



REGULAR ASSEMBLY MEETING 2023-17 AGENDA

July 10, 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. Proclamation Honoring Wayne Stevens

2. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 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

3. 2023-01-09 Regular Assembly Meeting 2023-01 Minutes - Draft

4. 2023-01-31 Special Assembly Meeting 2023-03 Minutes - Draft

5. 2023-06-27 Special Assembly Meeting 2023-15 Minutes - Draft

6. 2023-06-28 Special Assembly Meeting 2023-16 Minutes - Draft

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

7. Ordinance 2023-14(b)(A) An Ordinance Appropriating \$60,000 to the Manager for the Mount Bradley Trail Reroute and Restoration Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.

Parks and Recreation has been awarded an additional \$60,000 in grant funding from the Federal Lands Access Program to relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. This award increases the \$265,000 grant appropriated under Ordinance 2021-08(b)(am)(V). A local match requirement of \$8,051 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix is reconstructing the trail and is expected to complete the project in 2024.

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

8. Ordinance 2023-14(b)(B) An Ordinance Appropriating \$2,000,000 to the Manager for Childcare Programs and Grants; Grant Funding Provided by the State of Alaska.

The City and Borough of Juneau has been awarded \$2,000,000 in grant funding for childcare programs and grants, focused on improving the availability and quality of childcare in Juneau. The state funding for these grants derives from the American Rescue Plan Act and Coronavirus Response and Relief Supplemental Appropriations Act. These funds will be used to expand existing CBJ programs for FY24 and FY25 as well as create an apprenticeship program for childcare administrators. No local match is required for this grant.

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

9. Ordinance 2023-14(b)(C) An Ordinance Appropriating \$850,215 to the Manager for the Hank Harmon Rifle Range Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.

This ordinance would appropriate \$850,215 for the Hank Harmon Rifle Range Improvements CIP. This funding would provide for a series of safety, accessibility, and longevity improvements that will address deferred maintenance needs. The improvements will comply with National Rifle Association Standards and will ensure that all Juneau-area hunting and recreational shooters will have continued year-round access to this free facility. The local match requirement will be met through previously appropriated funds in the CIP.

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

10. Ordinance 2023-14(b)(D) An Ordinance Appropriating \$347,340 to the Manager as Funding for Round 2 of the Healthy and Equitable Communities Grant; Grant Funding Provided by the Alaska Department of Health.

CBJ has been awarded an additional \$347,340 in grant funding from the Alaska Department of Health's Healthy and Equitable Communities grant. The Healthy and Equitable Communities unit was established in 2021 in response to widening barriers to health highlighted by the COVID-19 pandemic. This award increases the \$222,953 grant received in FY23. This grant would improve health outcomes for high-risk and underserved Alaskans by providing funding for the following purposes:

Capital City Fire and Rescue (CCFR) Employee Mental Health Training - \$45,000

CCFR Response Van Modifications - \$45,000

Community Health Needs Assessment - \$50,000

Parks & Recreation's Youth Shelter (Shéiyi Xaat Hít) - \$75,000

Warming Shelter - \$132,340

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

11. Ordinance 2023-27 An Ordinance Authorizing the Manager to Convey Approximately 3,030 Square Feet of Property Located Adjacent to 11260 North Douglas Highway with the Legal Description of a Fraction of Lot 2, USS 3559 Beachside to Jon and Susanne Reiswig for Fair Market Value.

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 the request is being made in order to secure more road frontage on North Douglas Highway. The City property is a large 92-acre parcel, transected by North 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 the 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 Assembly provided a motion in favor of working with Jon and Susanne Reiswig towards the disposal of City property at the June 12, 2023 meeting. An appraisal was complete in March 2023 which valued the property at \$7,600.

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

J. Resolutions

12. Resolution 3031 A Resolution Supporting the Manager Entering into an Agreement with Juneau Off-Road Vehicle Association for the 35 Mile ORV Riding Park.

This resolution supports the development of the 35 Mile Off-Road Vehicle Riding Park by authorizing the Manager to enter into an agreement with the Juneau Off-Road Vehicle Association (JORA). The management agreement will allow JORA to provide specific maintenance tasks to maintain cleanliness and upkeep of the park. JORA will also provide important stewardship tasks to outreach to the riding community and encourage safe and responsible riding in the park. JORA provides a critical connection to the riding community and by formalizing an agreement with JORA, CBJ will better serve the public interest and be able to operate and manage a successful riding park.

The City Manager recommends the Assembly adopt this resolution.

13. Resolution 3033 A Resolution Amending the Rate and Fare Structure for the Capital Transit System, and Repealing Resolution Serial No. 2614.

This is a housekeeping change to comply with a Federal Transit Administration (FTA) finding. FTA provides grants to Capital Transit and therefore does periodic reviews of policies, procedures, and spending. In the most recent review, FTA determined that the Capital Transit policy of requiring a physician to certify that an individual is ADA Paratransit Eligible was too narrow, and that other health care professionals should also be able to make that certification.

The City Manager recommends that the Assembly adopt this resolution.

K. Transfers**14. Transfer Request T-1063 A Transfer of \$ 1,500,000 from CIP H51-125 Aurora Harbor Improvements to CIP H51-108 Statter Harbor Improvements Phase III.**

Docks & Harbors was awarded a \$2 million grant from the Alaska Department of Transportation and Public Facilities' Municipal Harbor Facility Grants Program. The required 50% local match was provided by the 2017 1% Sales Tax Initiative (\$1.5 million) and Harbor fund balance (\$1 million). The allocation of \$1.5 million of 1% Sales Tax was not scheduled until FY24. In March 2023, to execute a bid award to complete project work by the end of the summer, Docks & Harbors requested to temporarily transfer funding from the Statter Harbor Improvements Phase III CIP to the Aurora Harbor Improvements CIP. The 1% Sales Tax funding became available for the Aurora Harbor Improvements CIP on July 1, 2023. This transfer would return the temporary funding for Aurora Harbor back to Statter Harbor.

The Docks and Harbors Board reviewed this request at the June 27, 2023 meeting.

The City Manager recommends approval of this transfer.

L. Liquor/Marijuana Licenses**15. Liquor License Actions**

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

Liquor License - RENEWAL

License Type: Beverage Dispensary, License #3720

Licensee: Goldbelt Aerial Tramway, LLC d/b/a Timberline Bar & Grill

Location: 1800 Foot Level, Mt. Robert's, Juneau

License Type: Distillery, License #5506

Licensee: Amalga Distillery, LLC d/b/a Amalga Distillery

Location: 134 N. Franklin St., 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 applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

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

M. PUBLIC HEARING**16. Ordinance 2023-26(c) 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 Assembly Committee of the Whole considered this ordinance at its June 26, 2023 meeting and forwarded version (b), as amended, to the Assembly for action.

The City Manager recommends the Assembly adopt this ordinance.

17. 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 adopt this ordinance.

18. 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 adopt this ordinance.

19. 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 as the existing City Hall is one of our most expensive municipal buildings to maintain (actually slightly more costly to maintain than the 60-year-old 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 adopt this ordinance.

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

This ordinance would appropriate \$8,100,000 of hospital funds for the purchase of the BBGH Development, LLC property at 3220 and 3230 Hospital Drive, Juneau, AK. 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 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 25th, 2023 meeting. The Committee of the Whole reviewed this request at the June 26, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

21. 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 its work.

The City Manager recommends the Assembly adopt this ordinance.

N. UNFINISHED BUSINESS

O. NEW BUSINESS

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

There are 8 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.

P. STAFF REPORTS

23. Assembly Calendar-Meeting Schedule Changes (Verbal Report)

24. Tourism Report

Q. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

R. ASSEMBLY COMMENTS & QUESTIONS

S. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

T. EXECUTIVE SESSION

25. City Manager Recruitment and Selection

Suggested Motion: Motion by xx, "I move we recess into executive session to discuss matters that the immediate knowledge of which would defame or prejudice the character or reputation of any person, specifically those individuals invited to interview with the committee, and to discuss recruitment examination materials that are confidential."

U. SUPPLEMENTAL MATERIALS

V. 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.gov.

**The Office of the Mayor
City and Borough of Juneau, Alaska**

PROCLAMATION

Honoring Wayne Stevens

WHEREAS, Wayne Stevens is transitioning into retirement from his role as President and CEO of the United Way of Southeast Alaska after serving at the helm of the organization since 2011; and

WHEREAS, Wayne has lived for over four decades in Alaska: from Utqiagvik to Juneau, and from Kenai to Kodiak; and

WHEREAS, Wayne has dedicated his life to serving the communities in which he resides; and

WHEREAS, Wayne’s community service in Alaska has been so extensive that it is difficult to mention even a small fraction of it in this proclamation; and

WHEREAS, Wayne served as a Kodiak Island Borough Assemblymember for eleven years; and

WHEREAS, he served as a board member and chair of the Providence Kodiak Island Medical Center; and

WHEREAS, Wayne served on community advisory boards for Alaska Airlines, Wells Fargo, and the Alyeska Pipeline Service Company; and

WHEREAS, Wayne has served on a variety of other boards and commissions including the Marine Transportation Advisory Board for the Alaska Marine Highway System, and the Alaska Health Care Commission.

NOW THEREFORE, I, Beth A. Weldon, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby issue this proclamation honoring

Wayne Stevens

for his years-long commitment to local, regional, and statewide community service in the great state of Alaska.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 10th day of July, 2023.

Beth A. Weldon, Mayor



REGULAR ASSEMBLY MEETING 2023-01 DRAFT MINUTES

January 09, 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

MEETING NO. 2023-01: 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 Acting Mayor Carole Triem at 7:03 p.m.

A. FLAG SALUTE

Assemblymember Wade Bryson led the Flag Salute.

B. LAND ACKNOWLEDGEMENT

1. Assemblymember Greg Smith 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: Acting Mayor Carole Triem, Greg Smith, Christine Woll, Michelle Hale, 'Wáahlaal Gíidaak (via Zoom) and Wade Bryson

Assemblymembers Absent: Mayor Beth Weldon, Deputy Mayor Maria Gladziszewski, Alicia Hughes-Skandijs

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, Assistant City Attorney Adam Gottschalk, Community Development Director Jill Maclean, Assistant City Attorney Benjamin Brown, Law Office Manager Deb Senn, Senior Planner Irene Gallion, Eaglecrest Manager Dave Scanlan

D. SPECIAL ORDER OF BUSINESS**2. Instruction for Public Participation**

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

E. APPROVAL OF MINUTES

3. July 11, 2022 Regular Assembly Meeting 2022-17 DRAFT Minutes

4. August 16, 2022 Special Assembly Meeting 2022-20 DRAFT Minutes
5. August 25, 2022 Special Assembly Meeting 2022-21 DRAFT Minutes

MOTION by Mr. Bryson to approve the minutes of the July 11, August 16, and August 25, 2022 Assembly meetings and asked for unanimous consent. *Hearing no objections, the minutes were approved as presented.*

F. MANAGER'S REQUEST FOR AGENDA CHANGES

Manager Watt requested that Resolution 3011 regarding the Visitor Industry Task Force recommendations be removed from the Consent Agenda and placed as the first item under Public Hearing. *Hearing no objection, that request was approved.*

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mandy Cole, a valley resident, stated that she is part of a group that has started a new council called the Juneau Non-Profit Housing Development Council. She said that there is a myriad of requests to the Assembly and the Assembly's top goal is in finding housing solutions in Juneau. She said that their group has been formed to try to help differentiate their requests from requests that the Assembly may get from other portions of the community. Their mission is to advocate for, build, and sustain housing options that are accessible and affordable for those who experience poverty within our community. They are specifically looking at the 30 and below AMI (Area Median Income). She said that they want to provide information and education to the Assembly about the different ways that developing housing for that sector of the community is challenging and why they rely on the Assembly for its support. She said that building housing for people who have very, very little money is different from building housing for the average person using the free market. She said they are hoping to be a resource to the Assembly and CBJ as well as the community at large. The current members of this loose coalition consist of AWARE, Catholic Community Services, Gastineau Human Services, JAMHI, Juneau Housing First Collaborative d/b/a Glory Hall, the Society of St. Vincent DePaul of Juneau, Tlingit and Haida Regional Housing Authority, and the Juneau Community Foundation.

Ms. Hale thanked Ms. Cole and asked if she has had an opportunity to speak with the chair of the Lands, Housing, and Economic Development Committee and with Lands Manager Dan Bleidorn. Ms. Hale said that if they do have information or asks that the Assembly is encouraging all organizations to be sure to go through the correct Assembly standing committees and the LHEDC would be the appropriate committee for their work.

Ms. Woll asked Ms. Cole if she was the primary contact person for the group or someone else. Ms. Cole said that at this time, it would be herself and Amy Skilbred.

Aaron Spratt, a valley resident, spoke about a January 7, 2023 KINY story that spoke about retention efforts for CBJ jobs. He had some questions for the Assembly with respect to the City Manager. He asked what the City Manager's role and responsibility is with respect to employee retention. He said he would like to know if the Assembly is asking Mr. Watt what kind of work environment the City Manager is establishing in city offices. He said that Mr. Watt has almost 30 years working for the city and he wonders why Mr. Watt's peers in senior leadership are leaving in droves. The article cites the pandemic as playing a key role in the retention or recruitment efforts. Mr. Spratt spoke to his concerns about various recent projects that the city has identified for funding and what impact those projects may have on the recruitment and retention of a workforce willing to stay local. He encouraged the Assembly to examine all those issues with respect to recruitment and retention efforts.

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 Ms. Hale to adopt the Consent Agenda, as amended, with the removal of Resolution 3011 which was moved to Public Hearing and asked for unanimous consent. *Hearing no objection, the consent agenda was adopted as amended.*

I. Ordinances for Introduction

6. Ordinance 2022-48(b) An Ordinance Related to City and Borough of Juneau Land Management Plan Duration, Restrictions, and Authority.

This ordinance amends the governing codes related to the CBJ Land Management Plan. Section 2 of this ordinance would extend the viability of a land management disposal determination from two years to ten years, which can remove unnecessary burdens in the land disposal process. Section 3 of this ordinance would amend the general powers of the Docks and Harbors Board to be consistent with the land management provisions of Title 53. Section 4 of this ordinance would remove the requirement for Docks and Harbors to have its own land management plan and would amend the code to clarify what Docks and Harbors should consider when it develops land disposal and land use policies.

If this ordinance is adopted, staff will review the 2016 Land Management Plan to see if any amendments are necessary, especially related to Docks and Harbors managed property.

The Assembly Lands, Housing, and Economic Development Committee reviewed this ordinance on September 26, 2022. The Assembly Committee of the Whole reviewed and amended this ordinance on December 19, 2022, which is reflected in version b (page 4, lines 17-18). The Docks and Harbors Board or committee reviewed this topic on July 20, 2022; July 28, 2022; August 25, 2022; September 21, 2022; and September 29, 2022.

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)(AD) An Ordinance Appropriating \$10,000,000 to the Manager for the Eaglecrest Gondola Capital Improvement Project; Funding Provided by an Investment from Goldbelt, Inc.

Goldbelt, Inc. has expressed interest in investing \$10 million for the installation of the gondola and associated infrastructure at Eaglecrest Ski Area. This ordinance appropriates funds for that purpose. The initial investment will be repaid according to the terms outlined in the revenue sharing agreement between CBJ and Goldbelt, Inc., authorized by Ordinance 2022-63. This appropriation will be effective upon execution of the agreement.

The Committee of the Whole discussed this request at the November 28, 2022 meeting.

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)(AE) An Ordinance Appropriating \$300,000 to the Manager for the Downtown Subport Planning Capital Improvement Project; Funding Provided by Port Development Fees.

This ordinance would appropriate \$300,000 of port development fees for cruise ship dock planning at the downtown subport. A coordinated waterfront planning effort led by CBJ ensures the entities involved do so collaboratively and with community mindfulness, and allows CBJ to weigh competing interests in Juneau's Port.

The Committee of the Whole discussed 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)(AF) An Ordinance Transferring \$30,000 from Information Technology to Community Development for a GIS Technician.

CBJ's GIS Technician position is currently split-funded between Information Technology (IT) and the Police Department (JPD). To better align the work of the technician with Community Development's (CDD) GIS program objectives, this ordinance would transfer the remaining FY23 authority for the IT-funded portion of this position to CDD while maintaining staffing levels to JPD. This position will be included in CDD's FY24 budget request.

