talked about the ordinance they just adopted codifying some of the Board of Equalization procedures as they relate to property tax appeals. The next COW meeting is scheduled for Monday, December 19 and hopefully it will include the Assembly goals if they are ready. Other possible topics include Hazard Mapping, Gondola Financing, Fee to Trust Lands, and Docks & Harbors Land Management. She said they likely won't cover all those topics but those are the pending items before the COW.

Assembly Finance Committee (AFC) Chair Triem reported that the AFC last met on November 30 at which they received an overview of the budget picture to inform the retreat and how much money we have to "send it" in the words of Mr. Watt. She said that they will have another AFC meeting coming up but she was unsure on which date.

Public Works & Facilities Committee (PWFC) Chair Bryson reported on the PWFC meeting that was held on November 28 at which they discussed the Gondola financing, the PEL study, and Juneau being an Age Friendly Community.

Lands, Housing, & Economic Development Committee (LHEDC) Chair Hughes-Skandijs reported that the LHEDC also met on November 28 at which they discussed the Juneau Affordable Housing Fund recommendations that were just acted upon by the Assembly. They also talked about the Telephone Hill pending lease request. She said that the neighborhood association and the folks that had been managing that for many years had been working with Mr. Bleidorn on a draft lease. She said that when they were consulting with a lawyer about it, it seemed like it was really close but then they ultimately

decided it was just too much for a variety of reasons but it now looks like CBJ will need to be acquiring a property manager since that structure will no longer be in place. They also heard about the Christmas tree and firewood harvesting policy and they received a map for those.

Ms. Hale said that she appreciated the update on Telephone Hill and she asked for clarification about CBJ hiring a property manager and if there will be individual leases for each of the tenants as a result of that neighborhood association dissolving. Ms. Hughes-Skandijs said that they will be continuing to receive updates in the LHEDC but also asked Mr. Watt to speak to the specifics.

Mr. Watt stated that all the Telephone Hill residents deserve one point of contact and with the neighborhood association dissolving itself, it was not going to be practical for Lands Manager Dan Bleidorn to be that point of contact. He said that they need somebody and a professional property manager seems the best solution. Ms. Hale asked if the Telephone Hill residents are aware of this and if anyone from staff has reached out and notified them individually. Mr. Watt said that he absolutely believes so and on Friday, December 16, there will be a number of staff members will be going up for a property tour and inspection. He said they are trying to communicate as often as they can to the neighborhood association.

Human Resources Committee (HRC) Chair Smith reported that the regular HRC meeting scheduled for this evening was cancelled but that there is a meeting of the Full Assembly sitting as the HRC scheduled for Wednesday, December 15 to conduct interviews of applicants for the Planning Commission and Bartlett Regional Hospital Board of Directors. Mr. Smith noted that there are three open seats on the Planning Commission and only two applicants at this time. With respect to the Bartlett Regional Hospital Board, there are three applicants for the two open seats on that board with two of the three applicants being physicians who have both applied for the one open physician seat on the board. Mr. Smith said that he would be in favor of cancelling the meeting on Wednesday and reopening the application period for those seats with the interview/appointment process to take place in January instead of December, provided the incumbents in those seats becoming vacant are willing to continue to serve past their term ending date until new members are appointed.

Assemblymembers then discussed the scheduling and their preferences. It was decided that the Deputy Clerk will reach out to the outgoing incumbents to determine their willingness to serve beyond their term ending date and Mr. Smith will reschedule the Wednesday meeting and extend the application period. Mr. Smith asked for the Wednesday to stay as scheduled for now but that he/Clerk would notify the Assembly tomorrow if they are in fact cancelling it.

Presiding Officer Reports

None.

T. ASSEMBLY COMMENTS & QUESTIONS

Mr. Bryson said that he attended the UAS Campus Council for the first time and he reported that their one need is that they need Board of Regent members. Mr. Bryson said that he attended the AML annual conference. Just prior to tonight's meeting, he attended the North Douglas Second Crossing PEL presentation.

Ms. Hughes-Skandijs reported that the Eaglecrest Board met on December 1 and they had a similar presentation on the gondola issue, they discussed the overage on the shipping of the gondola and also the funding and Goldbelt draft agreement. The board renewed the Segway AK Tours commercial use permit. She said that she is still waiting to connect with Juneau Chamber of Commerce board. She said it

was a very positive experience at the Alaska Municipal League annual meeting and it gave her a greater appreciation for what it takes to put that on.

Ms. Woll asked Ms. Hughes-Skandijs if the Eaglecrest Board took action to make a recommendation on the Goldbelt agreement before the Assembly takes action on it. Ms. Hughes-Skandijs said that there had been a little awkwardness due to the order of it coming to the Assembly before going to the Eaglecrest Board. She noted that the Assembly had substantially more questions when they looked at it. She said that what struck her was the lack of questions at the Eaglecrest Board meeting about it but at the end of the presentation, they did pass a motion of support for the draft agreement.

Ms. Triem reported that the Bartlett Regional Hospital Board met on November 22 and it was the last regular board meeting for Mark Johnson who is coming to the end of the final year of his three terms on the board. Ms. Triem asked if he'd be interested in applying to serve on the Planning Commission but he politely declined. She said that the board meeting was lengthy and full of discussion, mostly about their budget, in that they are losing money. Similar to the school district, their federal COVID funding is running out, but unlike the school district, they have more control of their revenue streams. For now, they have put in place some new management practices to control spending. She spoke to the consequences of this funding issue and wanted to be sure the Assemblymembers were all aware of these concerns. She asked Mr. Watt or Director Koester if they could provide a brief update for the Assembly and listening public on snowplowing efforts and where we stand currently.

Director Koester thanked Ms. Triem for the question and said that they are still down four equipment operators at Streets. The last time she reported on this they had five openings, one of which is now filled. She said that the Assembly funded additional part-time equipment operators in the budget this year to help with plowing. She said that some of those are positions they aren't necessarily having a hard time filling but some of those operators are switching seats. They have a total of four, which means that they will be having supervisors with their butts in plow seats. They have a goal of plowing streets within 24 hours here at CBJ. They don't always reach that goal depending on conditions but they start with the artery streets and go from there. She said that the Assembly also included in their budget funding for two year-round laborers and those positions are filled. They are responsible for managing the sidewalks downtown so in the winter that means those sidewalks are plowed and during the summer, they are kept clean and tidy. She said they are still working on filling some open positions but she is hoping depending on conditions, they will be able to keep things cleared. Mayor Weldon thanked Director Koester for the work of her team and noted that during AML, there was record snowfall and it was surprising to see that it took over two days before their main downtown streets were plowed.

Ms. Hughes-Skandijs asked Ms. Hale as the former liaison to the BRH Board, if the financial concerns that Ms. Triem reported on where something that the board has been aware of and monitoring for awhile or if this is something that has come from 'out of nowhere' as characterized by a citizen who asked Ms. Hughes-Skandijs about it. Ms. Hale said that this has been on the radar scene for several months but not a really long time. She said that with the hiring of the new CEO, Mr. Keith, it has come into ultra-sharp focus. She said that he is doing a really good job and the measures that were proposed are ones he is pushing through. She said that the BRH Board has a good Finance Committee Chair. She said that they are aware of it and it is coming into sharper focus as improvements are made. Ms. Gladziszewski noted that she had served as the liaison and during that period, BRH was never flush with cash but being a rural hospital, they did receive federal rural grant funding but that funding may have stopped since she was liaison. Ms. Hale said that she believes they did get the most recent round of the federal rural grant funding and, Ms. Triem also spoke to it, but that they are also coming to the end of the COVID funding.

With the changes in CEO and the federal funding ending, they have been looking at all things and it will likely take a little while to sort things out.

‘Wáahlaal Gíidaak reported that the Planning Commission (PC) met on November 22 and denied a request for a conditional use permit for Bayhouse Properties and also denied a non-administrative variance for Jordan creek streamside setback. Both those were denied in accordance with variance and access rules. She said the next PC meeting is scheduled for tomorrow. The last meeting of the Systemic Racism Review Committee (SRRC) worksession was cancelled but the previous meeting was held on November 22 did meet and had a good conversation with next steps. She said that she will not be able to meet tomorrow as she will be in a different session but she is in contact with one of the members so she will get an update at what happens at tomorrow’s meeting.

Ms. Woll reported that the School Board has not met since the last Assembly meeting but their next regular meeting is tomorrow and they will be discussing their deficit issue so she will report on that at the next Assembly meeting. She said that the Aquatics Board has not met since late October. They were hoping to have their annual planning retreat but they have not yet found a date that they would be able to achieve quorum. She said that she attended the Juneau-Douglas crossing (PEL study) meeting today but a couple of weeks ago, she and Mr. Bryson attended the stakeholder meeting which included discussion on the 8 location alternatives. She said they will be getting more information on those 8 options in the future but her take away is that the further away from the current bridge, the more complex and expensive the various options become.

Mayor Weldon noted that there were a number of Assemblymembers attending at today’s presentation.

Mr. Smith said that he also attended the PEL study presentation. With respect to liaison reports, the Parks and Recreation Advisory Committee (PRAC) met earlier this month and their main discussion being on the CIP list. He said that he is working with Mr. Schaaf to make sure board members affected by the proposed legislation changing the PRAC and other committee consolidation have a chance to see the ordinance in advance of any Assembly action and have a chance to discuss it in their meetings. He said that Travel Juneau has not met but that they did receive the sad news that Iron Man was cancelled for 2023 and potentially 2024. He said that sounds like more of a nationwide/corporate wide decision rather than how the Juneau event came off. He said that he visited the Glory Hall last month and that the warming shelter is very full. He noted that there are some concerns about emergency housing potentially falling of the emergency cliff as they start to lose federal COVID funding. He said that it was great to see so many CBJ staff and leadership up at AML. He attended a lot of great sessions on Housing, Land Use & Economic Development, Broadband. He said that with respect to broadband, there is an opportunity for the city to get the word out to the community about the \$50B in the federal infrastructure bill. He said that it is important that they feedback on the maps from people about levels of connectivity. He will work with staff on trying to get a press release out. He shared that the Governor is holding the annual open house tomorrow from 2-6pm. He said that the Alaska Committee has been meeting and planning for the annual Legislative Welcome Reception on the first day of session, January 18. He wished everyone happy holidays in whatever way they celebrate them.

Ms. Hale reported that said that the Airport Board met on December 8 and this was the second meeting of theirs that she attended. They discussed hangar leases, flooding, and long-term janitorial services contracts. She noted that Coastal Helicopters will be conducting their Mendenhall Valley Light Flights on December 16. Ms. Hale reported that she also attended the PEL crossing study and the process that has been going through. She said that she did not go to AML but that she stayed home and cut firewood for

her mother instead. She noted that Hannukah starts on December 18 and wished everyone a happy Hannukah.

Ms. Gladziszewski reported that the Juneau Commission on Sustainability (JCOS) held its retreat on December 3 and then a regular meeting on December 7. She noted that they finished up their Climate Actions and Sustainability Report that they have been working on the past few months and that will be coming to the Assembly in the next few days. She said they also have recommendations on the marine passenger fee spending. Ms. Gladziszewski congratulated Mayor Weldon on her ascension to the Vice-Presidency of the Alaska Municipal League and thanked her for her service in that role. Ms. Gladziszewski commented on the snowplowing in Anchorage and said it was shocking and she thanked CBJ staff for their work on clearing our streets.

Mayor Weldon wished all members of the public happy holidays in whatever way they chose to celebrate them. She noted that Mr. Smith and the Clerks will let the members know if they will be meeting on Wednesday, otherwise they will next meet at the COW meeting on Monday, December 19.

U. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

V. EXECUTIVE SESSION

W. SUPPLEMENTAL MATERIALS

X. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 8:10 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

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Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-28

An Ordinance Authorizing the Manager to Convey Approximately 11.5 Acres of Property Located at Pederson Hill to Tlingit Haida Regional Housing Authority for Less Than Fair Market Value.

WHEREAS, Tlingit Haida Regional Housing Authority applied to purchase Lot 2B, Pederson Hill Subdivision II with the intention that it be developed as single-family homes with lot sizes and layout similar to the approved preliminary plat; and

WHEREAS, the City and Borough of Juneau (CBJ) is conveying the property on the express condition that it be developed as single-family homes with lot sizes and layout similar to the August 5, 2022, Letter of Interest from Tlingit Haida Regional Housing Authority; and

WHEREAS, the development of this property will include the public use and preservation lots similar to those included in the approved preliminary plat; and

WHEREAS, the Lands, Housing, and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on August 29, 2022, and passed a motion of support to the Assembly to direct the Manager to negotiate the sale of the CBJ property for less than fair market value; and

WHEREAS, the Assembly reviewed this application at the meeting on September 12, 2022, and passed a motion authorizing the Manager to enter into negotiations with Tlingit Haida Regional Housing Authority towards the disposal of CBJ property for less than fair market value; and

WHEREAS, the Manager has determined the fair market value of the CBJ property to be \$700,000.00.

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 to Convey. The Manager is authorized to negotiate and execute the sale of Lot 2B, Pederson Hill Subdivision II, Juneau Recording District, First Judicial District, State of Alaska, constituting 11.5 acres, more or less, as shown on the attached Exhibit A.

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Section 3. Purchase Price. The purchase price of the property shall be the fair market value, which has been determined by the Manager to be \$700,000.00.

The payment of \$100,000.00 will be due at closing.

The remaining balance of \$600,000.00 will be due on December 31, 2033, but will be considered forgiven or paid in full once the following conditions are met, prior to payment being due on December 31, 2033.

- a) \$100,000.00 will be automatically forgiven if a final plat similar to what has been considered Phase 1B, which includes roughly 5.1 acres with 30 residential lots and two public use lots, is recorded within 3 years of the property conveyance.
- b) \$100,000.00 will be automatically forgiven if the Purchaser has received certificates of occupancy for 15 housing units within phase 1B 5 years of conveyance.
- c) \$200,000.00 will be automatically forgiven if a final plat similar to what has been considered Phase 1C, which includes roughly 6.4 acres with approximately 39 residential lots within 7 years of conveyance.
- d) \$200,000.00 will be automatically forgiven if the Purchaser has received certificates of occupancy for 15 housing units within phase 1C within 10 years of conveyance.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

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

Adopted this _____ day of _____, 2023.

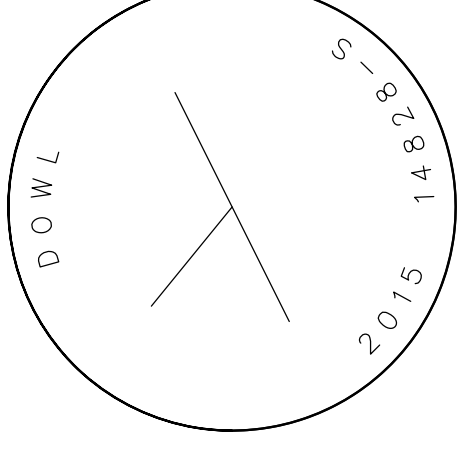
Beth A. Weldon, Mayor

Attest:

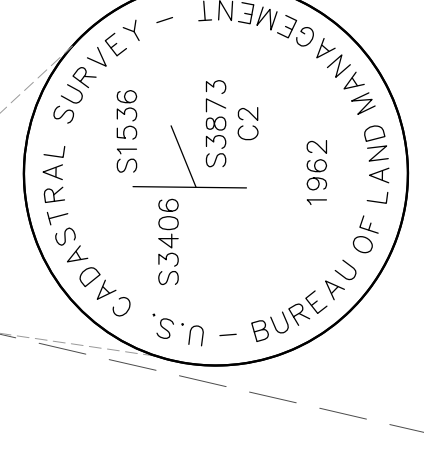
Elizabeth J. McEwen, Municipal Clerk

Exhibit A - CBJ Ordinance No. 2023-28

U.S.S. 4598
LOT 13



TYPICAL PRIMARY MONUMENT DETAIL
N.T.S.



TYPICAL SECONDARY MONUMENT DETAIL
N.T.S.

U.S.S. 3406
C.B.J.

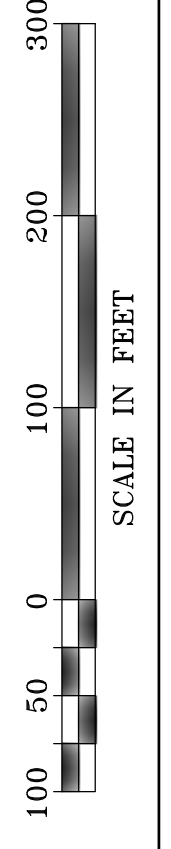
LOT 2A
PEDERSON HILL SUBDIVISION II, PHASE 1A



BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N63°28'00"E BETWEEN A FOUND B.L.M. STONE MONUMENT AND FOUND G.L.O. IRON PIPE AS DETAILED ON THIS PLAT AND DEPICTED UPON RECORD PLAT OF U.S.S. 3873, DATED SEPTEMBER 12, 1963, JUNEAU RECORDING DISTRICT.

SHEET 2



SCALE IN FEET

SHEET INDEX

- 1 - KEY MAP & SUBDIVISION BOUNDARY
- 2 - SOUTHWEST PLAT DETAIL
- 3 - NORTHWEST PLAT DETAIL
- 4 - NORTHEAST PLAT DETAIL

LEGEND

- ⊗ B.L.M. MONUMENT FOUND THIS SURVEY.
- ⊗ FOUND 3.25" ALUMINUM PRIMARY MONUMENT (7712S).
- ⊗ 3.25" ALUMINUM PRIMARY MONUMENT (14828S) SET THIS SURVEY.
- ⊗ 3.25" ALUMINUM PRIMARY MONUMENT (14828S) FOUND THIS SURVEY.
- ⊗ 5/8" REBAR WITH YELLOW PLASTIC SURVEY CAP (14828S) SET THIS SURVEY.
- ⊗ 5/8" REBAR WITH YELLOW PLASTIC SURVEY CAP (14828S) FOUND THIS SURVEY.
- ⊗ 3/4" IRON PIPE MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEY CAP (7712S) FOUND THIS SURVEY, UNLESS OTHERWISE NOTED.
- SURVEYED PROPERTY LINE
- - - UNSURVEYED PROPERTY LINE
- PHASE LINE
- DRAINAGE & UTILITY EASEMENT CREATED THIS PLAT
- EXISTING ACCESS, DRAINAGE & UTILITY EASEMENT
- - - PHASE 1A & 1C

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT CITY AND BOROUGH OF JUNEAU, AK IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS LANDS MANAGER, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, TRAILS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: _____, 2017

GREG CHANEY
C.B.J. LANDS MANAGER

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2017, BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED GREG CHANEY TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON HE REPRESENTS HIMSELF TO BE AND THE LANDS MANAGER FOR THE CITY & BOROUGH OF JUNEAU, WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTES

1. THIS SURVEY CLOSES WITHIN A LIMIT OF ERROR OF ONE FOOT IN 10,000 FEET AS REQUIRED BY TITLE 49.15.452.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. RECORD INFORMATION DERIVED FROM OFFICIAL PLAT OF PEDERSON HILL SUBDIVISION II, PHASE 1A, PLAT No. 2017-XX, JUNEAU RECORDING DISTRICT.
4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESSES.
5. DOMESTIC SEWER & WATER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC WORKS.
6. PUBLIC USE LOTS: LOT 5 HAS BEEN SET ASIDE AS A NEIGHBORHOOD PARK FOR RECREATION. DEVELOPMENT IN THIS PARK FOR PUBLIC RECREATION IS APPROPRIATE. LOT 7 HAS BEEN SET ASIDE FOR PUBLIC RECREATION. PRESERVATION, REMOVAL AND/OR REPLACEMENT OF ALL EXISTING TREES SHALL BE PERMITTED EXCEPT FOR TRAILS AND PERMETER FENCING. TRAIL CONSTRUCTION SHALL BE PERMITTED IN ACCORDANCE WITH CBJ TITLE 19.12 - EXCAVATION AND GRADING CODE. PERIMETER FENCING SHALL BE CONSTRUCTED USING TECHNIQUES THAT MINIMIZE SOIL AND VEGETATIVE DISTURBANCE.
7. WETLANDS EXIST THROUGHOUT THIS SUBDIVISION. APPROVAL TO IMPACT THESE WETLANDS HAS BEEN GIVEN BY THE U.S. ARMY CORPS OF ENGINEERS (COE). CONSULT COE FOR MORE INFORMATION.

CERTIFICATION OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION No. _____, DATED _____, 2017, AND THAT THE PLAT SHOWN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:
CLERK
CITY AND BOROUGH OF JUNEAU

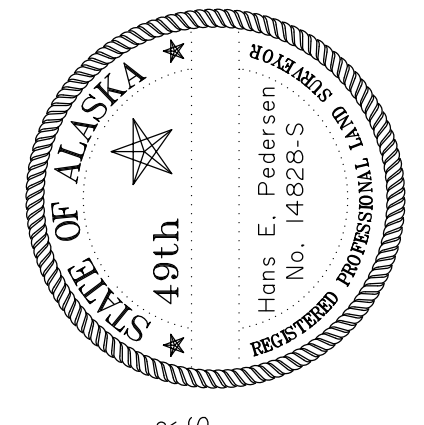
PRELIMINARY

PLAT
PEDERSON HILL SUBDIVISION II, PHASE 1B
A SUBDIVISION OF
LOT 2B, PEDERSON HILL SUBDIVISION II, PHASE 1A
US SURVEY No. 3873
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
STATE RECORDER'S OFFICE AT JUNEAU

DOWL
AFC1848
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-760-3533

OWNER
CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

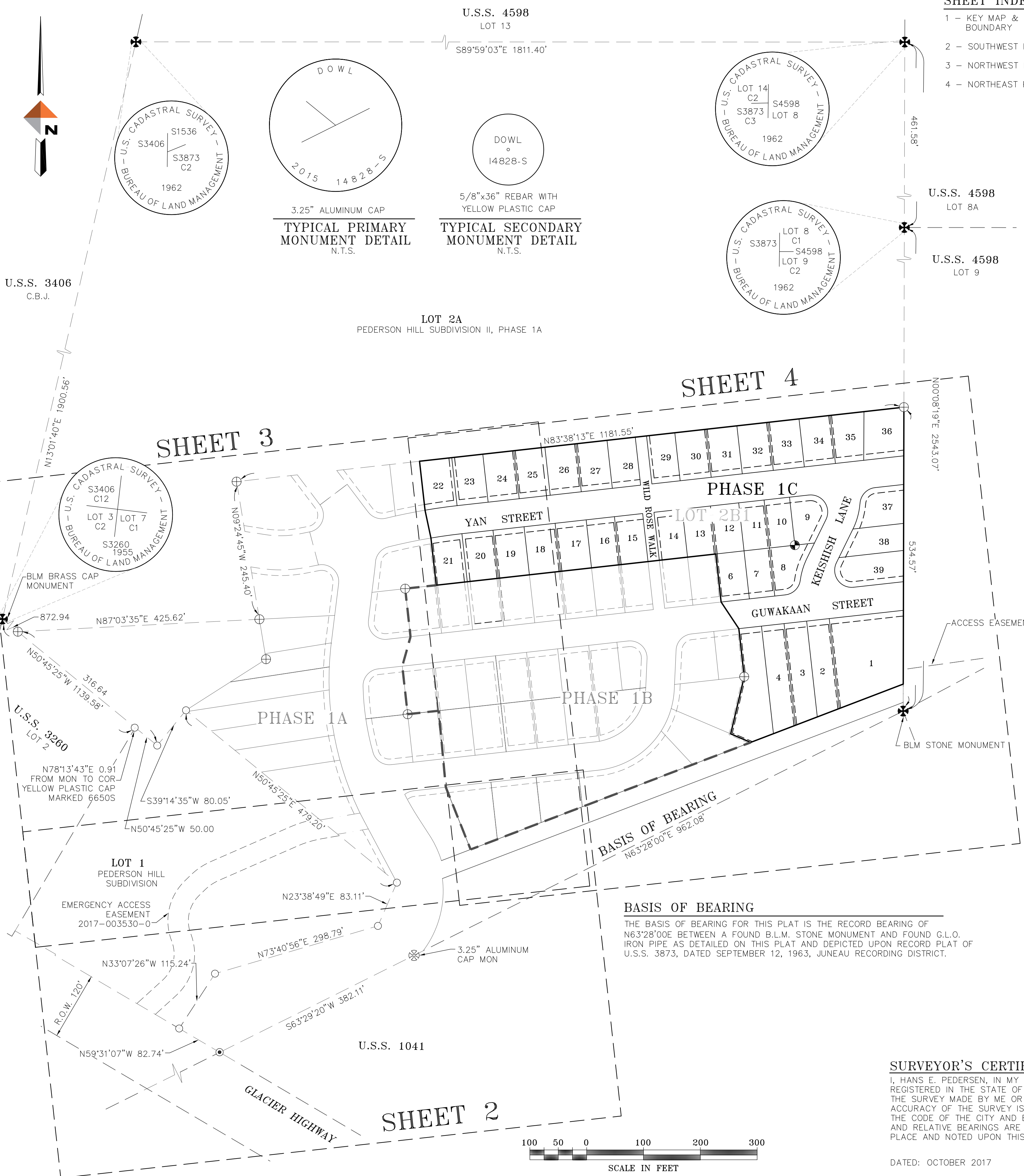
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DATE: OCT. 2017
PROJECT NO: J70697
FILE NO:
SHEET NO: 1 OF 4



SURVEYOR'S CERTIFICATE

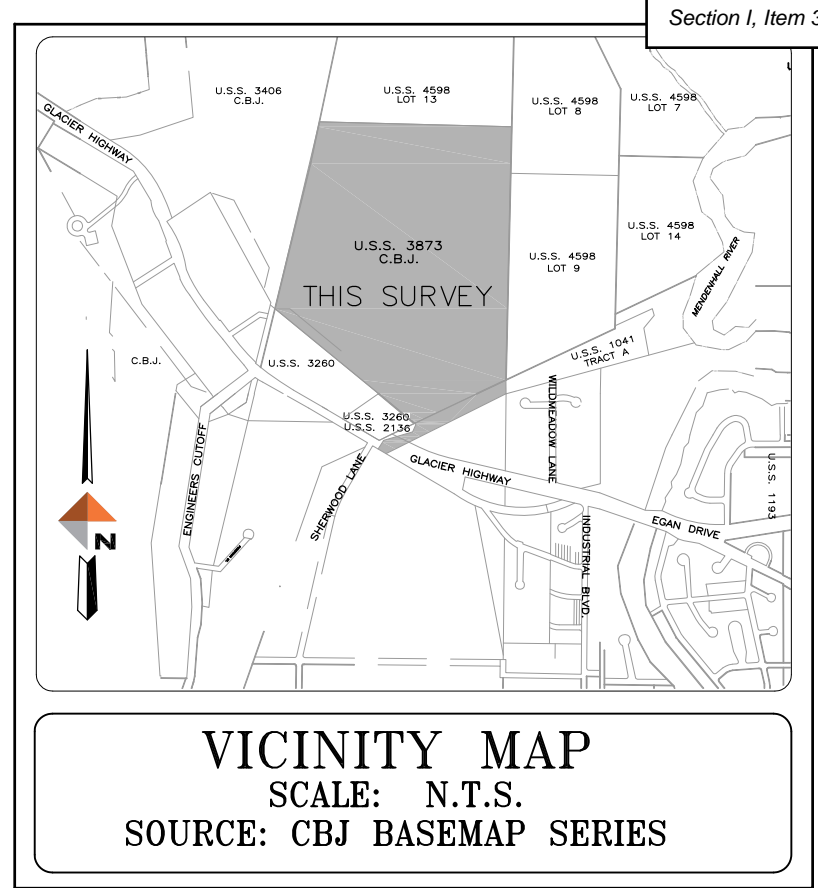
I, HANS E. PEDERSEN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: OCTOBER 2017



- SHEET INDEX**
- 1 - KEY MAP & SUBDIVISION BOUNDARY
 - 2 - SOUTHWEST PLAT DETAIL
 - 3 - NORTHWEST PLAT DETAIL
 - 4 - NORTHEAST PLAT DETAIL

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 - — — PHASE LINE
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DATE: _____, 2017

GREG CHANEY
CBJ LANDS MANAGER

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 2017, BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED GREG CHANEY TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON HE REPRESENTS HIMSELF TO BE AND THE LANDS MANAGER FOR THE CITY & BOROUGH OF JUNEAU, WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

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4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
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CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:
CLERK
CITY AND BOROUGH OF JUNEAU

PRELIMINARY

PLAT
PEDERSON HILL SUBDIVISION II, PHASE 1C
A SUBDIVISION OF
LOT 2C, PEDERSON HILL SUBDIVISION II, PHASE 1B
US SURVEY No. 3873
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
STATE RECORDER'S OFFICE AT JUNEAU

DOWL
AECL848
CIVIL ENGINEERING—LAND SURVEYING—CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

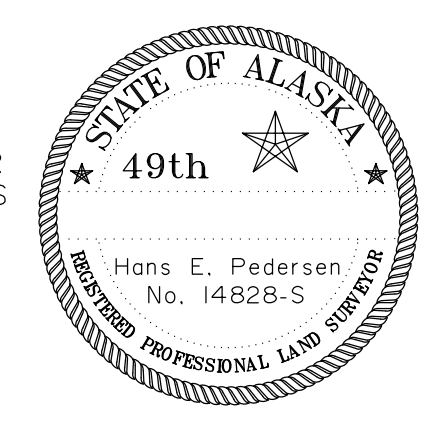
OWNER
CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

SCALE: 1" = 100'
DATE: OCT. 2017
PROJECT NO: J70687
FILE NO:
SHEET NO: 1 OF 4

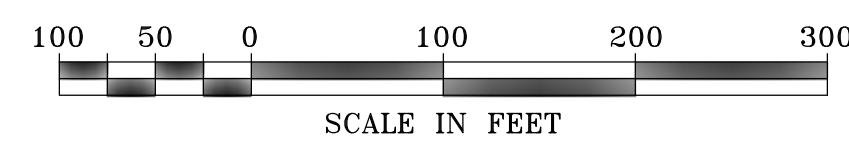
BASIS OF BEARING
THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N63°28'00"E BETWEEN A FOUND B.L.M. STONE MONUMENT AND FOUND G.L.O. IRON PIPE AS DETAILED ON THIS PLAT AND DEPICTED UPON RECORD PLAT OF U.S.S. 3873, DATED SEPTEMBER 12, 1963, JUNEAU RECORDING DISTRICT.

SURVEYOR'S CERTIFICATE

I, HANS E. PEDERSEN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



DATED: OCTOBER 2017



Recorded in the Juneau Recording District.

When recorded return to:

City and Borough of Juneau, AK
Attn: Division of Lands and Resources
155 S. Seward St
Juneau, AK 99801

Document Title: Purchase and Sale Agreement
Seller: City and Borough of Juneau, Alaska
Buyer: Tlingit Haida Regional Housing Authority
Legal Description: PEDERSON HILL II LT 2B
Assessor’s Parcel Number: 4B2201010103

PURCHASE AND SALE AGREEMENT

This Real Estate Purchase and Sale Agreement (“Agreement”) is entered into between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska (“Seller”), and Tlingit Haida Regional Housing Authority (“Purchaser”). The Seller and Purchaser are collectively referred to herein as “the Parties.”

In consideration of the mutual promises and valuable consideration set forth in this Agreement, the Parties agree as follows:

1. CBJ Authority. CBJC 53.09.270 authorizes the Disposal of City property for public use. The CBJ Assembly authorized the sale of the real property subject to this Agreement under Ordinance 2023-28, adopted on XX/XX/2023.

2. Purchase and Sale.

21 Property to be Conveyed. Subject to all of the provisions of this Agreement, Seller agrees to sell to Purchaser, and Purchaser agrees to purchase from Seller, all of the following described real estate, situated in the Recording District of Juneau, First Judicial District, State of Alaska (“Property”):

Lot 2B, Pederson Hill Subdivision II, according to Plat 2019-34, Records of the Juneau Recording District, First Judicial District, State of Alaska, together with all after acquired title of the CBJ therein.

22 Nature of Property Conveyed. The Property is vacant land zoned D10SF with the total area of approximately 11.5 acres or approximately 500,263 square feet. The conveyance of the Property under this Agreement shall be in fee simple and includes all interests therein, including without limitation: (a) all standing and down timber; and (b) all rights,

privileges, and easements appurtenant to the Property including, without limitation (i) oil, gas, other hydrocarbon substances, metals, limestone, rock, sand, and gravel, except any such mineral rights reserved in the original patent to the Property and not owned or controlled by Seller; (ii) all development rights, air rights, water, water rights, and water stock relating to the Property; and (iii) all easements, rights-of-way, and other appurtenances used in connection with the beneficial use and enjoyment of the Property. No material change shall be made to the Property’s current condition from the effective date of this Agreement until the time of Closing (as defined in Section 5 hereof).

23 **Use of Premises.** Purchaser understands and agrees that Seller is only conveying the Property on the express condition that it be developed as single-family homes with lot sizes and layout similar to the attached preliminary plat. The development of this property will include the public use and preservation lots included in the preliminary plat.

24 **Approval of Other Authorities.** Purchaser understands that by Seller conveying the Property for the use provided above, Purchaser is not relieved of its responsibility for obtaining all licenses, permits, or approvals as may be required by Seller or by duly authorized state or federal agencies for the development of the Property.

3. **Purchase Price.** Seller agrees to sell the Property to Purchaser, and Purchaser agrees to purchase the Property from Seller, for the total sum of **Seven Hundred Thousand Dollars (\$700,000) (“Purchase Price”)**

4. **Payment.** The Purchase Price shall be paid by Purchaser to Seller as follows:

41 The Purchaser agrees to pay the purchase price of **\$700,000**. Fair Market Value has been determined to be \$700,000.

42 The payment of \$100,000 will be due at closing.

43 The remaining balance of \$600,000 will be due on December 31, 2033, but will be considered forgiven or paid in full once the following conditions are met, prior to payment being due on December 31, 2033.

- a) \$100,000 will be automatically forgiven if a final plat similar to what has been considered Phase 1B, which includes roughly 5.1 acres with 30 residential lots and two public use lots, is recorded within 3 years of the property conveyance.
- b) \$100,000 will be automatically forgiven if the Purchaser has received certificates of occupancy for 15 housing units within 5 years of conveyance.
- c) \$200,000 will be automatically forgiven if a final plat similar to what has been considered Phase 1C, which includes roughly 6.4 acres with approximately 39 residential lots.
- d) \$200,000 will be automatically forgiven if the Purchaser has received

certificates of occupancy for 15 housing units within phase 1C within 10 years of conveyance.

5. Development of Workforce and Affordable Housing. Tlingit Haida Regional Housing Authority shall be required to develop the property in accordance with Ordinance 2023-28. Failure to develop the property in accordance with this agreement and referenced documents will result in the THRHA becoming ineligible for future requests for negotiated sale or sale for public use land sales for 15 years.

6. Effective Date. This Agreement shall be effective and binding upon either party only upon such date that this Agreement is fully executed by all parties on the signature page. This provision may not be waived by partial performance or otherwise and no reliance shall be placed on this Agreement until it is so executed.

7. Closing.

7.1 The closing of this transaction (“Closing”) shall occur through the office of **First American Title Insurance Company** and shall take place on or before August 1, 2023.

7.2 For purposes of this Agreement the Closing shall be deemed to have occurred on the date when the Quitclaim Deed (as defined in Section 6 hereof) is recorded. The date on which the Closing actually occurs shall be the “Closing Date” for all purposes under this Agreement.

7.3 All closing documents in addition to this Agreement, Deed of trust, Deed of Trust Note and the Quitclaim Deed will be drafted by the Closing Office and provided to Seller and Purchaser for review and approval before the Closing Date (“Closing Documents”). It shall be a condition to Closing that Seller and Purchaser shall have approved the Closing Documents, if any.

7.4 Seller is not paying any Closing costs except Seller’s attorney fees, if any. Purchaser is responsible for any and all Closing costs.

8. Quitclaim Deed. Seller shall execute, notarize, and deliver to the Closing Office immediately prior to the Closing Date, a quitclaim deed for conveyance of the Property from Seller to Purchaser in the form of Exhibit A attached to this Agreement (“Quitclaim Deed”).

9. No Financial or Inspection Contingencies. Purchaser agrees that this Agreement is not contingent on Purchaser securing a loan or conducting a physical inspection of the Property. Purchaser waives any financial and inspection contingencies.

10. Preliminary Title Report. Immediately after signing this Agreement, Seller and Purchaser shall cooperate to cause the Closing Office to prepare and issue a preliminary title report for the Property (“PTR”). The cost of the PTR, if any, shall be paid by Purchaser. It shall be a condition to Closing that Purchaser has reviewed and approved the PTR and any changes to the PTR that may be required by Purchaser in order to cause the PTR to be acceptable to Purchaser. Seller and Purchaser shall act reasonably and in good faith regarding the PTR and any changes to the PTR that may be necessary in order to cause the PTR to be acceptable to Purchaser.

11. Title Insurance. Purchaser shall be entitled to obtain an ALTA title insurance policy for Purchaser’s acquisition of the Property, including any endorsements selected by Purchaser (“Title Insurance”). Purchaser shall pay the cost for a standard ALTA title insurance policy (“Standard ALTA Cost”), and all title insurance costs in excess of the Standard ALTA Cost. It shall be a condition to Closing that Purchaser has reviewed and approved the provisions of the Title Insurance and any changes to the Title Insurance that may be required by Purchaser in order to cause the Title Insurance to be acceptable to Purchaser. Seller and Purchaser shall act reasonably and in good faith regarding the Title Insurance and any changes to the Title Insurance that may be necessary in order to cause the Title Insurance to be acceptable to Purchaser.

12. Taxes. As of the Closing, all property taxes shall be prorated by the Closing Office between Seller and Purchaser, and paid by Seller and Purchaser on the basis of such proration. Regardless of any contrary provision of this Agreement, Seller shall give the Property and Purchaser full benefit of any property tax abatements, eliminations or reductions that have been or will be approved by Seller at any time.

13. Escrow Agent Instructions. The provisions of this Section 11 shall constitute the joint instructions of the Parties to the Closing Office.

13.1 The Closing Office shall receive, hold and disburse all funds, arrange the execution, delivery and recording of all documents and instruments necessary to this transaction and shall otherwise act in accordance with the mutual written instructions of the Parties to this Agreement and in accordance with the laws of the State of Alaska.

13.2 At the Closing, the Closing Office shall record the Quitclaim Deed and all other documents necessary to transfer title to the Property from Seller to Purchaser.

13.3 At Closing, the Closing Office shall cause the Title Insurance to be issued to Purchaser.

13.4 As of the Closing, the Closing Office shall cause all assessments and utilities, if any, to be prorated between Seller and Purchaser, and paid by Seller and Purchaser on the basis of such proration.

135 Prior to the Closing, the Closing Office shall provide preliminary closing and/or settlement statements to Seller and Purchaser (collectively “Closing Statements”). It shall be a condition to Closing that Seller and Purchaser shall have approved their respective Closing Statements.

136 The Parties agree to provide any necessary supplemental instructions requested by the Closing Office, and to cooperate in good faith to effectuate the purpose of this Agreement.

14. No Warranties. Purchaser specifically acknowledges and agrees that (a) Seller does not make any representations or warranties of any kind, either express or implied, with respect to the Property, and (b) the Property is conveyed to Purchaser in an “AS IS” and “WITH ALL FAULTS” condition as of the Closing Date, including, without limitation, the condition or stability of the soils or ground waters, the presence or absence of hazardous materials on or under the Property, the suitability of the Property for any construction or development, and zoning and similar matters.

15. Alaska Residential Real Property Transfer Disclosure Statement Waiver. Consistent with A.S. 34.70.110, the Parties waive the requirement to complete the disclosure statement, if one is required.

16. Possession and Risk of Loss. Seller retains possession and assumes risk of loss prior to Closing. Purchaser shall be entitled to possession of the Property upon the Closing Date.

17. Indemnification. Purchaser shall indemnify, defend, and hold Seller harmless from and against any claims, actions, costs, expenses and liabilities, including without limitation payment of reasonable attorney’s fees, which Seller may suffer or incur as a result of any failure of Purchaser to perform any of its warranties or obligations hereunder.

18. Survival. All warranties, representations, covenants, obligations and agreements contained in or arising out of this Agreement or in any certificates or other documents required to be furnished hereunder, shall survive Closing. All warranties and representations shall be effective regardless of any investigation made or which could have been made.

19. Default.

19.1 In the event Seller defaults in its obligations under this Agreement, Purchaser may only specifically enforce this Agreement or rescind this Agreement.

19.2 If the transaction does not close before the close of business on the Closing Date and through no fault of Seller, this Agreement will be of no further effect.

20. Non-Foreign Affidavit. Seller is not a foreign person as the term is used and defined in Section 1445 of the Internal Revenue Code, as amended, and regulations promulgated thereunder. Seller shall, upon written request of Purchaser, complete an affidavit to such effect.

21. Notices. All notices required to be given under this Agreement shall be in writing and shall be deemed delivered: (a) on the date of delivery if delivered via electronic mail (“e-mail”), and the party delivering notice has a record of successful transmission; (b) on the next business day if delivered by a nationally recognized overnight courier service; or (c) on the second business day after mailing if mailed by first class U.S. mail, postage prepaid, return receipt requested, to the address of the other party to be notified as listed below. Either party may, by written notice to the other, designate a different address or e-mail address for purposes of this Agreement.

21.1 Seller’s Contact:

The City and Borough of Juneau
Attn: Lands & Resources Manager
155. S. Seward Street
Juneau, AK 99801
Phone: 907.586.5252
Email: Lands_Office@juneau.org

21.2 Purchaser’s Contact:

Tlingit Haida Regional Housing Authority
Attn: Jacqueline Pata
Address: 5446 Jenkins Drive
Juneau, AK 99801
Phone: 907-780-3194
Email: jpata@thrha.org

22. Email. Purchaser and Seller acknowledge and agree that: (a) e-mail is an acceptable form of written communication and may be used by the Parties as a method of delivering notices required under this Agreement; provided, however, Purchaser and Seller may only use the e-mail address(es) listed above to send, forward or receive e-mail communication for matters relating to this Agreement.

23. Time of Essence. Time is of the essence of this Agreement.

24. Binding Effect/Assignment Restricted. This Agreement is binding on and will inure to the benefit of Seller, Purchaser, and their respective heirs, legal representatives, successors, and assigns. Nevertheless, neither Purchaser nor Seller may assign their respective rights or obligations under this Agreement.

25. **No Brokers or Agents.** Seller and Purchaser represent and warrant to each other that they have not employed the services of a real estate broker or agent in connection with this Agreement, or that if such brokers or agents have been employed, the party employing said brokers or agents will pay any and all expenses, fees, and commissions outside the Closing of this Agreement.

26. **Free and Voluntary Agreement.** The Parties have read all of this Agreement and fully understand all of the terms and their significance. The Parties execute this instrument freely and voluntarily for the purpose of conveying title to the Property from Seller to Purchaser in exchange for the Purchase Price.

27. **Entire Agreement.** This Agreement sets forth the entire understanding of the Parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, correspondence, discussions, agreements, and understandings, whether oral or written, between the Parties. This Agreement may not be modified or amended except by a written agreement executed by both Parties.

28. **Severability.** If one or more of the provisions of this Agreement is held invalid, illegal or unenforceable in any respect, such holding will not impair the validity, legality, or enforceability of the remaining provisions.

29. **Construction.** The Parties have reviewed and negotiated this Agreement. The Parties agree that any ambiguities will not be construed against either Party.

30. **Law and Forum Selection.** The Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, shall be the exclusive jurisdiction for any action of any kind and any nature arising out of or related to this Agreement. Venue for trial in any action shall be in Juneau, Alaska. The laws of the State of Alaska shall govern the rights and obligations of the parties. The Parties specifically waive any right or opportunity to request a change of venue pursuant to A.S. 22.10.040.

31. **Applicability of Alaska Public Records Act.** Purchaser acknowledges and understands that Seller is subject to the Alaska Public Records Act (A.S. 40.25.120) and that all documents received, owned or controlled by Seller in relation to this Agreement must be made available for the public to inspect upon request, unless an exception applies. It is Purchaser's sole responsibility to clearly identify any documents Purchaser believes are exempt from disclosure under the Public Records Act by clearly marking such documents "Confidential." Should Seller receive a request for records under the Public Records Act applicable to any document marked "Confidential" by Purchaser, Seller intends to notify Purchaser as soon as practicable prior to making any disclosure. Purchaser acknowledges it has five (5) calendar days after receipt of notice to notify Seller of its objection to any disclosure, and to file any action with any competent court Purchaser deems necessary in order to protect its interests. Should Purchaser fail to notify Seller

of its objection or to file suit, Purchaser shall hold Seller harmless of any damages incurred by Purchaser as a result of Seller disclosing any of Purchaser's documents in Seller's possession. Additionally, Purchaser may not promise confidentiality to any third party on behalf of Seller, without first obtaining express written approval by Seller.

32. Counterparts. This Agreement may be signed in multiple counterparts with the same effect as if all parties signed the same document. Delivery of a legible photocopy, telefax, or scanned copy of the entire signed original of this Agreement will be treated the same as delivery of the original.

33. Effective Date. This Agreement shall be effective and binding upon either party only upon such date that this Agreement is fully executed by all parties on the signature page. This provision may not be waived by partial performance or otherwise and no reliance shall be placed on this Agreement until it is so executed. By signing below, the Parties represent and warrant that they have the authority to enter into this Agreement.

SELLER:

PURCHASER:

CITY AND BOROUGH OF JUNEAU,
ALASKA, a municipal corporation in
the State of Alaska

Tlingit Haida Regional Housing Authority

By: _____

By: _____

Duncan Rorie Watt City Manager

Name: Jacqueline Pata

City Manager

Title: President & CEO

Date: _____

Date: _____

Approved as to Content: _____ CBJ Lands Division

Approved as to Form: _____ CBJ Law Department

EXHIBIT A

AFTER RECORDING MAIL TO:

Name:

Attn:

Address:

File No.:

QUIT CLAIM DEED

THE GRANTOR, City and Borough of Juneau, whose address is 155 S. Seward Street, Juneau, AK 99801, for and in consideration of 10.00, conveys and quit claims to Tlingit Haida Regional Housing Authority, whose address is _____, the following described real estate, situated in the Recording District of Juneau, First Judicial District, State of Alaska:

Lot 2B, Pederson Hill Subdivision II, according to Plat 2019-34, Records of the Juneau Recording District, First Judicial District, State of Alaska, together with all after acquired title of the CBJ therein.

SUBJECT TO reservations, exceptions, easements, covenants, conditions, and restrictions of record, if any.

Dated: _____, 2023

GRANTOR: CITY AND BOROUGH OF JUNEAU

By: _____

Name: Duncan Rorie Watt

Its: CBJ Manager

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)ss.

THIS IS TO CERTIFY that on this _____ day of _____, 202__, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Duncan Rorie Watt**, to me known and known to me to be the Manager of **CITY AND BOROUGH OF JUNEAU**, and known to me to be the person who signed the foregoing instrument, on behalf of said corporation, and he acknowledged to me that he signed and sealed the same as a free act and deed of the said municipal corporation for the uses and purposes therein expressed.

WITNESS my hand and official seal on the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires: _____

August 5, 2022

Mr. Dan Bleidorn
Division of Lands and Resources Manager
City and Borough of Juneau
Dan.Bleidorn@juneau.org

Re: Letter of interest to purchase Pederson Hill lots

Dear Dan,

Tlingit Haida Regional Housing Authority (THRHA), a 501(C)(3) nonprofit corporation, is requesting to partner with the City and Borough of Juneau to develop Phase 1B and 1C of the Pederson Hill subdivision. As a nonprofit corporation, we are making our request under the CBJ code for a negotiated sale or for disposal for a public purpose.

In 1995, THRHA and the CBJ negotiated the sale/purchase of the 50-unit S'it'tuwan Subdivision in the valley. The majority of those lots are still providing low-income families with homes today either as a rental or as a homeownership unit. We are interested in negotiating a similar agreement for the Pederson Hill Subdivision. However, for this project we plan to develop a mixed income homeownership subdivision. Our request is to develop phase 1B first, and then phase 1C.

THRHA plans to build homes on these lots and sell 50% to low-income tribal citizens and the other 50% will be available to moderate income Juneau residents for purchase. We have successfully executed similar sales outside of Juneau in the smaller communities over the last two years. We will use grant funds to build the low-income homes and provide down payment assistance. We will use other unrestricted funding to build the moderate-income homes.

We have partnered with our mortgage lending subsidiary, Haa Yakaawu Financial Corporation (HYFC) under our Success Starts With Me program to qualify low-income families for mortgage loans. HYFC provides financial education and one on one counseling to these families. As a Community Development Financial Institution (CDFI), HYFC is able to create unique loan packages to meet the needs of each family. The package may include a first and second mortgage, forgivable down payment assistance, extended loan terms, and we have had success offering a sweat equity option. Staff also work with other agencies to qualify the family for additional mortgage assistance. Our target population is 60%-120% MFI.

THRHA's current funding requires an environmental review to be conducted before any ground disturbing activity can begin. We anticipate that the construction of roads and utilities would begin in 2023 for 1B. Construction of the homes would begin in 2024 with the first families moving in during 2025. The development of 1C would begin after the completion of 1B.

THRHA would be the general contractor and has a construction crew that would build the homes. Work such as electrical and plumbing will be subcontracted. Other carpentry work may be subcontracted as well depending on our other projects. Our crews consist mostly of tribal citizens and include those in our apprenticeship program. The homes will be moderate in size, 1200-1400 sqft. We anticipate the purchase price

to be around \$450,000, but as stated above we are usually able to reduce the amount of the mortgage below the purchase price.

Regarding the properties designated as parks/open space, THRHA is interested in keeping them as such, and would look for additional funding to create a park and or playground. We would be interested in working with the CBJ to maintain any parks or playgrounds in the neighborhood.

THRHA is currently working on a HUD grant application to provide funding for this project and will be applying for the CBJ's upcoming CDBG grant for infrastructure.

While other contractors are building market rate housing to address Juneau's housing crisis, THRHA can create quality housing opportunities for low-income residents. THRHA is a recognized leader in quality, energy efficient construction. THRHA has achieved 6-star ratings in all 24 homes it has built over the past two years and incorporates features such as energy heel trusses (allowing more attic insulation), EV chargers, heat pumps, hybrid hot water heaters and even heat pump dryers as standard features.

Thank you for considering our request. We look forward to another successful partnership with the CBJ to create more affordable housing in Juneau.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacqueline Kus.een Pata".

Jacqueline Kus.een Pata
President & CEO

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Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-29

An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections.

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 Chapter. CBJC Chapter 49.70 Specified Areas Provisions, Article III Sensitive Areas, is amended to read:

...

49.70.310 Marine mammal Habitat protections.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat;
- ~~(2) Within 50 feet from the ordinary high water mark of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and~~
- ~~(3) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.~~

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~~(b) In addition to the above requirements there shall be no disturbance in the following areas:~~

~~(1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and~~

~~(2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.~~

~~(c) The following developments or disturbances are exempt from the setback prohibitions of this section:~~

~~(1) Docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake; and~~

~~(2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses.~~

~~Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake. A variance is required for any other development or disturbance in the setback prohibitions of this section.~~

49.70.320 Watersheds.

Development in watersheds designated in the comprehensive plan of the City and Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or ground water recharge capabilities of the site according to standards established by the state department of environmental conservation. Upon request of the director, the developer shall provide evidence of compliance by certification of a professional engineer.

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49.70.330 Anadromous habitat protections.

(a) Development in the following areas is prohibited:

(1) Within 50 feet from the ordinary high water mark of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(2) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

(c) The following developments or disturbances are exempt from the setback prohibitions of this section:

(1) Docks, bridges, culverts, and public structures whose purpose is access to or across the stream or lake; and

(2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses; and

(3) During construction of a development, work may be conducted within the 35-foot to 50-foot buffer in order to construct a permitted project.

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(4) The following standards shall apply:

(A) Prior to issuance of a building or grading permit, the developer must submit a vegetation or revegetation plan to the director for approval.

(B) Such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake.

(C) The area disturbed shall be vegetated with native species according to the Alaska Department of Fish and Game’s Stream Revegetation and Protection: A Guide for Alaska.

(D) Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated within one growing season.

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

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



City and Borough of Juneau
 City & Borough Manager's Office
 155 South Seward Street
 Juneau, Alaska 99801
 Telephone: 586-5240 | Facsimile: 586-5385

To: Chair Hughes-Skandijs and Lands Housing & Economic Development Committee

From: Rorie Watt, City Manager

Re: An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections

(aka Stream Setback Buffer Ordinance)

Background

The anadromous waterbodies ordinance (aka stream setback/ buffer) has been in the works off and on for a number of years. The desire for a revision to this code was presented years ago by developers who struggled with limited work area during construction. For example, when constructing a single-family dwelling on a property with a stream buffer, the developer has to site the dwelling at approximately 65 to 70 feet from the stream to ensure the buffer is not disturbed—no work can occur within the 50 foot buffer, per current code.

Most recently, the Planning Commission Title 49 Committee discussed the draft ordinance off and on from the spring of 2021 to the spring of 2022. At the Title 49 Committee meeting on May 4, 2022, the Committee reached consensus and forwarded a draft ordinance to the Planning Commission (Commission).

After the May 4, 2022, Title 49 Committee meeting, the ordinance was worked on by staff at CDD and Law. A revised draft ordinance, incorporating much of the Title 49 Committee revisions was then presented to the full Commission on March 14, 2023. Revisions by staff included the streamlining of a couple of uses in the proposed table, ensuring that the code was enforceable, and organizing the ordinance to fit the land use code.

At the regular March 14, 2023 Commission meeting, the Commission reviewed the revised draft language and changed the draft ordinance during the public hearing substantially, causing the new proposed ordinance to arguably no longer meet its titular purpose—to protect anadromous waterbodies. Realistically, if this path is chosen, the title should just be repealed (it makes no sense to have a stream protection requirement that doesn't actually protect stream habitat). The Commission recommended its draft ordinance to the Assembly for approval.

Discussion

We find ourselves needing to balance development ease and the preservation of fish habitat. The question that must be answered is, does Juneau value anadromous waterbodies, and if so, do we enact code that protects the fish habitat? If the answer to both these questions is yes, then we need an ordinance that is reasonable and enforceable.

The Commission in committee leaned for a middle path and at public hearing changed to a more pro-development path. Neither approach is wrong, the values of preservation and development are very different public purposes. But in its discussion, the Commission focused on the needs of development – which is a worthy public purpose, but not on the needs and purpose of fish habitat.

Recognizing the need to ease development restrictions where it is reasonable and provide for flexibility in the code is critical for development in Juneau. Given the vast differences between the Commission's draft ordinance and the ordinance drafted by Title 49 Committee and reviewed by staff, I asked staff for a third option, which addresses the main concern presented by developers over the years, and maintains our historic desire to protect fish habitat.

This third option provides for developers to work within the 50 foot buffer (from 35 feet to 50 feet) during construction, with the caveat that the area disturbed must be revegetated within one growing season with native plantings. The attached

draft ordinance was drafted by the Director, and reviewed by Law to ensure compliance with state statutes, a duplicate authority of state agencies.

Recommendation

In summary, there are really three options available:

- 1. Do nothing
- 2. Repeal the Protection Ordinance
- 3. Adopt the moderated path developed by staff at direction of the Manager.

I recommend that the LHEDC recommend staff's most recent ordinance to the full Assembly for adoption. The draft ordinance maintains practical protection of anadromous waterbodies, while allowing development to occur in a portion of the outer buffer during construction by providing the work area necessary to construct outside the 50 foot buffer.

Given the work load and duties of the Assembly, I also recommend that you not devote too much time on this topic, this approach is a best balance of our interests. In closing, this process really illustrates the problem of volunteer group writing of code. I further recommend that we evolve to a practice of having the Planning Commission agree on philosophical directions and refrain from group writing. Group code writing is too hard, takes too long. Code writing should be left to the Department and the Attorneys.

**An Ordinance Amending the Sensitive Habitat Areas Requirements of the Land Use Code
Related to Marine Mammal and Anadromous Waterbody Habitat Protections.**

ARTICLE III. - SENSITIVE AREAS

49.70.310 Marine Mammal Habitat Protections.

- (a) Development in the following areas is prohibited:
- (1) On Benjamin Island within the Steller sea lion habitat;
 - ~~(2) Within 50 feet from the ordinary high water mark of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and~~
 - ~~(3) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.~~
- (b) In addition to the above requirements there shall be no disturbance in the following areas:
- ~~(1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and~~
 - ~~(2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.~~
- (c) The following developments or disturbances are exempt from the setback prohibitions of this section:
- ~~(1) Docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake; and~~
 - ~~(2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses.~~

~~Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake. A variance is required for any other development or disturbance in the setback prohibitions of this section.~~

(Serial No. 87-49, § 2, 1987; Serial No. 2008-30, § 3, 10-20-2008; Serial No. 2013-26(am), § 4, 11-4-2013, eff. 12-5-2013; Serial No. 2017-29, § 5, 1-8-2018, eff. 2-8-2018; Serial No. 2021-13, § 4, 9-13-2021, eff. 10-14-2021)

49.70.320 Watersheds.

Development in watersheds designated in the comprehensive plan of the City and Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or ground water recharge capabilities of the site according to standards established by the state department of environmental conservation. Upon request of the director, the developer shall provide evidence of compliance by certification of a professional engineer.

(Serial No. 87-49, § 2, 1987; Serial No. 2008-30, § 4, 10-20-2008; Serial No. 2013-26(am), § 5, 11-4-2013, eff. 12-5-2013)

49.70.330 Anadromous Habitat Protections.

- (a) Development in the following areas is prohibited:
 - (1) Within 50 feet from the ordinary high water mark of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
 - (2) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.
- (b) In addition to the above requirements there shall be no disturbance in the following areas:
 - (1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
 - (2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.
- (c) The following developments or disturbances are exempt from the setback prohibitions of this section:
 - (1) Docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake; and
 - (2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses; and;
 - (3) During construction of a development, work may be conducted within the 35 foot to 50 foot buffer in order to construct a permitted project.
 - (4) The following standards shall apply:
 - (A) Prior to issuance of a building or grading permit, the developer must submit a vegetation or revegetation plan to the director for approval.
 - (B) Such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake.
 - (C) The area disturbed shall be vegetated with native species according to the Alaska Department of Fish and Game's Stream Revegetation and Protection: A Guide for Alaska.
 - (D) Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated within one growing season.

~~A variance is required for any other development or disturbance in the setback prohibitions of this section.~~



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: March 17, 2023

Case No.: AME20170001

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to CBJ 49.70.310, Habitat, to revise the Habitat Ordinance

Property Address: Borough-wide

Legal Description: n/a

Parcel Code Number: n/a

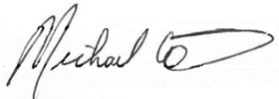
Hearing Date: March 14, 2023

The Planning Commission, at its regular public meeting, amended the analysis and findings listed in the attached memorandum dated March 2, 2023, and recommended that the City and Borough Assembly adopt staff's recommendation, to revise the anadromous waterbodies ordinance as amended.

Attachments: March 2, 2023 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME20170001

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly
Case No.: AME2017 0001
March 17, 2023
Page 2 of 2



Michael LeVine, Chair
Planning Commission

May 18, 2023

Date



Filed With City Clerk

May 18, 2023

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Presented by:
Presented:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-46 PC2

An Ordinance Amending the Sensitive Habitat Area Requirements of the Land Use Code Related to Anadromous Waterbodies.

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 Article. Article III of CBJC 49.70 is amended as follows:

Article III. Sensitive Habitat Areas

49.70.310 Marine Mammal Habitat Protections.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat.

49.70.320 Watersheds.

Development in watersheds designated in the comprehensive plan of the City and Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or ground water recharge capabilities of the site according to standards established by the state department of environmental conservation. Upon request of the director, the developer shall provide evidence of compliance by certification of a professional engineer.

Commented [JM1]: No changes recommended at this time; this is existing code

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49.70.330 Anadromous waterbodies.

(a) Purpose. The purpose of this section is to protect and preserve anadromous fish habitat through:

- (1) Regulating alteration and mitigating disturbances to anadromous fish habitat buffers;
- (2) Preserving riparian habitat and restricting the removal of riparian vegetation;
- (3) Controlling pollution sources;
- (4) Prohibiting certain uses and structures detrimental to anadromous fish habitat;
- (5) Decreasing erosion, sedimentation, and damage to anadromous fish habitat buffers; and
- (6) Regulating access to and within the anadromous fish habitat buffer.

(b) Applicability. This section applies to anadromous waterbodies listed in the most recent Alaska Department of Fish and Game Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes.

(c) Establishment of buffers. Waterbodies listed in the Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes shall have an inner buffer measuring from 0 to 25 feet adjacent to the waterbody, and an outer buffer measuring from 25 feet to 50 feet

The following standards ~~guide application of~~ determine the buffer requirements:

- (1) The buffer shall be measured by the horizontal distance from the Ordinary High Water Mark (OHWM), as determined by a professional land surveyor licensed in the State of Alaska.

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(2) On shoreline properties, the transition point from the anadromous fish habitat buffer to the zero setback of tidewater shall be at the point where mean high water and ordinary high water intersect, as determined by a professional land surveyor licensed in the State of Alaska.

(4) Vegetation that overhangs or overlaps the zero to 25 foot buffer or the 25 to 50 foot buffer shall follow the regulation applicable to the primary trunk or stalk of the vegetation, whichever is most specific.

(d) Anadromous fish habitat permit. Activity within the inner (0 to 25 feet) or outer (25 to 50 feet) buffer requires an anadromous fish habitat permit, unless otherwise exempted by this section.

- (1) The following uses are exempt from obtaining an anadromous fish habitat permit:
 - (A) Placement of fish weirs by a resource agency;
 - (B) Placement of water quality or water quantity monitoring equipment by a resource agency;
 - (C) Docks, bridges, culverts, and public or private structures whose purpose is access to or across the stream or lake;
 - (D) Uses which must be in or adjacent to the stream in order to function, such as aquaculture, water supply intakes, or similar uses; or
 - (E) Exploration and mining activities complying with CBJC 49.65 Article I that must be in or adjacent to the anadromous stream in order to function.

- (2) The following uses are prohibited in the inner and outer buffer:
 - (A) Storage of fuel;
 - (B) Storage of explosives; or

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(C) Storage of other hazardous materials.

(e) ~~Listed uses~~. There is adopted the table of permissible uses in anadromous waterbody buffers, table 49.70.330340. The uses permitted in ~~an~~ anadromous ~~waterbodies~~ ~~waterbody~~ habitat buffers shall be determined through the following table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the buffer thus located shall be as indicated thereat by the digits "1," or "3" as more fully set out in this section. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified buffer.

(1) When used in conjunction with a particular use in the table of permissible uses in anadromous waterbody buffers, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of an anadromous ~~fish~~ habitat permit. The use is permissible in the buffer, but limited conditions may be attached to the approval.

(2) The number "3" indicates the use requires an anadromous ~~fish~~ habitat permit from the commission. The commission may approve, deny, or approve with condition(s) to ensure the compatibility of the proposed use to this title.

A combination of digits such as "1, 3" indicates that the approval procedure for the identified use in the identified buffer will vary depending on whether the project is a minor or major activity.

~~(1) Uses listed with the "1" indicate the use requires department approval.(2) Uses listed with a "3" indicate the use requires commission approval.~~

Commented [JM2]: Commission recommends streamlining this language

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(2) Uses listed with the “1, 3” indicate the use follows the associated development’s approval process. If approval of the associated development requires commission approval, one conditional use permit will address the **development** application comprehensively.

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Table of Permissible Uses in Anadromous Waterbody Buffers 49.70.340

		Anadromous Waterbodies Buffers	
Use Description		Inner Buffer (zero to 25 feet)	Outer Buffer (25 to 50 feet)
1.0	Bank, buffer stabilization or restoration	1, 3	1, 3
2.0	Removal of non-native invasive plant species	1, 3	1, 3
3.0	Stormwater management to improve water quality or water quantity	1, 3	1, 3
4.0	Removal of trees that present an immediate and direct threat of falling onto a structure or vehicle.	1, 3	1, 3
5.0	Removal of vegetation, including limbing of trees, for viewshed or light enhancement		3
6.0	Grading, or vegetation removal, or placement of utilities associated with construction of a development	<u>3</u>	1, 3
<u>7.0</u>	<u>Bridges, utilities, and related public and private infrastructure, including culverts</u>	<u>1, 3</u>	<u>1, 3</u>
8.0	Installation of a fence	3	1
9.0	Trail construction for accessing or crossing a waterbody	1, 3	1, 3
<u>10.0</u>	<u>Trail maintenance for accessing or crossing a waterbody</u>	<u>1, 3</u>	<u>1, 3</u>
<u>11.0</u>	Trail construction and trail maintenance parallel to a waterbody		1, 3
12.0	Stream channelization or relocation of a stream that impacts anadromous fish habitat buffer	3	3
13.0	Uses not listed, or not otherwise prohibited	3	3

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(f) Minor anadromous fish habitat activity application requirements.

(1) Application requirements. The developer must submit one copy of the completed application and permit fee, including:

- (A) A graphic description of the property and all property boundaries to scale;
- (B) A site plan drawn to scale depicting the location of the proposed project on the lot;
- (C) A narrative statement describing the proposed activity explaining why the activity must be located within the inner or outer buffer, potential impacts to anadromous fish habitat, and an explanation of conformance with the Anadromous Fish Habitat Vegetation Standards (49.70.350), and the Anadromous Fish Habitat Best Management Practices (49.70.360); and
- (D) Additional information as determined necessary by the director.

(2) Director determinations. The director reviews anadromous fish habitat permit applications if the activity would likely only cause minimal impacts in the buffer. The director shall review the application, consult with the developer, and approve and unless:

- (A) The application is incomplete; or
- (B) The Director determines that the outcome of the proposed activity or the cumulative effects of activity or development in a buffer would likely cause more than minimal impacts in the buffer after project completion, the application shall be subject to commission review~~The director determines the proposed activity, series of applications, or the potential cumulative effects of activity or development in or near a buffer would likely cause more than minimal impacts in the buffer, the application(c) shall be subject to commission review;~~or

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(C) The application does not demonstrate compliance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#); or

(D) The activity as proposed will not comply with one or more requirements of this title.

(g) Major anadromous fish habitat activity requirements. The commission, ~~—~~through the conditional use permit process, ~~—~~ reviews ~~all~~ applications that could likely cause more than minimal impacts in the buffer as determined by the director.

(1) Pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed activity, and the procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code.

(2) Submission. The developer shall submit to the director one copy of the completed permit application with supporting materials and permit fee, including:

- (A) A graphic description of the property and all property boundaries to scale;
- (B) A site plan drawn to scale of existing conditions, including existing topography, drainage features, structures, significant natural and artificial conditions of the land, and vegetation; and
- (C) A narrative statement describing:

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- (i) The proposed activity and explaining why the activity must be located within the inner and / or outer buffer;
- (ii) Potential impacts to anadromous fish habitat;
- (iii) Explanation of conformance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#);
- (iv) Anticipated temporary and/or permanent changes to habitat resulting from proposed uses and activities;
- (v) Existing species of vegetation and proposed species to be used for revegetation;
- (vi) Schedule for activity, removal of vegetation, revegetation, and the method by which the activity shall be conducted, in conformance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#);
- (vii) Maintenance schedule, if applicable; and
- (viii) Additional information as determined by the director.

(3) Director's review procedure.

(A) The director shall ~~endeavor to~~ determine whether the application accurately reflects the developer's ~~intentions~~ goals, shall advise the developer whether or not the application is acceptable, and, if it is not, what corrective action may be taken.

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(B) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with 49.15.230.

(C) The director shall forward the application to the commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefore. The director shall review the application, consult with the developer, and make recommendations on the following issues:

- (i) Whether the application is complete;
- (ii) Whether the application demonstrates conformance with the Anadromous Fish Habitat Vegetation Standards (49.70.350), and the Anadromous Fish Habitat Best Management Practices (49.70.360); and
- (iii) Whether the activity as proposed will comply with the requirements of this title.

(D) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(E) Even if the proposed activity complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the activity:

- (i) Will materially endanger the public health or safety;

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- (ii) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (iii) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans; or
- (iv) Will not comply with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#).

(4) Review of director’s determinations.

(A) At the hearing on the anadromous fish habitat permit, the commission shall review the director's report to consider:

- (i) Whether the proposed activity is appropriate according to this anadromous fish habitat protection section;
- (ii) Whether the application is complete; and
- (iii) Whether the activity as proposed will comply with the other requirements of this title.

(B) The ~~planning~~ commission shall adopt the director's determination on each item set forth in subsection (3) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(5) ~~Planning Commission determinations~~. Even if the ~~planning~~ commission adopts the director's determinations pursuant to subsection (3)(C) of this section, it may nonetheless

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deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the activity will more probably than not:

- (A) Materially endanger the public health or safety;
- (B) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (C) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans; or
- (D) Will not comply with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#).

(h) Emergency temporary permits.

(1) The director may issue an emergency anadromous fish habitat permit, to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by the emergency providing that:

- (A) The emergency anadromous fish habitat permit shall only authorize the minimum amount of work required to mitigate the emergency situation and any additional work shall follow applicable permitting procedures set forth in this title; and
- (B) Work shall be conducted using [the Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#) to ensure that any adverse effect on the anadromous water body and buffers is minimized.

(2) The emergency anadromous fish habitat application shall include the following:

- (A) A description of the proposed activity;

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(B) A description of the emergency; and
(C) A narrative describing why the activity is necessary to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by the emergency.

(3) Conditions of approval. Conditions may be attached to emergency anadromous fish habitat permits to comply with this chapter. A final report that includes the plans and specifications for the work that was completed must be submitted to the department within 60 days of the date of the emergency. The director may require mitigation to repair damage to the anadromous fish habitat and ensure conformance with the section. All emergency work must be completed within two weeks of the issuance of the emergency anadromous fish habitat permit.

49.70.~~330~~ 350 Anadromous fish habitat vegetation standards.

Riparian vegetation standards shall apply to all uses ~~or types of development~~ within the inner or outer anadromous fish habitat buffer. All uses ~~and types of development~~ within the inner and outer anadromous fish habitat buffer shall include a vegetation plan to maintain or restore the buffer to the following standards:

- (a) The vegetation plan shall consider a diversity of native species appropriate for the site conditions found in the ~~Recommended Plan List in Appendix E of the CBJ's Manual of Stormwater Best Management Practices (2010) and/or the~~ Plant Species Selection List in the Alaska Department of Fish and Game's Stream Revegetation and Protection: A Guide for Alaska (2005). The vegetation plan shall favor natural plant reclamation from neighboring plant communities when possible. If the site was considered to be in a natural state prior to the activity,

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the area shall require revegetation with the same species. The plan shall also implement any standards from the Alaska Storm Water Guide, Landscaping and Lawn/Vegetation Management sections in the CBJ's Manual of Stormwater Best Management Practices (2010), identified by the director as applicable to the permitted development; and

(b) Uses and activities shall not introduce or redistribute invasive species. Development that includes removal of invasive species must include documentation that removal and disposal methods will not contribute to invasive species spread.