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

10. Ordinance 2022-06(b)(AG) An Ordinance Appropriating \$93,336 to the Manager for a Grant to Travel Juneau; Funding Provided by Hotel-Bed Tax Funds.

The Hotel-Bed Tax Fund has accumulated a sizeable balance as a result of much higher than anticipated tax revenue. Had this revenue been foreseen during the budget process, the annual Assembly grant issued to Travel Juneau for the purpose of tourism marketing would likely have been significantly larger. As such, this ordinance would make a supplemental grant to Travel Juneau for the 2023 fiscal year.

Travel Juneau will use this additional grant to reimburse \$93,336 of expenses associated with the 2022 Ironman Alaska event. These expenses include facility and equipment rentals, Ironman staff lodging, JPD and CCFR staff time, and an economic impact analysis of the event.

The Assembly Finance Committee reviewed this request at the January 4, 2023 meeting.

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

J. Resolutions

11. Resolution 3011 A Resolution Adopting Cruise Ship Tourism Policy Objectives from the Visitor Industry Task Force Final Report.

The Visitor Industry Task Force (VITF) met in 2019 and 2020. The final report was delivered in March of 2020. The Assembly accepted, but never formally adopted the VITF recommendations or the overarching policy objectives because the immediate challenges of COVID-19 required the Assembly's full attention. Staff's approach to date has been to deal with VITF-recommended issues as they arise. Even without adopting the specific recommendations from the VITF Final Report, the management of

cruise ship tourism in the community would benefit from the Assembly adopting the five overarching policy objectives in this resolution.

The Assembly Committee of the Whole discussed this topic on November 28, 2022.

The City Manager recommends the Assembly adopt this resolution.

Resolution 3011 REMOVED from Consent Agenda upon request of the City Manager.

12. Resolution 3013 A Resolution of the City and Borough of Juneau Supporting the Homeporting of a U.S. Coast Guard Icebreaker in Juneau.

The intent of Resolution 3013 is to signal to the US Coast Guard and the Alaska Congressional Delegation unqualified support from our community to homeport an Arctic icebreaker in Juneau.

Our Congressional Delegation, led by Senator Sullivan, has communicated a vision to provide additional Alaskan-based federal assets to meet the emerging needs of an expanding Arctic. The Coast Guard reportedly has evaluated opportunities to acquire a commercially available icebreaker to potentially homeport in our state. Our local community would benefit immensely with the infusion of new federal personnel, including family members, which would accompany the homeporting of an icebreaker.

Although the recently enacted Congressional funding bill did not appropriate federal money to acquire a commercially available icebreaker, this resolution still demonstrates strong will from Juneau that an icebreaker and additional Coast Guard personnel would be warmly welcomed to our community.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

13. BE23-120 Cedar Drive Pavement, Drainage and Utilities Improvements

This project generally includes reconstruction of Cedar Drive between Columbia Blvd. and Mendenhall Blvd. Bids were opened on this project on December 6, 2022. The bid protest period expired at 4:30 p.m. on December 9, 2022.

Results of the bid opening are as follows:

North40 Construction Corp.	\$1,168,580.00
Admiralty Construction, Inc.	\$1,389,360.00
<i>Engineer's Estimate:</i>	\$1,406,600.00

The City Manager recommends award of this project to North40 Construction Corp. for the total amount bid of \$1,168,580.00.

14. BE23-123 Teal Street Reconstruction

This project includes reconstruction of Teal Street from Jordan Avenue to Crest Street. Bids on this project were opened on December 1, 2022. The bid protest period expired at 4:30 p.m. on December 5, 2022. Results of the bid opening are as follows:

North40 Construction Corp.	\$2,019,958.00
Admiralty Construction Inc.	\$2,421,316.00
<i>Engineer's Estimate:</i>	\$1,878,023.00

The City Manager recommends award of this project to North40 Construction Corp. for the total amount bid of \$2,019,958.00.

15. BE23-125 Tongass Boulevard Reconstruction Phase 2

This project includes reconstruction of Tongass Boulevard from the intersection of Dudley Street to Mendenhall Loop Road. Bids on this project were opened on December 9, 2022. The bid protest period expired at 4:30 p.m. on December 12, 2022. Results of the bid opening are as follows:

Admiralty Construction Inc. \$1,992,340.00

Engineer's Estimate: \$1,816,245.00

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of \$1,992,340.00.

L. Transfers

16. Transfer Request T-1048 A Transfer of \$1,400,000 from CIP U76-119 Mendenhall Wastewater Treatment Plant Improvements to CIP U76-122 Outer Drive and West Juneau Lift Station Improvements.

This request would transfer \$1.4 million from the Mendenhall Wastewater Treatment Plant Improvements CIP to the Outer Drive and West Juneau Lift Station Improvements CIP. Cost escalation has increased the current construction estimates above available funding. The Wastewater Utility has identified this as a high priority project due to pumping limitations, increasing maintenance needs, and difficulty in procuring replacement and repair parts. The Mendenhall Wastewater Treatment Plant Improvements CIP will retain adequate funding to cover near term project needs.

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

The City Manager recommends approval of this transfer.

17. Transfer Request T-1049 A Transfer of \$590,000 from CIP R72-149 Meadow Lane Improvements and CIP R72-155 Crest Street Reconstruction to CIP R72-152 Tongass Boulevard Phase II Reconstruction.

This request would provide \$590,000 in additional funding needed to complete project work on the Tongass Boulevard Phase II Reconstruction CIP. Cost escalation and significant degradation of a water main discovered during Phase I contributed to the need for additional funding. The Meadow Lane and Crest Street projects are nearly complete and will retain adequate funding to cover remaining project work.

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

The City Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses

18. Liquor License Renewals for Review

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

Liquor License Renewals

License Type: Club Liquor License, AMCO License #4034

Licensee: Juneau Moose Lodge #700 d/b/a Loyal Order of Moose #700

Location: 8335 Airport Blvd., Juneau

License Type: Restaurant Eating Place Liquor License, AMCO License #4731

Licensee: DJ LLC d/b/a Asiana Gardens

Location: 9116 Mendenhall Mall Road, Juneau

License Type: Beverage Dispensary Liquor License, AMCO License #2844

Licensee: Sandbar Inc. d/b/a The Sandbar

Location: 2525 Industrial Blvd., 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 license renewals.

N. City/State Project Review

19. CSP2022-05: City Project Review for Bartlett Regional Hospital's Emergency Department addition and renovation.

At its regular meeting on December 13, 2022, the Planning Commission recommended APPROVAL to the Assembly for adding 4,000 square feet to the hospital's existing Emergency Department, demolishing the existing ambulance bay and building a new 1,300 square foot bay, and renovating 7,500 square feet of the existing Emergency Department space. Site work will include providing a cul-de-sac style turn around near Wildflower Court, changing the direction that ambulances approach the ambulance bay, and providing a pedestrian sidewalk around the new bay and patient drop off area. The total cost of the project is approximately \$17 million.

The City Manager recommends that the Assembly APPROVE the project.

O. PUBLIC HEARING

Resolution 3011 A Resolution Adopting Cruise Ship Tourism Policy Objectives from the Visitor Industry Task Force Final Report.

The Visitor Industry Task Force (VITF) met in 2019 and 2020. The final report was delivered in March of 2020. The Assembly accepted, but never formally adopted the VITF recommendations or the overarching policy objectives because the immediate challenges of COVID-19 required the Assembly's full attention. Staff's approach to date has been to deal with VITF-recommended issues as they arise. Even without adopting the specific recommendations from the VITF Final Report, the management of cruise ship tourism in the community would benefit from the Assembly adopting the five overarching policy objectives in this resolution.

The Assembly Committee of the Whole discussed this topic on November 28, 2022.

The City Manager recommends the Assembly adopt this resolution.

Resolution 3011 REMOVED from Consent Agenda upon request of the City Manager.

Public Comment

Kim Metcalfe, a Gold Street resident, expressed her disappointment that the resolution was on the Assembly’s consent agenda only to begin with. She stated that she attended the recent Assembly retreat at which she was encouraged by the fact that it sounded like the Assembly was beginning to recognize the problems this industry brings with it. She spoke to the November 23, 2022 memo from Tourism Manager Alexandra Pierce which was included in their packet. It outlined a long-term strategy for tourism management, provided an update on VITF recommendations, and provided context for tourism management priorities. In the memo, Ms. Pierce stated that “the VITF policy objectives were never adopted and while staff was working on these issues, it is important that the Assembly have a public process and formally adopt a resolution articulating these objectives.” Ms. Hale and Ms. Hughes-Skandijs spoke to the adoption of a resolution and public process during the retreat and Ms. Metcalfe said that she came away from the retreat thinking there would be a healthy public process and public hearings. She spoke to the McKinley survey and its results showing the community being supportive of imposing limits on the number of cruise ships and passengers and she asked that the Assembly engage in a robust public hearing process on cruise ship tourism and the VITF report.

Karla Hart, a Back Loop Road resident, asked the Assembly to consider an amendment that she sent via email earlier. She compared the measuring cruise volume by cruise ship numbers as being analogous to requesting a load of fertilizer but not know whether you would receive a pickup truck load or a semi-truck load. She cited a New Zealand community that received three cruise ships in one day. She said that by passage of this resolution, the Assembly is acknowledging that they should and they can limit cruise ship passengers. By passage of this resolution tonight, it shows that the community can work with the Assembly to get lower cruise ship limits. She cited the 2021 survey the average number of cruise ships came out to 4.2 ships. She strongly suggested the Assembly amend the resolution to lower the number from 5 to 4 cruise ships per day maximum since that is closer to the 4.2 that the community asked for in response to the survey. She expressed her concerns that the resolution refers to cruise ships in the “Juneau port” which means that in the future if other ports were added to West Douglas or other areas, there may be an increase in the total number of ships visiting the community. She asked that they delete the “port” wording and just leave it for all of Juneau. Ms. Hart then spoke to getting shore power for all of the docks. She has been looking at the health impacts from cruise ships and said that if the Assembly passes this resolution, it doesn’t solve the overall problems.

Ms. Hale requested a brief at ease and the Assembly took a brief break.

MOTION by Mr. Bryson to adopt Resolution 3011 and asked for unanimous consent.

Objection by Ms. Hale.

MOTION by Ms. Hale to postpone Assembly action on this Resolution to the next Assembly meeting so that there is an opportunity for additional public comment provided and asked for unanimous consent.

Hearing no objection, the motion to postpone Resolution 3011 to the next regular Assembly meeting passed by unanimous consent.

20. 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.

On July 6, 2022, Moline Investment Management submitted an application to the CBJ Lands and Resources Department to purchase approximately 11 acres of CBJ property at Pederson Hill with the intention of pursuing a re-zone to achieve increased density for a housing project. On August 8, 2022,

the Lands, Housing, and Economic Development Committee reviewed and provided a motion of support to negotiate the disposal of CBJ property.

On July 25, 2022, the applicant submitted an application to the Community Development Department for a re-zone and on September 13, 2022, at its regular meeting, the Planning Commission reviewed and recommended that the Assembly adopt the re-zone. (AME2022 0005) Both zoning districts allow for up to 10 dwelling units per acre; however, D10-SF provides only for the development of single-family dwellings, while D10 allows multifamily structures. This re-zone conforms with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 Economic Development Plan.

If the re-zone is approved, the applicant will need to complete a purchase and sales agreement for the property. Prior to development, the applicant will need to acquire all necessary permits and Planning Commission approval if necessary.

The Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

James Sidney, a resident of Swampy Acres adjacent to this rezone, spoke in opposition to the ordinance. Mr. Sidney stated that when this subdivision was originally proposed, the zoning was proposed as single-family units similar to the Casey Shattuck area downtown. That zoning went through the Planning Commission process and he is concerned that this is now being proposed for higher density with apartments that will be having a 10-acre piece of property with no provisions for 60 units.

Mr. Smith asked Mr. Sidney if he had could lay out what his concerns would be if there is housing with higher density up there and if he is aware of any ways that might be remedied during the Planning Commission process. Mr. Sidney explained that when the Pederson Hill project was initially proposed, they were looking at it being similar to 9th, 10th, and 11th Streets with small lots with single family units and alley ways. He said that coming up with 16-unit apartment buildings, they will end up with something like the Chinook, Coho sitting behind their properties and that is not what anyone envisioned and the neighborhood wasn't set up for that sort of thing. It does have bus and sewer utilities. They were D-3 transition to D-5 and now it is D-10. He said that he has had his farm for 50 years but no one approached him about buying any of his property.

Mr. Smith said that the Planning Commission does look at impacts such as buffers and other considerations.

MOTION by Ms. Woll to adopt Ordinance 2022-62 and asked for unanimous consent.

Objection by Mr. Smith for comment. Mr. Smith said that when this was initially proposed in the LHEDC, he is sympathetic that this is changing and when people bought the lots around Karl Reishus Blvd., they expected the lots to be single-family homes around there. Mr. Smith said that the need for housing in Juneau is overwhelming and he is hopeful that as the projects move forward, they keep the needs of the neighbors in mind such as security, traffic, buffers and those types of things in mind to reduce the impacts on the neighbors. Mr. Smith removed his objection.

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

21. 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 Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Bruce Denton, a Back Loop Road resident, spoke in favor of the ordinance. He said that he has been a builder in Juneau for the past 50 years and he wanted to underscore the urgency of moving forward with this project and urged the Assembly to adopt this ordinance due to the short building season, especially at the elevations up at Eaglecrest. It is imperative that they complete the design now and are ready for the construction season. He said that a two-week delay at this time of year could mean a year delay in construction.

Mike Satre, a valley resident, spoke in his capacity as the Chair of the Eaglecrest Board. Mr. Satre was joined in the audience by a number of other Eaglecrest Board members. He thanked the Assembly and Goldbelt for their support of this. He noted that the Eaglecrest Board gave direction to the Eaglecrest Manager to negotiate with Goldbelt for this contract. The contract met the directives that the Board gave to Mr. Scanlan and the Board passed a unanimous motion to support moving this to the Assembly. He noted that it is important that the city maintain the assets and pricing and control and protections in the contract for both parties. He said that due to the confidential nature of the negotiations, the Board was provided with high level inputs from Mr. Scanlan but only saw the contract at the same time that the Assembly saw it.

Mr. Satre said that the numbers in the tiers as defined in the contract with 55,000 summer visitors per year, the reality is that averages out to approximately 300 people per day which is just about 6-7 tour buses. He said that even at the higher estimated levels of 75,000, that averages out to 400 people per day which is about 8-9 tour buses. He said during the winter on a good powder day, Eaglecrest sees days with 1,100-1,200 people in one day. He said that this is not an exclusive contract and anything that Eaglecrest choses to do is Eaglecrest revenue.

Ms. Triem thanked Mr. Satre and the board for all their work on this and asked for any Assembly questions.

Mr. Bryson asked how many meetings it took to get to this point. Mr. Satre said that they have discussed summer operations, including looking at the potential for a gondola, at just about every agenda the Eaglecrest has had during the five years he has served on the board. He said that with respect to the

gondola, this has been a constant item of discussion at the board level and Mr. Scanlan has been explaining it to the public over time. They have heard from the get go that they want to have some reservation of public space and some separation of activities. They have visions of the West side being commercial area and East side being Juneau/public spaces. He said that it is another important part of the contract with Goldbelt that CBJ may also put caps on the number of visits to the area.

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2022-63 and asked for unanimous consent.

Objection by Ms. Woll for comment and question. She said that she wanted to reemphasize that although she was a no vote to spend money to purchase the Gondola, she is more than happy that Goldbelt is investing in this project and she thanked them for their partnership. She asked the City Manager to provide next steps, if this passes tonight, between this stage and the ground breaking stage.

Mr. Watt said that with this appropriation, they will see all kinds of activity with the first item being the starting of a road this spring/summer. He said that the Assembly will also see an ordinance coming before them proposing an alternative procurement method as generally building a gondola on a mountain does not fit well with a low bid process. He said that they will also see a CIP request for funding of an Eaglecrest Master Plan moving forward. That will give the public an opportunity to participate in those discussions and decisions. Ms. Woll removed her objection.

Ms. Triem said that she also supports this, especially the partnership with Goldbelt, which is breaking new ground with this agreement. She said that she has asked a lot of questions of the Board and of Mr. Scanlan and not because she is trying to be mean but rather because it is the Assembly's responsibility to do its due diligence. She said that having the answers to those questions before they get there is going to ensure the success of the project. She said that she understands there is a lot of work ahead of them but she is happy that the board is ready to engage in this process.

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

22. 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, and the Jensen-Olson Arboretum Advisory Board, and transfer those board duties to the Parks & Recreation Advisory Committee ("PRAC"). 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 Systemic Racism Review Committee (SRRRC) reviewed this ordinance on December 13, 2022. On January 3, 2023, the PRAC reviewed this ordinance and unanimously recommended the Assembly adopt it with a proposed amendment, which is presented by Assemblymember Smith. On January 9, 2023, the Assembly Human Resources Committee is scheduled to consider this item in light of the SRRRC discussion.

The City Manager recommends the Assembly adopt this ordinance with Assemblymember Smith's amendment.

Public Comment

None.

Assembly Action

Ms. Triem asked Mr. Smith to report on what they discussed at the Human Resources Committee (HRC).

Mr. Smith said that the Human Resources Committee discussed some of the components of the ordinance but due to only having two HRC members, they had a quorum but not enough members to take official action.

MOTION by Mr. Bryson for the Assembly to adopt Ordinance 2022-64 and asked for unanimous consent.

MOTION by Ms. Woll to refer Ord. 2022-64 back to the COW. She said that this ordinance is a big deal and she appreciates the difficulties that staff has with not having enough members to meet quorum for some of these committees. She stated that she didn't think all the members had a chance to see the memo from the Systemic Racism Review Committee that the HRC saw and she feels it is important for the other Assemblymembers to see that before they take action on this ordinance.

Ms. Triem asked procedurally if Ms. Woll's motion was an amendment or a motion. Mr. Palmer stated that it was a motion *(and according to Roberts Rules of Procedure, a motion to refer to committee takes precedence over the previous main motion.)* **Hearing no objection, Ms. Woll's motion to refer Ordinance 2022-64 to the Committee of the Whole passed by unanimous consent.**

23. 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.

On December 19, 2022, the Lands, Housing, and Economic Development Committee reviewed and recommended the Assembly adopt this ordinance. The Systemic Racism Review Committee reviewed this request at the December 13, 2022, meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hale to adopt Ordinance 2022-65 and asked for unanimous consent.

Mr. Bryson objected for purposes of a question. He asked the Manager how many years Mountain Lift, LLC has operated at Eaglecrest. Mr. Watt said that the Eaglecrest Manager was holding up 7 fingers. Mr. Bryson removed his objection.

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

24. 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 Systemic Racism Review Committee reviewed this request at the December 13, 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)(Y) and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

25. 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 Systemic Racism Review Committee reviewed this request at the December 13, 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 2022-06(b)(Z) and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

26. 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 reviewed this request at the December 19, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the December 13, 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 Ms. Woll to adopt Ordinance 2022-06(b)(AA) and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

27. 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 reviewed this request at the December 19, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Aaron Spratt, a valley resident, said that he is confused by this money going to the roof project. He asked if consideration has been given to the overspending by the School Board on the order of millions of dollars and what checks and balances are in place to monitor the money for projects such as this in light of the abuse of the budget by the schools. He said that he has not seen anything about this and why the Assembly is appropriating over a million dollars for this.

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2022-06(b)(AB) and asked for unanimous consent.

Objection by Ms. Hale for purposes of a statement. Ms. Hale said that CBJ owns all of the school facilities and CBJ is responsible for the maintenance and repairs of all the school facilities and asked Mr. Watt to clarify if that is correct or not. Mr. Watt stated that CBJ is responsible for funding for school repairs which is distinct from the operations of the school district and the provision of education. Ms. Hale removed her objection.

Objection by Mr. Bryson for purposes of a question. Mr. Bryson asked the Manager what would happen to the state funding if we refused it. Mr. Watt said that the state would keep the funding and CBJ would lose those monies for the benefit of our school facilities. Mr. Bryson removed his objection.

Hearing no further objections, the motion passed by unanimous consent.

28. 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 reviewed this request at the December 19, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the December 13, 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 Ms. Hale to adopt Ordinance 2022-06(b)(AC) and asked for unanimous consent. ***Hearing no objection, the motion passed by unanimous consent.***

The Assembly took a break from 8:20-8:27p.m.

P. UNFINISHED BUSINESS

Q. NEW BUSINESS

29. Goldbelt and CP Marine Application for a Land Trade

Goldbelt, Inc. and CP Marine Inc. submitted an application proposing a land trade near the Seadrome Building to develop a new visitor-oriented building in support of the Juneau tourism market. On August 25, 2022, the Docks and Harbors Board reviewed the proposal and passed a motion of support. On December 19, 2022, the Assembly Lands, Housing, and Economic Development Committee recommended the Assembly authorize negotiations for the land trade pursuant to CBJC 53.09.260.

The City Manager requests the Assembly authorize negotiations with Goldbelt and CP Marine for a land trade.

Public Comment

None.

Assembly Action

MOTION by Mr. Bryson to direct the manager to negotiate with Goldbelt and CP Marine for a land trade and asked for unanimous consent.

Ms. Hale objected for purposes of a question. She stated that the map on page 100 is the map that shows the land but it doesn't show any details about what was being proposed for transfer. She asked the Manager if that is part of what is still to be worked out as the negotiations take place.

Mr. Watt said that nominally, yes. The packet has a black and white map which isn't too helpful but the online packet has color copies and the Clerk distributed color copies to the members. Mr. Watt said that the general idea is a land trade where money doesn't exchange hands. The line between what ends up being CBJ and what ends up being Goldbelt and CP Marine will be part of the negotiation and has not yet been finalized. Ms. Hale thanked the Manager for his comments and for the colored map, it was very helpful.

Mr. Bryson said that this is the second time that an exchange on the water has happened and the last time an exchange was made, there were some details missed in the trade which prevented that project from coming to fruition. He asked if staff could ask some deeper dive questions in this round of negotiations to keep this project from faltering. Mr. Watt said they will work closely to ensure that all parties understand the development opportunities and process as they move forward. The goal is to rationalize the property lines so that Goldbelt and CP Marine can make an investment in property that they own. Mr. Bryson removed his objection.

Ms. Hale stated that on the Consent Agenda was Ordinance 2022-06(b)(AE) appropriating \$300,000 to the Manager for downtown subport planning. She asked Mr. Watt that given that they are looking at possibly going into a more robust planning effort, if this is pre-empting that ordinance or is this just routine business to be taken care of.

Mr. Watt stated that this is routine business. In this case, neither party is particularly focused on the marine facilities side. This is really about the land trade side. No doubt, both parties are thinking about marine facilities but this is a different area of the waterfront that serves and could be used by much smaller vessels. He said that is not super complicated. Ms. Hale removed her objection.

Hearing no objection, the motion passed by unanimous consent.

30. Notice of Appeal #2022-AA07: Bayhouse Properties LLC v. Planning Commission

On November 22, 2022 the Planning Commission denied an application from Bayhouse Properties LLC for a Conditional Use Permit, USE2022-0011, for the development of condominiums with up to 21 dwelling units, zoned Waterfront Commercial located at 11485 Auke Bay Harbor Road. Mitch Falk, the representative for Bayhouse LLC, filed a timely appeal on December 16 with the Municipal Clerk's office.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

The City Attorney recommends the Assembly accept the appeal and appoint a presiding officer.

Assembly Action

MOTION by Mr. Bryson to accept the appeal and to appoint Christine Woll as the Presiding Officer and asked for unanimous consent. *Hearing no objection, the motion passed by unanimous consent.*

R. STAFF REPORTS

31. M/V Tagish Update

Mr. Watt said that Port Director Carl Uchtyl was present to provide the Assembly with an update on the M/V Tagish, a tugboat that sunk.

Port Director Uchtyl stated that on December 29, the Harbormaster received a call from Delta Western that the vessel was in distress/sinking. The Harbormaster showed up and notified the responsible party, Mr. Don Etheridge, as well as the U.S. Coast Guard (USCG), the Department of Environmental Conservation (DEC) as well as the National Response Command in Washington DC. The USCG came and federalized the incident in accordance with OPA90 which is the Oil Pollution Act of 1990. They were concerned about violations of the Clean Water Act. They directed the responsible party to deploy a boom which is a device to help contain pollution. DEC had boom available and Docks and Harbors provided some support with their small boat in deploying the boom. The responsible party has been there almost every day placing additional absorbent boom which is designed to collect the dispersed oil.

He said that it is estimated that the vessel had approximately 100 gallons of petroleum products on board. The USCG as of Friday gave the responsible party until today to provide their plan for salvaging the vessel. Mr. Uchtyl asked the parties to notify him when there were changes to the process. He had not yet heard back from the USCG but he was informed by Mr. Etheridge that he has waived his rights to deal with the salvage efforts. That means that the USCG will federalize the situation and will use funds from the oil spill trust liability fund. That fund, created after the Exxon Valdez spill, collects money based on throughput from pipelines and it provides money to the USCG to mobilize and bring a contractor to bear. He said that he understands the local USCG sector Captain of the Port will be federalizing the process. He spoke with USCG staff and is looking at what the next steps will be.

Ms. Woll asked if, in addition to any pollution concerns, there were other impacts in terms of navigational hazards or other impacts.

Mr. Uchtyl said that in terms of navigation, there were no concerns. However, there is a sewer main that goes under Juneau Harbor and under the dock and they want to make sure any contractors are aware of it in the vicinity of the vessel when the salvaging efforts are done.

Ms. Triem asked about the USCG 'federalizing the response' and what that means in terms of CBJ Docks & Harbor's role in this matter. Mr. Uchtyl stated that the USCG is always the responsible government agency to respond to a discharge of oil pollution. He said that what the USCG does is that they provide oversight to an incident and as long as the responsible party is taking proactive means to resolve the situation, they are hands off. When the responsible party indicates that they do not have sufficient means and funding to respond in the timeline required, the USCG can step in and federalize it using their own funds.

Ms. Triem thanked Mr. Uchtyl for his report and thanked Mr. Etheridge for attending the meeting.

S. ASSEMBLY REPORTS

Mayor's Report

Acting Mayor Triem reported that she has heard from Mayor Weldon who has been having a fun time and sending back penguin photos from her time in Antarctica.

Committee Reports

Assembly Finance Committee (AFC) met last week and discussed recruitment and retention incentives which will come back to the Assembly with more formalized plans. The next AFC meeting is the first Wednesday in February at which they will be hearing from BRH since that was postponed last Wednesday.

Lands, Housing, & Economic Development Committee (LHEDC) report was provided by Mr. Watt. He noted that LHEDC met on December 19 and discussed many of the items on this agenda, including the Goldbelt & CP Marine Land Trade, the Eaglecrest Coffee Franchise. He noted that the LHEDC forwarded a motion regarding a request received from Harris Homes, LLC to purchase city property. Harris Homes, LLC requested purchase of the property that the Assembly had already passed a motion to direct staff to negotiate with the original requestor Moline Investment Management. That was the property that was the subject of the rezone Ordinance 2022-62 that was taken up earlier in this meeting. Staff had recommended a negative motion with the effect of denying the Harris Homes, LLC application to purchase the property due to the ongoing negotiations with Moline Investment Management. LHEDC supported the negative motion and denied the request by Harris Homes, LLC.

Public Works & Facilities Committee (PWFC) Chair Bryson reported that the PWFC met on December 19 and discussed the transfers that were approved at this meeting regarding the charging infrastructure. Eng/PW Director Koester reminded them that they had homework to do. PWFC heard about the Renninger Skate Park. Parks & Recreation Deputy Director Michele Elfers gave a presentation on the Off-Road Vehicle park that is currently in the planning stages. They also discussed the potential of buses being free from fares.

Human Resources Committee (HRC) Chair Smith reported that they met tonight and while they had two members which was enough for a quorum, they did not have the three members required to take action. He discussed it with the City Attorney and would like to move the following appointments to CBJ Boards and Commissions and asked for unanimous consent:

Juneau Commission on Aging: Jennifer Carson and Carole Ende to be reappointed to terms beginning immediately and ending 12/31/2024 and new appointments of Jennifer Garrison and Debra Craig to terms beginning immediately and ending 12/31/2024. ***Hearing no objections, those appointments were approved.***

Joint Assembly/School Board Facilities Committee Chair Hale reported that the committee is tentatively scheduled to meet at January 26 at noon.

Liaison Reports

‘Wáahlaal Gíidaak reported that she was sick for the last SRRC and Planning Commission meetings. She noted that the SRRC will be meeting tomorrow and the PC will be meeting on January 24. ‘Wáahlaal Gíidaak said that a number of youth and adults were selected for Arctic Winter Games which will take place in Canada at the end of the month and that once she gets their names, she will share that with the Assembly.

Ms. Hale said that the Juneau Commission on Aging will be meeting on January 17 and there has been some uncertainty as to who will be providing staff support to them. She said that the Airport Board's next meeting is January 12.

Mr. Smith reported that the Parks & Recreation Advisory Committee (PRAC) met last week and discussed the consolidation ordinance that they discussed during this meeting. He said that he missed the last Juneau Commission on Housing & Homelessness meeting as he was unavailable. He reported that Travel Juneau has not met. The Alaska Committee has been busy preparing for the upcoming Juneau Legislative Welcome Reception which is scheduled for next Tuesday, January 17 from 5-6:30p.m. at the Elizabeth Peratrovich Hall which is a venue change. That is the same day as the first day of the 33rd Legislature and a great way to welcome the new legislature and their staff to town. The Juneau Legislative delegation is hosting a Juneau Town Hall at Dzantik'i Heeni on Wednesday, January 11 from 5:30-7pm. The Governor's Inaugural is being held at the Elizabeth Peratrovich Hall on January 20.

Ms. Woll reported that the Aquatics Board met two weeks ago and discussed the consolidation ordinance. They did not make a motion in support or opposition to the ordinance as they were fairly split across the board. She said that there were some who would like to see a consolidated PRAC with representational seats from the pools on the new PRAC. She said the Aquatics Board met tonight at the same time as the HRC so she wasn't able to attend but that they were reviewing the pool budgets so she is looking forward to getting an update on that. Ms. Woll reported that the School Board met immediately after the Assembly's last meeting. They had the first reading of their budget as a result of the deficit from FY22 and FY23 and the second readings of those will be at the meeting scheduled for tomorrow. She said that the Assembly will be hearing more about that in the near future in the form of an ask of the Assembly for those things that can be funded outside the cap. She said that they are hiring a search firm to begin looking for a new superintendent and they put out an RFP for that contractor to do the search and conduct the public process.

Lastly, Ms. Triem called on Mr. Bryson, who had just celebrated a birthday yesterday and she wished him a happy birthday.

Mr. Bryson reported that the UAS Campus Council met earlier that day and are trying to recruit members to serve on the Board of Regents. He reported that Docks & Harbors held the last meeting of 2022 at which they discussed the port development that the Assembly passed as well as the M/V Tagish and most notably, there is less crime in the harbors due to the recent security measures that they have taken. He noted that the Downtown Business Association (DBA) met last year and discussed the fact that Iron Man will not be coming back. They also discussed affordable housing and that Centennial Hall is now closed for the remodel. He reported that the Glory Hall met and that it was Acting Interim Director Chloe Papier's last meeting before Director Mariya Lovishchuk returns from sabbatical. Mr. Bryson complimented Acting Mayor Triem on presiding during this meeting.

Presiding Officer Reports

None.

T. ASSEMBLY COMMENTS & QUESTIONS *(included under Committee & Liaison Reports above)*

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 8:54 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Carole Triem
Acting Mayor

ASSEMBLY SPECIAL MEETING 2023-03 MINUTES



January 31, 2023 at 8:30 PM

Zoom Webinar (8:30 pm time approx. - Immediately following HRC Meeting)

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

A. CALL TO ORDER

Mayor Weldon called the Special Assembly Meeting 2023-03 held via Zoom to order at 8:57 p.m.

B. ROLL CALL

Assemblymembers Present: Chair Greg Smith, Mayor Beth Weldon, Maria Gladziszewski, Carole Triem, Michelle Hale, Wade Bryson and Alicia Hughes-Skandijs

Assemblymembers Absent: Christine Woll and 'Wáahlaal Gíidaak

Staff Present: Deputy Municipal Clerk Diane Cathcart

C. AGENDA TOPICS

Appointments to the Bartlett Regional Hospital Board and the Planning Commission.