(c) A developer with a proposed anadromous fish habitat activity that does not comply with the Anadromous Fish Habitat Vegetation Standards (49.70.350), and the Anadromous Fish Habitat Best Management Practices (49.70.360) ~~Anadromous Fish Habitat Vegetation Standards~~ may apply for a non-administrative variance.

49.70.340-360 Anadromous fish habitat best management practices.

Anadromous Fish Habitat Best Management Practices shall apply to all uses ~~or types of activity~~ within the inner or outer buffer:

(a) Delineate and flag work limits prior to commencing any activities to preserve existing vegetation outside of the work area and minimize impacts to the buffer. To protect large trees near, but outside of, the work area, the boundary for the natural area to be preserved should be extended to the tree drip line to protect the root zone from damage. The work limits must remain clearly marked until all work is complete. Within the work limits, the disturbed area shall be limited to that required for construction including access. Complete or partial removal of and

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damage to native vegetation shall be limited to the minimum necessary to achieve the project purpose;

(b) When existing vegetation must be removed from the buffer, the buffer shall be revegetated with native plant species that are present or appropriate for that area within ~~one growing season~~24 months. The buffer shall be revegetated and such revegetation shall be kept or arranged to enhance fish habitat. Areas previously degraded by human activity shall be revegetated;

(c) Erosion and sediment control best management practices shall be used during construction activities to protect waterbodies sediment deposition and turbidity due to adjacent soil disturbance activities. Selected BMPs must be implemented in accordance with the standards in the [Alaska Storm Water Guide](#);

(d) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law;

(e) Uses and activities shall implement measures to minimize pollutant discharges into the waterbody and buffer including but not limited to providing for water management, establishing staging, fueling, and maintenance areas outside of the buffer;

(f) Structures allowed within the buffer must be constructed so as not to impede floodwaters or impede fish passage; and

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~~(g) Developments must comply with the Alaska Storm Water Guide 2010 CBJ Manual of Stormwater Best Management Practices.~~

~~(h)~~(g) A developer with a proposed anadromous fish habitat activity that does not comply with the Anadromous Fish Habitat Vegetation Standards (49.70.350), and the Anadromous Fish Habitat Best Management Practices (49.70.360) may apply for a non-administrative variance.

Section 3. Amendment of Section. CBJC 49.80.120 is amended by adding the following definitions:

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anadromous fish means a fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn and includes the anadromous forms of pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, smelts, lamprey, whitefish, and sturgeon.

Anadromous fish habitat means any area on which anadromous fish depend, directly or indirectly, during any stage of their life cycle, including but not limited to areas of spawning, rearing, food supply, overwintering, or migration.

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Anadromous waterbody means a river, stream, or lake, in its liquid or frozen state, its braided channels, distributaries, sloughs, backwaters, and estuaries, including the portion of the bed(s) and banks up to the ordinary high water mark, from its mouth to its specified upper limit as depicted in An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes or listed in the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes.

Bank restoration or buffer restoration means removal of debris, removal of abandoned machinery and vehicles, grading, stabilization of banks and related cleanup activities, and preservation or restoration of riparian vegetation

Best Management Practices (BMP) means systems of practices and management measures that:

- 1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, and toxins;
- 2. Control the movement of sediment and erosion caused by land alteration activities to protect water quality and slope stability;
- 3. Minimize adverse impacts to surface and groundwater quality, flow, and circulation patterns; and to the chemical, physical, and biological characteristics of waterbodies;
- 4. Minimize adverse impacts to the chemical, physical, and biological characteristics of a sensitive habitat critical area;
- 5. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

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~~6. Monitor mitigation measures to ensure that functions and values impacted by a project are provided and maintained.~~

Emergency means a sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Erosion means significant sloughing, washout, or discharge of soil arising from manmade or natural sources.

Stormwater management means the use of structural or non-structural practices designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and other detrimental changes that decrease water quality or habitat, which conform to the Alaska Storm Water Guide, which conforms to the 2010 CBJ Manual of Stormwater Best Management Practices.

Surveillance equipment means equipment capable of capturing or recording data, including images, videos, photographs or audio.

Section 4. Amendment of Section. CBJC 49.85.100 is amended by adding the following fees:

(1)(D) Anadromous fish habitat permit \$150; fee is waived if applied for in conjunction with a development permit.

(3)(A)(vii) Anadromous fish habitat permit \$150. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

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Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, ~~2022~~2023.

Beth A. Weldon, Mayor


Attest:

Elizabeth J. McEwen, Municipal Clerk



**PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME2017 0001
HEARING DATE: MARCH 14, 2023**

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

DATE: March 2, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Teri Camery, Senior Planner, CFM 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: A text amendment to CBJ 49.70.310, Habitat, to revise the stream buffer ordinance

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Maintains 25 and 50 foot stream buffers;
- Clarifies uses allowed and prohibited within stream buffers; and
- Allows low-impact uses in the buffer with departmental review.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.70.310	Habitat
49.85	Definitions

WORK SESSION DATES	
Title 49 Committee	September 2018; July 2021; October 2021; November 2021; December 2021; January 2022

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. *The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.*

DISCUSSION

Background –

The proposed text amendment would retain the 0-25 foot and 25-50 foot buffers in current code, while clarifying uses and streamlining the review process for low-impact uses that can comply with standard best management practices and riparian vegetation standards.

The Title 49 Committee has reviewed the proposed language in five meetings.

Key elements of the ordinance include:

- Clarification on how the Ordinary High Water Mark is measured;
- Clarification on allowed and prohibited uses within the stream buffer;
- Establishment of an Anadromous Waterbody Permit;
- Establishment of minor development categories for low impact uses that may be approved at the director level; and major development categories for uses that may have a greater impact and may be approved by the Planning Commission

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
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49.05.100	Purpose Statement	The proposed text amendment complies with the purpose and intent of Title 49.
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COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
7	78	Policy 7.1	<p>The proposed text amendment supports Policy 7.1 by protecting valuable anadromous stream habitat from the adverse impacts of urban development.</p> <p><i>Policy 7.1. TO PROTECT THE REGION’S SCENIC, ENVIRONMENTAL, AND ECONOMICALLY-VALUABLE NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF URBAN DEVELOPMENT. DEVELOPMENT SHALL BE CONTROLLED CAREFULLY AND, IF NECESSARY, PROHIBITED IN NATURALLY HAZARDOUS AND ECOLOGICALLY-PRODUCTIVE OR SENSITIVE AREAS.</i></p>

AGENCY REVIEW

An agency review period was not conducted. State and federal resource agencies provided significant input into early development of the ordinance, specifically regarding uses allowed in the buffers and regarding development of best management practices and vegetation standards.

PUBLIC COMMENTS

Public Notice was provided in the March 3 and March 10, 2023 Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

- 1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?**
Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: **Yes.** The proposed text amendment complies with the 2013 Comprehensive Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendment does not create any inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to revise the stream buffer ordinance.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Proposed Ordinance

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Presented by:
Presented:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-46 PC1

An Ordinance Amending the Sensitive Habitat Area Requirements of the Land Use Code Related to Anadromous Waterbodies.

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 Article. Article III of CBJC 49.70 is amended as follows:

Article III. Sensitive Habitat Areas

49.70.310 Marine Mammal Habitat Protections.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat;
- ~~(2) Within 50 feet from the ordinary high water mark of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update;~~
- ~~and~~
- ~~(3) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.~~

~~(b) In addition to the above requirements there shall be no disturbance in the following areas:~~

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- ~~(1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update;~~
- ~~and~~
- ~~(2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.~~

(b) The following developments or disturbances are exempt from the setback prohibitions of this section:

- (1) Docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake; and
- (2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses.

Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake. ~~A variance is required for any other development or disturbance in the setback prohibitions of this section.~~

49.70.315 Anadromous Fish Habitat Protections

(a) Purpose. The purpose of this section is to protect and preserve anadromous fish habitat through:

- (1) Regulating alteration and mitigating disturbances to anadromous fish habitat buffers;
- (2) Preserving riparian habitat and restricting the removal of riparian vegetation;
- (3) Controlling pollution sources;

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- (4) Prohibiting certain uses and structures detrimental to anadromous fish habitat;
- (5) Decreasing erosion, sedimentation, and damage to anadromous fish habitat buffers; and
- (6) Regulating access to and within the anadromous fish habitat buffer.

(b) Applicability. This section applies to anadromous waterbodies listed in the most recent Alaska Department of Fish and Game *Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*. It is the developer’s responsibility to prove that a waterbody is not anadromous in accordance with AS 16.05.871.

(c) Establishment of buffers. Waterbodies listed in the *Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes* shall have an inner buffer measuring from 0 to 25 feet adjacent to the waterbody, and an outer buffer measuring from 25 feet to 50 feet.

The following standards guide application of the buffer requirements:

- (1) The buffer shall be measured by the horizontal distance from the Ordinary High Water Mark (OHWM), as determined by a professional land surveyor licensed in the State of Alaska.
- (2) On shoreline properties, the transition point from the anadromous fish habitat buffer to the zero setback of tidewater shall be at the point where mean high water and ordinary high water intersect, as determined by a professional land surveyor licensed in the State of Alaska.
- (3) Vegetation that overhangs the stream or overlaps the 0 to 25 foot inner buffer shall follow the regulation applicable to the inner buffer.

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(4) Vegetation that overhangs or overlaps the 25 to 50 foot buffer shall follow the regulation applicable to the primary element or woody vegetation, whichever is most specific.

(d) Anadromous fish habitat permit. Activity within the inner (0 to 25 feet) or outer (25 to 50 feet) buffer requires an anadromous fish habitat permit, unless otherwise exempted by this section.

(1) The following uses are exempt from obtaining an anadromous fish habitat permit:

- (A) Placement of fish weirs by a resource agency;
- (B) Placement of water quality or water quantity monitoring equipment by a resource agency;
- (C) Uses which must be in or adjacent to the stream in order to function, such as fish culturing, water supply intakes, or similar uses; or
- (D) Exploration and mining activities complying with CBJC 49.65 Article I that must be in or adjacent to the anadromous stream in order to function.

(2) The following uses are prohibited in the inner and outer buffer:

- (A) Storage of fuel;
- (B) Storage of explosives; or
- (C) Storage of other hazardous materials.

(e) Listed uses. There is adopted the table of permissible uses in anadromous fish habitat buffers, table 49.70.315. The uses permitted in an anadromous fish habitat buffer shall be determined through the following table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the buffer thus located shall be as indicated thereat by the digits "1," or "3" as more fully set out in this

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section. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified buffer.

(1) Unlisted uses. The permissibility of a use not listed shall be determined pursuant to section 49.20.320.

(2) Uses listed more than once. Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.

(3) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of an anadromous fish habitat permit. The use is permissible in the buffer, but limited conditions may be attached to the approval.

(4) The number "3" indicates the use requires an anadromous fish habitat permit from the commission. The commission may approve, deny, or approve with condition(s) to ensure the compatibility of the proposed use to this title.

A combination of digits such as "1, 3" indicates that the approval procedure for the identified use in the identified buffer will vary depending on whether the project is a minor or major activity.

(1) If the project is a minor activity requiring a minor development permit, the first number of the combination shall indicate the applicable procedure.

(2) If the project is a major activity requiring a major development permit or is in conjunction with a major activity, the second number shall indicate the applicable procedure.

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Table of Permissible Uses in Anadromous Waterbodies Buffers 49.70.315			
Use Description		Anadromous Waterbodies Buffers	
		Inner Buffer (zero to 25 feet)	Outer Buffer (25 to 50 feet)
1.0	Bank, buffer stabilization or restoration	1, 3	1, 3
2.0	Removal of non-native invasive plant species	1, 3	1, 3
3.0	Stormwater management to improve water quality or water quantity	1, 3	1, 3
4.0	Removal of trees that present an immediate and direct threat of falling onto a structure or vehicle.	1, 3	1, 3
5.0	Removal of vegetation, including limbing of trees, for viewshed or light enhancement		3
6.0	Grading, vegetation removal, or placement of utilities associated with construction of a development		1, 3
7.0	Bridges, utilities, and related public and private infrastructure, including culverts	1, 3	1, 3
8.0	Installation of a fence	3	1
9.0	Trail construction or trail maintenance for accessing or crossing a waterbody	1, 3	1, 3
10.0	Trail construction and trail maintenance parallel to a waterbody		1, 3
11.0	Stream channelization or relocation of a stream that impacts anadromous fish habitat buffer	3	3
12.0	Uses not listed, or not otherwise prohibited	3	3

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(f) Minor anadromous fish habitat activity requirements.

(1) Application requirements. The developer must submit one copy of the completed application and permit fee, including:

- (A) A graphic description of the property and all property boundaries to scale;
- (B) A site plan drawn to scale depicting the location of the proposed project on the lot;
- (C) A narrative statement describing the proposed activity explaining why the activity must be located within the inner or outer buffer, potential impacts to anadromous fish habitat, and an explanation of conformance with the Anadromous Fish Habitat Best Management Practices and Anadromous Fish Habitat Vegetation Standards, 49.70.330; and
- (D) Additional information as determined necessary by the director.

(2) Director determinations. The director reviews anadromous fish habitat permit applications if the activity would likely only cause minimal impacts in the buffer. The director shall review the application, consult with the developer, and approve an unless:

- (A) The application is incomplete; or
- (B) The director determines the proposed activity, series of applications, or the potential cumulative effects of activity or development in or near a buffer would likely cause more than minimal impacts in the buffer, the application(s) shall be subject to commission review; or
- (C) The application does not demonstrate compliance with the Anadromous Fish Habitat Best Management Practices and the Anadromous Fish Habitat Vegetation Standards, 49.70.330; or

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(D) The activity as proposed will not comply with one or more requirements of this title

(g) Major anadromous fish habitat activity requirements. The commission—through the conditional use permit process—reviews all applications that could likely cause more than minimal impacts in the buffer as determined by the director.

(1) Pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed activity, and the procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code.

(2) Submission. The developer shall submit to the director one copy of the completed permit application with supporting materials and permit fee, including:

- (A) A graphic description of the property and all property boundaries to scale;
- (B) A site plan drawn to scale of existing conditions, including existing topography, drainage features, structures, significant natural and artificial conditions of the land, and vegetation; and
- (C) A narrative statement describing:
 - (i) The proposed activity and explaining why the activity must be located within the inner and / or outer buffer;
 - (ii) Potential impacts to anadromous fish habitat;

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- (iii) Explanation of conformance with the Anadromous Fish Habitat Best Management Practices and Anadromous Fish Habitat Vegetation Standards in 49.70.330;
- (iv) Anticipated temporary and/or permanent changes to habitat resulting from proposed uses and activities;
- (v) Existing species of vegetation and proposed species to be used for revegetation;
- (vi) Schedule for activity, removal of vegetation, revegetation, and the method by which the activity shall be conducted, in conformance with the Anadromous Fish Habitat Best Management Practices and Anadromous Fish Habitat Vegetation Standards pursuant to 49.70.330;
- (vii) Maintenance schedule, if applicable; and
- (viii) Additional information as determined by the director.

(3) Director's review procedure.

(A) The director shall endeavor to determine whether the application accurately reflects the developer's intentions, shall advise the developer whether or not the application is acceptable, and, if it is not, what corrective action may be taken.

(B) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with 49.15.230.

(C) The director shall forward the application to the commission together with a report setting forth the director's recommendation for approval or denial, with or

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without conditions, and the reasons therefore. The director shall review the application, consult with the developer, and make recommendations on the following issues:

- (i) Whether the application is complete;
- (ii) Whether the application demonstrates conformance with the Anadromous Fish Habitat Best Management Practices and the Anadromous Fish Habitat Vegetation Standards, 49.70.330; and
- (iii) Whether the activity as proposed will comply with the requirements of this title.

(D) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(E) Even if the proposed activity complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the activity:

- (i) Will materially endanger the public health or safety;
- (ii) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (iii) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans; or

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(iv) Will not comply with the Anadromous Fish Habitat Best Management Practices and the Anadromous Fish Habitat Vegetation Standards, 49.70.330.

(4) Review of director’s determinations.

(A) At the hearing on the anadromous fish habitat permit, the commission shall review the director's report to consider:

- (i) Whether the proposed activity is appropriate according to this anadromous fish habitat protection section;
- (ii) Whether the application is complete; and
- (iii) Whether the activity as proposed will comply with the other requirements of this title.

(B) The planning commission shall adopt the director's determination on each item set forth in subsection (3) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(5) Planning Commission determinations. Even if the planning commission adopts the director's determinations pursuant to subsection (3)(C) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the activity will more probably than not:

- (A) Materially endanger the public health or safety;
- (B) Substantially decrease the value of or be out of harmony with property in the neighboring area; or

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- (C) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans; or
- (D) Will not comply with the Anadromous Fish Habitat Best Management Practices and the Anadromous Fish Habitat Vegetation Standards, 49.70.330.

(h) Emergency temporary permits.

(1) The director may issue an emergency anadromous fish habitat permit, to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by the emergency providing that:

- (A) The emergency anadromous fish habitat permit shall only authorize the minimum amount of work required to mitigate the emergency situation and any additional work shall follow applicable permitting procedures set forth in this title; and
- (B) Work shall be conducted using Best Management Practices to ensure that any adverse effect on the anadromous water body and buffers is minimized.

(2) The emergency anadromous fish habitat application shall include the following:

- (A) A description of the proposed activity;
- (B) A description of the emergency; and
- (C) A narrative describing why the activity is necessary to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by the emergency.

(3) Conditions of approval. Conditions may be attached to emergency anadromous fish habitat permits to comply with this chapter. A final report that includes the plans and specifications for the work that was completed must be submitted to the department within

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60 days of the date of the emergency. The director may require mitigation to repair damage to the anadromous fish habitat and ensure conformance with the section. All emergency work must be completed within two weeks of the issuance of the emergency anadromous fish habitat permit.

49.70.320 Watersheds.

Development in watersheds designated in the comprehensive plan of the City and Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or ground water recharge capabilities of the site according to standards established by the state department of environmental conservation. Upon request of the director, the developer shall provide evidence of compliance by certification of a professional engineer.

49.70.330 Anadromous fish Habitat Vegetation Standards.

Riparian vegetation standards shall apply to all uses or types of development within the inner or outer anadromous fish habitat buffer. All uses and types of development within the inner and outer anadromous fish habitat buffer shall include a vegetation plan to maintain or restore the buffer to the following standards:

- (a) The vegetation plan shall consider a diversity of native species appropriate for the site conditions found in the Plant Selection List in the Alaska Department of Fish and Game’s Stream Revegetation and Protection: A Guide for Alaska (2005). The vegetation plan shall favor natural plant reclamation from neighboring plant communities when possible. If the site was considered to be in a natural state prior to the activity, the area shall require revegetation with the same

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species. The plan shall also implement any standards from the Landscaping and Lawn/Vegetation Management sections in the CBJ’s Manual of Stormwater Best Management Practices (2010), identified by the director as applicable to the permitted development; and

(b) Uses and activities shall not introduce or redistribute invasive species. Development that includes removal of invasive species must include documentation that removal and disposal methods will not contribute to invasive species spread.

(c) A developer with a proposed anadromous fish habitat activity that does not comply with the Anadromous Fish Habitat Vegetation Standards may apply for an administrative variance.

49.70.340 Anadromous Fish Habitat Best Management Practices

Anadromous Fish Habitat Best Management Practices shall apply to all uses or types of activity within the inner or outer buffer:

(a) Delineate and flag work limits prior to commencing any activities to preserve existing vegetation outside of the work area and minimize impacts to the buffer. To protect large trees near, but outside of, the work area, the boundary for the natural area to be preserved should be extended to the tree drip line to protect the root zone from damage. The work limits must remain clearly marked until all work is complete. Within the work limits, the disturbed area shall be limited to that required for construction including access. Complete or partial removal of and damage to native vegetation shall be limited to the minimum necessary to achieve the project purpose;

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(b) When existing vegetation must be removed from the buffer, the buffer shall be revegetated with native plant species that are present or appropriate for that area within one growing season. The buffer shall be revegetated and such revegetation shall be kept or arranged to enhance fish habitat. Areas previously degraded by human activity shall be revegetated;

(c) Erosion and sediment control Best Management Practices shall be used during construction activities to protect waterbodies sediment deposition and turbidity due to adjacent soil disturbance activities. Selected BMPs must be implemented in accordance with the standards in the Alaska Storm Water Guide;

(d) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law;

(e) Uses and activities shall implement measures to minimize pollutant discharges into the waterbody and buffer including but not limited to providing for water management, establishing staging, fueling, and maintenance areas outside of the buffer;

(f) Structures allowed within the buffer must be constructed so as not to impede floodwaters or impede fish passage; and

(g) Developments must comply with the 2010 CBJ Manual of Stormwater Best Management Practices.

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(h) A developer with a proposed anadromous fish habitat activity that does not comply with the Anadromous Fish Habitat Best Management Practices may apply for an administrative variance.

Section 3. Amendment of Section. CBJC 49.80.120 is amended by adding the following definitions:

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anadromous fish means a fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn and includes the anadromous forms of pacific trout and salmon of the genus Oncorhynchus (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, smelts, lamprey, whitefish, and sturgeon.

Anadromous fish habitat means any area on which anadromous fish depend, directly or indirectly, during any stage of their life cycle, including but not limited to areas of spawning, rearing, food supply, overwintering, or migration.

Anadromous waterbody means a river, stream, or lake, in its liquid or frozen state, its braided channels, distributaries, sloughs, backwaters, and estuaries, including the portion of the bed(s) and banks up to the ordinary high water mark, from its mouth to its specified upper limit as depicted in An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of

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Anadromous Fishes or listed in the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes.

Bank restoration or buffer restoration means removal of debris, removal of abandoned machinery and vehicles, grading, stabilization of banks and related cleanup activities, and preservation or restoration of riparian vegetation

Best Management Practices (BMP) means systems of practices and management measures that:

- 1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, and toxins;
- 2. Control the movement of sediment and erosion caused by land-alteration activities to protect water quality and slope stability;
- 3. Minimize adverse impacts to surface and groundwater quality, flow, and circulation patterns; and to the chemical, physical, and biological characteristics of waterbodies;
- 4. Minimize adverse impacts to the chemical, physical, and biological characteristics of a sensitive habitat critical area;
- 5. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

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6. Monitor mitigation measures to ensure that functions and values impacted by a project are provided and maintained.

Emergency means a sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Erosion means significant sloughing, washout, or discharge of soil arising from manmade or natural sources.

Stormwater management means the use of structural or non-structural practices designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and other detrimental changes that decrease water quality or habitat.

Surveillance equipment means equipment capable of capturing or recording data, including images, videos, photographs or audio.

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
March 14, 2023

I. **LAND ACKNOWLEDGEMENT** – Read by Commissioner Cole.

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!

II. **ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:07 p.m.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Mandy Cole, Vice Chair; Travis Arndt, Clerk; Erik Pedersen, Vice Clerk; Matthew Bell; Paul Voelckers; Adam Brown; David Epstein

Commissioners present via video conferencing – n/a

Commissioners absent: Nina Keller

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Emily Suarez, Planner II; Ilsa Lund, CDD Administrative Assistant; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

Staff present via video conferencing – None

Assembly members: None

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** - None

IV. **APPROVAL OF MINUTES**

A. February 28, 2023 Draft Minutes, Regular Planning Commission

MOTION: by Mr. Pedersen to approve the February 28, 2023 Planning Commission Regular Meeting minutes with a correction to change Vice Chair designation from Mr. Voelckers to Ms. Cole.

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** by Chair LeVine

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

VII. **ITEMS FOR RECONSIDERATION** – None

VIII. **CONSENT AGENDA** – None

IX. **UNFINISHED BUSINESS** – None

X. **REGULAR AGENDA**

Cases **USE2023-0001** and **PWP2023-0001** were presented together.

Case Number: **USE2023 0001:** Conditional Use Permit for an accessory apartment on an undersized lot.

Applicant: Mark Regan

Location: 1718 Evergreen Ave

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings, and APPROVE WITH CONDITIONS the requested Conditional Use Permit.

Case Number: **PWP2023 0001:** Parking Waiver to waive one (1) parking space for an accessory apartment.

Applicant: Mark Regan

Location: 1718 Evergreen Ave

Staff Recommendation

Staff recommends the Planning Commission adopt Director’s analysis and findings and APPROVE the requested Parking Waiver.

STAFF PRESENTATION – Ms. Maclean presented **USE2023-0001** and **PWP2023-0001** together.

APPLICANT PRESENTATION – Mark Regan, property owner, desires to sell the property at 1718 Evergreen. To do so, the unfinished dirt floor basement would need to be finished into a

completed basement apartment. Addressing the parking, there is currently a single carport dug into the hillside. Adding another would require further excavating into the hillside and would result in the loss of available on-street parking spaces. A parking waiver would make sense for this property.

Meredith Trainor, prospective property buyer, spoke in agreement with Mr. Regan and said that the proposed parking waiver would be what is best for the neighborhood because it allows for the neighbors to utilize the parking in the case that it is not needed for the property.

QUESTIONS FOR APPLICANT

Mr. Voelckers referenced public comments saying parking in the area is constrained and contrasted that with CBJ statements that there are some open spaces in the area. Ms. Trainor stated there are parking spaces that are usually available. If they were to put in a carport, that would take away access to that amount of space along the street.

Mr. Pedersen asked if the applicants saw any potential problems with the proposed conditions for the accessory apartment permit.

AT EASE 7:30 p.m. - 7:33 p.m.

Mr. Regan said the condition related to the parking waiver is fine. The advisory condition regarding informing tenants is also fine. He did have concerns regarding the requirement for a professional engineer report, he said they are facing closing deadlines on the purchase and there will not be time to hire an engineer and get any potential work completed in that timeframe. He asked the PC for information as to what the required mitigating measures might be.

Mr. LeVine asked for confirmation that the footprint of the building would not be changed with the construction of the accessory apartment. It was confirmed that the footprint would not change, the major change would be pouring a concrete 'foundation like' floor which would serve to make the dwelling more stable.

Ms. Cole asked if she was clear that creating a private parking space would result in removal of public parking from the road. Ms. Trainor confirmed that building a dedicated space for the property would actually remove two on street parking spaces.

QUESTIONS FOR STAFF

Mr. Arndt asked if, based on the ordinance proposed at the COW, this property being in a moderate zone would not be regulated.

Mr. Epstein spoke in support of removing Conditions 2 and 3.

development). Uses determined to be minor are approved at the department level. Major uses require PC decisions.

Mr. Arndt noted Page 4 Line 3 “the primary element or woody vegetation” saying the intention was where the trunk of the tree or the stalk of the brush touches the ground and asked if that is clear. Ms. Maclean said she would leave it to the preference of the PC whether to keep or change the language.

Ms. Cole cited page 5 (1) *Unlisted Uses* and page 4 table item number 12 “Uses not listed, or not otherwise prohibited” and noted they seem contradictory. Ms. Maclean agreed and explained (1) *Unlisted Uses* is the standard language in current code. She was comfortable striking either (1) or table item 12 according to PC preference. She added that, without this item in the table, the PC gives up its authority to determine unlisted uses to the Assembly.

Mr. Voelckers noted page 2 lines 8-18 seem to be only relevant to Benjamin Island within the stellar sea lion habitat. Should this be removed? Ms. Maclean explained when the coastal zone management section of code was repealed, this was in there. At that point, this section was moved here. Mr. Arndt and Mr. Voelckers noted that this seems to be out of place in the Marine Mammal Habitat Protections code section and suggested it would fit better in another or its own section. Mr. LeVine stated there is already nearly the same language in the Anadromous Stream Habitat section.

PUBLIC COMMENT

Dave Hanna - Back Loop Road – Mr. Hanna thanked the PC for bringing this forward. He suggested several changes including removing item 6 from the table on page 6 saying it is covered by item 7. He felt that (3)(A) on page 9 should be reworded. Regarding the two-week timeframe for emergency work on Page 13, he felt that requiring completion within two weeks may be too restrictive. He also suggested striking the requirement for an engineer certification.

Ms. Cole asked Mr. Hanna to clarify his thoughts regarding the two-week emergency timeframe. Mr. Hanna explained there could be a case whereby the work could be started but not completed within two weeks. Ms. Cole supports this as the exception and if it cannot be completed in two-weeks then this allows for emergency stabilization to give time for a Conditional Use Permit (CUP) to be processed.

QUESTIONS FOR STAFF

In discussion, it was pointed out that the ordinance references stormwater best management practices. However, they have never been officially adopted into code or regulation. Rather than requiring applicants to use particular best management practices, they could choose to obtain an engineer’s letter stating methods used meet proper thresholds.

Ms. Cole referred to the table on page 6 and asked if the Department would be comfortable with more of the items in the table being categorized as 1 (minor) and asked the Director for her feedback. Ms. Maclean explained that she felt that, at the very least, all of the items marked “3” and anything within the inner (0 – 25 feet) buffer zone should remain under PC purview.

AT EASE 8:49 p.m. – 9:01 p.m.

MOTION: *by Ms. Cole to accept staff’s findings, analysis, and forward a recommendation to the assembly to approve AME2017 0001 with the following modifications:*

1. *Page 2 - move Section B to its own section*
2. *Page 3 Line 24 - strike #3, and modify #4 (the new #3) with modification to read “(3) Vegetation that overhangs or overlaps any buffer shall follow the regulation applicable to the main trunk or stalk of the vegetation.”*
3. *Page 4 Line 13 - change Fish culturing to Aquaculture*
4. *Page 5 strike #1 and #2 and renumber*
5. *Page 6 Table - add a 3 in line 6, inner buffer column*
6. *Page 6 Table - add a 1 and a 3 in line 10 inner buffer column*
7. *Page 7 Line 20 - change to “The Director determines that the outcome of the proposed activity or the cumulative effects of activity or development in a buffer would likely cause severe impacts in the buffer after project completion, the application shall be subject to commission review”*
8. *Page 15 Line 3 - strike “within one growing season”*
9. *Page 16 Line 3 - strike “for an administrative variance” and replace with “may apply to the commission for approval”*
10. *Page 18 Lines 17-18 - strike both lines*

AT EASE 9:11 p.m. – 9:12 p.m.

Ms. Cole spoke to her motion, line by line:

1. This is in the wrong section and needs to be its own section.
2. This is to simplify the idea of overhang and limbs. If the trunk is within the 0-25-foot or 25–50-foot buffer than that will also govern the limbs. If the trunk is outside of 50-feet then it is allowed to be cut wherever the limbs end up with regard to the stream.
3. Fish culturing is specific to fish only and aquaculture is more general.
4. Strike #1 and #2 as they may not make sense with the table.
5. Added 3 to the inner buffer zone with the expectation that while the purpose may be to dissuade development along the inner buffer, there may be a need for vegetation removal and this allows a level of flexibility.
6. This employs the same kind of logic with trail development.

Ms. Maclean expressed concerns saying 0-25 feet is minimal and there should be some line of protection. She reminded the PC that they had denied Parks and Recreation from doing almost

the same thing telling them to relocate the trail. Mr. Voelckers recalled the case but added there still could be a case whereby a trail is against a rock cliff or other barrier and not relocatable.

7. Ms. Cole said she did not like the phrase “in or near a buffer” as this is really talking about “in a buffer”. She added that she thought the intent was that the outcome would cause the impact rather than activities of the construction phase.

Ms. Maclean felt ‘more than minimal’ is a benefit to the applicant because if it can go all the way to “severe” before the PC sees it, then it is more likely that the Director will deny the permit and the PC will never see it.

Mr. LeVine strongly disagreed with the addition of the “after project completion” phrase. Ms. Cole’s intention was to acknowledge that there may be disruption during construction but it would be restored at the end of the project. Ms. Maclean expressed concern with the change from “proposed activity” to “outcome”. She explained that the proposed activity is what she is reviewing applications for approval.

At the end of the discussion, the proposed wording is *“The Director determines that the outcome of the proposed activity or the cumulative effects of activity or development in a buffer would likely cause more than minimal impacts in the buffer after project completion, the application shall be subject to commission review”*

8. Ms. Cole felt “within one growing season” is restrictive considering it can be hard to meet that timeframe in our environment.

Ms. Maclean said the Department is understanding and allows for leeway in this but felt there should be some limit.

Mr. Brown suggested changing from “one growing season” to “two growing seasons”. Mr. LeVine suggested 2 years.

At the end of the discussion, the proposed wording became *“within 24 months of project completion.”*

9. The wording changed to *“may apply for a variance”*.
10. Ms. Cole proposed striking lines 17 and 18 because the definition is not needed.

COMMISSION PAGE BY PAGE DISCUSSION OF AME2017 0001

- Pages 1, 2, 3 – No changes
- Page 4 – Mr. Arndt suggested Line 22 be altered to read, *“There is an adopted ~~the~~ Table of ~~p~~Permissible ~~u~~Uses in ~~a~~Anadromous ~~f~~Fish ~~h~~Habitat ~~b~~Buffers, ...”*
- Page 5 – Mr. Arndt and Mr. LeVine suggested:
 - Strike lines 4-24 and replace them with:
 - **(1) Uses listed with the number 1 indicate the use requires department approval**

- **(2) Uses listed with the number 3 indicate the use requires commission approval**
- **(3) Uses listed with digits 1,3 indicate the use follows the underlying development's approval process. If the project is a major activity requiring a major development permit, only one CUP will be required.**
- Page 6 – Table of Permissible Uses in Anadromous Waterbodies Buffers CBJ 49.70.315
 - 10.0 – Mr. Arndt suggested “*Trail construction ~~and~~ or trail maintenance...*”
 - 11.0 – Mr. Arndt suggested changing this item to distinguish 1,3 if the land is under common ownership and 3,3 if it crosses land with other owners.

Ms. Maclean felt it is important that these decisions come before the commission.

- Pages 7, 8 – No Changes
- Page 9 – Mr. Brown suggested Line 19 be clarified, “*The director shall ~~endeavor to determine whether the application accurately reflects the developer’s intentions~~ goals, ...*”

Ms. Maclean explained the department needs to be sure to understand what the applicant is proposing and guide them appropriately. She reminded the PC that applicants are not all building professionals.

- Pages 10, 11, 12 - No Changes
- Page 13 –
 - Mr. Bell asked for clarity on the requirement in line 14 to obtain an engineer. Ms. Maclean said this should not be in here and she supports removing lines 8-14. The commission agreed to strike lines 8-14.
 - Mr. Brown expressed concern with the two-week requirement in Line 4 saying two weeks may not be enough time. It was decided to leave it as is with the understanding that if conditions persist, they could request another emergency permit or use that time to apply for a regular permit.
- Page 14 –
 - Mr. Epstein suggested Line 4 be amended to, “**2010** *CBJ’s Manual of Stormwater Best Management Practices ~~(2010)~~...*” to match the verbiage at Page 15 Line 24.
 - Mr. Arndt suggested Line 11 be amended to read, “*...may apply for an ~~an~~ administrative variance.*”
 - Mr. Arndt suggested pulling the Anadromous Fish Habitat Best Management Practices from the ordinance and posting them as has been done with the Stormwater BMP. Ms. Maclean did not agree that this would be the best course of action. She explained that the Assembly could remove it upon review but if the commission removes it and then the Assembly wants to add it then it would substantially slow the progress towards getting the ordinance passed. It was decided to leave it in the proposed ordinance and to note for the record that the PC believes the Assembly should consider not codifying the BMP at this point but instead reference them as is done with the Stormwater BMP.
- Page 15 –
 - Mr. LeVine suggested adding a section to read, “*For all references to the 2010 CBJ Manual of Stormwater Best Management Practices, a developer may, in the*

alternative, provide a drainage plan and vegetative plan signed by an engineer licensed in the State of Alaska certifying that the plans address stormwater BMPs and plantings required for slope stability and stormwater.