1. Bartlett Regional Hospital Board

Per CBJ 40.05.010; the board shall consist of nine members appointed by the assembly for staggered three-year terms. ***There are two seats on the Board with terms running January 1, 2023 to December 31, 2025.***

MOTION by HRC Chair Greg Smith for the Assembly to appoint Richelle 'Shelly' Deering and John Raster to the Bartlett Regional Hospital Board for full terms beginning immediately and ending December 31, 2025. ***Hearing no objection, motion passed.***

2. Planning Commission

Per CBJ 49.10.110; the nine members of the commission shall be appointed by the assembly to staggered three year terms. ***There are three seats with terms running January 1, 2023 to December 31, 2025.***

MOTION by HRC Chair Greg Smith for the Assembly to appoint David Epstein, Adam Brown and Nina Keller to the three Planning Commission seats with terms beginning immediately and ending December 31, 2025. ***Hearing no objection, motion passed.***

D. PUBLIC PARTICIPATION - None

E. ADJOURNMENT

There being no further business before the committee, meeting adjourned at 9:00 p.m.

Signed: _____
Diane Cathcart
Deputy Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

SPECIAL ASSEMBLY MEETING 2023-15 (BOARD APPOINTMENTS) MINUTES



June 27, 2023 at 7:45 PM

Zoom Webinar (7:45pm time approximate - Immediately following HRC Meeting)

7:45pm Start Time is approximate and will actually be immediately following adjournment of the Full Assembly Sitting as the Human Resources Committee.

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

A. CALL TO ORDER

Deputy Mayor Gladziszewski called the Special Assembly Meeting 2023-15 held via Zoom to order at 8:15p.m.

B. ROLL CALL

Assemblymembers Present: Deputy Mayor Maria Gladziszewski, Greg Smith, Michelle Hale, Wade Bryson, 'Wáahlaal Gíidaak and Christine Woll

Assemblymembers Absent: Mayor Beth Weldon, Alicia Hughes-Skandijs and Carole Triem

Staff Present: Deputy Municipal Clerk, Diane Cathcart

C. PUBLIC PARTICIPATION - None

D. AGENDA TOPICS

1. Docks & Harbors Board Appointments

MOTION by HRC Chair Greg Smith for the Assembly to appoint Shem Sooter and Albert Wall and to reappoint Mark Ridgway to the Docks & Harbors Board all to terms beginning July 1, 2023, and ending June 30, 2026 and to reappoint Don Etheridge to a term beginning immediately and ending June 30, 2025. **Hearing no objection, motion passed.**

2. Airport Board Appointments

MOTION by HRC Chair Greg Smith for the Assembly to reappoint Dennis Bedford and to appoint Jason Custer to the Airport Board both for terms beginning July 1, 2023, and ending June 30, 2026. **Hearing no objection, motion passed.**

E. ADJOURNMENT

There being no further business before the committee, meeting adjourned at 8:17 p.m.

Signed: _____
Diane Cathcart
Deputy Municipal Clerk

Signed: _____
Maria Gladziszewski
Deputy Mayor

SPECIAL ASSEMBLY MEETING 2023-16 (BOARD APPOINTMENTS) MINUTES



June 28, 2023 at 6:45 PM

Zoom Webinar (6:45 pm time approximate - Immediately following HRC Meeting)

6:45pm Start Time is approximate and will actually be immediately following adjournment of the Full Assembly Sitting as the Human Resources Committee.

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

A. CALL TO ORDER

Acting Mayor Triem called the Special Assembly Meeting 2023-16 held via Zoom to order at 7:07 p.m.

B. ROLL CALL

Assemblymembers Present: Acting Mayor Carole Triem, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Christine Woll

Assemblymembers Absent: Mayor Beth Weldon, Greg Smith, Maria Gladziszewski and 'Wáahlaal Gíidaak

Staff Present: Deputy Municipal Clerk, Diane Cathcart

C. PUBLIC PARTICIPATION - None

D. AGENDA TOPICS

1. Eaglecrest Board Appointments

MOTION by Mr. Bryson for the Assembly to reappoint Kevin Krein and to appoint Thomas Mason to the Eaglecrest Board both for terms beginning July 1, 2023, and ending June 30, 2026. **Hearing no objection, motion passed.**

E. ADJOURNMENT

There being no further business before the committee, meeting adjourned at 7:08 p.m.

Signed: _____
Diane Cathcart
Deputy Municipal Clerk

Signed: _____
Carole Triem
Acting Mayor

Presented by: The Manager
Introduced: July 10, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(A)

An Ordinance Appropriating \$60,000 to the Manager for the Mount Bradley Trail Reroute and Restoration Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.

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 \$60,000 for the Trail Improvement Capital Improvement Project (P46-112).

Section 3. Source of Funds

U.S. Department of Transportation \$60,000

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: July 10, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(B)

An Ordinance Appropriating \$2,000,000 to the Manager for Childcare Programs and Grants; Grant Funding Provided by the State of Alaska.

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 \$2,000,000 as funding for childcare programs and grants.

Section 3. Source of Funds

State Revenue \$2,000,000

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: July 10, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(C)

An Ordinance Appropriating \$850,215 to the Manager for the Hank Harmon Rifle Range Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.

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 \$850,215 for the Hank Harmon Rifle Range Improvements Capital Improvement Project (P41-102).

Section 3. Source of Funds

Alaska Department of Fish and Game \$850,215

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

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth A. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: July 10, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(D)

An Ordinance Appropriating \$347,340 to the Manager as Funding for Round 2 of the Healthy and Equitable Communities Grant; Grant Funding Provided by the Alaska Department of Health.

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 \$347,340 as funding for Round 2 of the Healthy and Equitable Communities grant.

Section 3. Source of Funds

Alaska Department of Health \$347,340

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
Presented: 07/10/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-27

An Ordinance Authorizing the Manager to Convey Approximately 3,030 Square Feet of Property with the Legal Description of a Fraction of Lot 2, USS 3559 to Jon and Susanne Reiswig for Fair Market Value.

WHEREAS, Jon and Susanne Reiswig (“applicants”) are owners of certain real property located at 11260 North Douglas Highway with the legal description of Tract D, Entrance Point Subdivision; and

WHEREAS, the City and Borough of Juneau (CBJ) owns real property adjacent to Tract D, Entrance Point Subdivision, described as a Fraction of Lot 2, USS 3559 Beachside, Juneau Recording District, First Judicial District, State of Alaska; and

WHEREAS, the applicants request additional land to their current property to provide for additional access points for a future subdivision; and

WHEREAS, the Lands Committee reviewed this proposed CBJ land disposal at the meeting on May 2, 2022, and passed a motion of support to the Assembly to direct the Manager to negotiate the sale of the CBJ property to the applicants; and

WHEREAS, the Planning Commission reviewed this proposed disposal of the CBJ property at the meeting on September 13, 2022, and recommended that the Assembly approve the sale of a portion of Lot 2 to the applicants, as provided for under CBJ Code of Ordinances Title 49; and

WHEREAS, fair market value has been determined by appraisal to be \$2.50 per square foot, for a total value of \$7,600 more or less.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Convey. The Manager is authorized to negotiate and execute the sale of a Fraction of Lot 2, USS 3559 Beachside, Juneau Recording District, First Judicial District, State of Alaska, constituting 1 acre, 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 \$2.50 per square foot. Applicants will be responsible for all surveying, platting, closing costs, and recording fees.

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.

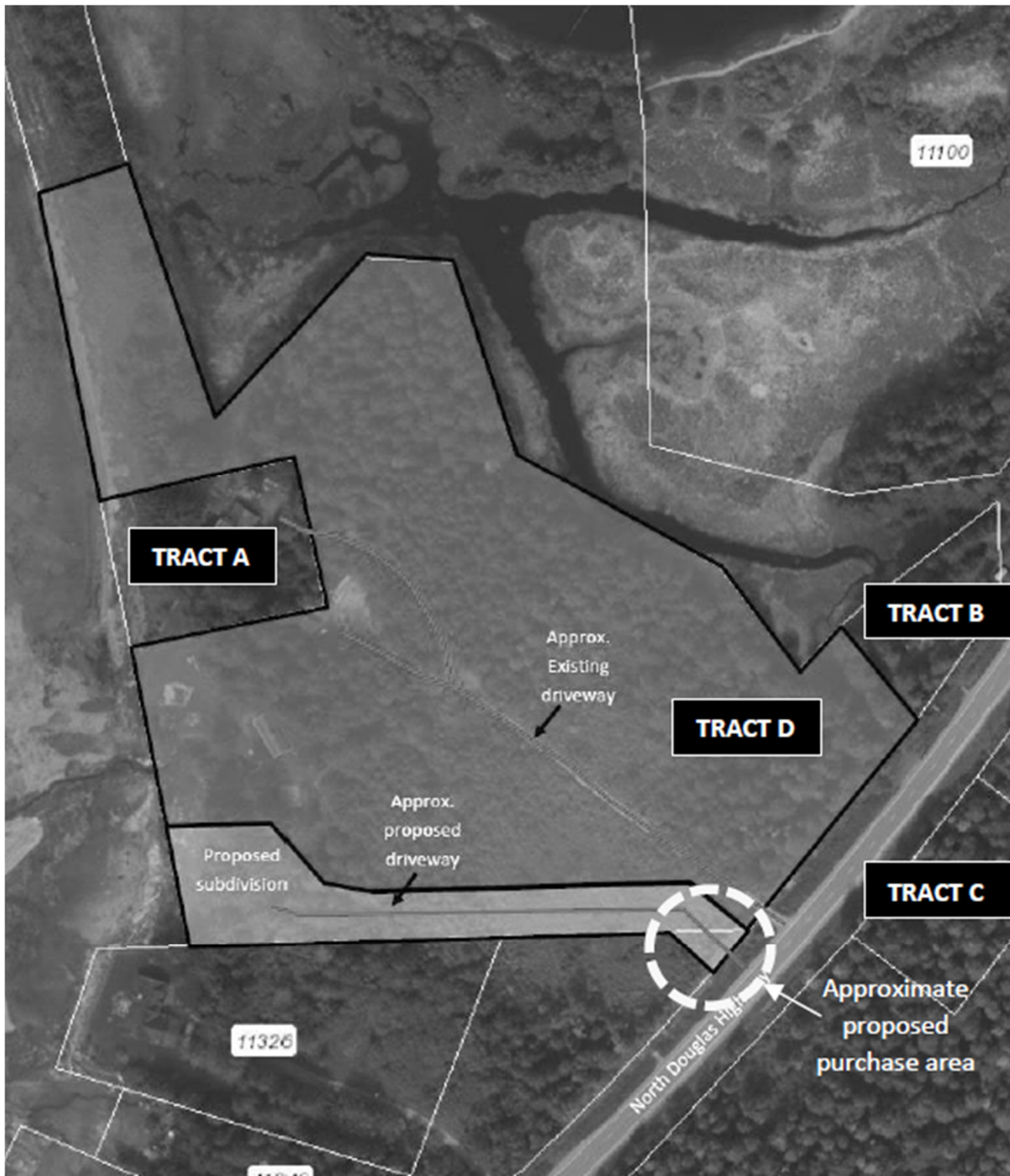
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



Ordinance 2023-27
Exhibit A

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Presented by: The Manager
Presented: 07/10/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3031

A Resolution Supporting the Manager Entering into an Agreement with Juneau Off-Road Vehicle Association for the 35 Mile ORV Riding Park.

WHEREAS, the 2019 Parks and Recreation Master Plan, recognizes Off Road Vehicle (ORV) riding areas as a park system gap and that the City and Borough of Juneau (CBJ) should work with and support the ORV community to identify a suitable site and facilitate development of viable opportunities for ORV recreation; and

WHEREAS, since the 1970s, many areas in Juneau that were once open to ORV riding now prohibit motorized use including Dredge Lakes, Airport area, Eagle River and Lemon Creek Industrial areas; and

WHEREAS, over the last twenty years, the CBJ has participated in three processes to evaluate, identify, and develop ORV riding parks, but has not successfully developed a riding park; and

WHEREAS, the Juneau Off-Road Vehicle Association (JORA), is a State of Alaska non-profit organization serving all off-road enthusiasts of Juneau and is dedicated to developing responsible new areas for individuals and families to recreate; and

WHEREAS, the Parks and Recreation Advisory Committee received hundreds of public comments in the fall of 2020, supporting ORV riding in Juneau as part of the Montana Creek Road ski club request public outreach.

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

Section 1. That the Assembly supports the development of the 35 Mile site for a public riding park managed and maintained by the Parks and Recreation Department, as conditioned by required permits, and with assistance from JORA for specific maintenance and stewardship tasks as outlined in the management agreement.

Section 2. That the Assembly authorizes the Manager to enter into an agreement with JORA to partner with the City and Borough for stewardship and maintenance tasks for the 35 Mile ORV Riding Park.

47 **Section 3. Effective Date.** This resolution shall be effective immediately upon
48 adoption.

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50 Adopted this ____ day of _____, 2023.

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Beth A. Weldon, Mayor

55 Attest:

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Elizabeth J. McEwen, Municipal Clerk

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Presented by: The Manager
Presented: 07/10/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3033

A Resolution Amending the Rate and Fare Structure for the Capital Transit System, and Repealing Resolution Serial no 2614.

WHEREAS, the Assembly, by Resolution Serial No. 2614, amended the comprehensive rate and fare structure for the Capital Transit System; and

WHEREAS, eligibility requirements for obtaining a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service currently requires a licensed physician to certify eligibility; and

WHEREAS, new guidance from the Federal Transit Administration is to allow other health care professionals to make that certification.

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

Section 1. Capital Transit Rates and Fares. Prices in this Section 1 include sales tax. The following rates and fares are established for the Capital Transit System:

- A. One-Way Trip Fare. The fare for any one-way trip shall be:
\$2.00 cash or one token or \$1.00 for persons six years of age and older, but under the age of 19.
- B. Tokens. Tokens shall be sold in the following units at the following rates:
Twenty tokens for \$31.50.
- C. Senior Citizens, Children, and Military Personnel.
 - (1) A person over 65 years of age will be exempt from paying Capital Transit fare upon presenting a valid City and Borough of Juneau Senior Sales Tax Exemption identity card upon boarding the bus.

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- (2) No charge will be made for a child five years of age and under when that child is accompanied by a passenger more than five years of age.
- (3) No charge will be made for active-duty United States military personnel in uniform or carrying current military identification, but not assigned to permanent duty in Juneau.
- (4) No charge will be made for low-income persons with disabilities, as defined by policies and procedures adopted by the Manager.

D. Monthly Passes. In lieu of a fare, a person may display a pass issued by the City and Borough allowing unlimited use by that person during the month for which it is issued, at a cost of \$40.00 per month.

- (1) The purchase price for students attending the University of Alaska Southeast and taking nine or more hours of credit per semester, or full-time short course students participating in programs with a minimum duration of four weeks shall be \$20.00 per month. Passes for these students may be purchased only by the University of Alaska Southeast for issuance to and use by students enrolled in the university.
- (2) The purchase price for a youth monthly pass shall be \$12.00 per month. The youth monthly pass shall be used only by persons six years of age and older but under the age of 19.

E. VIP Bus Passes for Persons with Disabilities. Except as provided in Section 1. C. (4) above, persons with disabilities who have applied for and received a VIP Bus Pass issued by Capital Transit or another agency of the City and Borough shall be required to pay the cash fare or purchase a monthly pass at a cost of \$12.00. Persons presenting a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service by Capital Transit or another agency of the City and Borough shall be allowed to use the Care-A-Van at no cost. Such persons may be accompanied by one guest and, if so indicated on the VIP Bus Pass, one personal care attendant, each of whom shall travel at no cost.

Those persons so authorized by the receipt of a Certificate of Eligibility for ADA Paratransit Service from another United States community will be afforded the same privileges as persons having a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service.

Those persons who represent themselves as able to qualify for a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service will be afforded the same privileges as persons having a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service for a period of 21 days following their initial use of the Care-A-Van Service.

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(1) Eligibility Requirements.

(a) Eligibility requirements for obtaining a VIP Bus Pass.

“Persons with disabilities” generally refers to those persons who, by reason of illness, injury, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are non-ambulatory, wheelchair users, and those with semi-ambulatory capabilities, are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. A person with disabilities who presents proof of one of the following conditions is eligible to obtain a VIP Bus Pass:

- (i) Is currently eligible for social security disability benefits or currently receives supplemental security income benefits due to a disability;
- (ii) Is currently certified by the Veterans Administration at a 40 percent or greater disability level;
- (iii) Has a valid medicare card issued by the Social Security Administration; or
- (iv) Is certified by a licensed physician as eligible.