Mr. LeVine was unsure where exactly in the ordinance to put this. Ms. Maclean said she would work with Attorney Layne and put it in an appropriate location.

- Mr. Brown suggested striking “Areas previously degraded by human activity shall be revegetated” from Line 5. Ms. Maclean reminded the commission the purpose of the ordinance is protection of habitat. It was decided to delete the line.
- Page 16 – No Changes
- Page 17 – Mr. Arndt suggested delete “and” from Line 7 and add “, and improve habitat.” to the end of Line 8.
- Page 18 – No Changes

Ms. Cole rescinded her motion.

MOTION: *by Ms. Cole to accept staff’s findings, analysis, and forward a recommendation to the assembly to approve AME2017 0001 with the agreed upon modifications.*

The motion passed with no objection.

XI. **OTHER BUSINESS** – None

XII. **STAFF REPORTS** – None

XIII. **COMMITTEE REPORTS**

Title 49 – Mr. Arndt: Next meeting will be third Thursday in April
PWFC – Mr. Voelckers: Discussion included the CIP list and New City Hall

XIV. **LIAISON REPORTS** – None

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

XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None

XVII. **EXECUTIVE SESSION** – None

XVIII. **ADJOURNMENT** – 10:50 p.m.

Next regular meeting April 11, 2023

Respectfully submitted by Kathleen Jorgensen Business Assists (907)723-6134 

Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-30

An Ordinance Authorizing the Manager to Advocate for and Provide Public Information Regarding the Need for a New City Hall, Including the Dissemination of Information That May Influence the Outcome of a Future Ballot Initiative.

WHEREAS, a new City Hall for the City and Borough of Juneau, Alaska (the “CBJ”) is needed to meet the current and future needs of the City and Borough of Juneau; and

WHEREAS, the Assembly has determined that the construction and equipping of a new City Hall is necessary in order to consolidate staff into a single facility; and

WHEREAS, under the Alaska Public Offices Commission disclosure and filing requirements, AS 15.13.145(c)(2) permits the CBJ to provide the public with nonpartisan information about a ballot proposition, however, AS 15.13.145(b) prohibits the CBJ from using funds to influence the outcome of an election concerning a ballot proposition unless the CBJ specially appropriates the funds for that purpose by ordinance; and

WHEREAS, the Assembly appropriated \$50,000.00 of general funds for this purpose in the FY24 CBJ Operations budget ordinance, Ord. 2023-14, at its meeting on June 12, 2023.

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. The Assembly authorizes the Manager to advocate for and provide public information regarding the need for a new City Hall, including the dissemination of information that may influence the outcome of a future ballot initiative.

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

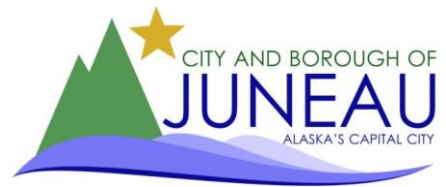
Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

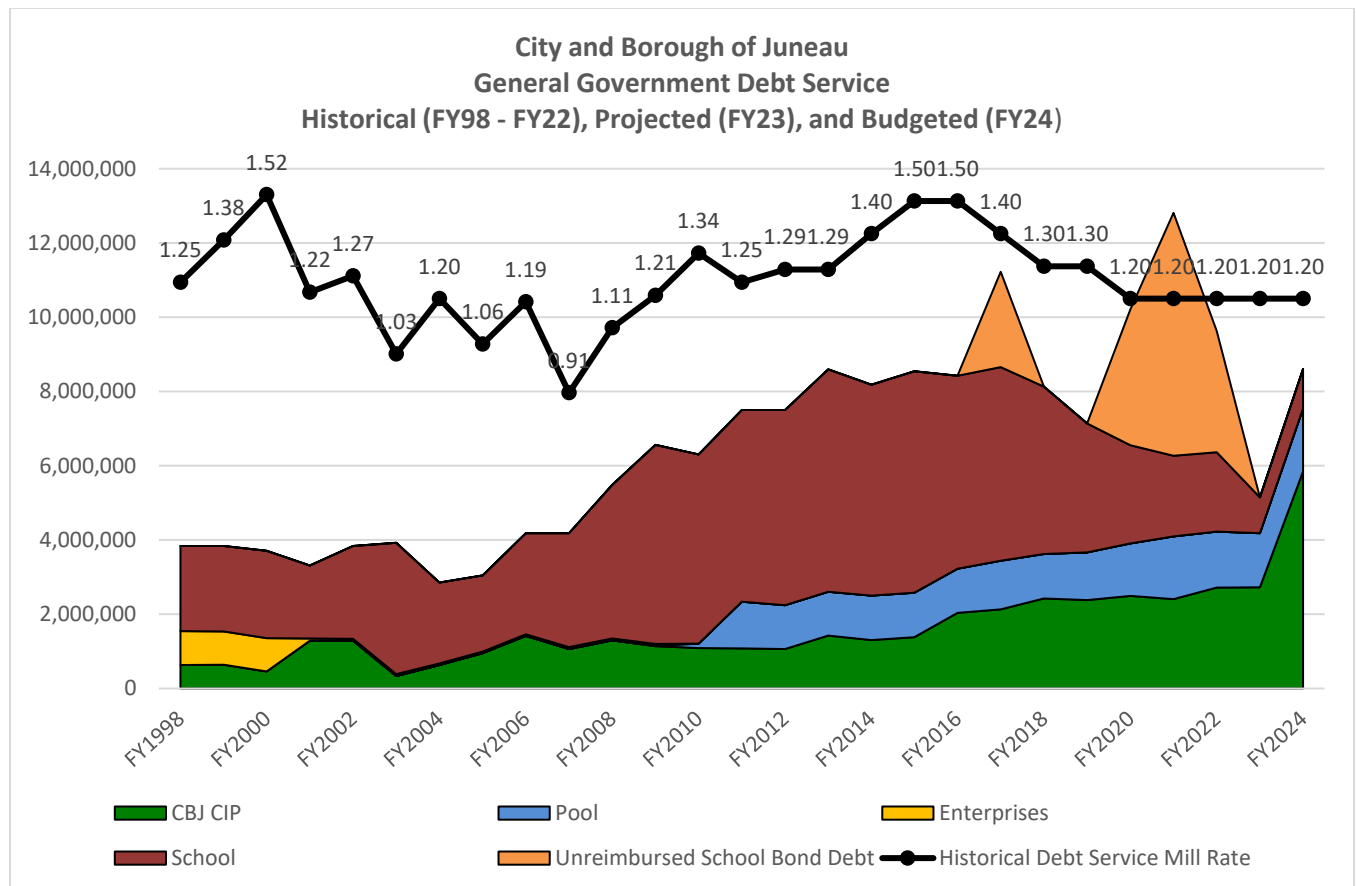


DATE: June 7, 2023
TO: Assembly Finance Committee
FROM: Jeff Rogers, Finance Director
SUBJECT: General Obligation Bond Capacity

155 Municipal Way
 Juneau, AK 99801
 Phone: (907) 586-5215
 Fax: (907) 586-0358

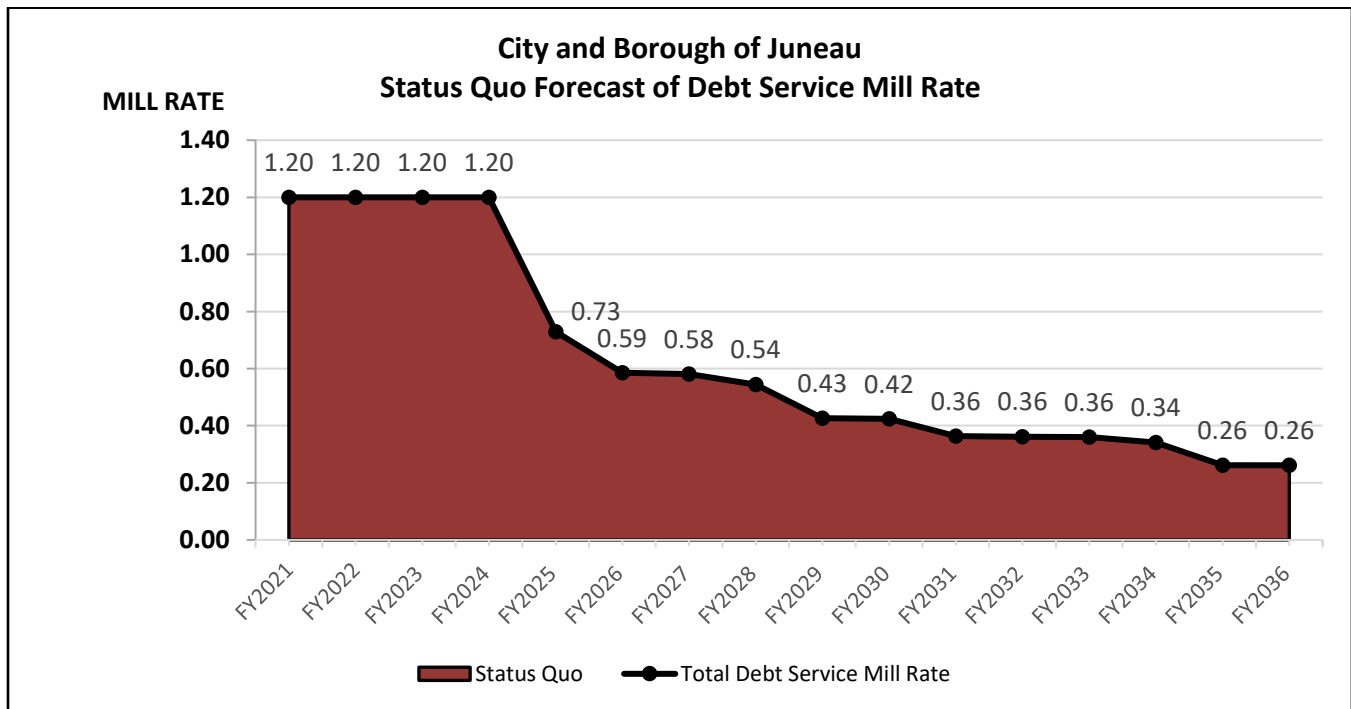
History of Debt Service

The following chart is an interesting view of CBJ’s history of debt service since 1998. The black line plots the debt service mill rate, while the colored areas show the amount of debt service payments by function. As you can see, most debt spending over the past 25 years has been on school facilities (in red). You might note here that prior to 2014, the debt service mill rate fluctuated annually; but from 2014 to now, it has been flatter in the range from 1.2 to 1.5. During this time, debt has been issued strategically to limit rate volatility. In the years where CBJ experienced significant debt service shortfalls due to unreimbursed school bond debt (in orange), the balance of the debt service fund was temporarily allowed to go negative, which had the effect of spreading out that financial impact over several years. In FY2024, you can see the spike of debt service (in green) that corresponds to the accelerated rate of repayment on the newly issued park bond.



Future of Debt Service

CBJ is retiring GO debt rapidly in the coming years. The current 1.20 debt service mill rate is forecast to fall to 0.73 in FY25 unless the community votes to take on more general obligation debt or CBJ accelerates payment on existing GO debts. The following graph illustrates this projected trajectory.



Future Debt Capacity

PFM Group Consulting provided CBJ with a report on general obligation debt capacity in 2017. In that report, they focused on three measures:

- 1.) Percentage of assessed value
- 2.) GO debt service mill rate
- 3.) GO debt per capita

Measure #1: Percentage of Assessed Value

CBJ has informal internal policies limiting outstanding debt to 5% of assessed value. However, the 2017 analysis by PFM instead used 3% of Assessed Value as the limit. With CBJ’s assessed value in FY24 at \$6.5 billion, CBJ would have capacity for \$195 million of outstanding debt. Given that CBJ will have about \$36 million of outstanding GO debt at the end of FY24, CBJ has approximately \$159 million of additional GO debt capacity according to this measure.

Measure #2: GO Debt Service Mill Rate

In their analysis, PFM calculated debt capacity at 1.5 mills which was the highest debt service mill rate in recent memory (from 2010). At 1.5 mills, CBJ generates enough property tax to pay \$9.75 million of debt service per year. Projected FY25 debt service is \$4.7 million, leaving \$5 million of additional tax to pay for GO debt. That amount of additional property tax is sufficient for a \$78 million bond amortized for 25 years at 4% interest. At the current debt service mill rate of 1.2 mills, CBJ generates enough property tax to pay \$7.8 million of debt service per year, which would leave \$3.1 million of additional tax to pay GO debt. That amount of additional tax is sufficient for a \$48 million bond amortized for 25 years at 4% interest. Note this is only a measure of additional debt capacity in FY25. Debt capacity in future years would continue to grow as other debts are fully retired.

Measure #3: GO Debt Per Capita

Again, PFM’s analysis used the 2010 high-water mark for debt as the basis for calculating this measure. The bonded indebtedness per capita in that year was \$5,037. At 32,000 residents today, CBJ would have a debt

capacity of \$161 million, even before adjusting the per capita amount for inflation. Given that CBJ will have about \$36 million of outstanding GO debt at the end of FY24, CBJ has approximately \$125 million of additional GO debt capacity according to this measure.

These various measures of GO debt capacity are summarized in the following table:

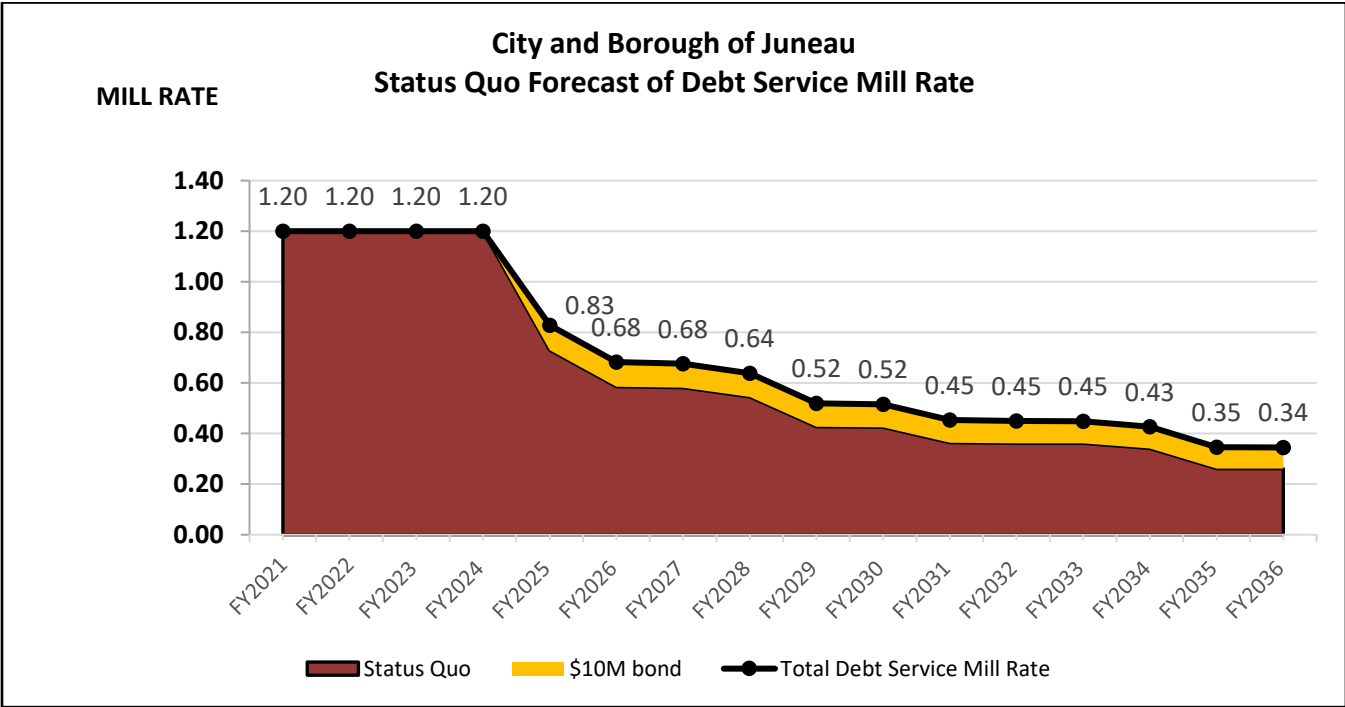
Measure	Total Capacity	Existing Debt	Implied Capacity
3% of Assessed Value	\$195 million total	\$36 million total	\$159 million
Debt Service Mill Rate of 1.5 mills	\$9.75 million annually	\$4.7 million annually	\$78 million
Debt Service Mill Rate of 1.2 mills	\$7.8 million annually	\$4.7 million annually	\$48 million
\$5,037 per capita	\$161 million total	\$36 million total	\$125 million

Facing similar results in 2017, PFM concluded that it was most practical for CBJ to consider debt capacity primarily based on debt service mill rate tolerance rather than from assessed value or population. Since that analysis, CBJ has generally calculated its potential debt capacity against the “limit” of 1.2 mills for debt service.

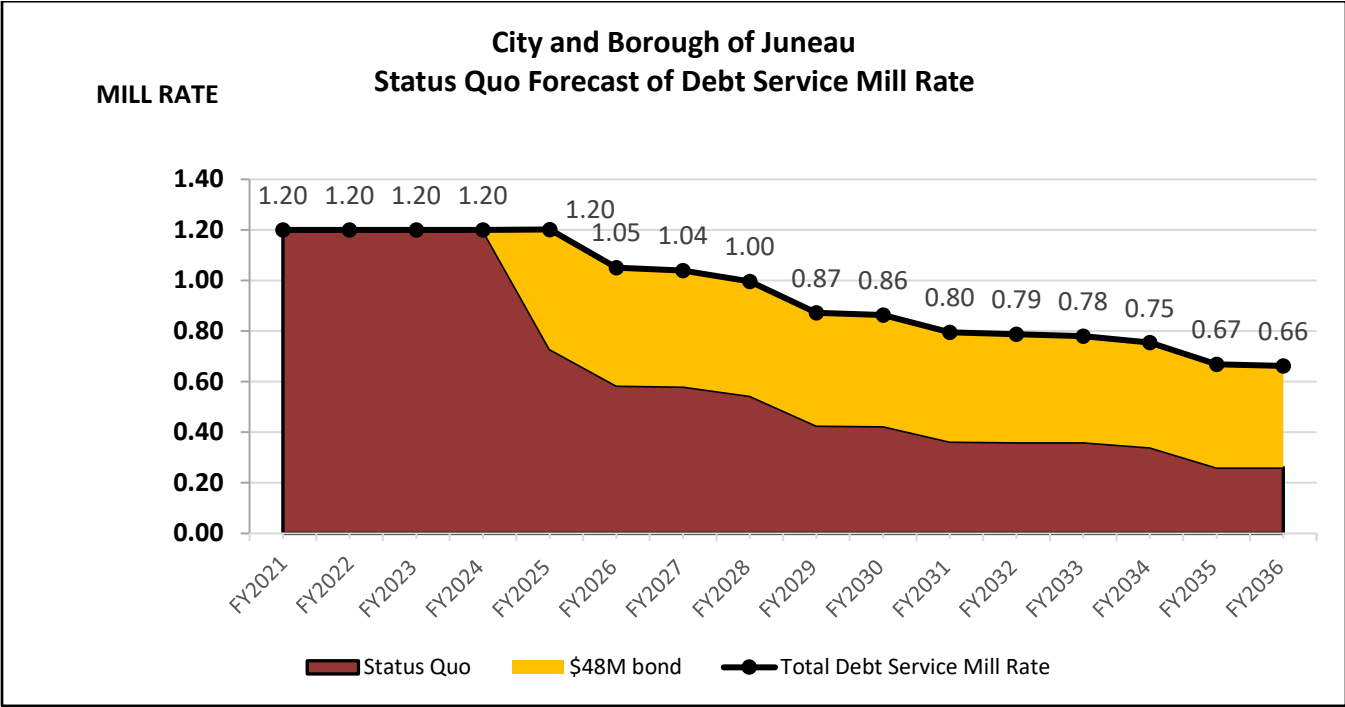
Debt Service Mill Rate Going Forward

It’s best to consider the impact of potential bond issuances using the debt service calculation model. But in short, every \$10 million of new GO debt (25 years @ 4%) impacts the debt service mill rate by about 0.1 mill. Shorter terms will result in higher payments for fewer years, longer terms will result in lower payments for more years. Generally, bond terms of more than 25 years are not recommended.

Here is the debt service model forecast with a new \$10 million bond:



And here is the debt service model forecast with a new \$48 million bond (the maximum amount of bond capacity while maintaining a 1.2 debt service mill rate):



Accelerating Debt Service Payments

As an alternative to new debt issuance, CBJ could opt to retain the 1.2 debt service mill rate and use the excess tax revenue to pay down existing GO debts more rapidly than originally planned. CBJ has about \$8 million of outstanding GO debt that will be callable in FY25, meaning that it could be paid down in advance. For example, without any new GO debt, if CBJ retained the 1.2 mill rate, the city could fully retire that callable \$8 million bond in the next two to three fiscal years. Paying down future debts in advance would expand the debt capacity available to future Assemblies (accordingly, it steepens the decline of the debt service mill rate in the future).

Recommendation

- 1.) Consider renewing the New City Hall bond question with voters
- 2.) Review the following documents and plans for projects that may be ripe for debt financing
 - a. 5-year Capital Improvement Plan
 - b. Legislative Priority List
 - c. Assembly Goals
 - d. Outcomes of the Joint Assembly/School District Facilities Committee
- 3.) Avoid bond sales under \$10 million
 - a. Some costs of issuance are fixed per bond issue, so small bonds are cost inefficient
 - b. Multiple bonds approved by the public can aggregated into one more cost efficient bond sale
- 4.) Consider proposing bonds for groups of related projects, such as:
 - a. Public Safety
 - b. Parks
 - c. Transportation
 - d. School improvements

Additional Considerations on School Improvements

From 2000 forward, CBJ completed many school projects, including the construction of TMHS, one of the largest CIPs ever undertaken by CBJ. During these years, school facilities that had not received much if any maintenance

for several decades were completely remodeled and substantially upgraded. The State school bond debt reimbursement program allowed for 70% of the costs of these projects to be paid for by the State. The Assembly should anticipate significant school facility costs in the future, but not to the level of spending in the last twenty years. No new schools are planned (TMHS, Riverbend Elementary and DZMS were all brought on-line in the last 30 years) and most facilities will need maintenance projects that will not rise to become systemic tear down to the studs affairs. The ongoing Joint Assembly and School District planning committee has the task of ultimately making big community decisions about school facilities. Although school projects in the future will not be as aggressive, the State contribution is also uncertain, quite possibly less than 70% of the costs of the projects.

Presented by: The Manager
Introduced: 06/12/2023
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-31

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$27,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 3, 2023.

WHEREAS, a new City Hall for the City and Borough of Juneau, Alaska (the “City and Borough”) is needed in order to meet the current and future needs of the City and Borough; and

WHEREAS, the new City Hall project described in Section 3 below (the “Project”) has been identified and approved by the Committee of the Whole as necessary to meet the needs of the City and Borough; and

WHEREAS, in order to provide funds for paying the cost of constructing and equipping the Project, it is deemed necessary and advisable that the City and Borough issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$27,000,000 (the “Bonds”);

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. Findings. The Assembly of the City and Borough hereby finds and declares that the construction and equipping of the Project identified in Section 3 hereof is necessary and is in the best interest of the inhabitants of the City and Borough.

Section 3. Purposes. The Assembly has determined that the City and Borough is in need of the construction and equipping of a new City Hall in order to consolidate staff into a single facility. The Project will be energy efficient and include below ground parking for City and Borough resident use.

The foregoing are herein referred to as the “Project.” The cost of all necessary architectural, engineering, design, and other consulting services, inspection and testing, administrative and relocation expenses, costs of issuance of the Bonds and other costs incurred in connection with the Project that is approved by the electors shall be deemed capital improvement costs of the approved

Project. The approved Project may be completed with all necessary furniture, equipment and appurtenances.

If the City and Borough shall determine that it has become impractical to accomplish any portion of the approved Project by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the City and Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

Interest earnings on Bond proceeds may be used and applied by City and Borough, at the direction of the City Manager or his or her designee, for the Project or for other capital improvements or for the retirement of the Bonds or other general obligation bonds of the City and Borough.

If the approved Project has been completed in whole or in part, or its completion duly provided for, or its completion found to be impractical, the City and Borough may apply Bond proceeds or any portion thereof as provided in Section 10.10 of the Home Rule Charter.

In the event that the proceeds of sale of the Bonds, plus any other monies of the City and Borough legally available, are insufficient to accomplish the approved Project, the City and Borough shall use the available funds for paying the cost of those portions of the approved Project for which the Bonds were approved deemed by the Assembly most necessary and in the best interest of the City and Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Assembly hereby authorizes the issuance of general obligation bonds in order to fund the costs of the Project described in Section 3 (the “Bonds”). The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of up to 25 years of date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed \$27,000,000. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. Both principal of and interest on the Bonds shall be payable from annual tax levies to be made upon all of the taxable property within the City and Borough, without limitation as to rate or amount and in amounts sufficient with other available funds, to pay such principal and interest as the same shall become due.

The full faith, credit, and resources of the City and Borough are hereby irrevocably pledged to the payment of both the principal and interest on such Bonds. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter fixed by ordinance and resolution of the City and Borough.

Section 5. Submission of Question to Voters. The Assembly hereby submits to the qualified electors of the City and Borough the proposition of whether or not the City and Borough should issue the Bonds for the purpose of financing the costs of the approved Project at the regular municipal election to be held on October 3, 2023.

The City and Borough clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and shall perform all necessary steps in accordance with law to place the proposition before the voters at the regular election.

Section 6. Ballot Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 5 above shall read substantially as follows:

Explanation

The proposition will authorize the issuance of \$27,000,000 in general obligation bond debt for paying the cost of construction and equipping of a new City Hall, including below ground parking. The total annual debt service costs, assuming an interest rate of 4.77%, will be approximately \$1,870,000. The estimated annual levy rate of \$28.03 per \$100,000 of assessed value is within the current debt service levy rate capacity of the City and Borough, and as such, the property tax mill rate is not currently expected to increase with the issuance of this bond. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. 1

GENERAL OBLIGATION BONDS

\$27,000,000

For the purpose of constructing and equipping a new City Hall, including below ground parking within the City and Borough, shall the City and Borough of Juneau, Alaska, issue and sell its general obligation bonds, maturing within 25 years of their date of issue, in the aggregate principal amount of not to exceed \$27,000,000?

BONDS, YES

BONDS, NO

After voter approval of the proposition and in anticipation of the issuance of the Bonds, the City and Borough may issue short term obligations, under such date and in such amount, form, terms, maturity, and bearing such rate or rates of interest, all as may hereafter be fixed by ordinance of the City and Borough, consistent with limitations imposed by State law and by the Home Rule Charter and Code of the City and Borough.

Section 7. Notice of Election. The Assembly shall cause a notice of election to be published once a week for three consecutive weeks in a newspaper of general circulation in the City and Borough. The first notice shall be published not later than September 3, 2023, which is 30 days prior to the regular municipal election. The notice shall contain the information required by Section 10.5 of the Home Rule Charter of the City and Borough.

Section 8. Effective Dates.

(a) The authority to issue general obligation bonds proposed in Section 6 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 3, 2023, if a majority of the qualified voters voting on the proposition set forth in Section 6 votes for the proposition.

(b) Section 6 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 10th day of July, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 06/12/2023
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-31(b)

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$22,000,000 to Finance Construction and Equipping of a New City Hall for the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 3, 2023.

WHEREAS, a new City Hall for the City and Borough of Juneau, Alaska (the “City and Borough”) is needed in order to meet the current and future needs of the City and Borough; and

WHEREAS, the new City Hall project described in Section 3 below (the “Project”) has been identified and approved by the Committee of the Whole as necessary to meet the needs of the City and Borough; and

WHEREAS, in order to provide funds for paying the cost of constructing and equipping the Project, it is deemed necessary and advisable that the City and Borough issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$22,000,000 (the “Bonds”);

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. Findings. The Assembly of the City and Borough hereby finds and declares that the construction and equipping of the Project identified in Section 3 hereof is necessary and is in the best interest of the inhabitants of the City and Borough.

Section 3. Purposes. The Assembly has determined that the City and Borough is in need of the construction and equipping of a new City Hall in order to consolidate staff into a single facility. The Project will be energy efficient.

The foregoing are herein referred to as the “Project.” The cost of all necessary architectural, engineering, design, and other consulting services, inspection and testing, administrative and relocation expenses, costs of issuance of the Bonds and other costs incurred in connection with the Project that is approved by the electors shall be deemed capital improvement costs of the approved

Project. The approved Project may be completed with all necessary furniture, equipment and appurtenances.

If the City and Borough shall determine that it has become impractical to accomplish any portion of the approved Project by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the City and Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

Interest earnings on Bond proceeds may be used and applied by City and Borough, at the direction of the City Manager or his or her designee, for the Project or for other capital improvements or for the retirement of the Bonds or other general obligation bonds of the City and Borough.

If the approved Project has been completed in whole or in part, or its completion duly provided for, or its completion found to be impractical, the City and Borough may apply Bond proceeds or any portion thereof as provided in Section 10.10 of the Home Rule Charter.

In the event that the proceeds of sale of the Bonds, plus any other monies of the City and Borough legally available, are insufficient to accomplish the approved Project, the City and Borough shall use the available funds for paying the cost of those portions of the approved Project for which the Bonds were approved deemed by the Assembly most necessary and in the best interest of the City and Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Assembly hereby authorizes the issuance of general obligation bonds in order to fund the costs of the Project described in Section 3 (the “Bonds”). The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of up to 25 years of date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed \$22,000,000. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. Both principal of and interest on the Bonds shall be payable from annual tax levies to be made upon all of the taxable property within the City and Borough, without limitation as to rate or amount and in amounts sufficient with other available funds, to pay such principal and interest as the same shall become due.

The full faith, credit, and resources of the City and Borough are hereby irrevocably pledged to the payment of both the principal and interest on such Bonds. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter fixed by ordinance and resolution of the City and Borough.

Section 5. Submission of Question to Voters. The Assembly hereby submits to the qualified electors of the City and Borough the proposition of whether or not the City and Borough should issue the Bonds for the purpose of financing the costs of the approved Project at the regular municipal election to be held on October 3, 2023.

The City and Borough clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and shall perform all necessary steps in accordance with law to place the proposition before the voters at the regular election.

Section 6. Ballot Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 5 above shall read substantially as follows:

Explanation

The proposition will authorize the issuance of \$22,000,000 in general obligation bond debt for paying the cost of construction and equipping of a new City Hall. The total annual debt service costs, assuming an interest rate of 4.77%, will be approximately \$1,526,000. The estimated annual levy rate of \$23.06 per \$100,000 of assessed value is within the current debt service levy rate capacity of the City and Borough, and as such, the property tax mill rate is not currently expected to increase with the issuance of this bond. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. 1

GENERAL OBLIGATION BONDS

\$22,000,000

For the purpose of constructing and equipping a new City Hall, within the City and Borough, shall the City and Borough of Juneau, Alaska, issue and sell its general obligation bonds, maturing within 25 years of their date of issue, in the aggregate principal amount of not to exceed \$22,000,000?

BONDS, YES

BONDS, NO

After voter approval of the proposition and in anticipation of the issuance of the Bonds, the City and Borough may issue short term obligations, under such date and in such amount, form, terms, maturity, and bearing such rate or rates of interest, all as may hereafter be fixed by ordinance of the City and Borough, consistent with limitations imposed by State law and by the Home Rule Charter and Code of the City and Borough.

Section 7. Notice of Election. The Assembly shall cause a notice of election to be published once a week for three consecutive weeks in a newspaper of general circulation in the City and Borough. The first notice shall be published not later than September 3, 2023, which is 30 days prior to the regular municipal election. The notice shall contain the information required by Section 10.5 of the Home Rule Charter of the City and Borough.

Section 8. Effective Dates.

(a) The authority to issue general obligation bonds proposed in Section 6 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 3, 2023, if a majority of the qualified voters voting on the proposition set forth in Section 6 votes for the proposition.

(b) Section 6 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 10th day of July, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: June 12, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AY)

An Ordinance Appropriating up to \$500,000 to the Manager for the Information Technology Infrastructure Capital Improvement Project for the Purchase of Permitting, Land Management, and Property Valuation Software; Funding Provided by General Funds.

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. Appropriation. There is appropriated to the Manager the sum of \$500,000 for Permitting, Land Management, and Property Valuation Software.

Section 3. Source of Funds

General Funds \$500,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3028

A Resolution Amending the City and Borough of Juneau Personnel Rules.

WHEREAS, the Assembly has adopted personnel rules in accordance with CBJ 44.05.050; and

WHEREAS, the personnel rules apply to non-represented employees of the City and Borough of Juneau and to represented employees when the collective bargaining agreement does not apply; and

WHEREAS, the personnel rules occasionally should be updated to reflect modern human resource management practices or to address recruitment and retention needs.

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

Section 1. The Assembly of the City and Borough of Juneau approves the following and hereby modifies the City and Borough of Juneau Personnel Rules to reflect the language changes in the attached Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attests:

Elizabeth J. McEwen, Municipal Clerk

...

18 PR 075. Deferred Compensation Employee Benefit.

The CBJ offers deferred compensation benefit for employees enrolled in the State of Alaska Public Employees Retirement System (PERS) Tier 4 Defined Contribution Retirement plan. The intent of the benefit is to match \$1.00 for every \$2.00 of employee contribution in a manner that grows with the employee's length of service. This benefit is subject to yearly Assembly appropriation.

- (a) CBJ provides an escalating employer match into a separate 401(a) retirement account to an employee contribution into the CBJ deferred compensation plan based on years of service, as follows:
- 0-2 years: Employer matching contribution of 50% of an employee's voluntary contribution up to 2% of that employee's wages
 - 2-5 years: Employer matching contribution of 50% of an employee's voluntary contribution up to 4% of that employee's wages
 - 5-10 years: Employer matching contribution of 50% of an employee's voluntary contribution up to 6% of that employee's wages
 - 10+ years: Employer matching contribution of 50% of an employee's voluntary contribution up to 8% of that employee's wages
- (b) Vesting for the employer match is as follows based on years of service after the start of the match plan:
- a. 20% after 1 years
 - b. 40% after 2 years
 - c. 60% after 3 years
 - d. 80% after 4 years
 - e. 100% after 5 years
- (c) Everyone has a unique tax situation and employees should consult their tax professional for advice about the tax implications of this benefit.

- (d) The employee contribution to the deferred compensation plan and the employer match are subject to annual contribution limits as outlined by the Internal Revenue Service (IRS).

- (e) CBJ employees who are in the State of Alaska PERS Defined Benefit Retirement plans (Tiers 1, 2, and 3) are eligible to participate in the CBJ deferred compensation plan without the employer matching contributions outlined in this section.

...



Department of Human Resources / Risk Management
155 Municipal Way Suite 101, Juneau, AK 99801
907-586-5250 <phone> 907-586-5392 <fax>
Email: Dallas.Hargrave@juneau.org

MEMORANDUM

Date: June 6, 2023

To: City and Borough of Juneau Assembly

Thru: Duncan Rorie Watt
City Manager

From: Dallas Hargrave
Human Resources & Risk Management Director

Re: Request to amend Bartlett Regional Hospital Personnel Rules related to the onboarding of new employees currently working at Wildflower Court.

On May 18, 2023, the Bartlett Regional Hospital (BRH) Governance Committee considered the attached draft changes to the BRH personnel rules and approved by motion the attached changes to the BRH Personnel Rules, forwarding them to the whole Board for consideration and approval. On May 23, 2023, the BRH Board of Directors unanimously approved the attached draft changes to the BRH personnel rules and forwarded the amendments to the Assembly for adoption by resolution.

The Assembly is being asked to approve changes to the BRH Personnel Rules so that the CEO will have the authority to hire the incoming employees from Wildflower Court (WFC) at a similar rate of pay and comparable leave balance.

CBJ Ordinance 40.10.020 – Duties and responsibilities of administrator provides:

The hospital administrator is responsible for the overall supervision of the affairs of the hospital. The authority and duties of the hospital administrator shall include the following:...

(5) To select, employ, control and discharge all hospital employees and such other employees as the assembly by ordinance hereafter places under the supervision of the hospital subject to the provisions of any City and Borough personnel ordinance except that the hospital administrator may issue personnel rules as required to adapt the personnel plan to allow for continuous operation of the hospital; all personnel rules issued by the hospital administrator are subject to the approval of the hospital board of directors and adoption by the assembly by resolution;

With the upcoming transition date of Wildflower Court operations to BRH, there are three personnel items that need to be addressed with the draft changes to the BRH Personnel Rules:

1. The draft changes would give WFC employees preferential hiring without open recruitments for the new BRH positions associated with the WFC transition.

Request to amend Bartlett Regional Hospital Personnel Rules related to the onboarding of new employee currently working at Wildflower Court.

- 2. The draft changes would allow the hospital to pay new BRH employees who are transitioning to BRH in the Wildflower Court transition that has previously been approved by the Board of Directors to be paid at a rate of pay similar to that earned at Wildflower Court.
- 3. The draft changes would also allow the CEO to start new BRH employees coming to the hospital in the Wildflower Court transition to have the choice of starting employment at BRH with a personal leave balance of equivalent value to their ending leave balance when employment is terminated at WFC.

I recommend that the Assembly approve the draft changes to the BRH Personnel Rules so that the BRH Personnel Rules can be applied to those new employees currently working at Wildflower Court. By approving the draft changes to the BRH Personnel Rules, all the hospital will have the authority to move forward with the previously board-approved transition process for the future employment of current Wildflower Court employees. The costs associated with the transition of Wildflower Court have previously been approved the both the Board and the Assembly.

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Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3032

A Resolution Amending the Bartlett Regional Hospital Personnel Rules.

WHEREAS, the Bartlett Regional Hospital Board of Directors has approved, and the Assembly has adopted personnel rules for the hospital in accordance with CBJ 40.10.020; and

WHEREAS, the personnel rules apply to non-represented employees of the hospital and to represented employees when the collective bargaining agreement does not apply; and

WHEREAS, the hospital personnel rules must be updated to address the one-time situation of onboarding new hospital employees who are currently working for Wildflower Court and will become hospital employees when the hospital takes on the services currently provided by Wildflower Court.

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

Section 1. The Assembly of the City and Borough of Juneau approves the following and hereby modifies the Bartlett Regional Hospital Personnel Rules to reflect the language changes in the attached Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest

Elizabeth J. McEwen, Municipal Clerk

BARTLETT REGIONAL HOSPITAL

PERSONNEL RULES

Effective 1/24/17

BRH Policies are available through PolicyTech online at:

<http://brh-policytech.bartletthospital.org/>

Table of Contents

RULE 1 POSITION CLASSIFICATION 1

RULE 2 RECRUITMENT 3

RULE 3 EXAMINATION..... 4

RULE 4 SELECTION.....7

RULE 5 APPOINTMENTS 11

RULE 6 PROBATIONARY PERIODS.....16

RULE 7 HOURS OF WORK, SCHEDULING, & HOLIDAYS..... 18

RULE 8 PERFORMANCE EVALUATIONS 22

RULE 9 ORIENTATION & TRAINING..... 24

RULE 10 PAY 27

RULE 11 LEAVE.....37

RULE 12 RESIGNATION, NONDISCIPLINARY SEPARATION & VOLUNTARY DEMOTION.....46

RULE 13 DISCIPLINARY ACTIONS.....49

RULE 14 REDUCTION IN WORKFORCE 52

RULE 15 GRIEVANCE & APPEAL PROCEDURE 55

RULE 16 STANDARDS OF CONDUCT 59

RULE 17 GENERAL PROVISIONS.....64

RULE 18 COMPENSATION & REIMBURSEMENTS.....67

RULE 19 LICENSED MEDICAL DOCTORS & ADVANCED PRACTITIONERS..... 71

RULE 20 DEFINITIONS 72

**RULE 4
SELECTION****Section****005. General****010. Preferential Appointment Rights****015. Preferential Rights Due to a Request from a Pregnant Employee or an Employee with a Temporary Disability.****020. Preferential Rights Due to Layoff.****025. Preferential Rights Due to ADA Reassignment****030. Nonpreferential Appointment Rights without Public Announcement****035. Nonpreferential Appointment Rights of Injured Employees.****040. Local Hire Preference****045. Veteran's Preference****050. Notice to Applicants****055. Applicant Appeal Process****4 PR 005. General.**

(a) This Rule applies only to the classified service.

(b) The department director shall first offer a vacant position to a qualified employee who holds preferential appointment rights in accordance with 4 PR 006. If there are no employees with preferential appointment rights, the department director may fill a position through the use of nonpreferential, noncompetitive appointment rights in accordance with 4 PR 010 or through a competitive selection process.

4 PR 010. Preferential Appointment Rights.

(a) If there is an employee with a preferential employment right, the department director may fill a vacancy without public announcement. The order of preferential appointment shall be:

(1) Due to a request to transfer by a pregnant employee under AS 39.20.520 or an employee with a temporary disability;

(2) Due to return from layoff in accordance with 14 PR 015;

(3) Due to reassignment of duties under the Americans with Disabilities Act.

(4) Due to the appointment of an employee that was previously employed by another organization where the Board of Directors has approved BRH taking on the services of that other organization.

4 PR 015. Preferential Rights due to a Request from a Pregnant Employee or an Employee with a Temporary Disability.

- (a) The department director shall offer the position to a qualified employee of the department if:
- (1) The employee is pregnant or has a temporary disability;
 - (2) The employee requests appointment to the position;
 - (3) The transfer is recommended by a licensed health care provider;
 - (3) The employee is qualified for transfer or demotion into the position; and
 - (4) The duties of the vacant position are less strenuous or less hazardous than those of the employee's current position.
- (5) An employee voluntarily transferred or demoted because of pregnancy or temporary disability shall return to the position previously held at such time as the employee's condition permits, provided that service in the alternate position does not exceed 18 weeks.

4 PR 020. Preferential Rights Due to Layoff.

If there are employees on layoff status, the department director shall offer a vacant position to the employee first on the recall list with the highest number of points calculated in accordance with 14 PR 025 (reduction in work force).

4 PR 025. Preferential Rights due to ADA Reassignment.

If an employee is eligible for reassignment under the Americans with Disabilities Act, the Human Resources Director shall offer a vacant position that would otherwise be publicly announced for appointment in accordance with 2 PR 010, to that employee provided the employee is qualified for the position and can perform the essential duties of the position with or without reasonable accommodation.

4 PR 030. Nonpreferential Appointment Rights without Public Announcement.

- (a) The department director may select an employee for appointment without public announcement under the following circumstances:
- (1) The employee is eligible for a transfer under 5 PR 040;
 - (2) The employee is eligible for a demotion under 5 PR 050;
 - (3) The employee is eligible for reemployment under 5 PR 060; or
 - (4) The employee is eligible for reemployment under the injured employee provisions of 4 PR 035.

4 PR 035. Nonpreferential Appointment Rights of Injured Employees.

(a) The department director may offer a position to an individual who was injured on duty and has separated from service for the purposes of treatment and recovery from the injury. The department director may offer a position to a current employee who was injured on duty and whose doctor has certified that maximum medical recovery has been reached and the employee cannot perform the essential duties of his or her current position with or without a reasonable accommodation. Such appointment shall be subject to the following rules:

(1) A request for nonpreferential placement must be made in writing to the Human Resource Director within 90 days after the date the injured employee is released to full or modified duty by the injured employee's treating physician; the request for placement must be accompanied by a copy of the treating physician's release. The request must also include:

(A) A completed employment application;

(B) A physical capacities evaluation form completed and signed by the employee's treating physician;

(C) The job classifications for which the injured employee requests placement; and

(D) Any other material that the Human Resource Director may require to evaluate the request for nonpreferential placement.

(2) If a vacancy occurs in a job classification for which the injured employee has requested placement and for which he/she meets the minimum qualifications, the Human Resource Director shall forward the completed packet of materials to the State of Alaska, Department of Labor and Workforce Development, Division of Vocational Rehabilitation. If the injured employee is certified, they will be eligible for nonpreferential placement. The decision to appoint through nonpreferential placement is at the sole discretion of BRH.

(b) Nonpreferential appointment rights under this provision expire three years from the date of the employee's injury.

4 PR 040. Local Hire Preference.

(a) When an applicant pool consists of both City and Borough of Juneau residents and non residents, the department director will give a preference in ranking to applicants eligible to claim residency in the City and Borough of Juneau by:

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim residency by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more than 10% may be added to the applicant's score.

4 PR 045. Veteran's Preference.

(a) When an applicant is a veteran who has been honorably discharged from military service, the department director will give a preference in ranking to the applicant by:

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim a veteran's preference by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more than 10% may be added to the applicant's score.

4 PR 050. Notice to Applicants.

The department director shall send notification to all applicants not selected within ten days of making an appointment. Notification to applicants determined to not meet the minimum qualifications shall be promptly sent following the determination.

4 PR 055. Applicant Appeal Process

(a) An applicant may file an appeal to a decision made by the department director or Human Resource staff during the application, examination, or selection process for BRH employment.

(1) Appeals must be submitted in writing to the Human Resources Director within ten (10) days of the action giving rise to the complaint.

(2) Inquiries made by telephone or personal appearance will be treated as informal inquiries. An informal inquiry may be submitted in writing, or reduced to writing for submission at the request of the Department Director or Human Resource staff.

(3) The Human Resources Director shall investigate the complaint, take appropriate action to resolve the complaint, and issue a final written decision within twenty-one (21) days of receipt of the appeal. The decision of the Human Resources Director is final.

**RULE 10
PAY****Section**

- 005. Scope**
- 010. General**
- 015. Basis of Pay**
- 020. Beginning Pay**
- 025. Prior Experience Credit**
- 030. Former Employee**
- 035. Movement within a Job Classification Series**
- 040. Movement to another Job Classification Series**
- 045. Discretionary Pay**
- 050. Involuntary Demotion**
- 055. ADAAA reassignment**
- 060. Transfer and Lateral Movement**
- 065. Review Date**
- 070. Merit Increase**
- 075. Merit Increase Not Earned**
- 080. Step Reduction**
- 085. Longevity Pay**
- 090. Temporary Assignment Pay**
- 095. Acting in a Higher Range Pay**
- 100. Shift Differentials**
- 105. On-Call Pay**
- 110. Overtime Defined**
- 115. Overtime Rate**
- 120. Premium Pay**
- 125. Holiday Pay**
- 130. Report Pay**
- 135. Weekend Differential**
- 140. Certification Pay**
- 145. Preceptor Pay**
- 150. Patient Transports**
- 155. Adjustments in Posted Work Schedules**
- 160. Total Remuneration**

10 PR 005. Scope.

This Rule covers all employees in the classified and partially exempt services.

10 PR 010. General.

The Human Resources Director shall allocate classifications to pay ranges based on the classification plan.

10 PR 015. Basis of Pay.

- (a) An employee is paid according to the DBM rating and salary schedule assigned to the position occupied by the employee.
- (b) An employee paid on a salary basis who works less than full time shall be paid on a prorated basis.

10 PR 020. Beginning Pay.

Except as provided in 10 PR 030 (former employee), upon initial hire, the Human Resources Director, at his or her sole discretion, may place a new employee up to and including Step 4 of the DBM rating of that classification. Such placement will be in accordance with the salary placement policy.

10 PR. 025. Prior Experience Credit.

Upon successful completion of the initial probationary period and the request of the employee, the Human Resources Director may authorize up to two (2) additional steps at a rate of 1040 hours for each year of experience related to the employee's current position. Experience credit will be applied in accordance with 10 PR 070. The hours recognized under this provision shall not be credited for any purpose other than step placement.

10 PR 030. Former Employee.

(a) A former employee eligible for non-competitive re-employment under 5 PR 065, and who remained current in their field through subsequent employment, shall be placed at the step that most closely matches the employee's former rate of pay to the salary schedule since the employee's date of separation.

(b) When an employee is appointed under 4 PR 010 (a)(4), the HR Director may approve a rate of pay as if the new employee was a former BRH employee.

10 PR 035. Movement within a Job Classification Series.

Movement of an employee within a distinct job classification series will not alter the employee's accrued review hours for the purpose of step placement.

- (a) An employee who moves to a higher DBM rating within the job classification series shall serve a new probationary period.
- (b) An employee who moves to a lower DBM rating within the job classification series shall not serve a new probationary period.

10 PR 040. Movement to another Job Classification Series.

The step placement of an employee who moves from one distinct job classification series to another will be determined as follows:

(a) Promotion:

(1) An employee at steps one (1) through (3) who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a one (1) step increase in the former range.

(2) An employee at step four (4) or above who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a two (2) step increase in the former range.

(3) A promoted employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule and the employee shall begin to accrue review hours from that point.

(b) Demotion:

(1) An employee who experiences a change in classification to a lower DBM rating shall, if they held the classification previously during the employee's current period of employment, be placed at the step the employee would have earned had the employee remained in the former classification. The employee shall not serve a new probationary period if the employee formerly held permanent status in the job class.

(2) An employee who experiences a change in classification to a lower DBM rating for a classification not previously held, shall be placed at a step determined by the Human Resources Director provided, however, that the step placement does not exceed the pay rate of one step below the step of the higher DBM Rating. The employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 045. Discretionary Pay.

(a) The Human Resources Director may, at his or her sole discretion, authorize a rate of pay above that provided for in 10 PR 020 – 10 PR 040. Notification must be provided to the employee including any conditions that must be met to retain the discretionary pay.

(b) The Human Resources Director may, at his or her sole discretion, terminate previously authorized discretionary pay with at least fourteen (14) days written notice to the employee.

(c) When an employee's rate of pay is reduced due to changes in market conditions and the employee retains the same DBM rating, the employee shall be placed at the step of the DBM rating that equals the employee's current rate of pay. If there is not a step within the DBM rating that equals the employee's current rate of pay, the employee shall be placed at the step that is closest to without exceeding, the

employee's current rate of pay. The employee's pay will be frozen until such time as the salary of the assigned DBM rating and step equals or exceeds the employee's frozen rate of pay.

10 PR 050. Involuntary Demotion.

An employee demoted for cause enters the new range at a step no higher than the one occupied in the former range. The employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 055. ADAAA Reassignment as amended.

(a) An employee who is reassigned as a reasonable accommodation under the Americans with Disabilities Act shall enter the new range at a step no higher than the one the employee occupied in the former range.

(b) The employee shall serve a new probationary period and establish a new merit anniversary.

10 PR 060. Transfer and Lateral Movement.

(a) The review hours and step placement of an employee transferred in accordance with 5 PR 040 with no change in job classification and DBM rating will not change due to the transfer.

(b) The step placement of an employee transferred to a closely related job classification in accordance with 5 PR 040 will not change. The employee's review hours will remain the same unless the employee serves an amended probationary period.

(c) The step placement of an employee who laterally moves to a position that is not considered a transfer in accordance with 5 PR 040 will not change. The employee will serve a new probationary period and the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 065. Review Date.

An employee's review date is the first day of the pay period following 2,080 hours in pay status or twenty-six (26) consecutive pay periods, whichever occurs later.

10 PR 070. Merit Increase.

(a) Steps 2 through 13 in the pay schedule recognize merit. Permanent and partially exempt employees are eligible for step increases on his or her review date in accordance with the schedule outlined in 10 PR 070 (b).

(b) A step increase of 1 step in the pay range is given to a permanent or partially exempt employee who receives an overall performance rating of "meets" or better. Such increase is due when the employee reaches his or her date set in accordance with 10 PR 065 according to the following schedule:

- (1) Steps 2 through 4: One (1) year of service. One (1) year of service is defined as 2,080 hours in pay status or twenty-six (26) pay periods of continuous service, whichever is greater.
- (2) Beyond step 4: Three (3) years of service. Three (3) years of service is defined as 6,240 hours in pay status or seventy-eight (78) pay periods of continuous service, whichever is greater.
- (c) The Chief Executive Officer may award up to 4,160 review hours and advance the review date of an employee who receives an overall performance rating of “outstanding”, and where other exceptional circumstances exist. The award of additional review hours shall be considered to meet the equivalent continuous service requirement.

10 PR 075. Merit Increase Not Earned.

- (a) If an employee receives an overall performance rating of less than “meets,” the employee shall not be eligible for a merit increase.
- (b) The employee’s review date does not change when a step increase has not been earned due to less than acceptable performance.
- (c) If the employee’s overall performance rating reaches “meets” a step increase will be given effective the first day of the pay period following the “meets” evaluation.
- (d) Should a merit increase be withheld, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 080. Step Reduction.

- (a) If an employee receives an overall performance rating of “unacceptable” the department director may reduce the employee’s step placement by one step, after consultation with the Human Resources Director in accordance with 13 PR 035.
- (b) The employee’s review date does not change when a step has been reduced or restored. The reduction is effective the first day of the pay period following written notice to the employee. Not less than 2 pay periods must pass before a step reduction may be restored.
- (c) If the employee’s overall performance rating reaches “meets” the former step will be restored effective the first day of the pay period following the “meets” evaluation.
- (d) If an employee receives a step reduction, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 085. Longevity Pay.

Fulltime and part-time employees with greater than 31,200 benefit hours shall receive an annual longevity award in accordance with 18 PR 055 providing the employee receives an overall performance rating of “meets” or better on his or her review date.

10 PR 090. Temporary Assignment Pay.

- (a) An hourly employee temporarily assigned the duties of a higher level position because the incumbent is on leave or the position is vacant is paid temporary assignment pay.
- (b) Temporary assignment of duties under this section may not exceed two (2) weeks.
- (c) An employee is not entitled to temporary assignment pay when the incumbent of the higher level position is on a scheduled day off work.

10 PR 095. Acting in a Higher Range Pay.

- (a) Regular Compensation for Acting in a Higher Range
 - (1) When an employee is assigned to perform the duties of a higher classification under 5 PR 035, the employee shall be paid according to the DBM rating and salary schedule of the higher level position. Step placement in the higher DBM rating shall be the same as if the employee were promoted to the higher classification.
 - (2) An employee who is acting in a higher range is not eligible for the higher job class rate of pay when on leave. Leave time shall not reduce the overall duration of the acting in a higher range appointment.
- (b) Overtime Compensation for Acting in a Higher Range Appointment. An hourly employee appointed to a higher level job class in a salaried position remains eligible for overtime pay.
- (c) Overtime Compensation for a Salaried employee working in an Hourly position. A salaried employee who works, with the approval of his/her director, out of class in an hourly position and who works the majority of his or her work day performing the duties that are normally compensated at an hourly rate of pay, shall be eligible for overtime compensation for hours exceeding the thresholds defined in 10 PR 110.

10 PR 100. Shift Differentials.

An employee, paid on an hourly basis, and who is assigned to work a designated evening or night shift, shall be paid the applicable shift differential in addition to the employee's straight time rate of pay.

- (a) An employee who works four (4) or more hours between 2:00 p.m. and 10:00 p.m. will be paid evening shift differential.
- (b) An employee who works four (4) or more hours between 10:00 p.m. and 6:00 a.m. will be paid night shift differential.
- (c) Once the payment of shift differential has commenced, the employee will be paid the applicable shift differential through the conclusion of the employee's shift.

- (d) Hours worked by an employee in on-call status shall not be considered shift differential hours.
- (e) The hourly premium pay rate associated with shift differential is provided in 18 PR 010.
- (f) An employee who has the flexibility to set their own work hours without impacting the operations of the BRH may, with supervisory approval, waive their right to applicable shift differential. The waiver must be in writing and may be cancelled with written notice at least fourteen (14) days prior to posting of the next work schedule.

10 PR 105. On-Call Pay.

- (a) An employee assigned to on-call duty is paid on-call pay for each hour of on-call duty.
- (b) The hourly on-call rate is provided in 18 PR 015. An employee assigned to on-call duty on a holiday is paid at one and one-half (1½) times the hourly on-call rate.
- (c) If called back the employee is paid at the overtime rate and on-call pay ceases.
- (d) On-call status is not credited to an employee for purposes of determining overtime eligibility, longevity increments or fringe benefits.
- (e) On-call pay is available only to full-time, seasonal full-time, and part-time employees paid an hourly rate.

10 PR 110. Overtime Defined.

All overtime must be pre-approved by the employee's immediate supervisor or his or her designee.

- (a) All hours worked in excess of forty (40) hours in a workweek, excluding hours paid at a premium rate of pay, is paid at the overtime rate.
- (b) Only hours worked count toward the overtime threshold.
- (c) Overtime pay is available only to an employee paid an hourly rate.
- (d) There shall be no pyramiding or duplication of overtime pay and/or other premium compensation.

10 PR 115. Overtime Rate.

The overtime rate for an hourly paid employee is one and one-half (1 ½) times the blended rate of pay.

10 PR 120. Premium Pay.

(a) Premium pay is any rate of pay other than overtime paid at the rate of one and one-half (1 ½) times the straight time rate of pay. If the total hours worked in the work day or period result in overtime, the premium hours shall be considered and paid as overtime.

(b) Premium pay is available only to an employee paid an hourly rate.

10 PR 125. Holiday Pay.

(a) An hourly employee who works on a day listed in 7 PR 075(a)(1)-(11) is paid at one and one-half (1 ½) times the employee's straight time rate of pay for hours worked.

(b) An hourly employee who works overtime as defined in 10 PR 110 on a day listed in 7 PR 075(a)(1)-(11) is paid for the overtime hours at two (2) times the employee's straight time rate of pay.

(c) An hourly employee not normally scheduled to work holidays may waive his or her right to holiday pay, and with prior written supervisory approval, work the holiday at the employee's straight time rate of pay.

10 PR 130. Report Pay.

(a) Unless notified in advance, an hourly employee who reports to work as scheduled and is released for any reason other than discipline shall receive a minimum of four (4) hours pay at the employee's straight time rate of pay.

(b) An hourly employee shall not be eligible for Report Pay if the employer made reasonable attempts to contact the employee by telephone, including unanswered calls, messages left with third parties, or through an employee's voice mail account.

10 PR 135. Weekend Differential.

(a) An hourly employee scheduled to work on the weekend shall receive a weekend differential in accordance with 18 PR 030.

(b) An hourly employee who has the flexibility to set his or her own work hours without impacting business operations may, with prior written supervisory approval, waive their right to weekend differential.

(c) An employee may rescind this waiver with written notice at least fourteen (14) days prior to the posting of the next work schedule.

10 PR 140. Certification Pay.

(a) An employee, who holds a nationally recognized certification(s) that meets the criteria determined by policy, and who has worked 312 or more hours within the previous calendar year, shall be eligible for certification pay annually in accordance with 18 PR 045.

(b) To be eligible for payment, an employee holding a nationally recognized certification(s) which is not required of the position the employee holds, and for which the expenses were borne by the employee, must provide a copy of each certification and requested documentation to the Human Resources Director prior to January 1st of the first year holding such certification and after each renewal.

(c) Certification pay will be distributed the first pay period in February.

(d) An employee who receives certification pay shall work in the discipline for which they hold certification if requested to do so.

10 PR 145. Preceptor Pay.

(a) The department director may authorize an employee who meets the criteria defined in the Preceptor Policy to serve as a preceptor.

(b) An employee who serves as a preceptor shall be compensated in accordance with 18 PR 020.

10 PR 150. Patient Transports.

(a) An employee who is selected to act as an escort for a patient who is being transported to another facility, and accompanies the patient out-of-town, shall receive eight (8) hours of pay at the employee's straight time rate per trip.

(b) If weather conditions render it impossible for the employee to return to Juneau within twenty-four (24) hours from departure, the employee shall receive an additional eight (8) hours of pay at the employee's straight time rate for each additional twenty-four (24) hour period.

(c) If provisions of the Fair Labor Standards Act provide a greater benefit the provisions of the Act are to be followed.

10 PR 155. Adjustments in Posted Work Schedules.

(a) An employee who is required to report to work in advance of a scheduled shift and continues to work the scheduled shift, will be compensated for all hours worked prior to the scheduled shift in accordance with 10 PR 120.

(b) A fulltime employee who is released from duty during a scheduled shift and asked to report for a later shift will be compensated for a minimum of four (4) hours for the scheduled shift. All hours worked during the later shift will be compensated in accordance with 10 PR 120.

- (c) An employee who is directed to delay reporting to a scheduled shift will be compensated for all hours worked outside the scheduled shift in accordance with 10 PR 120.
- (d) An employee who is required to report to work on their regular day off or during non-scheduled hours shall be compensated for a minimum of three (3) hours in accordance with 10 PR 120 providing the employee is not on-call due to a low census release. If the employee is required to report to work more than once within a given three (3) hour window the employee will be compensated for a maximum of three (3) hours unless the actual time worked exceeds three (3) hours.
- (e) An employee who is required to substantively respond by telephone or computer shall be compensated for a minimum of thirty (30) minutes. Hourly employees will be compensated for this time in accordance with 10 PR 120.
- (f) The provisions of this section, with the exception of (e), only apply to full-time and part-time employees.
- (g) In lieu of compensation under (a) – (d) above, a PRN employee will receive a PRN Premium in accordance with 18 PR 035.

10 PR 160. Total Remuneration.

No salary, wage or benefit may be paid to an employee except as provided in these rules, by ordinance or resolution of the Assembly, or as required by state or federal law.

RULE 11 LEAVE

Section

- 005. Scope**
- 010. Accrual Rates**
- 015. Personal Leave Cash-in**
- 020. Accrual During Disciplinary Leave**
- 025. Increase of Leave Accrual**
- 030. Minimum Leave Use**
- 035. Maximum Leave Carry-over**
- 040. Use of Personal Leave**
- 045. Use of Personal Leave for Holidays**
- 050. Direction to Take Leave**
- 055. Bereavement Leave**
- 060. Use of Leave to Supplement Workers' Compensation**
- 065. Leave Without Pay**
- 070. Leave of Absence**
- 075. Family/Medical Leave**
- 080. Cancellation of Leave**
- 085. Effect of Leave Without Pay**
- 090. Employee Furloughs**
- 095. Jury Duty Leave**
- 100. Employer Witness Duty**
- 105. Military Leave Without Pay**
- 110. Military Leave with Pay**
- 115. Emergency Service Leave**
- 120. Maximum Paid Military and Emergency Service Leave**
- 125. Educational Leave**
- 130. Professional Leave**
- 135. Donation of Leave**
- 140. Personal Leave on Separation**

11 PR 005. Scope.

This Rule covers absences from regularly scheduled work for employees with probationary or permanent full-time or part-time status or partially exempt status. Full-time seasonal, casual, casual seasonal, PRN temporary and emergency employees shall not be subject to personal leave accrual or use.

11 PR 010. Accrual Rates.

(a) The rate of accrual is determined as follows:

(1) For employees with less than 2,081 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1000;

- (2) For employees with 2,081 but less than 4,161 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1385;
- (3) For employees with 4,161 but less than 10,401 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1500;
- (4) For employees with at least 10,401 but less than 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1615;
- (5) For employees with at least 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1846.
- (b) Hours of employment for the purpose of computing an employee's personal leave accrual rate includes all hours an employee is compensated for, except on-call hours.
- (c) Pay status for the purpose of computing pay period leave accrual includes all hours an employee is compensated for, except on-call hours.
- (d) If a former employee who left in good standing returns to BRH service, the employee shall be placed at the level of leave accrual formerly held.
- (e) The Chief Executive Officer may, at his or her discretion, authorize an advanced leave accrual rate.
- (f) Upon appointment, Directors are advanced six (6) months (104 hours) of leave accrual. No additional leave accrual is granted until the indebtedness is satisfied.

11 PR 015. Personal Leave Cash-in.

(a) An employee who has completed his or her initial probationary period may cash in personal leave providing the employee's leave balance after the cash-in is not less than 80 hours. The Chief Executive Officer may, at his or her discretion, authorize an exception for an unforeseen hardship.

(b) A personal leave cash-in does not count toward minimum leave use requirements.

11 PR 020. Accrual During Disciplinary Leave.

Leave is not accrued for any pay period during which an employee is absent on disciplinary leave.

11 PR 025. Increase of Leave Accrual.

A change to an employee's rate of accrual is effective on the first day of the pay period following the pay period in which the employee meets the hours threshold for the next higher accrual rate.

11 PR 030. Minimum Leave Use.

- (a) An employee must use not less than 120 hours of personal leave during the calendar year. Leave cashed in or donated shall not count as use for purposes of this rule. The 120 hours will be prorated for part-time employees.
- (b) Minimum leave not used is deducted from the employee's leave balance on January 1st of the following calendar year unless the employee's department director certifies in writing that there was no opportunity for the employee to use the leave. An employee may not receive any credit or compensation for deducted leave.

11 PR 035. Maximum Leave Carry-over.

- (a) Accrued personal leave may not exceed 750 hours on the first day of the calendar year. Leave in excess of 750 hours is paid out to the employee at his or her current base rate of pay and will be included in the employee's pay for the first pay period in January.

11 PR 040. Use of Personal Leave.

- (a) Personal leave may be granted at any time the work load permits with the prior approval of the employee's supervisor.
- (1) Requests for personal leave must be made no less than fourteen (14) days prior to the date the work schedule is to be posted.
- (2) Employees will be notified in writing within one (1) week of submittal whether the request for personal leave is approved.
- (3) Employees requesting personal leave ninety (90) or more days in advance, but no further than eleven (11) months in advance, will be notified in writing within thirty (30) days of the request whether the requested personal leave is approved.
- (4) An employee who requests personal leave at least ninety (90) days in advance may rescind the approved request up to thirty (30) days after the approval. Requests to rescind approved personal leave more than thirty (30) days after approval require the department director or his or her designee's consent.
- (5) Nothing in this rule prohibits a department director from establishing policy that creates restrictions on the length or amount of leave allowable due to business operational requirements. Department specific rules must be approved by the Human Resources Director.
- (b) Personal leave for medical reasons may be granted if the supervisor is satisfied that:
- (1) The employee is sick or disabled to the extent that the employee cannot perform regular duties;
- (2) The employee's presence on the job would jeopardize the health or safety of fellow employees or patients; or

(3) The employee's presence is required to care for the employee's family member as defined in the Family and Medical Leave Act or such others as may be approved by the Human Resources Director.

(c) Personal leave may also be used for Family Medical Leave purposes consistent with the provisions of 11 PR 075.

(d) A department director may require an employee to provide a statement from a health care provider or other acceptable proof that the conditions of this section have been satisfied before authorizing use of personal leave.

(e) An employee is required to promptly advise the supervisor or department director of his or her absence and the reason for his or her absence when requesting the use of unscheduled leave.

(f) An employee may not separate from service from leave status unless extenuating circumstances exist and approval is granted by the Human Resources Director.

11 PR 045. Use of Personal Leave for Holidays.

(a) An employee is required to use a day of personal leave for each designated or observed holiday unless the employee is required to work on the holiday or it is a regularly scheduled day off for the employee.

(b) An employee using personal leave on a holiday who is called into work on the holiday shall not be required to use personal leave for the hours actually worked.

(c) An employee who is not normally scheduled to work holidays may voluntarily sign a waiver and with supervisory approval, work the holiday at their straight time rate of pay in lieu of using personal leave.

11 PR 050. Direction to Take Leave.

A supervisor or department director may direct an employee to use accrued leave when necessary to assure the employee uses the minimum required leave or when the employee's accumulated leave may exceed the maximum carry-over.

11 PR 055. Bereavement Leave.

(a) When a death occurs in the employee's immediate family, upon request to the employee's supervisor, the employee may be granted a leave of absence with pay from scheduled work of up to forty (40) hours to participate in the memorial service and/or attend to the affairs of the deceased. The forty (40) hours will be prorated for part-time employees.

(b) For an employee who must travel outside of Juneau, the leave of absence will be extended to ten (10) days. However, only the first forty (40) hours is compensated under this rule.

(c) An employee who is on personal leave when a death occurs in his or her immediate family, may convert his or her personal leave to bereavement leave provided the employee submits a written request to his or her department director within five (5) business days of the employee's return from leave.

(d) For purposes of this rule, immediate family member is defined as grandparent, parent, spouse, domestic partner, sibling, child, grandchild, parent-in-law, son/daughter-in-law and other relationships as may be approved by the Human Resources Director.

11 PR 060. Use of Leave to Supplement Workers' Compensation.

(a) An employee may supplement workers' compensation payments with the use of personal leave provided the employee's net compensation does not exceed what the employee would have received had the employee worked a regular schedule.

(b) Employees receiving workers' compensation are on leave without pay for that time covered by the payments.

11 PR 065. Leave Without Pay.

(a) An employee may be granted leave without pay provided the leave does not adversely impact the employer's operations. Except as provided in 11 PR 075 and 13 PR 030, an employee may not take leave without pay if the employee has accrued personal leave available for use.

(b) Leave without pay in excess of five (5) days in a calendar year must be approved by the Chief Executive Officer or his or her designee unless authorized as family/medical leave under the provisions of 11 PR 075 or bereavement leave under the provisions of 11 PR 055.

11 PR 070. Leave of Absence.

(a) A permanent employee may be granted a leave of absence without pay for up to one (1) year for educational, sabbatical, medical, or personal reasons upon approval of the Chief Executive Officer. Accrued but unused personal leave shall be paid to the employee as a lump sum at the employee's hourly pay rate when the leave of absence begins and is subject to 11 PR 135(b).

(b) Upon return from an approved leave of absence:

(1) The employee will be placed in the position he or she previously held, if vacant;

(2) If the position the employee previously held is not vacant, the employee will be offered another vacant position in the job classification or a closely related job classification for which the employee qualifies; or

(3) If another position in the job classification or a closely related job classification is not available, the employee will be placed in layoff status.

(4) If the employee fails to accept the position offered, the employee will be separated.

11 PR 075. Family/Medical Leave.

The BRH complies with the Family and Medical Leave Act and the Alaska Family Leave Act.

11 PR 080. Cancellation of Leave.

The BRH retains the right to cancel pre-approved leave when circumstances require such cancellation.

11 PR 085. Effect of Leave Without Pay.

During each pay period an employee uses leave without pay, the employee accrues leave and other benefits on the same prorated basis as a part-time employee.

11 PR 090. Employee Furloughs.

The Chief Executive Officer may, at his or her discretion, authorize a period of employee furlough on a voluntary or mandatory basis to reduce the operating costs of the organization. An employee may be placed on furlough even if the employee has a personal leave balance.

11 PR 095. Jury Duty Leave.

(a) An employee called to serve as a juror on his or her regularly scheduled workday shall be paid his or her regular wage for the time spent in court or the length of the shift, whichever is less. The employee shall remit to BRH all juror fees for such service. Scheduled hours in excess of time in court may, with supervisor's approval, be taken as personal leave or leave without pay.

(b) An employee scheduled to work the evening shift may be excused from work on the day of the jury duty.

(c) An employee scheduled to work the night shift may be excused from work either the night preceding or the night immediately following serving as a juror.

(d) An employee covered under (c) of this rule who voluntarily elects to work their scheduled shift shall retain the juror fee for their service.

(e) Court leave must be supported by written documents such as a court clerk's statement of attendance.

11 PR 100. Employer Witness Duty.

An employee called to be a witness on behalf of the employer shall be paid his or her regular wage for the time spent in preparation for and in such legal proceedings.