(b) Eligibility requirements for obtaining a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service. A person who is certified by a treating professional who is familiar with the applicant’s disability, including a physician, physical therapist, occupational therapist, registered nurse, rehabilitation specialist, licensed social worker, optometrist, or psychologist ~~licensed physician~~ as eligible, as is further certified by a licensed physician as being "ADA Paratransit Eligible" shall be eligible for a VIP Bus Pass and Certificate of Eligibility for ADA Paratransit Service. A certification of ADA paratransit eligibility shall be based upon the applicant's inability to perform one of the following tasks, as attested to by the physician's certification:

- (i) If the person has a disability effecting mobility:
 - Move 200 feet without the assistance of another person;
 - Move 1/4 mile without the assistance of another person;

135 Climb three 12-inch steps without the assistance of another person;

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137 Wait outside without support for 10 minutes.

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139 (ii) If the person has a cognitive disability:

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141 Give addresses and telephone numbers upon request;

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143 Recognize a destination or landmark;

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145 Deal with unexpected situations, or change in routine;

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147 Ask for, understand, and follow simple directions;

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149 Safely negotiate traffic as a pedestrian.

150

151 (ii) If the person has a visual impairment:

152

153 It is certified by an optometrist or ophthalmologist as eligible.

154

155 (2) Temporary VIP bus passes may be issued to persons with disabilities that
156 will last at least three months but no longer than one year.

157

158 (3) Replacement VIP bus passes shall be issued upon payment of a fee of \$2.00.

159

160 F. Experimental Rates. Experimental rates designed to improve the service or
161 utilization, or both, of the Capital Transit System may be instituted if approved
162 for a definite period by the Assembly by motion. The manager shall report to the
163 Assembly on the effects of experimental rates at a time sufficient to allow the
164 Assembly to institute a permanent rate change prior to the end of the
165 experimental period.

166

167 **Section 2. Repeal of Resolution.** Resolution Serial No. 2614 is repealed.

168

169 **Section 3. Effective Date.** This resolution shall be effective immediately after its
170 adoption.

171

172 Adopted this _____ day of _____ 2023.

173

174

175 _____
176 Beth A. Weldon, Mayor

176 Attest:

177

178 _____
179 Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: July 10, 2023
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1063

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$ 1,500,000 be transferred:

From: CIP

H51-125 Aurora Harbor Improvements (\$ 1,500,000)

To: CIP

H51-108 Statter Harbor Improvements Phase III \$ 1,500,000

The \$1,500,000 consists of:

General Funds \$ 1,500,000

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

June 20, 2023

Juneau, City and Borough

Via Email: di.cathcart@juneau.gov; city.clerk@juneau.gov;

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	3720
Licensee:	Goldbelt Aerial Tramway, LLC		
Doing Business As:	Timberline Bar and Grill		

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



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 15, 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:	Distillery	License	5506
Licensee:	Amalga Distillery, LLC		
Doing Business As:	Amalga Distillery		

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

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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(c)

An Ordinance Creating a Short-Term Residential Rental Registration Program and Providing for a Penalty.

WHEREAS, the City and Borough of Juneau is facing a severe housing shortage; and

WHEREAS, an increase in short-term rental properties is believed to be one of the factors having an impact on available long-term housing, but there is a lack of quality data to understand the extent of that impact; and

WHEREAS, short-term rental listings are very fluid and utilize multiple platforms; and

WHEREAS, sales tax account numbers are considered confidential information; and

WHEREAS, “gig economy” entrepreneurs operating businesses through third-party platforms like Airbnb may not understand that it is their responsibility to register with the sales tax office and collect and remit sales tax and hotel bed taxes; and

WHEREAS, the CBJ places great importance on the need to treat similarly situated businesses the same, and that sales tax compliance is a necessary feature of an equitable marketplace; and

WHEREAS, the purpose of this Ordinance is to ensure that CBJ has adequate information so that it can have proper policy consideration of other regulatory ideas and debate whether they are necessary or not.

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THEREFORE, 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.

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.

1
2 *Property and properties* means a real estate offered by an operator as a short-term
3 residential rental.

4 *Rent and rents* mean the amount paid or promised, in terms of money, as consideration for
5 the use by a transient of a room in a hotel, motel or other place of public accommodation.

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

8 *Transient* means a person who occupies or rents a unit, room or rooms for fewer than 30
9 consecutive days for the purpose of habitation.

10 **69.40.020 Registration required.**

11 (a) The operator of a short-term residential rental must register with the CBJ sales tax office
12 on a form or platform specified by the CBJ prior to offering a unit for rent.

13 (b) Registration must be renewed annually.

14 (c) The CBJ will provide a rental registration number for each registered short-term
15 residential rental. The registration number must be displayed on each advertisement or public
16 listing for a short-term residential rental that the operator or operator’s designee maintains.

17 (d) There is no fee for registration.

18 (e) The operator shall provide the CBJ with the following at the time of registration:

19 (1) Their State business license number.

20 (2) Name, address, phone number, and email address for the operator or operator’s
21 designee.

22 ~~(3) Contact information for an emergency point of contact for the operator or operator’s~~
23 ~~designee who is responsible for responding to complaints or emergencies in a timely~~
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~~manner, in person, if required by public safety personnel, or over the phone or by email at any time of day.~~

(3) A general description of the short-term residential rental unit, to include: address, property type, number of bedrooms, and 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~~ 30 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:
Hotels required to keep a register under ~~Title~~ Chapter 20.10 and taxed pursuant to ~~Title~~ Chapter 69.07.

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Section 3. Amendment of Section. CBJC 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

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

CBJ	Type of Violation	Civil Fine
...
69.40	<u>SHORT-TERM RESIDENTIAL RENTAL REGISTRATION PROGRAM</u>	
<u>69.40.020</u>	<u>Registration required</u>	<u>\$25.00</u>
...

Section 4. Effective Date. This ordinance shall be effective ~~30~~ 90 days after its 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

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

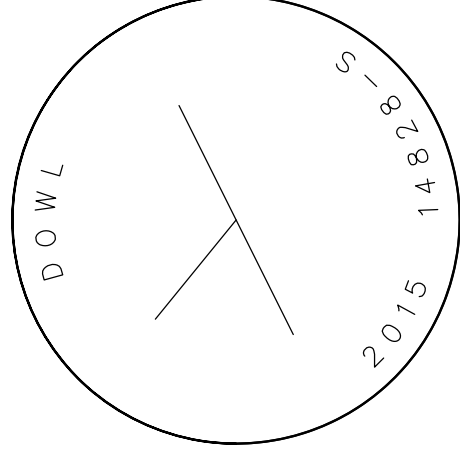
Attest:

Elizabeth J. McEwen, Municipal Clerk

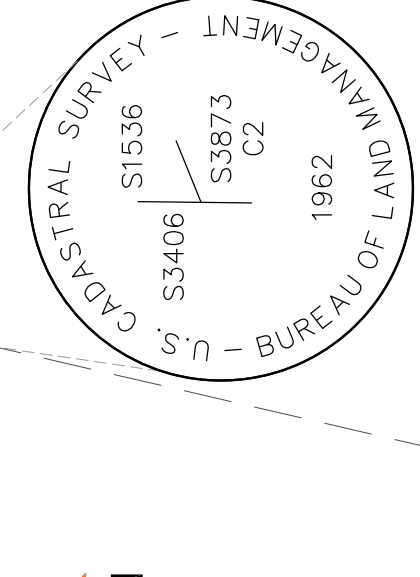
Exhibit A - CBJ Ordinance No. 2023-28

U.S.S. 4598
LOT 13

S89°59'03"E 1811.40'



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

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 RESTORATION OF NATURAL AND CULTURAL RESOURCES, INVASIVE SPECIES, NO-FILL OR OTHER BUILDING DEVELOPMENT IS 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

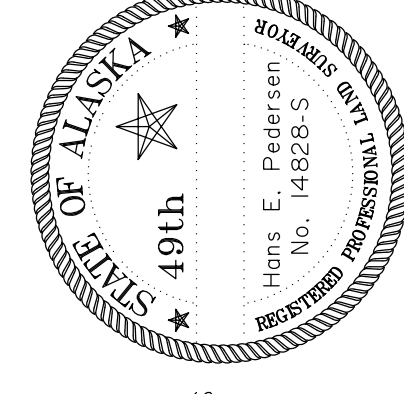
PRELIMINARY

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

SCALE: 1" = 100'
DATE: OCT. 2017
PROJECT NO: J70697
FILE NO:
SHEET NO: 1 OF 4



SURVEYOR'S CERTIFICATE

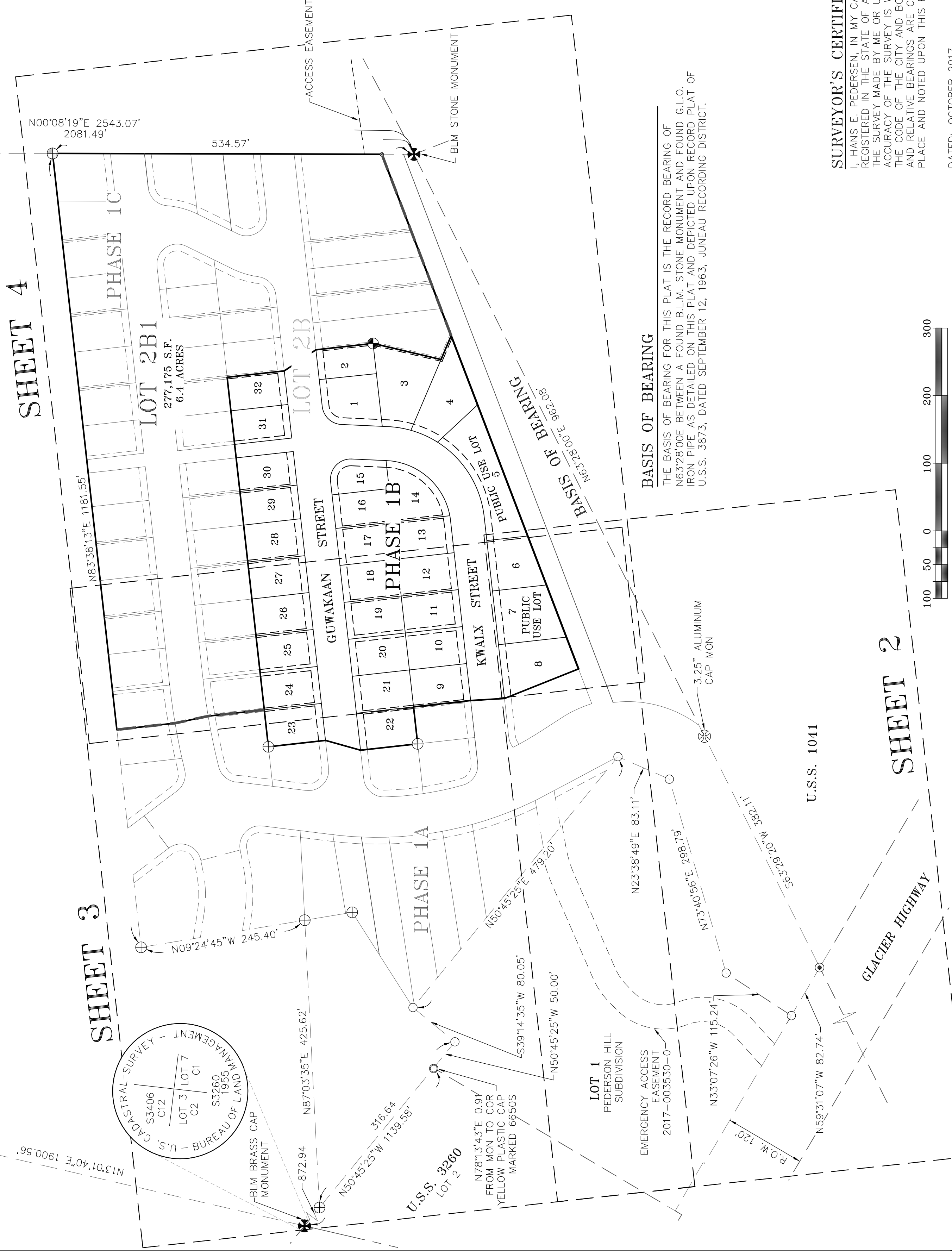
I, HANS E. PEDERSEN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH 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 4

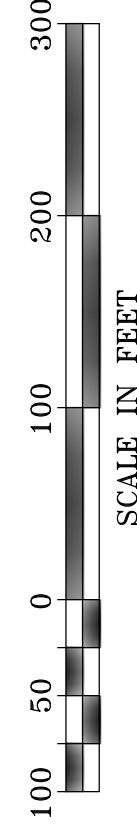
SHEET 3

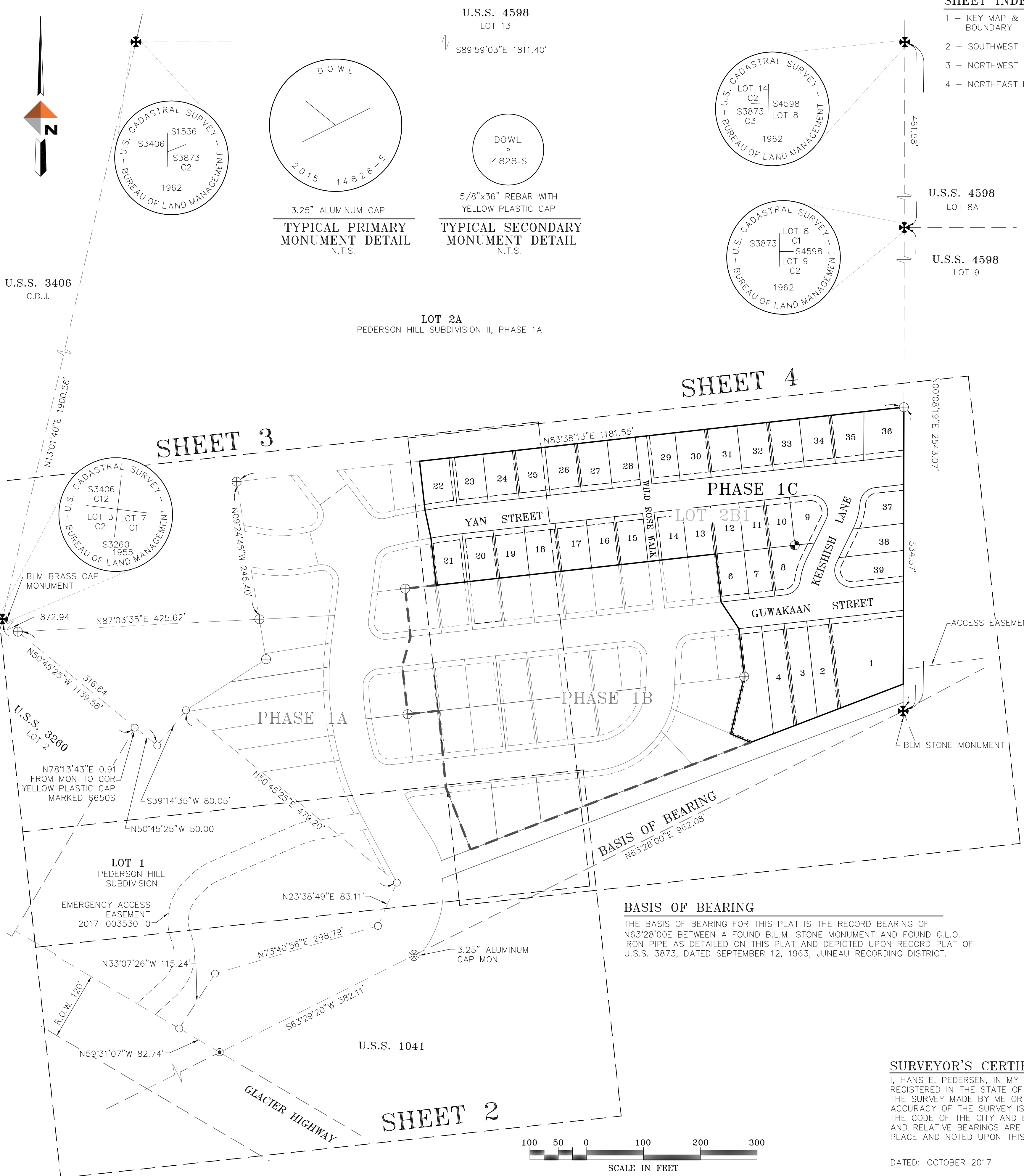
SHEET 2



BASIS OF BEARING

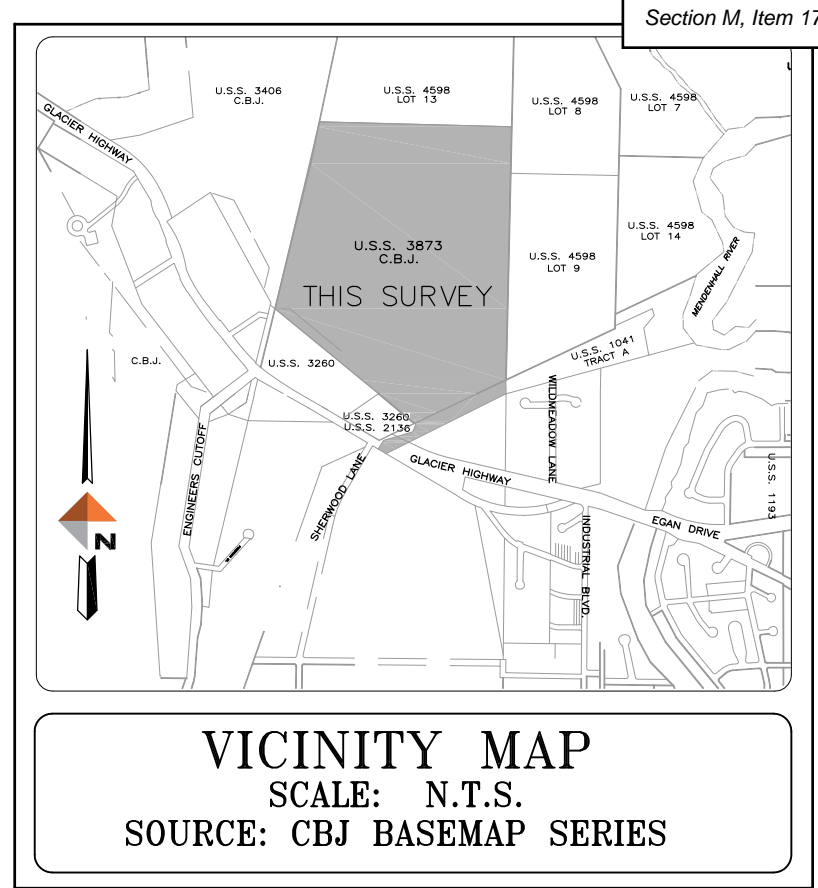
THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N63°28'00"E BETWEEN A FOUND B.L.M. STONE MONUMENT AND FOUND G.L.O. IRON PIPE AS DETAILED ON THIS PLAT AND DEPICTED UPON RECORD PLAT OF U.S.S. 3873, DATED SEPTEMBER 12, 1963, JUNEAU RECORDING DISTRICT.





- SHEET 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.
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 - ⊗ 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 & 1B



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
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:

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 1B, A SUBDIVISION OF TRACT 1, 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 PARENTHESES.
5. DOMESTIC SEWER & WATER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC WORKS.
6. 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 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

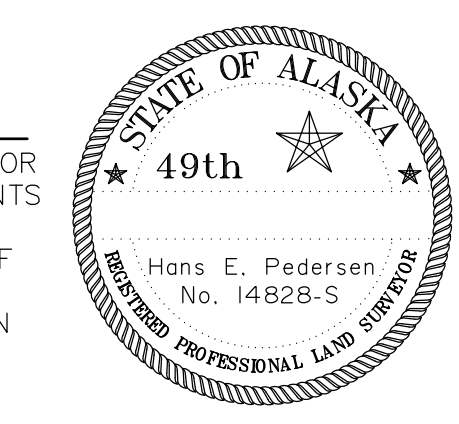
DOWL
AECL848
CIVIL ENGINEERING—LAND SURVEYING—CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

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

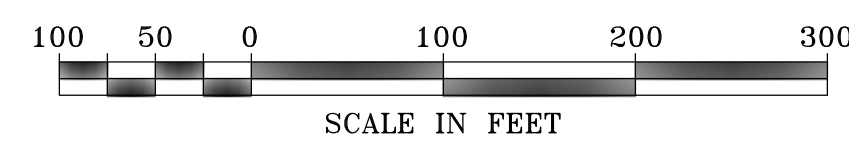
SCALE: 1" = 100'
DATE: OCT. 2017
PROJECT NO: J70687
FILE NO:
SHEET NO: 1 OF 4

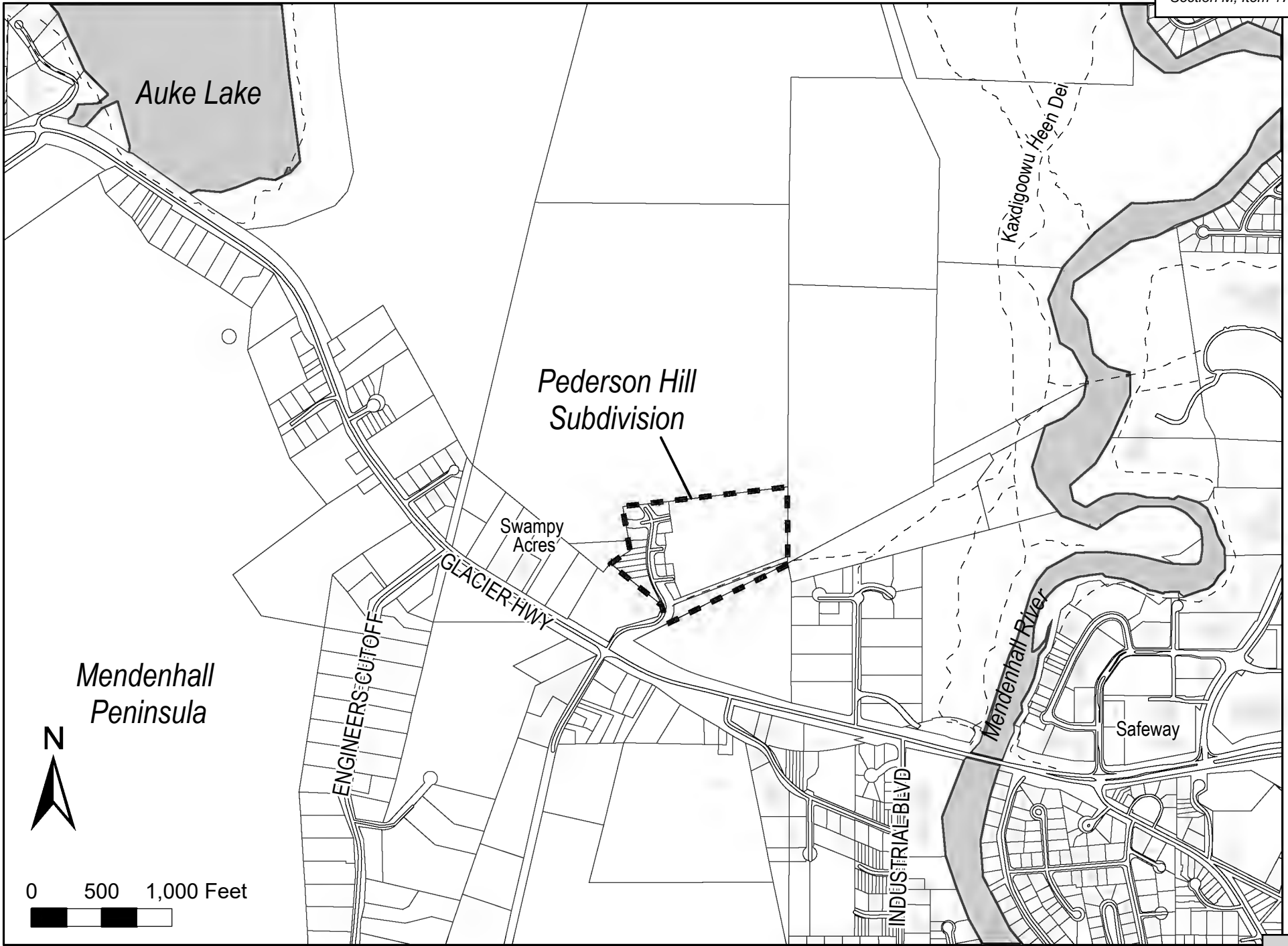
SURVEYOR'S CERTIFICATE

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,



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, 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.~~
- () 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

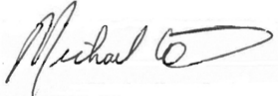
Hearing Date: March 14, 2023

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

(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.

Commented [JM2]: Commission recommends streamlining this language

(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.~~

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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
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 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>
11.0	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

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

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

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

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

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

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

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

22 (2) If the project is a major activity requiring a major development permit or is in conjunction
23 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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2 species. The plan shall also implement any standards from the Landscaping and
3 Lawn/Vegetation Management sections in the CBJ's Manual of Stormwater Best Management
4 Practices (2010), identified by the director as applicable to the permitted development; and
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6 (b) Uses and activities shall not introduce or redistribute invasive species. Development that
7 includes removal of invasive species must include documentation that removal and disposal
8 methods will not contribute to invasive species spread.
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10 (c) A developer with a proposed anadromous fish habitat activity that does not comply with the
11 Anadromous Fish Habitat Vegetation Standards may apply for an administrative variance.
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13 **49.70.340 Anadromous Fish Habitat Best Management Practices**

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

16 (a) Delineate and flag work limits prior to commencing any activities to preserve existing
17 vegetation outside of the work area and minimize impacts to the buffer. To protect large trees
18 near, but outside of, the work area, the boundary for the natural area to be preserved should be
19 extended to the tree drip line to protect the root zone from damage. The work limits must remain
20 clearly marked until all work is complete. Within the work limits, the disturbed area shall be
21 limited to that required for construction including access. Complete or partial removal of and
22 damage to native vegetation shall be limited to the minimum necessary to achieve the project
23 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.

MOTION: *by Mr. Voelckers to accept staff’s findings, analysis, and recommendations, and approve USE2023 0001 and striking conditions 2 and 3.*

Mr. Voelckers spoke in support of his motion saying he believes public welfare is well served by striking the conditions.

Ms. Cole and Mr. LeVine suggested modifying the term “conditions” to “condition” in the findings.

The motion passed with no objection.

MOTION: *by Mr. Voelckers to accept staff’s findings, analysis, and recommendations, and approve PWP2023 0001.*

Mr. Pedersen and Ms. Cole spoke in support of the motion. Mr. Arndt recommended grammatical changes to the findings to reflect there are no conditions. Mr. Epstein spoke in support and pointed out that CBJ departments also supported it.

The motion passed with no objection.

Case Number: **AME2023 0001:** Repeal Wetland Review Board

STAFF PRESENTATION – Ms. Maclean stated the board has met its needs, has not met in several years, and needs to be repealed.

MOTION: *by Mr. Pedersen to accept staff’s findings, analysis, and recommendations, and REPEAL AME2023 0001.*

The motion passed with no objection.

AT EASE 7:52 p.m. – 8:00 p.m.

Case Number: **AME2017 0001:** Streams & other Waterbodies Ordinance (anadromous waterbodies buffer).

STAFF PRESENTATION – Ms. Maclean presented **AME2017 0001** and explained the proposed Ordinance would amend CBJ 49.70.310 *Habitat* to revise the stream buffer ordinance.

QUESTIONS FOR STAFF

Mr. LeVine asked Ms. Maclean to summarize the table on page 6 of 18. Ms. Maclean explained the information in the table had previously been in the ordinance verbiage and was very lengthy and confusing. Putting it into table format makes it more user-friendly and understandable. The table lists uses and categorizes them as 1 (minor development) or 3 (major

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

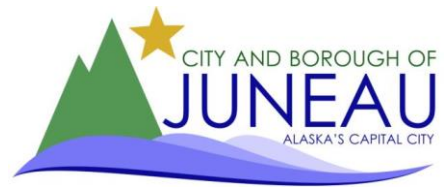
XVII. **EXECUTIVE SESSION** – None

XVIII. **ADJOURNMENT** – 10:50 p.m.

Next regular meeting April 11, 2023

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

MEMORANDUM

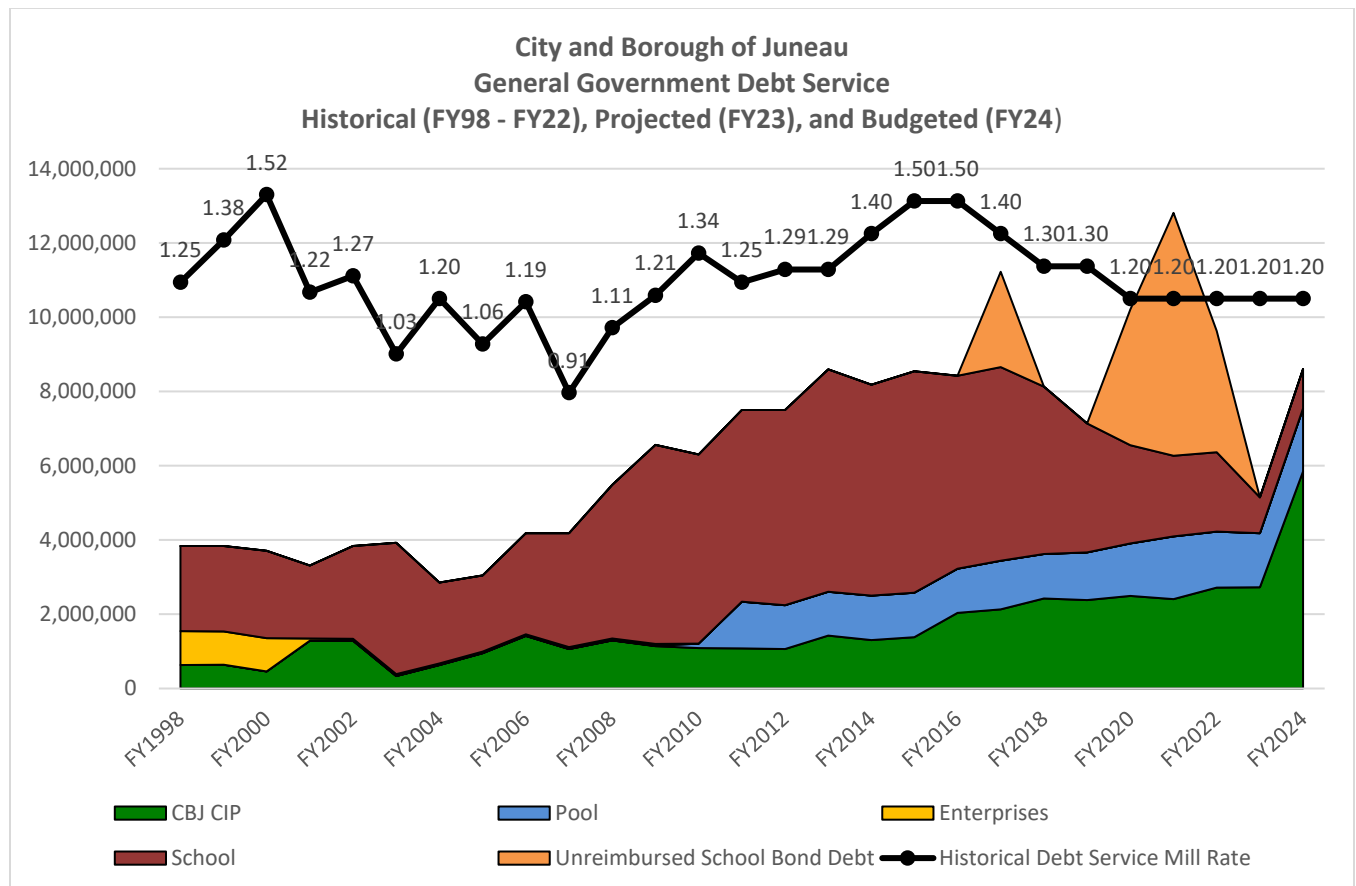


DATE: June 7, 2023
TO: Assembly Finance Committee
FROM: Jeff Rogers, Finance Director
SUBJECT: General Obligation Bond Capacity