(a) An employee scheduled to work the day shift may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for

the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(b) An employee scheduled to work the evening shift will be reassigned to the day shift on the day of witness duty. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(c) An employee scheduled to work the night shift may be excused from work on the night preceding the day of witness duty. On the day of witness duty, the employee will be reassigned to work day shift hours. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(d) An employee subpoenaed for proceedings that are not on the behalf of the employer will be given release time. Such release time will be taken as personal leave or leave without pay.

11 PR 105. Military Leave Without Pay.

An employee is entitled to leave without pay to serve on active duty in the United States uniformed services and is entitled to the reemployment benefits granted under the Uniformed Services Employment Reemployment Rights Act (USERRA).

11 PR 110. Military Leave with Pay.

(a) An employee who is a member of a reserve component of the United States uniformed services is entitled to a leave of absence without loss of pay for that time during which the employee is ordered to training duty, as distinguished from active duty, or for field exercises, for instruction with troops or when under direct military control for search and rescue missions.

(b) An employee who is called to active duty by the governor is entitled to 5 paid work days of military leave per year (January 1 through December 31).

11 PR 115. Emergency Service Leave.

An employee who is a member of an auxiliary or rescue component of the United States armed forces or a federal, state, or local emergency services organization may be granted emergency service leave with pay for the performance of fire suppression, search, rescue or similar emergency missions under direct military, federal, state or CBJ control.

11 PR 120. Maximum Paid Military and Emergency Service Leave.

The combined total of paid military leave and paid emergency service leave for an employee may not exceed 16.5 days in a calendar year.

11 PR 125. Educational Leave.

An employee, except a salaried employee, may request up to twenty-four (24) hours of paid educational leave per calendar year to attend an educational program approved by the department director. In lieu of such leave, the employee may request twenty-four (24) hours of pay for participation in an approved educational program outside of work hours. The approval of educational leave or pay is subject to budgetary considerations and scheduling requirements.

11 PR 130. Professional Leave.

An employee may request up to twenty-four (24) hours of paid professional leave per calendar year to attend conferences, seminars or trade shows sponsored by a recognized professional organization. The employee must be a member of a related professional organization and the event must be related to the duties of the employee's position. The approval of professional leave is subject to budgetary considerations and scheduling requirements.

11 PR 135. Donation of Leave.

(a) An employee may donate a maximum of 30 days or 50 percent of accrued personal leave, whichever is less, provided that the donation does not reduce the employee's total leave balance to less than 80 hours.

(b) The transfer of leave may only be made:

(1) To an employee who is on leave without pay and whose absence from work is due to:

(A) Illness or injury;

(B) Illness or injury of the employee's immediate family member as defined in 11 PR 040(b)(3) and the employee's presence is required to provide care to the immediate family member; and

(C) The employee is on approved military or emergency service leave per 11 PR 100.

(2) To a member of the immediate family of a deceased employee.

(c) Unused donated leave will be returned to the donor.

(d) Leave donated to another employee may not be credited toward the donor's minimum leave use requirement.

(e) Leave donated by an employee shall be given a cash value by multiplying the number of hours donated by the regular hourly pay rate of the donor.

(1) The cash value is given to the family of the deceased employee, or

(2) The cash value is divided by the regular hourly pay rate of the recipient whose personal leave balance will be credited with the hours. The credited hours may not exceed the leave without pay the recipient incurred for the pay period.

11 PR 140. Personal Leave on Separation.

(a) A permanent employee separating from employment will receive, within 30 days of separation, terminal leave in the form of a lump sum payment for the personal leave balance at time of separation providing that the employee gave proper written notice as specified in 12 PR 005(d) and the employee is not resigning in lieu of or discharged for gross misconduct or a serious infraction.

(b) An employee reemployed who had a terminal leave cash in of 80 hours or more must refund an amount equal to 80 hours to be credited to the employees personal leave account.

11 PR 145. Personal Leave Balance Upon Appointment

(a) An employee shall have a zero leave balance upon appointment, except as provided under 11 PR 010 (f) or 11 PR 145 (b).

(b) Upon appointment of an employee that was previously employed by another organization, where the Board of Directors has approved BRH taking on the services of that other organization, the CEO may authorize a leave balance of the same or similar value to that employee's leave balance at the other organization upon termination from that organization.

MEMORANDUMCITY/BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET, JUNEAU ALASKA 99801

May 18, 2023

TO: Duncan Rorie Watt
City ManagerFROM: Renee Loree *Renee Loree*
Purchasing OfficerSUBJECT: **Recommendation to Award Bid No. 24-008 Term Contract for Sand for CBJ Streets
Division & JNU Airport Runways**

Bids were opened on the subject project on May 16, 2023. The following bids were received:

<u>Bidder</u>	<u>Total Bid</u>
Alaska Juneau Construction	\$211,857.00
Seccon	\$257,600.00

Buyer: Mary Johns, Buyer

Funding Source: General Funding

Commitment: Streets - \$103,320.00 // JNU - \$108,537.00 // Combined Bid Total \$211,857.00

The Protest period ended May 17, 2023, at 4:30 pm, AK time.

With the concurrence from Scott Gray, Superintendent of the CBJ Public Works Department, Streets & Fleet, Divisions, and John Coleman, JNU Business Manager, the Purchasing Division recommends award to Alaska Juneau Construction, based on them having the lowest responsive and responsible **TOTAL BID** price of \$211,857.00.

Approved:

 Duncan 'Rorie' Watt, City Manager

Date of Assembly Approval:



Presented by: The Manager
Introduced: June 12, 2023
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1059

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$43,000 be transferred:

From: CIP

P48-088 Downtown Parking Management (\$43,000)

To: CIP

P48-089 Parking Garage Security Cameras \$43,000

The \$43,000 consists of:

General Sales Tax \$43,000

Moved and Approved this _____ day of _____, 2023.

D. Rorie Watt, 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

May 17, 2023

City and Borough of Juneau, Via Email: di.cathcart@juneau.gov; city.clerk@juneau.gov

Re: Notice of 2023/2024 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License. Row 1: Recreational Site – Grandfathered AS 04.11.210(d), Alaska Travel Adventures Inc., Alaska Travel Adventures, 4881

We have received a completed renewal 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 written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov

Department of Commerce,
Community,
and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

May 2, 2023

(City and Borough of) Juneau
Attn: Diane Cathcart/City Clerk
VIA Email: di.cathcart@juneau.gov; city.clerk@juneau.gov; mcb_notice@juneau.org

License Number:	33270
License Type:	Retail Marijuana Store
Licensee:	Treadwell Herb Company LLC
Doing Business As:	Treadwell Herb Company LLC
Physical Address:	824 Front Street Douglas, AK 99824
Designated Licensee:	Kent Hart
Phone Number:	907-723-4944
Email Address:	treadwellherbco@gmail.com

New Application **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our June 1-2, 2023, meeting.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov



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

May 17, 2023

City and Borough of Juneau,
Via Email: di.cathcart@juneau.gov; city.clerk@juneau.gov

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Recreational Site – Grandfathered AS 04.11.210(d)	License	3409
Licensee:	Alaska Travel Adventures Inc.		
Doing Business As:	Gold Creek Salmon Bake		

We have received a completed renewal 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 written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov



May 23, 2023

City and Borough of Juneau

VIA Email: di.cathcart@juneau.gov; city.clerk@juneau.gov

License Type:	Beverage Dispensary	License Number:	4349
Licensee:	Alaska Sustainable Seafoods, LLC		
Doing Business As:	Deckhand Dave's		
Premises Address	109-117/127/139 S. Franklin Street		

- 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



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

April 18, 2023

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary – Seasonal	License Number:	447
Licensee:	TCKS, LLC		
Doing Business As:	Tracy’s King Crab Shack 2		

We have received a completed renewal 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 written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Presented by: The Manager
Introduced: May 8, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AU)

An Ordinance Appropriating \$30,000 to the Manager for the Deferred Maintenance Capital Improvement Project; Funding Provided by School District Operating Funds.

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. Appropriation. There is appropriated to the Manager the sum of \$30,000 for the Deferred Maintenance Capital Improvement Project (P44-090).

Section 3. Source of Funds

School District Operating Funds \$30,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: May 17, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AX)

An Ordinance Appropriating \$8,100,000 to the Manager for the Purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive; Funding Provided by Hospital Funds.

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. Appropriation. There is appropriated to the Manager the sum of \$8,100,000 for the purchase of the Juneau Bone and Joint Center Building at 3220 Hospital Drive.

Section 3. Source of Funds

Hospital Funds \$8,100,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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Presented by: The Manager
Presented: 05/08/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-26

An Ordinance Creating a Short-Term Residential Rental Registration Program and Providing for a Penalty.

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 Title. Title 69 Revenue and Taxation is amended by adding a new Chapter 40, to read:

Chapter 69.40 – SHORT-TERM RESIDENTIAL RENTAL REGISTRATION PROGRAM

69.40.005 Short-Term Residential Rental Registration Program Intent.

The purpose and intent of this chapter is to require registration of short-term residential rentals within the City and Borough of Juneau. An operator offering or using a property as a short-term residential rental shall annually register such property in the short-term residential rental registry maintained by the CBJ Sale Tax Office.

69.40.010 Definitions.

The following words, terms, and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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Guest means an individual, corporation, partnership or association paying monetary or other consideration for the use of a short-term rental.

Operator means a person, firm, corporation or other legal entity who furnishes, offers for rent or otherwise makes available in the City and Borough rooms for monetary or other consideration, whether acting directly or through an agent or employee.

Person means an individual natural person.

Property and properties means a real estate offered by an operator as a short-term residential rental.

Rent and rents mean the amount paid or promised, in terms of money, as consideration for the use by a transient of a room in a hotel, motel or other place of public accommodation.

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

Transient means a person who occupies or rents a unit, room or rooms for fewer than 30 consecutive days for the purpose of habitation.

69.40.020 Registration required.

- (a) The operator of a short-term residential rental must register with the CBJ sales tax office on a form or platform specified by the CBJ prior to offering a unit for rent.
- (b) Registration must be renewed annually.
- (c) The CBJ will provide a rental registration number for each registered short-term residential rental. The registration number must be displayed on each advertisement or public listing for a short-term residential rental that the operator or operator’s designee maintains.
- (d) There is no fee for registration.
- (e) The operator shall provide the CBJ with the following at the time of registration:
 - (1) A copy of their State business license.

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(2) Name, address, phone number, and email address for the operator or operator’s designee.

(3) Contact information for an emergency point of contact for the operator or operator’s designee who is responsible for responding to complaints or emergencies in a timely manner, in person, if required by public safety personnel, or over the phone or by email at any time of day.

(4) A general description of the short-term residential rental unit, to include: address, property type, number of bedrooms, capacity, and amenities provided.

(f) If there is a change in the information submitted pursuant to subsection (e) of this section, a new registration must be completed within ten business days.

69.40.030 Penalty.

(a) Renting, or offering for rent, a short-term residential rental without complying with the registration requirement in 69.40.020 is prohibited.

(b) An operator required to register a property pursuant to this chapter who offers or uses such property without being registered is subject to a penalty in the amount of \$25 per violation. A separate violation shall be deemed committed each day during or on which a property is offered or used as a short-term residential rental without registration. Such operator may not offer or use, or continue to offer or use such property for a short-term residential rental, unless and until the penalty is paid and the property is properly registered.

69.40.040 Exemptions.

(a) The registration required under this chapter shall not be required of:
Hotel’s required to keep a register under Title 20.10 and taxed pursuant to Title 69.07.

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3 **Section 3. Amendment of Section.** CBJC 03.30.070 Violations; civil fines, is
4 amended to read:

5 **03.30.070 Violations; civil fines.**

6 (a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed
7 in the table below shall be considered violations subject to a civil fine not to exceed that set
8 forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the
9 violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—
10 03.30.085:

CBJ	Type of Violation	Civil Fine
...
69.40	SHORT-TERM RESIDENTIAL RENTAL REGISTRATION PROGRAM	
69.40.020	Registration required	\$25.00
...		

16
17 **Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

18 Adopted this _____ day of _____, 2023.

19
20 _____
Beth A. Weldon, Mayor

21 Attest:

22
23 _____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 5, 2023
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2023-16(b)

**An Ordinance Establishing the Rate of Levy for Property Taxes
for Calendar Year 2023 Based Upon the Proposed Budget for Fiscal Year 2024.**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Rates of Levy. The following are the rates of levy on taxable property within the City and Borough of Juneau for the Calendar Year beginning January 1, 2023, based upon the proposed budget for Fiscal Year 2024 beginning July 1, 2023.

<u>Operation Mill Rate by Service Area</u>	<u>Millage</u>
Roaded Service Area	2.45
Fire Service Area	0.31
Areawide	6.20
Operating Total	8.96
<u>Debt Service</u>	<u>1.20</u>
Total	10.16

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The City Manager
Introduced: April 5, 2023
Drafted by: Engineering & Public Works Department

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3016(b)

A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2024 through Fiscal Year 2029, and has determined the capital improvement project priorities for Fiscal Year 2024.

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

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," dated **June 1, 2023**, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," are pending capital improvement projects to be undertaken in FY24:

FISCAL YEAR 2024		
GENERAL SALES TAX IMPROVEMENTS		
DEPARTMENT	PROJECT	FY24 BUDGET
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 300,000
Eaglecrest	Eaglecrest Master Plan	50,000
Manager's Office	City Hall	10,000,000
Manager's Office	JPD/CCFR Radio System Replacement	2,000,000
Manager's Office	Jordan Creek Greenbelt Improvements	150,000
Manager's Office	Fire - Add Staff Restroom at Sleep-off center - St. Vincent de Paul	150,000
Manager's Office	Zero Waste Program	100,000
Manager's Office	Zero Waste Subdivision	50,000
Parks & Recreation	Deferred Building Maintenance	850,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	300,000
Parks & Recreation	Sports Field Resurfacing & Repairs	50,000
Parks & Recreation	OHV Park and Trails	200,000
Parks & Recreation	Trail Improvements	150,000
Parks & Recreation	Dimond Park Field House ADA Improvements	150,000
Parks & Recreation	Juneau Trails Plan	80,000
General Sales Tax Improvements Total		\$ 14,580,000

**FISCAL YEAR 2024
AREAWIDE STREET SALES TAX PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Street Maintenance	Vintage Boulevard and Clinton Drive Reconstruction Phase 1	\$ 2,100,000
Street Maintenance	Pavement Management	930,000
Street Maintenance	Sidewalk & Stairway Repairs	1,000,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Dudley - Loop to Tongass	1,300,000
Street Maintenance	Dogwood Lane - Columbia to Mend Blvd	1,800,000
Street Maintenance	4th and E streets Douglas water system replacement, resurface and drainage improvements	1,930,000
Street Maintenance	10th St, F St, W 8th St drainage and rehab planning and design	200,000
Street Maintenance	Gold Creek Flume Rehabilitation	600,000
Capital Transit	FTA Grant Match - Bus Shelter Replacement	220,000
Engineering	Safe Streets For All (SS4A) Grant Match	70,000
Engineering	EV Policy and Planning	50,000
Engineering	Contaminated Sites ADEC Follow up Reporting	50,000
Areawide Street Sales Tax Priorities Total		<u>\$ 10,500,000</u>

**FISCAL YEAR 2024
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/18 - 09/30/23**

DEPARTMENT	PROJECT	FY24 BUDGET
Harbors	Aurora Harbor Rebuild Phase III	\$ 1,500,000
Wastewater Utility	Lift Station SCADA Integration	500,000
Parks & Recreation	Deferred Building Maintenance	200,000
School District	JSD Buildings Major Maintenance / Match	200,000
Temporary 1% Sales Tax Priorities Total		<u>\$ 2,400,000</u>

**FISCAL YEAR 2024
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/23 - 09/30/28**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Deferred Building Maintenance	\$ 2,000,000
Managers	Childcare Funding	400,000 *
Parks and Recreation	Parks and Playgrounds Major Maintenance and Repairs	750,000
Managers	Fire - Ladder Truck Replacement	1,200,000 *
School District	JSD Buildings Major Maintenance / Match	750,000
Managers	Telephone Hill Redevelopment	500,000
Managers	JPD/CCFR Radio System Replacement	500,000
Managers - Library	Waterfront Museum	500,000
Harbors	Harbor Projects / Grant Match	2,400,000
DRAFT - WILL BE UPDATED UPON APPROVAL BY ASSEMBLY		
Temporary 1% Sales Tax Priorities Total		<u>\$ 9,000,000</u>

* Operating Budget Funding

**FISCAL YEAR 2024
PORT DEVELOPMENT FEE PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Marine Park Construction	\$ 2,000,000
Parks and Recreation	Homestead Park Construction	1,000,000
Managers	Circulator Study	20,000
Capital Transit	Downtown Transportation Center Signage	75,000
Wastewater	Outer Drive Sewer Pump Station Improvements	950,000
DRAFT - WILL BE FINALIZED UPON COMPLETION OF PUBLIC PROCESS		
Port Development Fee Priorities Total		<u>\$ 4,045,000</u>

**FISCAL YEAR 2024
STATE MARINE PASSENGER FEE PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Managers	Capital Civic Center	\$ 1,000,000
Managers	Shore Power	5,000,000
Managers	Seawalk	5,000,000
DRAFT - WILL BE FINALIZED UPON COMPLETION OF PUBLIC PROCESS		
State Marine Passenger Fee Priorities Total		<u>\$ 11,000,000</u>

**FISCAL YEAR 2024
BARTLETT HOSPITAL ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Bartlett Hospital	Deferred Maintenance	\$ 2,000,000
Bartlett Hospital Enterprise Fund Total		<u>\$ 2,000,000</u>

**FISCAL YEAR 2024
FACILITIES MAINTENANCE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Deferred Building Maintenance	\$ 100,000
Facilities Maintenance Fund Total		<u>\$ 100,000</u>

**FISCAL YEAR 2024
LANDS & RESOURCES FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Lands & Resources	Pits and Quarries Management, Infrastructure Maintenance and Expansion	\$ 700,000
Lands & Resources	Zero Waste Subdivision Plan	50,000
Lands & Resources	Auke Bay Property Development and Disposal	450,000
Lands & Resources Fund Total		<u>\$ 1,200,000</u>

**FISCAL YEAR 2024
WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Wastewater Utility	Facilities Planning, Infiltration and Inflow, ABTP long term study, solids digester)	\$ 220,000
Wastewater Utility	Areawide Collection System Improvements	55,000
Wastewater Utility	JDTP SCADA and Instrumentation Upgrades	150,000
Wastewater Utility	Dudley - Loop Road to Tongass	143,000
Wastewater Utility	Conifer Lane - Back Loop to end	354,000
Wastewater Utility	Dogwood Lane - Columbia to Mendenhall Blvd	250,000
Wastewater Utility	4th and E streets Douglas, water system replacement, resurface and drainage improvements	40,000
Wastewater Utility	Stairway Sewer Improvements	100,000
Wastewater Utility	Pavement Management Program-Utility Adjustments (frames & lids)	20,000
Wastewater Enterprise Fund Total		<u>\$ 1,332,000</u>

**FISCAL YEAR 2024
WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Water Utility	Lena Loop Water System Replacement	\$ 150,000
Water Utility	Egan Drive Crossing Water Main Replacements (Channel Dr.,Norway Pt., Highland Dr. Salmon Ck, Sunny Pt.)	250,000
Water Utility	Salmon Creek Onsite Chlorine Generation Replacement / Upgrade	10,000
Water Utility	Aurora Vault Removal	550,000
Water Utility	Cedar Park (W Juneau) Pump Station Upgrades / Rehab	825,000
Water Utility	PRV Station Improvements & Upgrades (Crow Hill, 5th St. Douglas)	50,000
Water Utility	ADOT Projects Utility Adjustments (provide valve boxes, vault lids etc.)	55,000
Water Utility	Conifer Lane - Back Loop to end	459,000
Water Utility	Dudley - Loop Road to Tongass	286,000
Water Utility	Stairway Water Improvements	100,000
Water Utility	4th and E Street Water System Replacement	405,000
Water Utility	Dogwood Lane - Columbia to Mendenhall Blvd	340,000
Water Utility	Pavement Management Water Utility Adjustments	20,000
Water Enterprise Fund Total		<u><u>\$ 3,500,000</u></u>

ORDINANCE 2023-14 CAPITAL PROJECTS FUNDING TOTAL **\$ 58,057,000**

ORDINANCE 2023-14 OPERATING BUDGET FUNDING TOTAL **\$ 1,600,000**

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY24, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2024
AIRPORT UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	FY24 BUDGET
Airport	Construct 121/135 Ramp Rehab, drainage, fencing, lighting & RON aircraft parking	\$ 12,200,000
Airport	Construct/Replace Jetbridge (PBB) Gate 5	2,000,000
Airport	Design East GA, TXL and Apron	275,000
Airport	Design West GA, TXL	300,000
Airport	Design Safety Area Grading/RW Shoulders/NAVAIDS	400,000
Airport	Land Acquisition - Channel Flying/Loken	1,500,000
Airport Unscheduled Funding Total		<u><u>\$ 16,675,000</u></u>

**FISCAL YEAR 2024
UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	FY24 BUDGET
Bartlett Hospital	Wildflower Court Maintenance and Repairs	500,000
Capital Transit	FTA Grant - Bus Shelter Replacements	\$ 860,000
Harbors	Cost Share w/ ACOE - Statter Breakwater Feasibility Study	500,000
Manager's Office	JPD DEU Building Expansion	1,610,000
Manager's Office	JPD and CCFR - Radio System replacement	14,500,000
Parks and Recreation	Hank Harmon Public Range Hunter Safety Access Grant	850,000
Parks and Recreation	35 Mile ORV Park and Trails Recreation Trails Program Grant	300,000
Parks and Recreation	Montana Creek Bridge Replacement TAP Grant	1,500,000
Public Works	Upper Jordan Creek Sediment Control	5,000,000
Unscheduled Funding Total		<u><u>\$ 25,620,000</u></u>

Section 2. Fiscal Year 2024 Budget. It is the intent of the Assembly that the capital improvement project budget allocations as set forth in the FY24 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2024 Budget.

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this _____ day of **June**, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 5, 2023
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2023-14(b)

**An Ordinance Appropriating Funds from the Treasury
for FY24 City and Borough Operations**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau, excluding the Juneau School District, for the fiscal year beginning July 1, 2023, and ending June 30, 2024. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

ESTIMATED REVENUE:	
State Support	\$ 20,482,500
Federal Support	5,804,300
Taxes	139,101,700
Charges for Services	181,455,600
Licenses, Permits, Fees	13,016,200
Fines and Forfeitures	394,900
Rentals and Leases	5,492,300
Investment & Interest Income	6,381,200
Sales	502,900
Other Revenue	3,022,200
Total Revenue	375,653,800
General Governmental Fund Balance Increase	5,466,000
All Other Funds Fund Balance Decrease	37,349,900
Support From Other Funds	128,706,500
Total Estimated Funding Sources	\$ 536,244,200

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

General Governmental Funds:	
Mayor and Assembly	\$ 10,036,600
Administration:	
City Manager	3,612,100
City Clerk	921,100
Information Technology	4,362,800
Fire/Emergency Medical Services	14,798,200
Community Development	4,040,000
Finance	7,223,500
Human Resources	1,035,900
Law	2,572,400
Libraries	4,120,800
Parks and Recreation:	
Parks and Landscape	3,205,300
Administration and Recreation	5,122,800
Aquatics	2,945,900
Centennial Hall	670,500
Police	20,854,400
Public Works & Engineering:	
General Engineering	434,800
RecycleWorks	2,394,900
Streets	6,938,100
Transit	8,132,200
Support to Other Funds:	
School District	33,050,800
All Other Funds	3,155,500
Non-Departmental	170,000
Interdepartmental Charges	(5,481,700)
Capital Projects Indirect Cost Allocation	(550,000)
Total	133,766,900
 Special Revenue Funds:	
Sales Tax	1,416,400
Hotel Tax	58,800
Tobacco Excise Tax	71,400
Pandemic Response	-
Affordable Housing	1,651,800
Downtown Parking	767,900
Eaglecrest	3,857,000
Lands	1,193,200
Marine Passenger Fee	20,100
Port Development	20,100
Support to Other Funds	117,847,000
Total	126,903,700

Debt Service Funds	11,519,700
Special Assessment Funds:	
Special Assessment	433,100
Support To Other Funds	7,600
Total	440,700
Jensen-Olson Arboretum	107,300
Enterprise:	
Juneau International Airport	12,145,200
Bartlett Regional Hospital	147,268,500
Harbors	5,128,000
Docks	2,521,600
Water	4,050,000
Wastewater	14,356,400
Support to Other Funds	7,489,100
Interdepartmental Charges	(40,200)
Total	192,918,600
Internal Service Funds:	
Facilities Maintenance	3,300,200
Fleet and Equipment Reserve	16,344,900
Public Works Fleet Maintenance	2,818,300
Risk Management	36,164,400
Support to Other Funds	100,000
Interdepartmental Charges	(46,197,500)
Total	12,530,300
Capital Projects:	
Capital Projects	54,798,200
CIP Engineering	3,258,800
Total	58,057,000
Total Appropriation	\$ 536,244,200

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this __ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

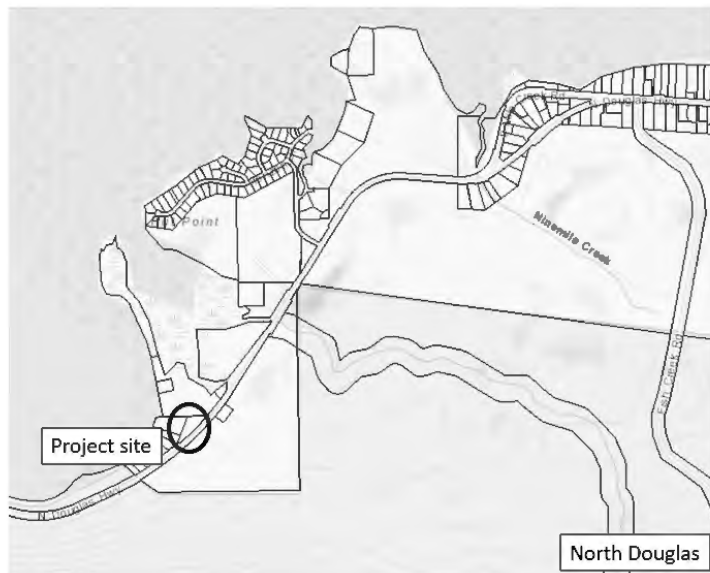
MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Michelle Hale, Chair of the Assembly Lands Housing and Economic Development Committee
FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*
SUBJECT: Reiswig Request to Purchase City Property adjacent to 11260 Douglas Highway
DATE: April 28, 2022

The Lands Office has received a request to purchase city property from Jon and Susanne Reiswig, the owners of 12260 Douglas Highway. The Reiswigs propose to purchase a fraction of the adjacent City property in order to subdivide their lot. According to the application, there is currently insufficient land to access the highway so they are requesting around 1,400 square feet of City property.



The City property is a large 92-acre parcel transected by Douglas Highway, with the sub-parcel created by the Highway is 1.5 acres. The requested property is managed by Lands and the 2016 Land Management Plan designated this property as retain/dispose. The Plan also states that this property could be utilized for a future residential subdivision. The northern part of the City property has Fish Creek running through it and is designated as retain in the Plan.

53.09.260 - Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further

considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

The next step in the process is for this application to be forwarded to the Assembly as New Business to make a determination under 53.09.260. In order to dispose of this property, the Assembly must adopt an ordinance authorizing the sale after the Planning Commission has had the opportunity to review it.

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for disposal of City property to Jon and Susanne Reiswig.

Attachments:

1. Jon and Susanne Reiswig Applicant to Purchase City Property



Application to Purchase City and Borough of Juneau Lands



Applicant Information

Business / Individual *

Jon A. & Susanne L. Reisinger

Address *

11260 north douglas hwy.

Street Address

juneau

City

AK

State / Province / Region

99801

ZIP / Postal Code

Phone *

(907) 586-3821

Email

salmoncreekmedical@gci.net

Add Another Business/Individual

CBJ Land Information

The CBJ Assessor's Database will provide information regarding site address and legal description. The CBJ Parcel Viewer tool can provide necessary maps needed to complete this application.

Site Address *

11260 North Douglas Hwy. Mile 8.75

Legal Description *

6D1201120080 USS3559 Lt.2

Provide Brief Description of Your Proposal *

I want to develop lot 2 USS 1369. I need highway access on North Douglas Hwy. I propose purchasing a small segment of city land adjacent to tract D of Entrance Pt. Subdivision. The city land is adjacent to the south side of the present driveway (lot 1 USS 3281. There is insufficient land to access the highway for lot 2

Provide a Map of CBJ Land you wish to Purchase *

No file selected.

Accepted file types: pdf, Max. file size: 50 MB.

Have you mailed the \$500.00 filing fee? *

- Yes
- Not Yet

Applications can only be processed when the \$500 fee is received. All checks are made out to "The City and Borough of Juneau" and can be sent to:

*The City and Borough of Juneau
Attn:Lands and Resources Division
155 S. Seward St.
Juneau, AK 99081*

Additional Comments for CBJ Staff to Consider

Notify as my representative JW Bean 907723 3610

Upload Supporting Documents (optional)

Drop files here or



Accepted file types: pdf, doc, docx, Max. file size: 50 MB.

"By submitting this form, I agree all information is accurate. Submission of this request is NOT approval by the City and Borough of Juneau. I understand that staff will review my application and follow up with questions. Once staff have reviewed my application, ultimate determination of my request to purchase City property will be made by the City Assembly."

Legal Representative of Business / Individual *

Jon

First

Reiswig

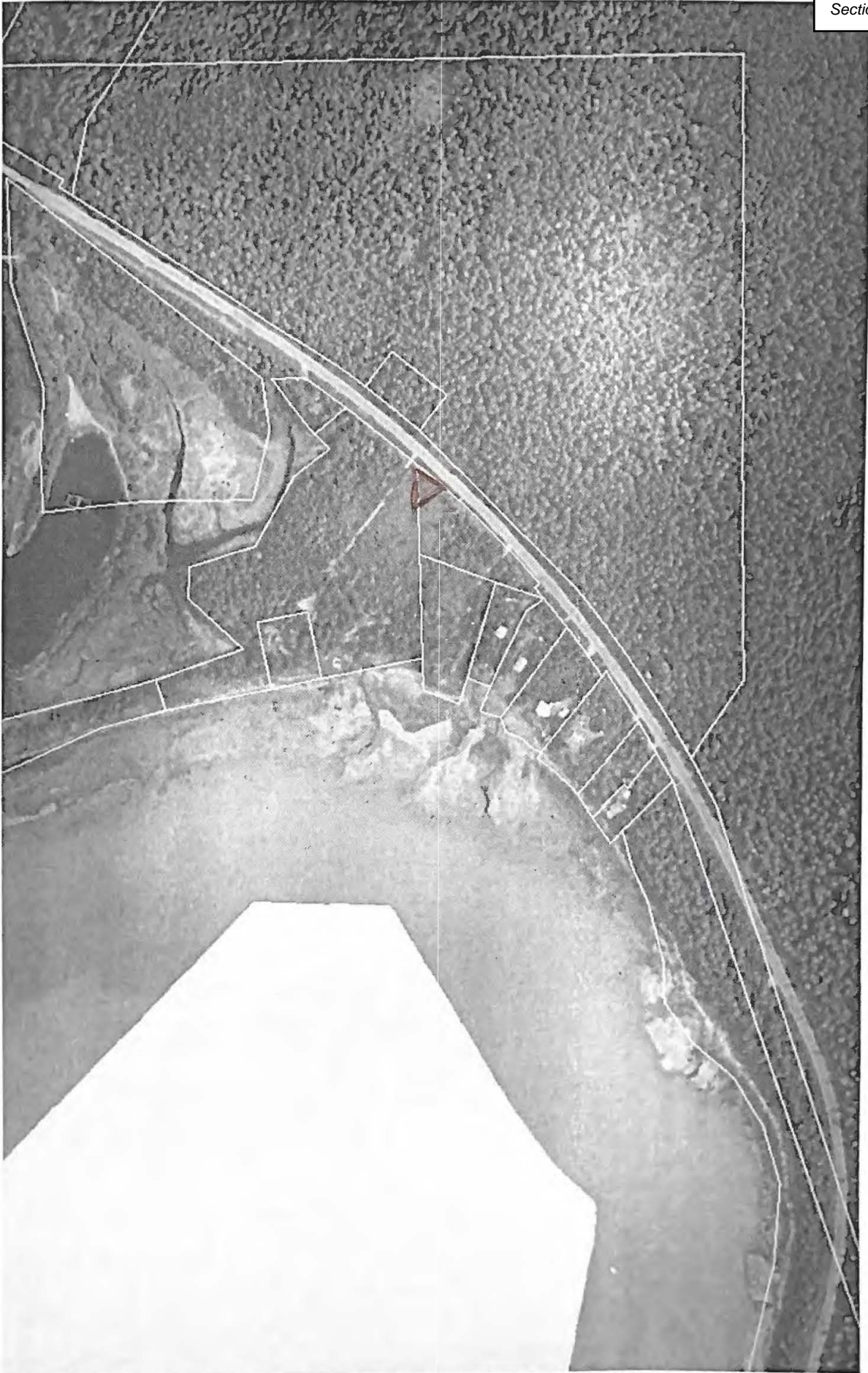
Last

CAPTCHA

I'm not a robot

reCAPTCHA
Privacy - Terms


SUBMIT





LAND DISPOSAL REVIEW PAD2022 0001
HEARING DATE: SEPTEMBER 13, 2022

(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/community-development
 155 S. Seward Street • Juneau, AK 99801

DATE: September 9, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner II 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Land Disposal Review for the purchase of approximately 3,000 square feet of City-owned land.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- Land disposal is not in general conformity with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 CBJ Land Management Plan.
- The Land Management Plan designates this City property as Retain/Dispose.
- Disposal of this land will allow the applicant to consolidate the purchased land with the 11.63 acres of land they currently own.
- The applicant owns 11.63 acres, with approximately 325 feet of frontage on a public Right-of-Way (North Douglas Highway), which could be subdivided without additional land.

ALTERNATIVE ACTIONS:

1. **Amend:** amend the recommendation to include conditions and recommend approval to the Assembly.
2. **Approve:** approve the permit and adopt new findings that support the approval.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

A Notice of Recommendation will be forwarded to the Assembly for further action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(c)
 - CBJ 49.80
 - CBJ 53.09.200(b)
 - CBJ 53.09.260

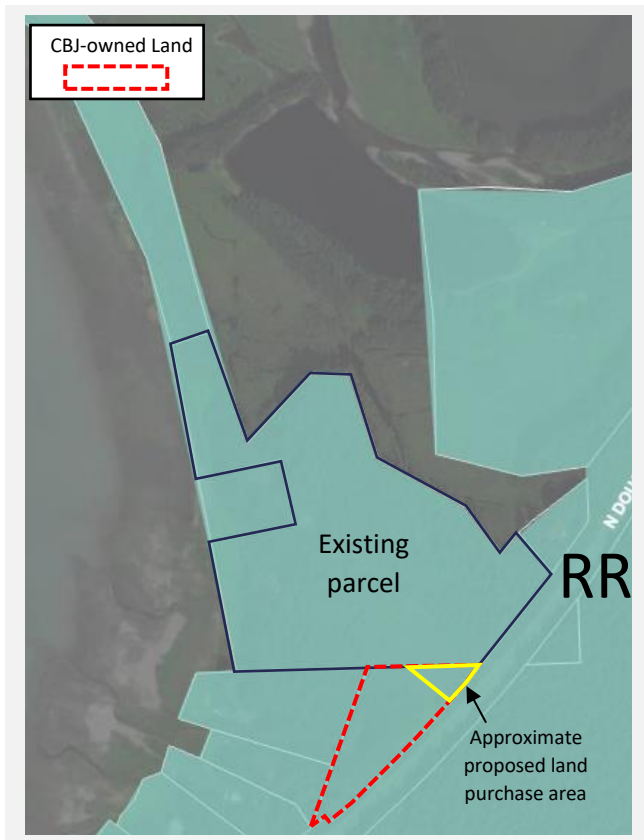
GENERAL INFORMATION	
Property Owner	Jon & Susanne Reiswig
Applicant	Jon & Susanne Reiswig
Property Address	NHN
Legal Description	Entrance Point Tract D & USS 3559 Lot 2 FR Beachside
Parcel Number	6D1201090040 & 6D1201120080
Zoning	Rural Reserve (RR)
Land Use Designation	Resource Development (RD)
Lot Size	506,603 square feet
Water/Sewer	CBJ Water; Private septic on site
Access	North Douglas Highway
Existing Land Use	Residential
Associated Applications	N/A

The Commission shall hear and decide the case per CBJ 53.09.260 - Negotiated sales, leases, and exchanges:

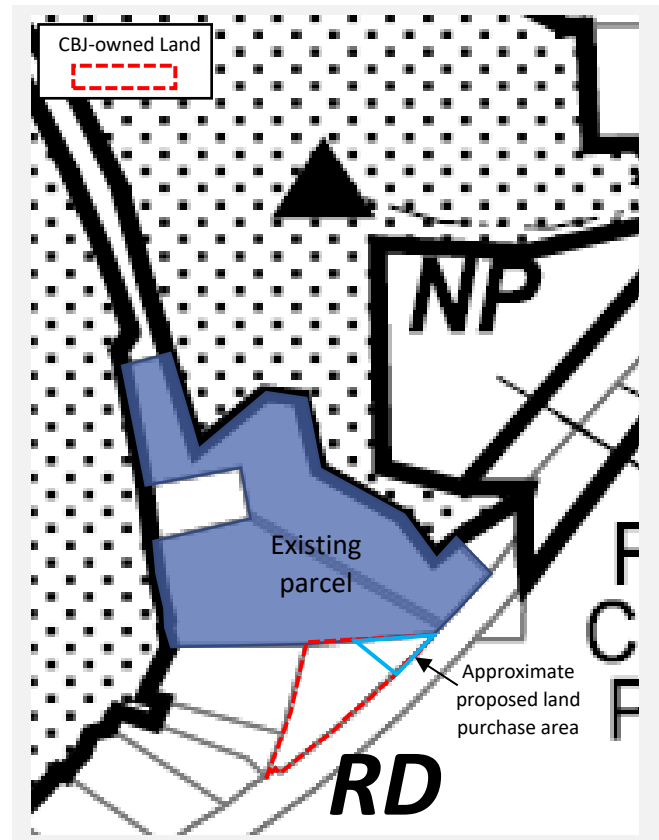
- (a) *Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.*
- (b) *Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.*

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

CURRENT ZONING MAP



LAND USE DESIGNATION MAP – (Resource Development)

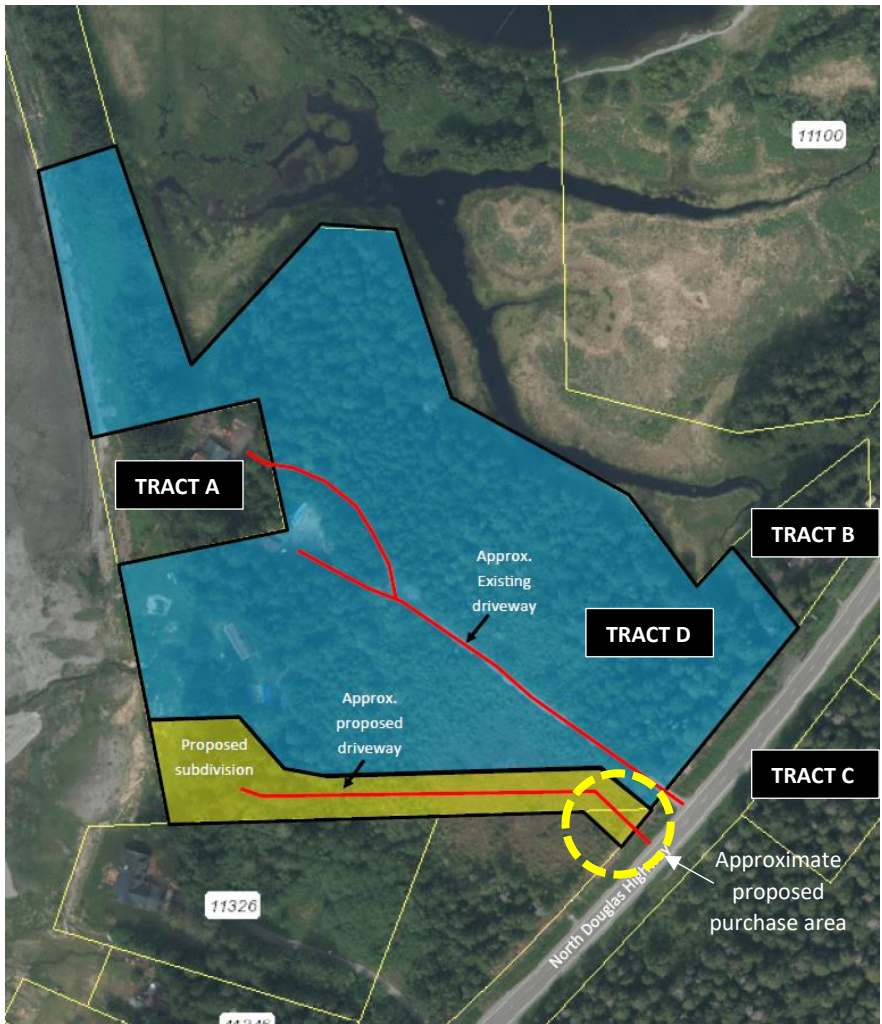


SURROUNDING LAND USES AND ZONING

Direction	Zoning District	Land Use
North	Waterbody	Fish Creek
South	RR	Residential
East	Right-of-Way	North Douglas Highway
West	Waterbody	Fritz Cove

BACKGROUND INFORMATION

Project Description – The applicant owns an 11.63-acre adjacent property and is seeking to purchase approximately 3,000 square feet of CBJ-owned land to construct a driveway for a proposed single-lot subdivision. The disposal is being requested to provide room for a second driveway serving the proposed subdivided lot. However, the lot in its current form is able to be subdivided without any need for additional CBJ land. The applicant’s lot is 506,603 square feet with approximately 325 feet of frontage on North Douglas Highway, and a potential buildout of 14 lots — without purchasing CBJ land.



Background – The applicant is seeking a subdivision design that preserves the existing driveway through their property. The existing driveway is established and the owner has stated that there would be several challenges in combining the driveways; these include topography, wetlands, existing signage, and infrastructure.

The table below summarizes relevant history for the subject parcel and proposed development.

Item	Summary
SUB-W76-428/Platting Resolution 428	Platting Resolution #428 created what is today Tract A with a 700-foot long, 20-foot wide access panhandle from North Douglas Highway to the lot. This subdivision was approved with the condition that the, “lots not be subdivided further without the re-subdivision of the total parcel. This requirement is based on the ordinance requirement that this waiver cannot be a part of a future subdivision”.
FP-8-82	This action re-subdivided the entire lot and also absorbed the access panhandle to Tract A. The panhandle was replaced by a 10-foot wide access easement which serves the lot today. Tract B and C were also created through this action.

Existing Conditions –

- **Entrance Point Subdivision, Tract D (Applicant-owned lot)** – The existing parcel is 11.63 acres, is zoned RR, and is classified as RD in the 2013 Comprehensive Plan. Water service is provided by the CBJ and private septic service is on site. The existing parcel was created in 1976 by platting resolution #428 which subdivided Lot A from USS 1369 (HES 119), creating a lot with Right-of-Way access through a 20-foot wide, 700-foot long panhandle. Further subdivision of Tract D in 1982 removed the 700-foot long panhandle replacing it with a 10-foot wide access easement traversing Tract D, the primary lot under review.
- **USS 3559 Lot 2 Fraction Beachside (CBJ-owned lot)** – How this lot was created initially is uncertain. It is believed that this lot was platted during the creation of North Douglas Highway, however no documents could be located to determine this. The lot is currently vacant with the exception of an eased driveway to a neighboring property on the southwest portion of the lot.

CBJ 53.09.200(b) – Purpose and intent. The purpose and Intent of CBJ Title 53.09.200(b) is:

- 1. Inclusion in Land Management Plan. Except for property acquired by tax foreclosure or reconveyance agreement, real property should not be conveyed prior to inclusion in a Land Management Plan.*

The Land Management Plan designates this city property for disposal as retain/dispose.

Comprehensive Plan Classification – RD

Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated RD. As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately.

ZONING ANALYSIS

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

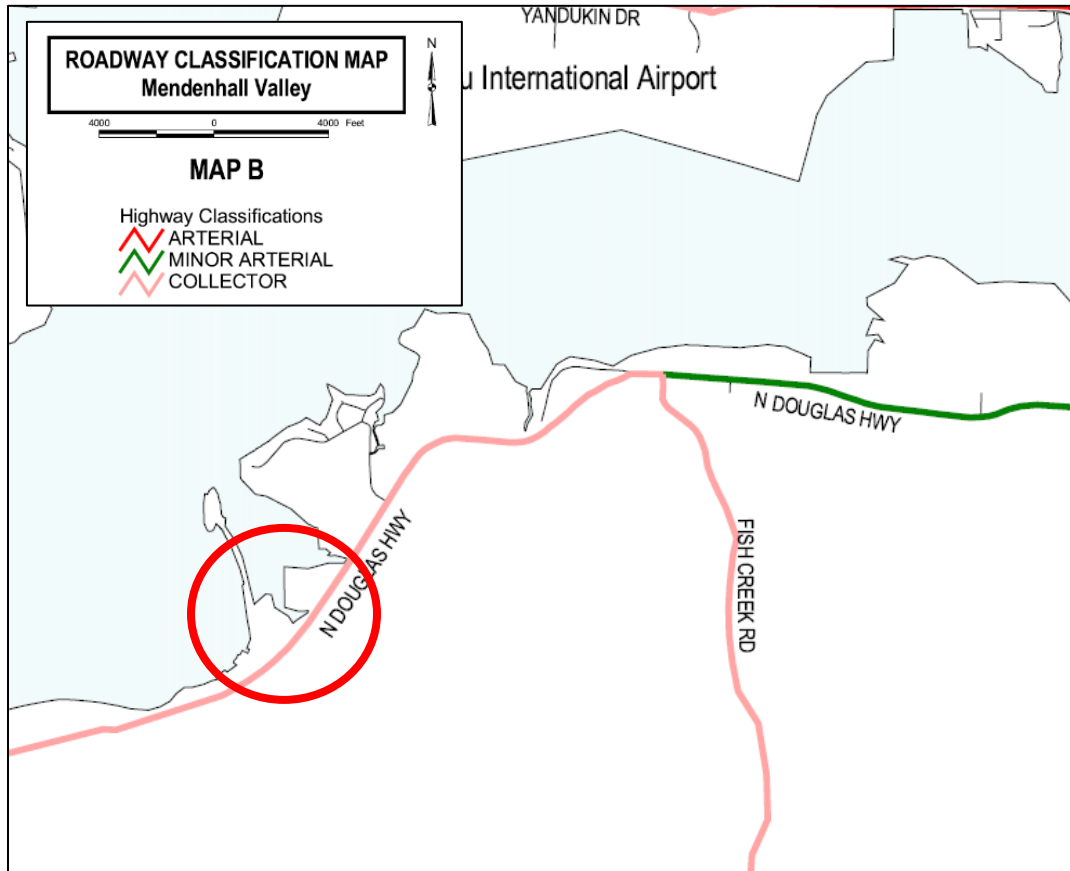
Table of Permissible Uses – The proposed purpose of this disposal is to provide more frontage to create a driveway for a proposed future subdivision. The proposed area for disposal encompasses 3,000 square feet of land in the RR zoning district.

Table of Dimensional Standards – The proposed use of the land is for one single-family residential lot. This use is appropriate for the RR zoning district. However, the CBJ encourages maximizing density where possible, particularly in areas within the urban service area, and served by public water and sewer.

Other Permit Required – Applicant may need to apply for an Alaska Department of Transportation and Public Facilities (DOT&PF) Access Permit to connect a driveway to North Douglas Highway, a state-owned Right-of-Way.

Roadway Construction Standard Waivers – No roadway construction waivers are being requested at this time.

Roadway Classification Maps – This section of North Douglas Highway is classified as a Collector Road. CBJ 49.35.210(c) limits direct access onto Collector roads to “an interior access street or a separate frontage road”.



Hazard Areas – The portion of land requested for disposal is within the Zone X flood zone. This designation indicates that the area is at low risk from flood-related events. In addition there are no anadromous streams on or within 50 feet of the land disposal area.

COMMUNITY SERVICES

Service	Summary
Urban Service Boundary	The parcel is not within the Urban Service Boundary.
Water/Sewer	Water is provided by CBJ; Sewer is on site.
Fire Service Area	The parcel is located within Capital City Fire & Rescue Fire Service Area #10.
Schools	Juneau School District.
Recreation	Fish Creek Park is within 1,000 feet of the proposed land disposal site.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The below table summarizes Conservation, Historic, and Archeological Resources which may be affected by the property disposal.

Resource	Summary
Conservation Areas	None
Wetlands	None

Anadromous	There are no anadromous streams on any of the parcels related to this land disposal or within 50 feet.
Impaired Waterbodies	No known
Historic	None
Archeological	None
Comprehensive Plan View sheds	None

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN – The proposed text amendment does not conform to the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
17	226	Policy 17.2	<p><i>To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.</i></p> <p>No information has been provided that demonstrates this land disposal serves the public interest (see below, 2016 Land Management Plan section).</p>
4	37	Policy 4.2	<p><i>To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.</i></p> <p>No information has been provided that demonstrates that the CBJ-owned land could not be used for other housing development purposes resulting in more infill lots.</p>
10	129	Policy 10.1	<p><i>To facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all Juneau residents.</i></p> <p>No information has been provided that demonstrates that this land disposal will provide affordable housing opportunities for residents.</p>

2016 HOUSING ACTION PLAN – The proposed text amendment does not conform with the 2016 Housing Action Plan.			
Chapter	Page No.	Item	Summary
Part 2	36	Recommendation 4	<p><i>Develop Housing Choices to Accommodate Juneau’s Workforce Needs</i></p> <p>No information has been provided that demonstrates that this land disposal will accommodate Juneau’s workforce needs.</p>

2016 LAND MANAGEMENT PLAN – The proposed text amendment does not conform with the 2016 Land Management Plan.			
Chapter	Page No.	Item	Summary
N/A	7	<p>Goal 1</p> <p>Objectives</p> <p>Finding</p>	<p><i>Continue the land disposal program which systematically places CBJ land into private ownership.</i></p> <ul style="list-style-type: none"> • Make land available for community expansion. • Expand the property tax base. • Minimize the CBJ’s costs for disposing of land. • Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges. • Maximize the CBJ’s return on its property. • Provide opportunities for as many people as possible to acquire CBJ land. <p>No information has been provided that demonstrates that this application proposal meets the Goal and Objectives set forth in the Plan. This land disposal does not provide a variety of housing, and it limits future housing development opportunities on the CBJ-owned site, and it does not support opportunities to as many people as possible, as the applicant owns the adjacent 11.63-acre property.</p>
	7	<p>Goal 2</p> <p>Objectives</p>	<p><i>Provide direction on the best use of CBJ-owned land for both development and preservation.</i></p> <ul style="list-style-type: none"> • Encourage multiple land uses. • Set aside land for needed transportation, schools, public housing, storage, maintenance yards, and other public facilities & services. • Identify and preserve open spaces to protect lands and shorelines which possess recreational, scenic, wildlife, and other critical habitat qualities. • Retain a significant quantity of land to provide for future land use options. • Maintain sufficient land for future CBJ land needs.

2016 LAND MANAGEMENT PLAN – The proposed text amendment does not conform with the 2016 Land Management Plan.			
		Finding	No information has been provided that demonstrates that this application proposal meets the Goal and Objectives set forth in the Plan. The applicant proposes consolidating the land with 11.63-acre property that they own, thus limiting the future options of the remaining CBJ land at this site.
	7	Goal 3	<i>Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.</i>
		Objectives	<ul style="list-style-type: none"> • Plan expansion of municipal utilities to coincide with and support CBJ land disposals using an “infill” strategy as adopted in CBJ’s Comprehensive Plan. • Establish land disposal priorities based on availability of existing and planned utilities.
		Finding	No information has been provided that demonstrates that this application proposal meets the Goal and Objectives set forth in the Plan. The land disposal is for a site not serviced by public sewer.

AGENCY REVIEW

CDD conducted an agency review comment period between July 1, 2022 and July 15, 2022. Agency review comments can be found in **Attachment C**.

Agency	Summary
Assessor	No comments received.
Lands	No comments received.
Engineering	“No issues from General Engineering regarding land sale.”
DOT&PF	See Attachment C; RE: Driveway

PUBLIC COMMENTS

CDD conducted a public comment period between August 11, 2022 and August 25, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. No public comments were received as of the writing of this staff report.

FINDINGS

In accordance with CBJ 53.09.260, staff finds the proposed disposal of land by the CBJ does comply with Title 49 Land Use Code; however, it is not in general conformity with adopted plans, specifically the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 Land Management Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Public Notice Materials
Attachment C	Agency Comments
Attachment D	Reviewed Materials



JUNEAU DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address 11260 Douglas Highway	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) ENTRANCE POINT TR D / USS 3559 LT 2 FR BEACHSIDE	
	Parcel Number(s) 6D1201090040 / 6D1201120080	
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____	
	LANDOWNER/LESSEE	
	Property Owner Jon A Reeswig; Susanne L Reeswig / City & Borough of Juneau	Contact Person JON
	Mailing Address 11260 N. DOUGLAS HWY. JUNEAU 99801	Phone Number(s) 907 586 3821
	E-mail Address SALMONCREEKMEICAL@GCI.NET	
	LANDOWNER/LESSEE CONSENT	
<p>I am (we are) the owner (or is/are) of the property subject to the application and I (we) consent as follows:</p> <p>A. The application for a land use or activity review for development on my (our) property is made with my consent/understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p>		
<input checked="" type="checkbox"/>	<p><u>Jon A Reeswig</u> Landowner/Lessee Signature</p> <p><u>5/27/22</u> Date</p>	
<input checked="" type="checkbox"/>	<p><u>Susanne L Reeswig</u> Landowner/Lessee Signature</p> <p><u>5/28/22</u> Date</p>	
<p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property on the scheduled public hearing date.</p>		
APPLICANT		
<p>Applicant Jon A Reeswig; Susanne L Reeswig</p> <p>Contact Person JON</p>		
Mailing Address 42360 Douglas Highway 11260 N. DOUGLAS HWY.	Phone Number(s) 907 586 3821	
E-mail Address salmoncreekmeical@gci.net		
<input checked="" type="checkbox"/>	<p><u>Jon A Reeswig</u> Applicant's Signature</p> <p><u>5/27/22</u> Date of Application</p>	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Check Printed	AS
Case Number	CSP22-002
Date Received	5/31/22

PAD 22-001

FORMS \PLAN\ORNL\DP.docx

Updated 2017 - Page 1 of 1



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY
Requesting to purchase roughly 3,000 square feet in order to subdivide and create an ocean front lot with street access.

TYPE OF PROJECT REVIEW:
 City Project Review City Land Acquisition /Disposal State Project Review

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:
 Is this project associated with any other Land Use Permits? YES Case No.: _____ NO
 Capital Improvement Program # (CIP) _____
 Local Improvement District # (LID) _____
 State Project # _____

ESTIMATED PROJECT COST: \$ _____

ALL REQUIRED MATERIALS ATTACHED
 Complete application
 Pre-Application notes (if applicable)
 Narrative including:
 Current use of land or building(s)
 Proposed use of land or building(s)
 How the proposed project complies with the Comprehensive Plan
 How the proposed project complies with the Land Use Code (Title 49)
 Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>100</u>			

*\$100 sign deposit
\$50 sign fee*

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number <i>CSP22-002</i>	Date Received <i>5/31/22</i>
---------------------------------	---------------------------------

City/State Project and Land Action Review Information

City and State project review is outlined in CBJ 49.15.580

Each application for a City/State Project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a City/State Project Review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed City/State Project Review Application and Development Permit Application forms.
2. **Fees:** No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
 - b. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
 - c. Proposed traffic circulation within the site including access/egress points and traffic control devices;
 - d. Existing and proposed lighting (including cut sheets for each type of lighting);
 - e. Existing and proposed vegetation with location, area, height and type of plantings; and,
 - f. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All City/State Project Review Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

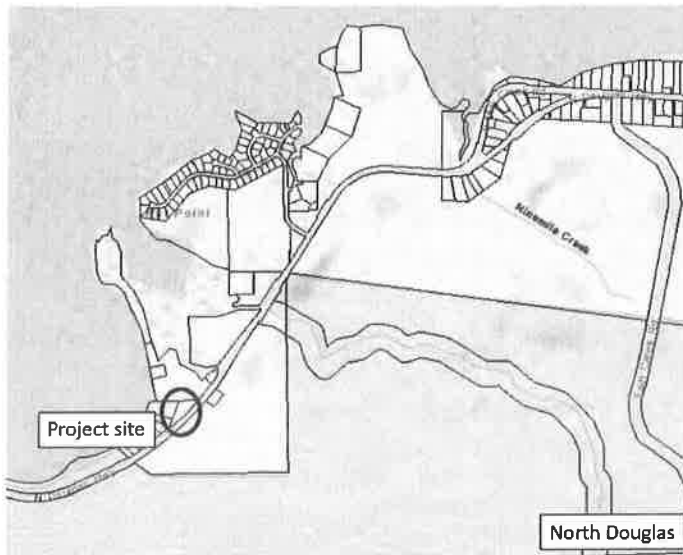
MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Michelle Hale, Chair of the Assembly Lands Housing and Economic Development Committee
FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*
SUBJECT: Reiswig Request to Purchase City Property adjacent to 11260 Douglas Highway
DATE: April 28, 2022

The Lands Office has received a request to purchase city property from Jon and Susanne Reiswig, the owners of 12260 Douglas Highway. The Reiswigs propose to purchase a fraction of the adjacent City property in order to subdivide their lot. According to the application, there is currently insufficient land to access the highway so they are requesting around 1,400 square feet of City property.



The City property is a large 92-acre parcel transected by Douglas Highway, with the sub-parcel created by the Highway is 1.5 acres. The requested property is managed by Lands and the 2016 Land Management Plan designated this property as retain/dispose. The Plan also states that this property could be utilized for a future residential subdivision. The northern part of the City property has Fish Creek running through it and is designated as retain in the Plan.

53.09.260 - Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further

considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

The next step in the process is for this application to be forwarded to the Assembly as New Business to make a determination under 53.09.260. In order to dispose of this property, the Assembly must adopt an ordinance authorizing the sale after the Planning Commission has had the opportunity to review it.

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for disposal of City property to Jon and Susanne Reiswig.

Attachments:

1. Jon and Susanne Reiswig Applicant to Purchase City Property



Application to Purchase City and Borough of Juneau Lands



Applicant Information

Business / Individual *

Jon A. & Susanne L. Reiswig

Address *

11260 north douglas hwy.

Street Address

Juneau

City

AK

State / Province / Region

99801

ZIP / Postal Code

Phone *

(907) 586-3821

Email

salmoncreekmedical@gci.net

Add Another Business/Individual

CBJ Land Information

The CBJ Assessor's Database will provide information regarding site address and legal description. The CBJ Parcel Viewer tool can provide necessary maps needed to complete this application.

Site Address *

11260 North Douglas Hwy. Mile 8.75

Legal Description *

6D1201120080 USS3559 Lt.2

Provide Brief Description of Your Proposal *

I want to develop lot 2 USS 1369. I need highway access on North Douglas Hwy. I propose purchasing a small segment of city land adjacent to tract D of Entrance Pt. Subdivision. The city land is adjacent to the south side of the present driveway (lot 1 USS 3281. There is insufficient land to access the highway for lot 2

Provide a Map of CBJ Land you wish to Purchase *

Browse...

No file selected.

Accepted file types: pdf, Max. file size: 50 MB.

Have you mailed the \$500.00 filing fee? *

Yes

Not Yet

Applications can only be processed when the \$500 fee is received. All checks are made out to "The City and Borough of Juneau" and can be sent to:

The City and Borough of Juneau
Attn:Lands and Resources Division
155 S. Seward St.
Juneau, AK 99081

Additional Comments for CBJ Staff to Consider

Notify as my representative JW Bean 907723 3610

Upload Supporting Documents (optional)

Drop files here or

SELECT FILES

Accepted file types: pdf, doc, docx, Max. file size: 50 MB.

"By submitting this form, I agree all information is accurate. Submission of this request is NOT approval by the City and Borough of Juneau. I understand that staff will review my application and follow up with questions. Once staff have reviewed my application, ultimate determination of my request to purchase City property will be made by the City Assembly."

Legal Representative of Business / Individual *

Jon

First

Reiswig

Last

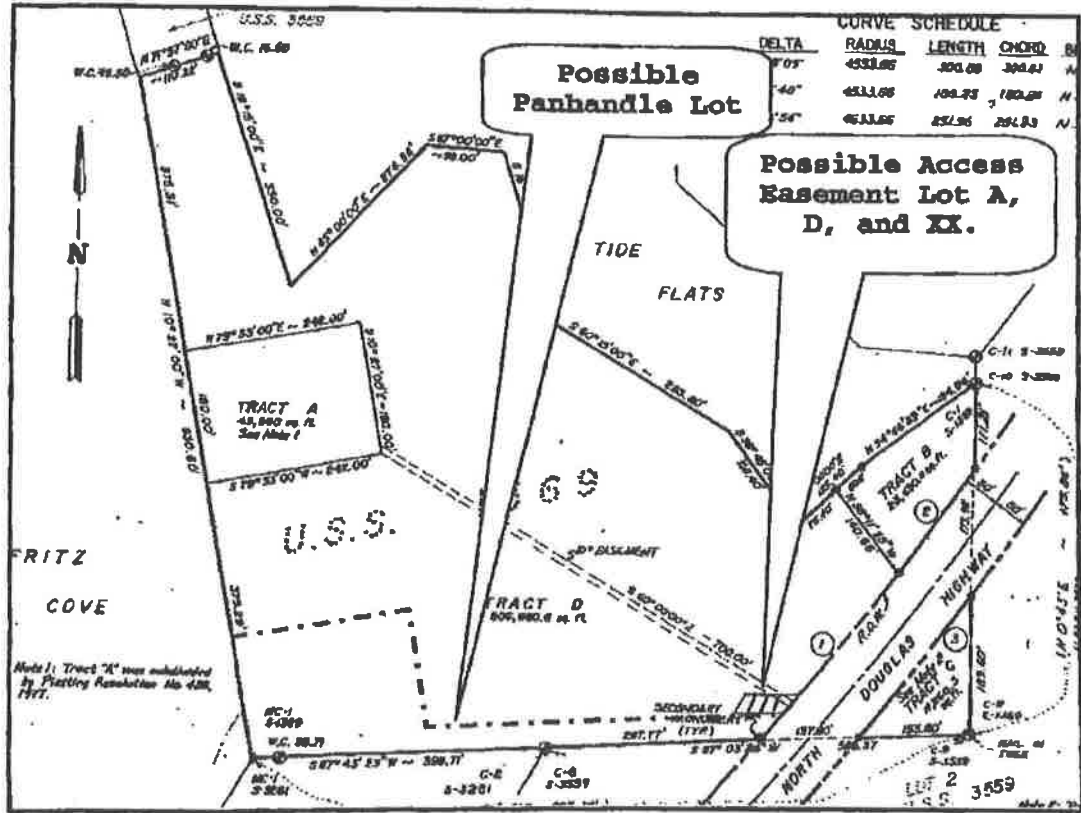
CAPTCHA

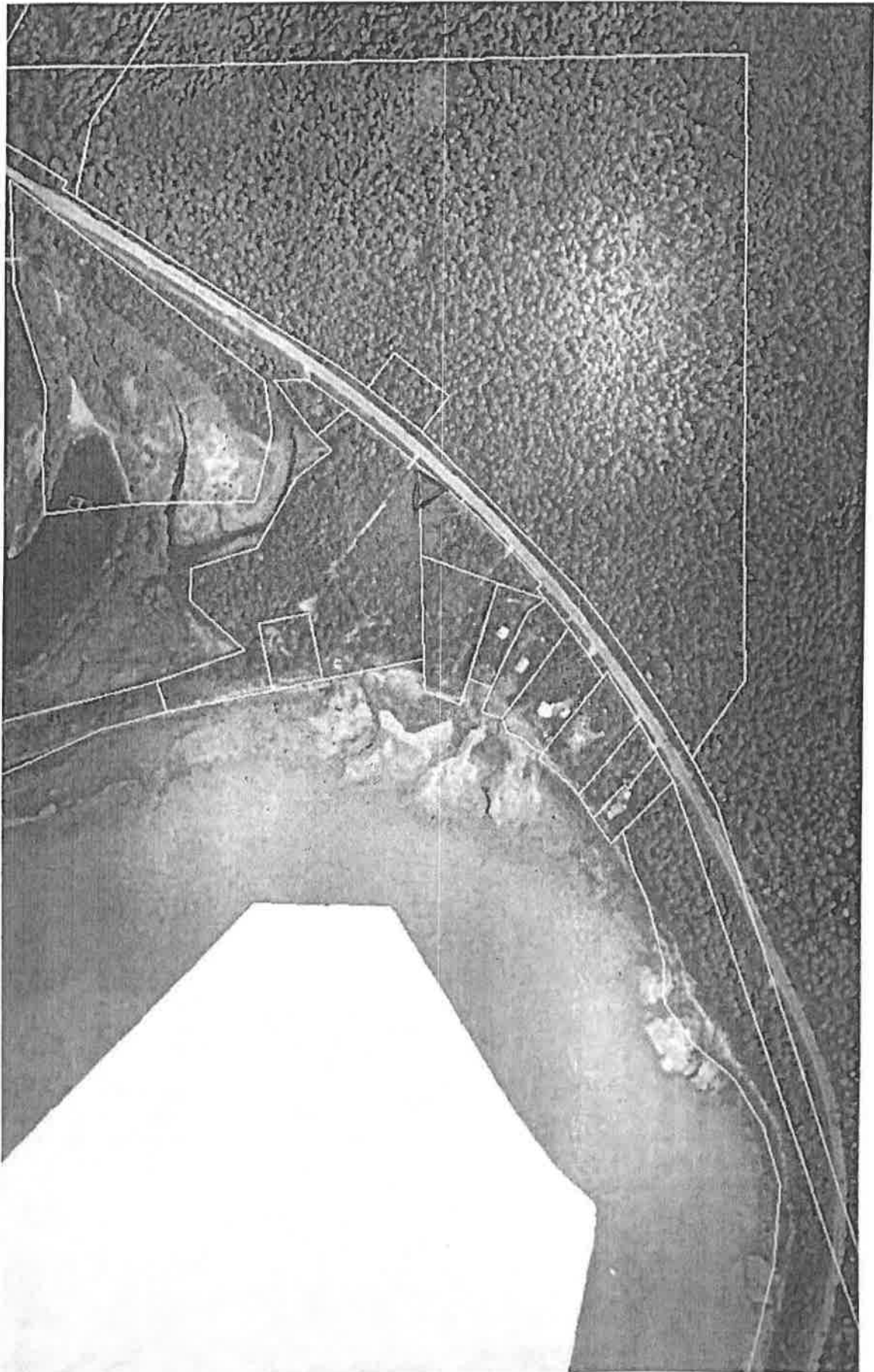
I'm not a robot

reCAPTCHA
Privacy - Terms

SUBMIT

Subdivision Review Committee
 File No.: VAR2009-00019
 July 13, 2009
 Page 5 of 5





Lands, Housing & Economic Development Committee

May 02, 2022



Reiswig Request to Purchase City Property adjacent to 11260 Douglas Highway

- The Lands Office has received a request to purchase city property from Jon and Susanne Reiswig, the owners of 12260 Douglas Highway.
- The Reiswigs propose to purchase a fraction of the adjacent City property in order to subdivide their lot.
- According to the application, there is currently insufficient land to access the highway so they are requesting around 3,000 square feet of City property.



Reiswig Request to Purchase City Property adjacent to 11260 Douglas Highway

- The City property is a large 92-acre parcel transected by Douglas Highway.
- The requested property is managed by the Lands Division and the 2016 Land Management Plan designated this property as retain/dispose.
- The northern part of the City property has Fish Creek running through it and is designated as retain in the Plan.









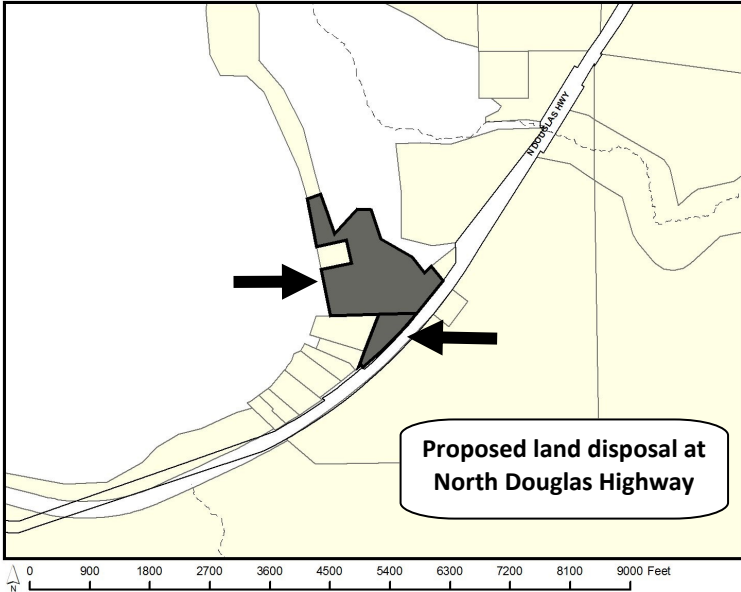
Reiswig Request to Purchase City Property adjacent to 11260 Douglas Highway

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for disposal of City property to Jon and Susanne Reiswig.



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **land disposal of 3,000 square feet at North Douglas Highway** in a **Rural Reserve zone**.

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **September 6, 2022**, at

<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes and more here as well.

Now through Aug. 22	Aug. 23 — noon, Sept. 9	HEARING DATE & TIME: 7:00 pm, Sept. 13, 2022	Sept. 14
Comments received during this period will be sent to the Planner, Joseph Meyers , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/84149547128 and use the Webinar ID: 841 4954 7128 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.	The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4209 ◆

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward Street, Juneau AK 99801

Case No.: PAD2022 0001
Parcel No.: 6D1201090040; 6D1201120000
CBJ Parcel Viewer: http://epv.juneau.org





From: [Bizzarro, Caleb T \(DOT\)](#)
To: [Joseph Meyers](#)
Subject: RE: Driveway/
Date: Tuesday, July 26, 2022 10:05:03 AM
Attachments: [image004.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good morning Joseph,

After reviewing the application materials for the proposed purchase of CBJ property (to allow for a driveway access on North Douglas Hwy); I would like to supply the following information for your awareness, and its potential influence on purchase size requirements.