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

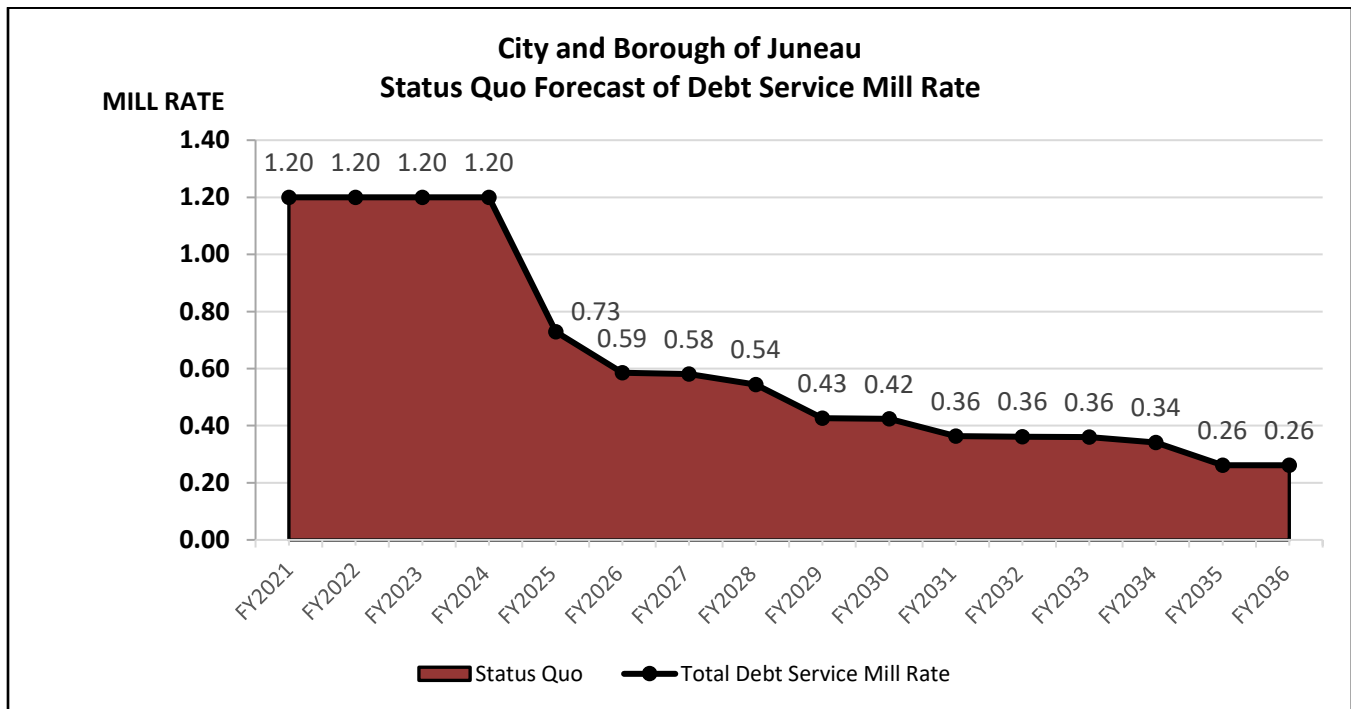
History of Debt Service

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:

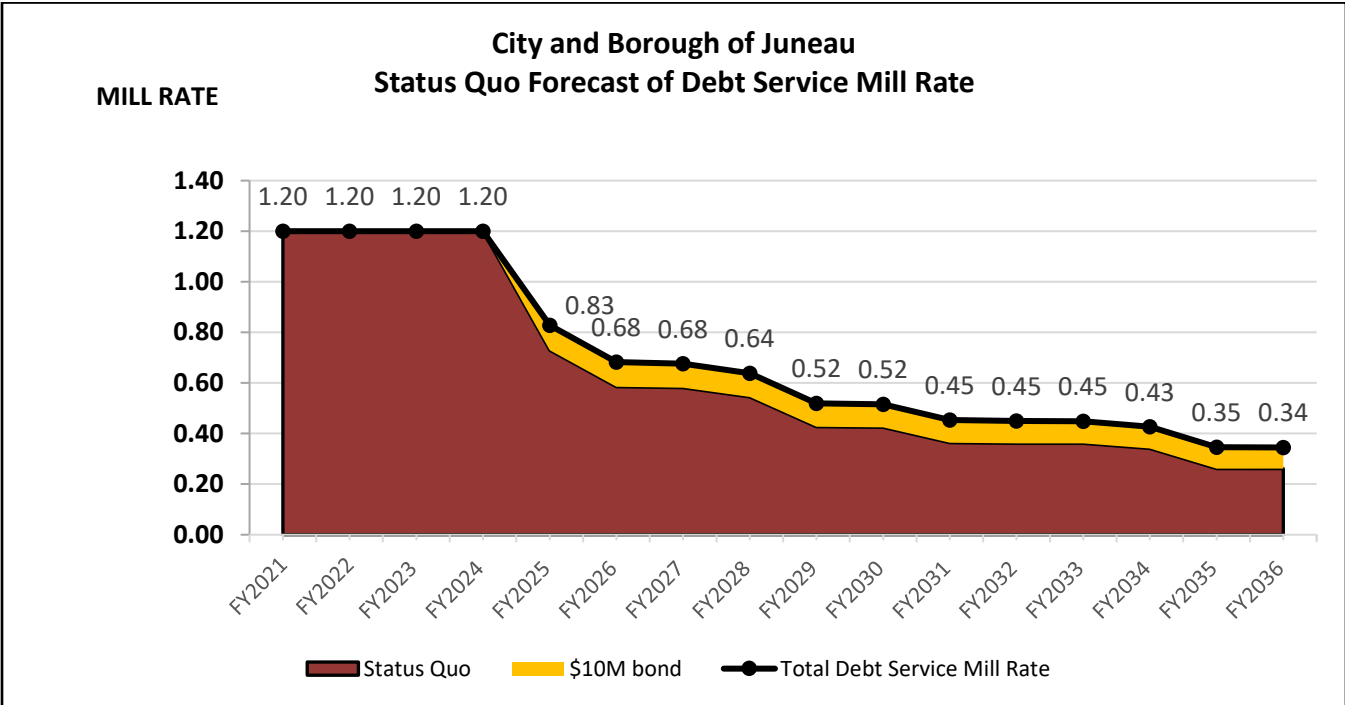
Measure	Total Capacity	Existing Debt	Implied Capacity
3% of Assessed Value	\$195 million total	\$36 million total	\$159 million
Debt Service Mill Rate of 1.5 mills	\$9.75 million annually	\$4.7 million annually	\$78 million
Debt Service Mill Rate of 1.2 mills	\$7.8 million annually	\$4.7 million annually	\$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.

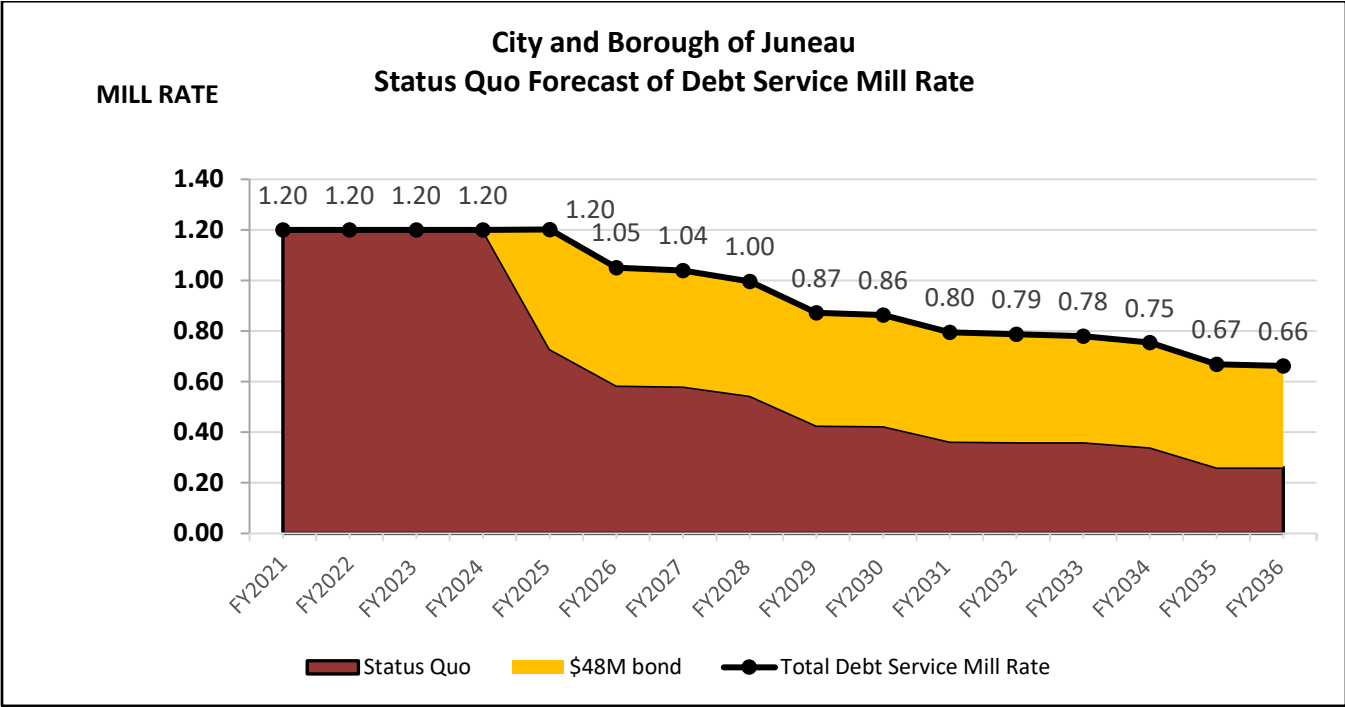
Debt Service Mill Rate Going Forward

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

Bartlett Regional Hospital

3260 Hospital Drive, Juneau, Alaska 99801

907.796.8900

www.bartletthospital.org

Section M, Item 20.

DATE: June 22, 2023
TO: City and Borough of Juneau Assembly
FROM: Nate Rumsey
RE: BBGH Development, LLC Property Acquisition – Bartlett Value Proposition

EXECUTIVE SUMMARY:

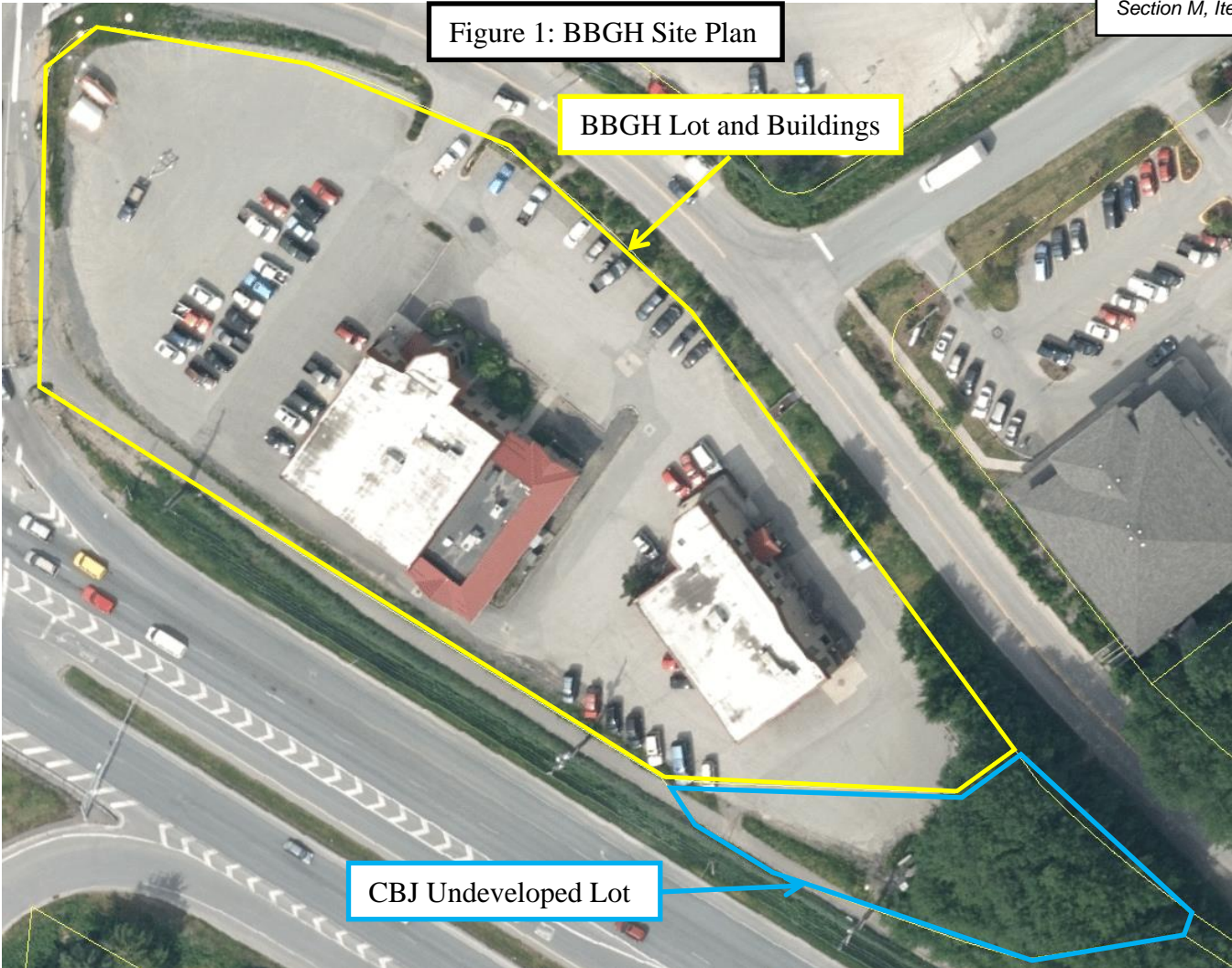
In alignment with Bartlett strategic growth initiatives and in the face of a highly competitive and dynamic business environment, the acquisition of the BBGH property located at 3200 & 3230 Hospital Drive, Juneau, AK remains a top priority. The property includes over 21k sqft. of medical and commercial space in two buildings on a 53k sqft. parcel (see Figure 1). Suitable clinical and healthcare administration space is challenging to come by in the current real estate market, and this acquisition would not only dramatically increase Bartlett's (BRH) space for growth near our existing campus but prevent market competitor growth at this location (see Figure 2). Additionally, the existing BBGH property offers steady commercial rental income, providing immediate access to positive cash flow.

VALUE PROPOSITION HIGHLIGHTS:

Strategic and Financial Value:

- The JBJC parcel and facility footprint offers potential for lease growth, space for incorporation of existing BRH services, and future expansion through building additions and construction.
- The property is located immediately adjacent to an existing CBJ owned, identically zoned parcel (to the southeast) that offers additional expansion opportunities (see attachment).
- Space available at the JBJC property would directly facilitate the comprehensive renovation and expansion of the Main Hospital building envisioned in the 2021 Facility Master Plan.
- Increasing BRH's footprint is necessary to address existing clinical space shortfalls identified in the 2021 Facility Master Plan, including Surgical Services, PT/OT/ST, and Obstetrics.
- Owning this facility would strengthen BRH's affiliation with the orthopedic specialty and grow this service line:
 - In a 2020 assessment by ECG Management Consultants, Bartlett was subject to over \$12M in inpatient leakage (Medicare only), much of this within the Orthopedic specialty.
 - Growth in the 65 and older cohort will drive increased utilization for orthopedic services, with approximately 17% of all inpatient Medicare payments already attributed to orthopedic surgery.
- Bartlett could anticipate a monthly commercial lease income stream of \$55-\$60k (\$660k-\$720k annually).

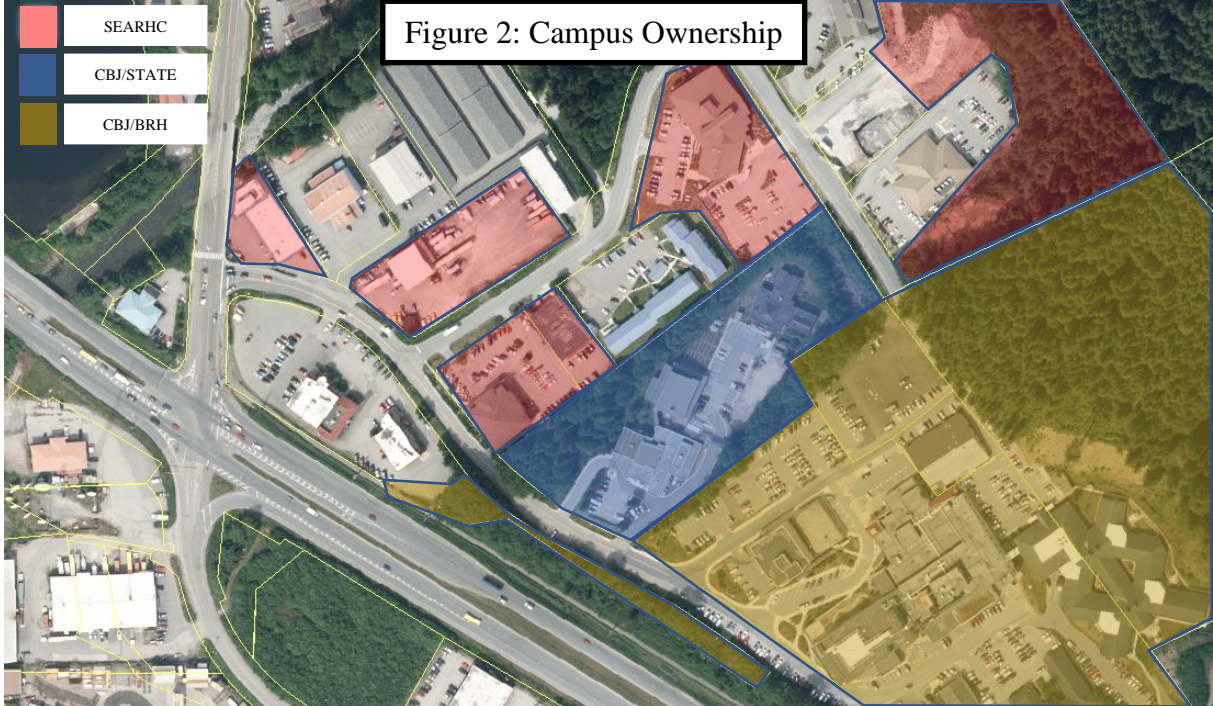
Figure 1: BBGH Site Plan



BBGH Lot and Buildings

CBJ Undeveloped Lot

Figure 2: Campus Ownership



- SEARHC
- CBJ/STATE
- CBJ/BRH

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 Property 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 Property 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

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

2023 3rd Late File List to Assembly

Hardship List:

Name	Parcel Number	Property Address
GERALD HARVEY	4B230106404A	12175 GLACIER HWY UNIT A404
PATRICIA ADKISSON	5B2101360070	8812 GAIL AVE
RICHARD STEELE	2D04020A0170	1507 2 ND ST (DOUGLAS)
GLENN SICKS	5B2101110030	3081 GLACIERWOOD DR
LARRY SNYDER	5B2101240240	9333 TURN ST
DEBORAH CANTRELL	5B1601170160	2211 MUIR ST
WALTER BENNETT	1C020J010100	1736 GLACIER AVE

Late File Senior & Disabled Veteran Exemption List:

Name	Parcel Number	Property Address
RACHEL BECK	7B0801010030	2030 GLACIER AVE

June 6, 2023

Gerald Harvey

PO Box 210205 Auke Bay, AK 99821

CBJ-Assessor's Office
JUN 07 2023

Re: hardship application extension (app & tax return encl)

CBJ

Office of the Assessor

155 South Seward Street

Juneau, AK 99801

To whom it may concern,

I am requesting allowance of property tax hardship application which is being filed after the April 30 due date. (I have a permanent disabled veteran exemption on file.) My wife, who handles all our paperwork was out of town for several months caring for her elderly mother and did not return until May. She was thinking the deadline was July and realized later that the property hardship exemption deadline had passed.

Enclosed is all the necessary paperwork and we are asking your forbearance, and to accept this late application.

Thank you for your consideration



Gerald Harvey

Received

Section O, Item 22.

JUN 13 2023

To The Assembly

CBJ-Assessors Office

Patricia Adkisson
8812 Gail Ave
Juneau, AK 99801

I am requesting a late file acceptance for hardship exemption on a portion of my property tax for 2023.

I previously thought I was ineligible until it came to my attention I may fall within income parameters.

I have a very old house and it needs upgrades and repairs, so I ask for help in reduced taxes.

Thank you,
Patricia Adkisson
T Adk

Received

JUN 16 2023

CBJ-Assessors Office

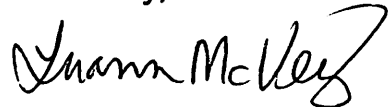
1507 Second Street
Douglas, Alaska. 99824
June 10, 2023

Dear Members of the Assembly of the City and Borough of Juneau,

My husband, Richard Steele, and I filed for an extension for our federal income taxes this year. Now that our return has been finalized, we realized that we qualify for the hardship exemption and would very much appreciate that benefit. We respectfully request for you to make an exception for us and accept the attached application, as we know we have missed the April 30 deadline in asking for the senior citizen real property hardship exemption.

Thank you for your consideration.

Sincerely,



Luann McVey and Richard Steele

Glenn C. Sicks
3081 Glacierwood Dr.
Juneau, AK 99801

June 23, 2023

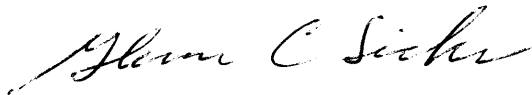
Juneau Assembly
155 S. Seward St.
Juneau, AK 9801

Dear Assembly Members,

Tony Perletti in the Assessor's Office has advised me that he has received my application for a CBJ Senior Citizen Property Tax Hardship Exemption and that everything looks good except that it was received after the April 30th deadline. I am therefore asking for your approval of my late filing.

My 2022 taxes were complicated due to a 1031 exchange and, because I was out of state over the winter until March 23rd, my CPA wasn't able to meet with me until March 30th. That was in the middle of his busy tax season and he wasn't able to complete the review of my taxes until June 23, 2023. When he did complete the review, he advised me that I should be able to qualify for this exemption if the filing date could be extended.

Thank you for considering this request.



Glenn C. Sicks

June 23, 2023

To: CBJ Assembly:

Sirs: Apparently I am late in filing for the “Senior Citizen Property Tax Hardship Exemption”.

I returned to Juneau , on April 21st, from overseas, and then had my tax appt. w/ Bob Rehfeld, who assisted me in May..

I am requesting for a late file based on that info.

Thank you for your consideration,

Larry Snyder

JUN 26 2023

June 27, 2023
Dear Assembly Members,

I thought the deadline was June 30th didn't realize it was April 30th. Thank you for taking the time to look this over.

Debra Cantrell

Received

Section 0, Item 22.

JUN 27 2023

CBJ-Assessors Office

TO WHOM IT MAY CONCERN
I DID NOT FILE THE PROPERTY HARDSHIP
EXEMPTION AS I MISTAKINGLY THOUGHT
IT WAS DUE AT THE SAME TIME AS
SENIOR TAX HARDSHIP REBATE.

MY APOLOGIES

SINCERELY,

Walter J. Bennett

WALTER J. BENNETT

JUN 27 2023

26 June 2023

To the Juneau Assembly:

I recently became aware of the CBJ senior real property tax exemption and when I checked in March 2023 I wasn't considered eligible because I had not changed my PFD application address.

Since then, I have changed the address to reflect where I have lived for the past three years.

Thank you for considering this late application

Rachel A Beck
Rachel A. Beck



MEMORANDUM

DATE: July 7, 2023

TO: City and Borough of Juneau Assembly

FROM: Alexandra Pierce, Tourism Manager

SUBJECT: Tourism Update

The Assembly has requested an update on the 2023 visitor season to date and the progress of ongoing tourism management efforts.

TBMP Statistics

The below chart provides a year over year comparison of TBMP calls from April – June 2019-2023. Call volume is similar to last year. I have personally received numerous complaints about ship emissions, specifically from the older Norwegian Cruise Line ships. I am working directly with NCL on these complaints, which are not tracked with TBMP calls.

TBMP Hotline Year Over Year Comparison (April - June) by Call Type					
2019		2022		2023	
Cruise Ship Noise	8	Cruise Ship Noise	15	Cruise Ship Noise	4
Cruise Ship Emissions	2	Cruise Ship Emissions	4	Cruise Ship Emissions	5
Aircraft	5	Aircraft	9	Cruise - Visual	3
Vehicles	15	Vehicles	21	Aircraft	8
Other	5	Other	7	Vehicles	24
Other: Whale Watching	7	Vessel: Whale watching	10	Other	12
Kudos	0	Kudos	2	Vessel: Whale watching	10
Total Calls	42	Total Calls	68	Kudos	1
				Total Calls	67

Whale watching

While TBMP call volume on whale watching has remained steady between this year and last, we also know that the whale watch industry has a volume problem (many boats on the water at a time) and the Assembly has received letters from several frustrated citizens. Anecdotal feedback indicates increasing and potentially intensified friction between whale watching and local recreation. Travel Juneau, NOAA, and CBJ convened a meeting of whale watch owners on June 26 to discuss industry issues and concerns. The group agreed to establish a committee to work on a public outreach campaign and on developing and implementing more stringent management practices with the goal of reducing industry impacts on whales, recreational boaters, and waterfront landowners.

Flightseeing

The below table shows the number of glacier landings (equivalent to the number of helicopter flights) from 2010 to 2022. Flightseeing growth is limited by the number of landing permits available from the US Forest Service. The industry operates under USFS permit limitations established in 2001. CBJ continues to have limited jurisdictional authority over flightseeing but we will continue to work with the USFS on their long-range planning to help manage offsite noise impacts.

Year	Helicopter Landings	Visitation	Avg. Landings/day	Landings as % of Visitation	Total Difference from 2010	Difference Landings/day from 2010
2010	12042	860,878	78.7	1.40%	0	0
2011	13244	866,762	86.6	1.53%	1202	7.9
2012	12907	921,023	84.4	1.40%	865	5.7
2013	14019	971,525	91.6	1.44%	1977	12.9
2014	13445	953,091	87.9	1.41%	1403	9.2
2015	14779	977,157	96.6	1.51%	2737	17.9
2016	14346	1,000,819	93.8	1.43%	2304	15.1
2017	14193	1,055,245	92.8	1.34%	2151	14.1
2018	16021	1,128,626	104.7	1.42%	3979	26.0
2019	17394	1,283,853	113.7	1.35%	5352	35.0
2020	197	0	1.3	0.00%	-11845	-77.4
2021	1658	114,031	10.8	1.45%	-10384	-67.9
2022	12049	1,167,194	78.8	1.03%	7	0.0

Forest Service Permitting

The USFS also issues a set number of permits per year for bus companies visiting the glacier. In recent years, companies have run out of permits before the end of the season. This has meant that the bus companies continue to run pre-booked glacier tours (those already sold online) but are no longer selling tours on the dock or onboard the ships. Several operators are expecting to run out of permits in mid-July. In past years, there has been a redistribution of permits between operators late in the season, and the glacier has the ability to issue a limited number of additional permits. Even if these things happen,

permit supply will not meet demand for the remainder of the season. This will likely impact Capital Transit. Tourism, Law, and Engineering & Public Works staff are currently evaluating our CBJ's options for ensuring that transit service remains available to residents who rely on it. This change is a generalized consequence of visitation growth occurring before the development of new tour opportunities.

Commercial Recreational Use

Most of this update has focused on Juneau's current shore excursion supply and demand problem. The Assembly approved funding for a commercial recreational use study to help inform the locations for future shore excursion development including an update of City-owned trails for commercial use. Staff is planning to issue an RFP for that work in the fall, with public process conducted over the winter. Outcomes may include constructing new trails for commercial use funded by Marine Passenger Fees. Another large-scale shore excursion opportunity is the gondola development with Goldbelt. Due to renegotiation of the gondola agreement, progress has been limited and slow and is expected to ramp up soon.

Regional Engagement

Juneau is part of a regional network and the decisions we make affect our neighbors and vice versa. We are the largest destination in the region for a number of reasons including our geography, size, and amenities. We are in the early stages of working with our neighbors on a regional strategy to identify issues and opportunities in each port, how those issues and opportunities affect the rest of the region and articulate our needs to the industry as a common voice. Below is a short synopsis of each of our regional partners' relationship with cruise tourism. There are other, smaller ports that see calls from luxury ships, but this summary sticks to the ports that regularly receive ships with 1000+ passengers:

Pre-covid, Seattle was looking to construct a fourth cruise berth. That project was scrapped and Seattle continues to be extremely busy on weekends and is offering homeport space to large cruise ships mid-week.

Vancouver also has a development project to construct a fourth homeport berth, but the project faces a number of challenges and is unlikely to be constructed in the next 5-10 years, if ever. Vancouver has bridge clearance issues for the largest ships but is still the region's busiest home port.

Victoria is a required stop for Seattle-based ships. It has three berths and many passenger amenities. It has a robust independent visitor and conference economy. However, because of the distance between Ketchikan and Victoria, both struggle with short and oddly timed port calls. Most ships arrive in Victoria between 5 and 8 pm. Call times have become shorter and later due to reduced ship speeds under International Maritime Organization Carbon Intensity Index regulations and orca protection zones. These factors also affect call times in Juneau.

Prince Rupert has made major investments in its one berth to become a Canadian alternative to Victoria. This has resulted in lost calls, but not volume, for Victoria.

Ketchikan typically sees Victoria-bound ships for short morning port calls. Ketchikan has four berths downtown and two berths at Ward Cove, about 10 miles from downtown. Ward Cove is outside of city limits and the City does not collect passenger fees from Ward Cove but experiences the impacts from

passengers that arrive there and are shuttled into the city. City of Ketchikan is in the process of hiring a tourism position.

Over the years, Sitka has seen sporadic and irregular visitation. With two private cruise berths several miles out of town, it is now on a steady growth track and is launching its own Visitor Industry Task Force to make recommendations on industry management. It was recently reported in the media that Sitka recently had a record day that many community members felt exceeded community capacity.

Most visitors to Hoonah stay at Icy Strait Point, which is also the major local employer. With last summer's rockslides in Skagway, many extra ships were deployed to Sitka and Hoonah, which has two berths. For ships doing a round-trip voyage out of Seattle without Glacier Bay permits, Hoonah is the northernmost port call. Those ships (notably the large Norwegian ships that have historically hot berthed in Juneau) go to Tracy Arm and spend shorter days in Juneau.

Skagway controls two of its four berths as of March 2023 when a long-term lease expired. The city is in the process of improving its port infrastructure and continues to struggle with rockslide issues at its two private berths. The forward berth is closed, and ships currently call (and often hot berth) at the rear berth, where passengers are bussed through the slide zone into town.

Haines has also historically seen sporadic calls and growth and this trend continues. Haines can take one ship and has not developed the shore excursion capacity to manage visitors.

Alaska Railroad and Royal Caribbean are investing in major dock improvements in Seward to turn large ships and transport passengers by rail to Anchorage.

There is currently one berth in Whittier and NCL and Huna Totem are planning to construct a double-sided berth to turn ships.

With so many port issues in the region in flux, predicting impacts on Juneau (and Juneau's impacts on the region) is rather challenging. Juneau has consistently had one of the strongest visitation interest from all of the lines and benefits from geographical location, large suite of tour opportunities, convenient and high quality berthing. Unlike the other ports, virtually all ships visiting the region visit Juneau.

Cruise lines appear to be increasingly experimenting with non-seven day itineraries. This change increases the likelihood that historically non-peak days (Thurs-Sun) could become busier in the coming years.

Survey Point Holdings (Cruise Line Agencies of Alaska) Contract

CBJ and CLAA signed a contract for operating and scheduling the City docks in June. This will increase CBJ staff involvement in scheduling and will help support VITF goals including working toward 'best ship at best dock'. The cost of this contract is \$50,000 annually. Survey Point (CLAA) meets CBJ's sole source requirements. It is important for this contract to have monetary value, so CBJ has recourse if the contractor fails to perform the duties listed. Other communities are very interested in this development and are watching closely. Cruise ship industry leaders are very appreciative of Juneau's efforts to negotiate agreements and develop collaborative models that could be used in other ports.

Action:

No action required at this time, but the Assembly should expect an appropriation of \$50,000 of Marine Passenger Fees for port scheduling and management services.