Here is the pertinent specifications for a residential approach along state rights of way. Please be aware, there is also commercial driveway specifications which I will exclude for the time being as it does not seem relevant to your inquiry.

Residential Driveway Specifications, in accordance with the [Alaska Highway Preconstruction Manual](#).

Driveway Width: 14-20ft (24ft, maximum allowable rural residential *farm* driveway)

Driveway Landing Length: greater than or equal to 12ft paved

Driveway Return Radius (Return Radii): Edge of pavement returns should connect the edge of the driveway with the edge of a paved shoulder on uncurbed roadways. Where uncurbed roadways have paved shoulders less than 9 feet wide, the return should terminate 8 feet from the edge of traveled way and be connected to the edge of pavement (traveled way or paved shoulder) with a 10:1 taper (10 feet longitudinally along the roadway for each 1 foot transversely).

Table 1190-2
Driveway Return Radii (feet)

Driveway Width (ft)	Residential		Farm		Commercial	
	Curbed	Uncurbed	Curbed	Uncurbed	Curbed	Uncurbed
14 - 20	*20	20	-	20	-	-
24 - 34	-	-	-	40	*40	40

Property Edge Clearance: The property line edge clearance should be equal to the return radius (at least 20ft each side in this case)

If the applicant is subdividing the lot as shown, then there is no further minimum distance requirements from neighboring approaches. Other potential factors at play, sight distance requirements as well as AADT. It would appear these constraints may be met based on my initial review.

Please let me know if you have follow-up questions regarding access requirements. If the applicant would like to apply for an access permit, please direct them to DOT&PF's [ePermits](#) website.

Best Regards,

Caleb Bizzarro

Right Of Way Agent
Department of Transportation & Public Facilities
Southcoast Region Design & Engineering Services
Ph: (907) 465 4519
Email: caleb.bizzarro@alaska.gov

Telework: Tuesday & Thursday, 7:30AM – 4:30PM
Office: Monday, Wednesday, Friday, 7:30AM – 4:30PM

From: Joseph Meyers <Joseph.Meyers@juneau.org>
Sent: Monday, July 25, 2022 2:52 PM
To: Bizzarro, Caleb T (DOT) <caleb.bizzarro@alaska.gov>
Subject: Driveway/

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Caleb,

I am reaching out to seek comment on a proposed acquisition of CBJ-owned land on North Douglas Highway. Preliminary plans and application are attached.

The applicant is seeking to buy a small piece of CBJ-owned land to install a driveway – so they may subdivide. The amount of land they purchase from the CBJ will correlate with DOT standards for minimum driveway distances and other requirements you may have. The approximate distances between the two driveways below is 45-50 feet. The yellow circle is the proposed purchase area which may expand depending on what is required.

Please let me know if you have questions.



Thank you and kind regards,

Joseph Meyers | Planner II
[Community Development Department](#) | City & Borough of Juneau, AK
230 S. Franklin Street, 4th Floor Marine View Building
Personal line: 907.586.0753; Ext: 4209
He/him



From: [John Bohan](#)
To: [Joseph Meyers](#); [Mark Millay](#); [Eric Vogel](#)
Subject: RE: PAD2022 0001
Date: Wednesday, July 27, 2022 8:14:39 AM

No issues from GE regarding land sale. Water system is on the subdivision side of ND Hwy, so adding water service for newly created parcel will not be burdensome.

Thanks

Thanks
John Bohan, PE
CBJ Chief CIP Engineer
155 S. Seward St
Juneau AK 99801
(907)586-0800 x-4188
fax 463-2606

From: Joseph Meyers <Joseph.Meyers@juneau.org>
Sent: Monday, July 25, 2022 2:00 PM
To: Mark Millay <Mark.Millay@juneau.org>; John Bohan <John.Bohan@juneau.org>; Eric Vogel <Eric.Vogel@juneau.org>
Subject: PAD2022 0001

Good afternoon all,

I am reviewing an application for another land acquisition on North Douglas Highway. The plans and application are attached.

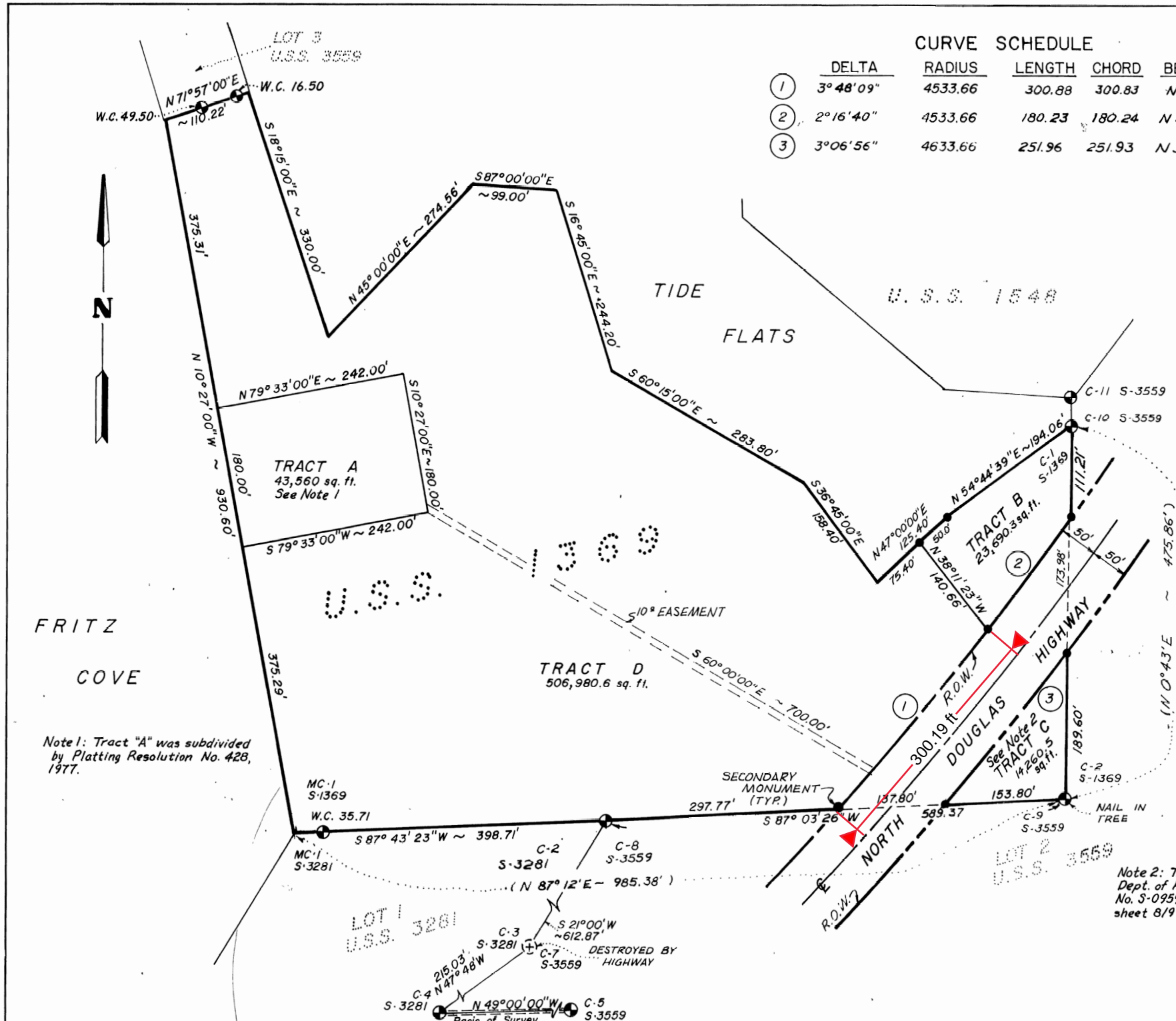
The applicant wants to buy a small piece of City-owned land to install another driveway so they may subdivide. Will you take a look at this and let me know if you see any potential issues with the driveways, utilities, etc.

Thank you,

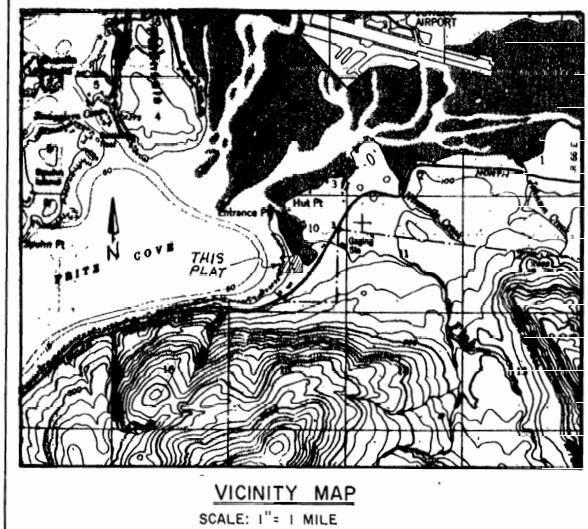
Joseph Meyers | Planner II
[Community Development Department](#) | City & Borough of Juneau, AK
230 S. Franklin Street, 4th Floor Marine View Building
Personal line: 907.586.0753; Ext: 4209
He/him



1982-X-001 00092



CURVE SCHEDULE					
	DELTA	RADIUS	LENGTH	CHORD	BEARING
①	3° 48' 09"	4533.66	300.88	300.83	N 39° 13' 35" E
②	2° 16' 40"	4533.66	180.23	180.24	N 36° 11' 07" E
③	3° 06' 56"	4633.66	251.96	251.93	N 38° 23' 06" E



STATEMENT OF OWNERSHIP

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my(our) free consent and dedicate all streets, alleys, walks, parks and other open spaces public or private use as noted.

Date July 14, 1982.

Owner John A. Reising Witness Jill Bean
 Owner Suzanne Reising Witness Steve Bean

NOTARY'S ACKNOWLEDGEMENT

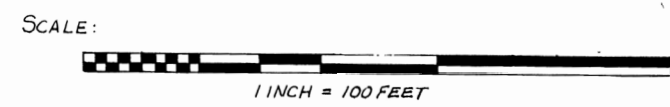
On this 14 day of July, 1982, before me, the undersigned, a notary public in and for the State of Alaska, residing at Juneau, personally John A. Reising known to me to be the person who executed the foregoing certificate and acknowledged to me that he executed said certificate freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereunto affixed my signature and official seal the day, month, and year in this certificate first above and therein mentioned.

Ginger S. Bean
 Notary Public for the State of Alaska
 My commission expires: July 11, 1985

Note 1: Tract "A" was subdivided by Platting Resolution No. 428, 1977.

Note 2: Tract "C" was created by Dept. of Highway, Alaska Project No. S-0959(4) North Douglas, sheet 819, Oct. 13, 1971.



SURVEYOR'S CERTIFICATE

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me or under my direct supervision, that all dimensional and relative bearings are correct and that corner monuments are set in place and noted upon this plat as present.



- LEGEND**
- B.L.M. Monument located this survey
 - Secondary Monument set this survey 3/4" Rebar with Plastic Cap.

CERTIFICATE OF APPROVAL BY THE BOARD

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough of Juneau, Alaska, and that said plat shown hereon has been approved by the Platting Board by Plat Resolution No. EP-5-82 dated June 8, 1982, and that the plat shown hereon has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

Dated July 20, 1982.

Kathleen M. Daniels
 Chairman, Platting Board
 City and Borough of Juneau, Alaska

Attest: Don W. Neuziger

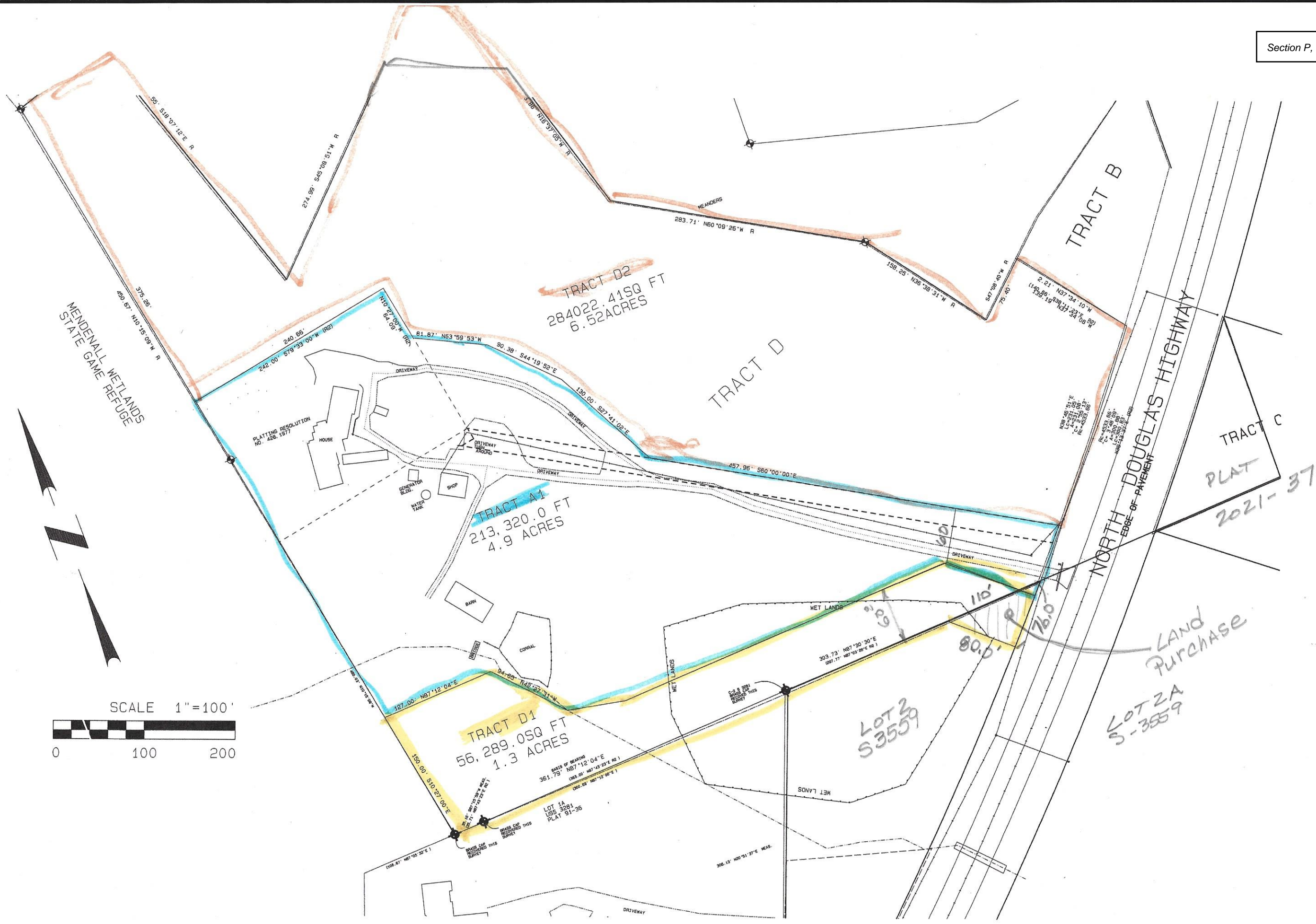
A PLAT OF:

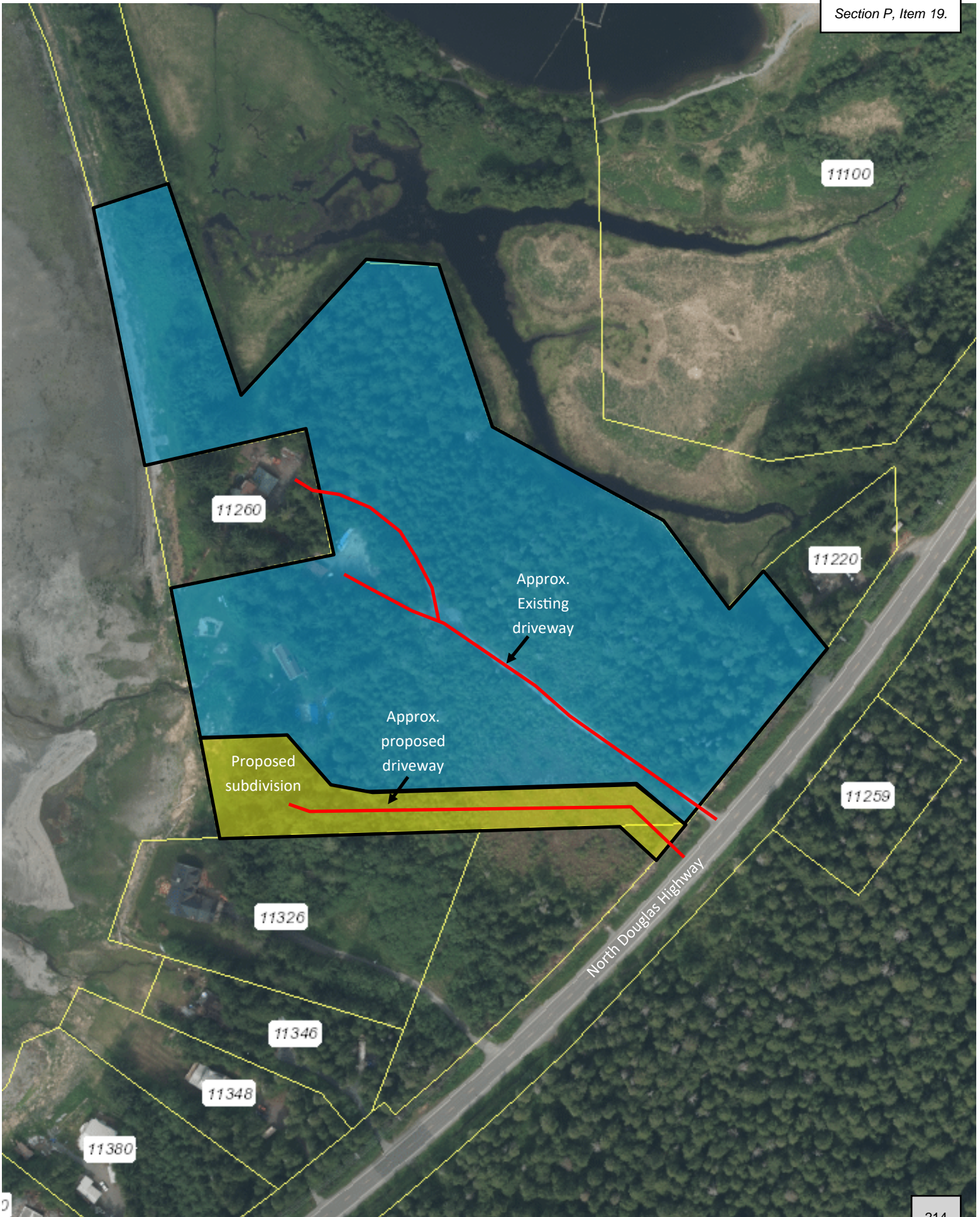
ENTRANCE POINT SUBDIVISION

RESUBDIVISION OF U.S. SURVEY No. 1369 INTO TRACTS A, B, C AND D.

J.W. BEAN
 PROFESSIONAL SURVEYOR
 9212 GLACIER HWY.
 JUNEAU, ALASKA
 908-789-0880
 SURVEYOR - PLANNER

DATE OF SURVEY JULY 1, 1982	
BOOK 41	PAGE 57
JOB No. 7977	SHEET No. 1
DRAWN BY: L. SPANG 7/82	





2023 2nd Late File List to Assembly

Hardship List:

Name	Parcel Number	Property Address
ALLEN TAUG	5B1301020090	8184 THUNDER ST
HELENE KESO	7B1001060140	4020 RIDGE WAY
KENNETH KLEPINGER	2D030L010170	660 ALTA CT

Late File Senior & Disabled Veteran Exemption List:

Name	Parcel Number	Property Address
DON KUBLEY	4B3301020150	15945 GLACIER HWY
MATTHEW KNUTSON	4B2901050070	5090 BLUEBERRY LN
MAYUMI GABOR	1D050L050064	2542 DOUGLAS HWY
JAGDISH YELLESETTY	1C060U04G030	800 F ST UNIT G3
SAMUEL HUNTER	4B2701050030	11691 AUKE ST
SAMUEL PLEASANTS	5B1601442B02	3011 CLINTON DR UNIT B2
SCOTT SHIELDS	2D050K030120	2300 OLD LAWSON CREEK RD UNIT B6
STEPHEN SEYMOUR	5B2501280040	3640 MCGINNIS DR

Received

MAY 17 2023

CBJ-Assessors Office

Just yesterday while in the
Sales Tax office we learned of the
Real Property Tax Exemption and
Property Hardship Exemption. Please
accept my applications; we are 73 yrs old.

ALLEN TAYLOR
~~at Law~~

CBJ-Assessor's Office

MAY 16 2023

5-16-23

ATTN: Assembly of CBJ

Dear Members,

Please consider my application
for Property Tax Exemption,

After my 2 eye surgeries and
healing time; I totally forgot
to file!

Thank you,

Helene Keso

HELENE KESO

4020 Ridge Way

JUNEAU AK 99801

907 723 8191

MAY 09 2023

To Junea Assembly,
Re: Senior Hardship Exemption.

To whom it may concern:

The attached Senior Hardship Exemption is late.

We filed taxes electronically and the tax people made our returns available via an online service but I could not get into their system till last week.

Please consider accepting this even though late otherwise we will be in serious financial straits.

Thank you
Ken Kerpner

C.B.J. Assessor's Office

MAY 11 2023

Dear Assembly!

I was unaware of the March 31 deadline to the Senior property tax exemption for 23 and we were traveling for a couple months. We have owned our home for 36 years and I am 70 years old and never applied for this before. Would appreciate an ~~an~~ approval of a "late file" request. Thank you for your service to our community. Best Regards

Capt. Don Kubler
15415 Glacier Hwy
Jenney AK
99801

Thank you very much!

Matt Knutson/Rosary Lombardo
5090 Blueberry Lane
Juneau, Alaska 99801

City & Borough of Juneau
Juneau Assembly
155 S. Seward St.
Juneau Alaska 99801

May 31, 2023

Dear Assembly Members:

I am writing in regard to an issue with our Senior Citizen property tax exemption brought to my attention by the Assessor's Office. In early February I applied for a Hardship Exemption (well before the March 31 deadline). Since this is the first year we are eligible for any property tax relief/exemption, I was unaware that I also needed to file both standard Senior Citizen exemption form AND the Hardship form. And of course, now it's past the deadline.

Tony Perletti of the Assessor's Office advised I write a letter to you regarding the situation. I am to understand you could consider allowing me to file the form after the deadline. I would much appreciate some help in the misunderstanding. The second page of the PDF includes the form that needs to be submitted.

Thanks so much for your consideration. I would be happy to discuss it in a phone call if you have any questions.

Sincerely,

Matt Knutson/Rosary Lombardo
907-723-0640
matt@juneaumedia.com

cc: CBJ Assessor's Office

May 8, 2023

Assembly
City & Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

RE: Senior Citizen Real Property Tax Exemption

Dear Sir:

My husband turned 65 on October 28, 2022 and I turned 65 on December 16, 2022. We were unaware that there is a deadline for the application and are now just submitting them. Please extend an exemption for not meeting the application deadline and consider approval of our senior property tax application for this year.

Please see the attached completed and signed forms. Thank you for your consideration.

Sincerely,



Mayumi Gabor
907-209-0929
5351 Commercial Blvd
Juneau, AK 99801

May 15, 2023

To

City and Borough of Juneau Assembly
155 South Seward Street
Juneau, Alaska 99801

Subject: Late filing of Real Property Tax Exemption Application
Property: 1C060U04G030

Dear People:

Please accept my Real Property Tax Exemption Application.

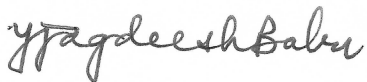
I regret that we are late for the following reasons:

1. Did not realize that there was a deadline and it had passed;
2. My wife has been in and out of treatments the last couple of months for serious illness. (I can provide documentary evidence for this if you require)
3. The senior exemption which had existed previously was revoked and we did not notice it until today. Got in touch with CBJ as soon as we became aware.
4. Our mailing address is different from the physical address and we are correcting that now.

We very much appreciate your indulgence in this matter.

Thank you.

Sincerely,



Jagdish Yellesetty
PO Box 21284
Juneau, AK 99802
jagdishy@gmail.com

GBJ-Assessor's Office
MAY 16 2023

Section P, Item 20.

Dear ~~Assembly~~ Board of Equalization

I would like to ask for forgiveness for not meeting
The deadline of March 31, 2023. We bought the house
last May and we were not aware that we could
get an ^{Property tax} exemption ~~for~~ for being ~~been~~ a senior citizen
~~and~~ ^{or a} ~~and~~ ~~disabled~~ ~~vet~~ until ~~last month~~ The first of this
month. I am humbly requesting that the exemption
additionally be applied
for last year taxes. ~~be applied to~~

Please call me at (217) 819 6216 if you have
any additional questions.

Thank You

Sam Hunter
Sam Hunter

MAY 17 2023

DEAR ASSEMBLY MEMBERS,
I purchased a condo which closed on Feb 2, 2023. I was unaware of the Jan 1st filing ~~date~~ dead line. I was born on Aug 25, 1956 my Exempt senior # is SNR-34485. THANK you for your assistance,

Samuel A. Pleasants

CBJ-Assessor's Office

JUN 02 2023

2 JUNE 2023

ASSEMBLY,

MY NAME IS SCOTT SHIELDS. I AM A MILITARY VET THAT RECENTLY RECEIVED MY VA RATING OF 100% DISABLED. I WAS NOT AWARE OF A CUT OFF DATE TO APPLY FOR THE PROPERTY TAX EXEMPTION. I WOULD LIKE TO APPLY FOR THIS BENEFIT AND I WOULD BE GRATEFUL FOR YOUR REVIEW AND APPROVAL OF MY APPLICATION REQUEST.

THANK YOU FOR YOUR CONSIDERATION OF MY REQUEST.

VERY RESPECTFULLY,

SCOTT SHIELDS
Scott J. Shields

City and Borough of Juneau
Office of the Assessor
155 S Seward Street
Juneau, AK 99801

May 25, 2023

To City Assembly of Juneau,

I submitted a Senior property Tax Exemption for our Home at 3640 McGinnis Drive. We were under the impression when the Senior sales tax exemption went away the property tax exemption also was terminated. We were told by a friend last month this was not the case. Our apologies we were not aware of the March 31st cut off.

Thank you for your consideration
Stephen M Seymour
Lori Wright Seymour
3640 McGinnis Drive
Juneau, Alaska 99801
907-723-4525

Presented by: The City Manager
 Introduced: April 5, 2023
 Drafted by: Engineering & Public Works Department

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3016(b)

A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2024 through 2029, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2024.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2024 through Fiscal Year 2029, and has determined the capital improvement project priorities for Fiscal Year 2024.

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

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," dated **June 1, 2023**, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," are pending capital improvement projects to be undertaken in FY24:

FISCAL YEAR 2024 GENERAL SALES TAX IMPROVEMENTS		
DEPARTMENT	PROJECT	FY24 BUDGET
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 300,000
Eaglecrest	Eaglecrest Master Plan	50,000
Manager's Office	City Hall	10,000,000
Manager's Office	JPD/CCFR Radio System Replacement	2,000,000
Manager's Office	Jordan Creek Greenbelt Improvements	150,000
Manager's Office	Fire - Add Staff Restroom at Sleep-off center - St. Vincent de Paul	150,000
Manager's Office	Zero Waste Program	100,000
Manager's Office	Zero Waste Subdivision	50,000
Parks & Recreation	Deferred Building Maintenance	850,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	300,000
Parks & Recreation	Sports Field Resurfacing & Repairs	50,000
Parks & Recreation	OHV Park and Trails	200,000
Parks & Recreation	Trail Improvements	150,000
Parks & Recreation	Dimond Park Field House ADA Improvements	150,000
Parks & Recreation	Juneau Trails Plan	80,000
	General Sales Tax Improvements Total	\$ 14,580,000

**FISCAL YEAR 2024
AREAWIDE STREET SALES TAX PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Street Maintenance	Vintage Boulevard and Clinton Drive Reconstruction Phase 1	\$ 2,100,000
Street Maintenance	Pavement Management	930,000
Street Maintenance	Sidewalk & Stairway Repairs	1,000,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Dudley - Loop to Tongass	1,300,000
Street Maintenance	Dogwood Lane - Columbia to Mend Blvd	1,800,000
Street Maintenance	4th and E streets Douglas water system replacement, resurface and drainage improvements	1,930,000
Street Maintenance	10th St, F St, W 8th St drainage and rehab planning and design	200,000
Street Maintenance	Gold Creek Flume Rehabilitation	600,000
Capital Transit	FTA Grant Match - Bus Shelter Replacement	220,000
Engineering	Safe Streets For All (SS4A) Grant Match	70,000
Engineering	EV Policy and Planning	50,000
Engineering	Contaminated Sites ADEC Follow up Reporting	50,000
Areawide Street Sales Tax Priorities Total		<u>\$ 10,500,000</u>

**FISCAL YEAR 2024
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/18 - 09/30/23**

DEPARTMENT	PROJECT	FY24 BUDGET
Harbors	Aurora Harbor Rebuild Phase III	\$ 1,500,000
Wastewater Utility	Lift Station SCADA Integration	500,000
Parks & Recreation	Deferred Building Maintenance	200,000
School District	JSD Buildings Major Maintenance / Match	200,000
Temporary 1% Sales Tax Priorities Total		<u>\$ 2,400,000</u>

**FISCAL YEAR 2024
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/23 - 09/30/28**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Deferred Building Maintenance	\$ 2,000,000
Managers	Childcare Funding	400,000 *
Parks and Recreation	Parks and Playgrounds Major Maintenance and Repairs	750,000
Managers	Fire - Ladder Truck Replacement	1,200,000 *
School District	JSD Buildings Major Maintenance / Match	750,000
Managers	Telephone Hill Redevelopment	500,000
Managers	JPD/CCFR Radio System Replacement	500,000
Managers - Library	Waterfront Museum	500,000
Harbors	Harbor Projects / Grant Match	2,400,000
Temporary 1% Sales Tax Priorities Total		<u>\$ 9,000,000</u>

* Operating Budget Funding

**FISCAL YEAR 2024
PORT DEVELOPMENT FEE PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Marine Park Construction	\$ 2,000,000
Parks and Recreation	Homestead Park Construction	1,000,000
Managers	Circulator Study	20,000
Capital Transit	Downtown Transportation Center Signage	75,000
Wastewater	Outer Drive Sewer Pump Station Improvements	950,000
Port Development Fee Priorities Total		<u>\$ 4,045,000</u>

**FISCAL YEAR 2024
STATE MARINE PASSENGER FEE PRIORITIES**

DEPARTMENT	PROJECT	FY24 BUDGET
Managers	Capital Civic Center	\$ 1,000,000
Managers	Shore Power	5,000,000
Managers	Seawalk	5,000,000
	State Marine Passenger Fee Priorities Total	<u>\$ 11,000,000</u>

**FISCAL YEAR 2024
BARTLETT HOSPITAL ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Bartlett Hospital	Deferred Maintenance	\$ 2,000,000
	Bartlett Hospital Enterprise Fund Total	<u>\$ 2,000,000</u>

**FISCAL YEAR 2024
FACILITIES MAINTENANCE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Parks and Recreation	Deferred Building Maintenance	\$ 100,000
	Facilities Maintenance Fund Total	<u>\$ 100,000</u>

**FISCAL YEAR 2024
LANDS & RESOURCES FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Lands & Resources	Pits and Quarries Management, Infrastructure Maintenance and Expansion	\$ 700,000
Lands & Resources	Zero Waste Subdivision Plan	50,000
Lands & Resources	Auke Bay Property Development and Disposal	450,000
	Lands & Resources Fund Total	<u>\$ 1,200,000</u>

**FISCAL YEAR 2024
WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Wastewater Utility	Facilities Planning, Infiltration and Inflow, ABTP long term study, solids digester)	\$ 220,000
Wastewater Utility	Areawide Collection System Improvements	55,000
Wastewater Utility	JDTP SCADA and Instrumentation Upgrades	150,000
Wastewater Utility	Dudley - Loop Road to Tongass	143,000
Wastewater Utility	Conifer Lane - Back Loop to end	354,000
Wastewater Utility	Dogwood Lane - Columbia to Mendenhall Blvd	250,000
Wastewater Utility	4th and E streets Douglas, water system replacement, resurface and drainage improvements	40,000
Wastewater Utility	Stairway Sewer Improvements	100,000
Wastewater Utility	Pavement Management Program-Utility Adjustments (frames & lids)	20,000
	Wastewater Enterprise Fund Total	<u>\$ 1,332,000</u>

**FISCAL YEAR 2024
WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY24 BUDGET
Water Utility	Lena Loop Water System Replacement	\$ 150,000
Water Utility	Egan Drive Crossing Water Main Replacements (Channel Dr.,Norway Pt., Highland Dr. Salmon Ck, Sunny Pt.)	250,000
Water Utility	Salmon Creek Onsite Chlorine Generation Replacement / Upgrade	10,000
Water Utility	Aurora Vault Removal	550,000
Water Utility	Cedar Park (W Juneau) Pump Station Upgrades / Rehab	825,000
Water Utility	PRV Station Improvements & Upgrades (Crow Hill, 5th St. Douglas)	50,000
Water Utility	ADOT Projects Utility Adjustments (provide valve boxes, vault lids etc.)	55,000
Water Utility	Conifer Lane - Back Loop to end	459,000
Water Utility	Dudley - Loop Road to Tongass	286,000
Water Utility	Stairway Water Improvements	100,000
Water Utility	4th and E Street Water System Replacement	405,000
Water Utility	Dogwood Lane - Columbia to Mendenhall Blvd	340,000
Water Utility	Pavement Management Water Utility Adjustments	20,000
Water Enterprise Fund Total		<u>\$ 3,500,000</u>

ORDINANCE 2023-14 CAPITAL PROJECTS FUNDING TOTAL **\$ 58,057,000**

ORDINANCE 2023-14 OPERATING BUDGET FUNDING TOTAL **\$ 1,600,000**

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2024-2029," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY24, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2024
AIRPORT UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	FY24 BUDGET
Airport	Construct 121/135 Ramp Rehab, drainage, fencing, lighting & RON aircraft parking	\$ 12,200,000
Airport	Construct/Replace Jetbridge (PBB) Gate 5	2,000,000
Airport	Design East GA, TXL and Apron	275,000
Airport	Design West GA, TXL	300,000
Airport	Design Safety Area Grading/RW Shoulders/NAVAIDS	400,000
Airport	Land Acquisition - Channel Flying/Loken	1,500,000
Airport Unscheduled Funding Total		<u>\$ 16,675,000</u>

**FISCAL YEAR 2024
UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	FY24 BUDGET
Bartlett Hospital	Wildflower Court Maintenance and Repairs	500,000
Capital Transit	FTA Grant - Bus Shelter Replacements	\$ 860,000
Harbors	Cost Share w/ ACOE - Statter Breakwater Feasibility Study	500,000
Manager's Office	JPD DEU Building Expansion	1,610,000
Manager's Office	JPD and CCFR - Radio System replacement	14,500,000
Parks and Recreation	Hank Harmon Public Range Hunter Safety Access Grant	850,000
Parks and Recreation	35 Mile ORV Park and Trails Recreation Trails Program Grant	300,000
Parks and Recreation	Montana Creek Bridge Replacement TAP Grant	1,500,000
Public Works	Upper Jordan Creek Sediment Control	5,000,000
Unscheduled Funding Total		<u>\$ 25,620,000</u>

Section 2. Fiscal Year 2024 Budget. It is the intent of the Assembly that the capital improvement project budget allocations as set forth in the FY24 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2024 Budget.

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this _____ day of **June**, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk