



REGULAR ASSEMBLY MEETING 2023-05 AGENDA

February 27, 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

C. ROLL CALL

D. SPECIAL ORDER OF BUSINESS

1. **Instructions 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.org.

- [2.](#) Proclamation: National Engineers Week

E. APPROVAL OF MINUTES

- [3.](#) **August 1, 2022 Regular Assembly Meeting 2022-18 Draft Minutes**
- [4.](#) **August 8, 2022 Special Assembly Meeting 2022-19 Draft Minutes**
- [5.](#) **August 29, 2022 Special Assembly Meeting 2022-21 Draft Minutes**
- [6.](#) **September 12, 2022 Regular Assembly Meeting 2022-22 Draft Minutes**

F. MANAGER'S REQUEST FOR AGENDA CHANGES

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)

H. CONSENT AGENDA

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

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

- [7.](#) **Ordinance 2023-02 An Ordinance Amending the Assessing Standards for the City and Borough of Juneau.**

The CBJ Assessor's office is required by state law to value property at full and true value each year. In doing so, they follow the standards and practices set by the International Association of Assessing Officers and the Alaska Association of Assessing Officers. Codifying these IAAO and AAAO standards for mass appraisal can lead to greater public understanding of and trust in the assessment process. The public should note that these assessment standards have generally been written for jurisdictions with mandatory real estate price disclosure, and without such disclosure, the Juneau Assessor must depend more heavily on local knowledge and other economic information in determining full and true value.

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

8. Ordinance 2023-09 An Ordinance Authorizing the Manager to Lease a 1.50 Acre Parcel of Land near 100520 Crazy Horse Drive at a Reduced Rate to Provide for the Southeast Alaska Food Bank Food Warehouse Expansion.

Since 2005, the Southeast Alaska Food Bank has leased a fraction of U.S. Survey 1041 from the City for \$1.00 per year. This property is located in the Mendenhall Valley at the end of Crazy Horse Drive. The lease was amended in 2015 to increase the leased area to ½ acre. The current application states that the new area is needed because the opportunity has arisen to fund a new warehouse building making the food bank more sustainable for the future. The food bank already secured a grant in the amount of \$500,000.00 toward the expansion. The LHED Committee provided a motion of support to amend the Food Bank lease at the January 23, 2023 meeting.

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

9. Ordinance 2023-10 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau, Block 75, Lot A; Juneau Subport Lot A, and USS 3566, Lot 3 Fraction and 2A Fraction; from Mixed Use 2 (MU2) to Mixed Use (MU).

AME2022 0008: A Rezone Request from MU2 to MU in the Aak'w Kwaan District

At the [Regular Planning Commission meeting on February 14, 2023](#), the Commission voted to recommend approval of a rezone from MU2 to MU in the Aak'w Kwaan District. This project proposes a westward extension of less-restrictive MU zoning to 6.6 acres that encompass Centennial Hall, the Juneau Arts and Culture Center, Zach Gordon Youth Center, the proposed location of a new City Hall, and the Four Points Sheraton. If AME22-06 is approved, this would be a southward extension that creates clean boundaries along streets. This area includes the 5.7 acres in the applicant's application, and a staff-proposed expansion of 0.9 acres. This rezone would reduce setbacks and facilitate canopies over sidewalks, improving conformity with the Willoughby District Land Use Plan, elements of which are incorporated by reference into the Comprehensive Plan. While MU has no height restrictions, future CDD and Commission decisions would be moderated through the Willoughby Plan. CDD held a public meeting on December 6, 2022, and one member of the public attended.

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

10. Ordinance 2023-11 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tidelands Addition to

the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, from Mixed Use 2 (MU2) to Mixed Use (MU).

AME2022 0006: A Rezone Request from MU2 to MU in the Aak'w Kwaan District

At the [Regular Planning Commission meeting on February 14, 2023](#), the Commission voted to recommend approval of a rezone from MU2 to MU in the Aak'w Kwaan District. This project proposes a westward extension of less-restrictive MU zoning to 4.2 acres that encompass the Indian Village, the Andrew Hope Building, and current offices of the Alaska Department of Environmental Conservation. This area includes the 3.7 acres in the applicant's application, and a staff-proposed expansion of half an acre. This rezone would reduce zoning setbacks and facilitate canopies over sidewalks, improving conformity with the Willoughby District Land Use Plan, elements of which are incorporated by reference into the Comprehensive Plan. While MU has no height restrictions, future CDD and Commission decisions would be moderated through the Willoughby District Land Use Plan. CDD held a public meeting on December 6, 2022, and one member of the public attended.

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

11. Ordinance 2022-06(b)(AK) An Ordinance Appropriating \$1,200,000 to the Manager for a Loan for the Ridgeview Subdivision Project; Funding Provided by the Affordable Housing Fund.

During the Fall 2022, Round Two competition of the Juneau Affordable Housing Fund (JAHF), four projects were awarded funding through a competitive funding round. The awardees were announced at the November 28, 2022 Lands Housing and Economic Development Committee meeting and approved at the December 12, 2022 Assembly meeting. The phase one preliminary plat and the preliminary alternative residential development plan were approved by the Planning Commission on December 12, 2022.

This ordinance is appropriating \$1.2 million to Rooftop Properties, LLC, or Glacier Heights, LLC, to promote the construction of 24 units of new housing in the midtown area of Juneau. The application indicated long-term plans to build a total of 444 housing units. This first phase will include five units affordable to individuals with income of 80% or less of Area Median Income (AMI). The loan will be secured by a deed of trust on the property.

This project meets the intent of the JAHF award guidelines document and the 2016 Housing Action Plan.

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

12. Ordinance 2022-06(b)(AM) An Ordinance Appropriating \$2,000,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate \$2 million of grant funds from the Alaska Department of Transportation and Public Facilities' Municipal Harbor Facility Grants Program. The required 50% local match is provided by the 2017 1% Sales Tax Initiative (\$1.5 million) and Harbor fund balance (\$1 million). This project would construct one main float in the north end of Aurora Harbor with slips to accommodate 48-foot and 60-foot vessels. Docks and Harbors anticipates a bid award in March 2023.

The Docks and Harbor Board recommended this action at its regular Board meeting on February 23, 2023.

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

13. Ordinance 2022-06(b)(AN) An Ordinance Appropriating \$31,500 to the Manager as Funding for Phase 2 of a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.

The Juneau Townsite Historic Neighborhood is a mixed-use commercial and residential neighborhood, located between the Downtown and Chicken Ridge historic districts. This ordinance would appropriate \$31,500 of grant funding to survey and inventory approximately 42 structures in the area and document their historical significance. This survey will complete the survey and inventory and determine whether the Juneau Townsite Historic Neighborhood is eligible to be listed on the National Register of Historic Places. The benefits of becoming a listed district include access to Historic Tax credits and Historic Preservation Fund grants. These benefits would be available for property owners for rehabilitation and maintenance work.

CBJ's Community Development Department, City Museum, and Historic Resources Advisory Committee will partner with a historic architecture consultant to perform the scope of work for this project. Total project costs are estimated to be \$52,515. The 40% local match requirement will be met with CBJ personnel service costs, for which expenditure authority has already been appropriated in the FY23 operating budget.

The Historic Resources Advisory Committee recommended CBJ staff apply for this grant at the February 3, 2021 meeting.

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

14. Ordinance 2023-12 An Ordinance Providing for the Issuance and Sale of Port Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed \$5,100,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.

This ordinance authorizes the sale of \$5.1 million of revenue bonds for the first phase of electrifying CBJ's municipally owned cruise ship docks. The bond will be fully repaid within 15 years at an expected annual cost of approximately \$450,000 assuming an interest rate of 4.0%. This revenue bond will be repaid entirely by passenger fees, and does not pledge any borough tax revenue. Issuance of this bond will not impact the debt service mill rate.

The Docks and Harbors Board approved this request at the December 29, 2022 meeting. The Assembly Finance Committee approved this request at the January 4, 2023 meeting.

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

15. Ordinance 2023-13 An Ordinance Providing for the Issuance and Sale of General Obligation Bonds in One or More Series to Provide Not to Exceed \$6,600,000 in Net Proceeds; and Providing for the Form and Terms of the Bonds and for Unlimited Tax Levies to Pay the Bonds.

This ordinance authorizes the sale of \$6.6 million of general obligation bonds as authorized by voters in the October 4, 2022 municipal election. Per the authorizing ballot measure, these bond funds will be used for installation of an artificial field for baseball and softball and replacing the track surface at Adair-Kennedy Memorial Park, a new public use cabin, and areawide trail

maintenance. The bond will be fully repaid within 6 years at an expected annual cost of approximately \$3.1 million in the first year and \$775,000 in the following five years assuming an interest rate of 3.9%. Issuance of this bond will not increase the debt service mill rate from its current level.

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

16. Ordinance 2022-06(b)(AO) An Ordinance Appropriating \$6,600,000 to the Manager for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects; Funding Provided by General Obligation Bond Proceeds.

This ordinance would appropriate \$6.6 million of general obligation bond proceeds for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins capital improvement projects. This funding provides for installation of an artificial field for baseball and softball and replacing the track surface at Adair-Kennedy Memorial Park, a new public use cabin, and areawide trail maintenance.

This appropriation of project funding is consistent with the intent of the \$6.6 million general obligation bond package approved by voters in the October 4, 2022 municipal election.

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

17. Ordinance 2022-06(b)(AP) An Ordinance Appropriating \$5,000,000 to the Manager for the Dock Electrification Capital Improvement Project; Funding Provided by Port Revenue Bond Proceeds.

This ordinance would appropriate \$5 million for the Dock Electrification Capital Improvement Project. Funding for this request is provided by port revenue bond proceeds and will facilitate the procurement and installation of two load tap changer transformers for the docks owned by CBJ at Alaska Steamship and Cruise Ship Terminal. The revenue bond will be repaid with port development fees.

The Docks and Harbors Board approved this request at the December 29, 2022 meeting. The Assembly Finance Committee approved this request at the January 4, 2023 meeting.

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

18. Ordinance 2022-06(b)(AJ) An Ordinance Appropriating \$5,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds and Hotel-Bed Tax Funds.

This ordinance would appropriate \$5 million for the Capital Civic Center CIP. This project is an expansion of Centennial Hall that will include upgrades to satisfy the goals of the business community, the travel industry, and the arts economy. This appropriation is intended to leverage grant funding and should not be expended until such time as sufficient grant funding is secured for the project that would require local matching funds in the amounts of this appropriation.

This request is funded equally by general funds and hotel-bed tax funds.

The Assembly Finance Committee will review this request at the March 1, 2023 meeting.

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

J. Resolutions

19. Resolution 3015 A Resolution Authorizing the Chief Executive Officer of Bartlett Regional Hospital (BRH) to Execute a Transition Agreement with Wildflower Court (WFC), and Negotiate for a Potential Transfer of Wildflower Court to BRH, with the Consent of the BRH Board.

For some time, Wildflower Court and Bartlett Regional Hospital have been in discussions regarding a management agreement and eventual transition of operations from WFC to BRH. BRH staff provided a memo outlining the rationale behind this operational change at the Assembly's February 13, 2023 Committee of the Whole meeting. BRH staff believe this transition is in the best interest of the community in that it will both maintain key services for our aging population while also contributing positively to the hospitals bottom line.

The Assembly Committee of the Whole forwarded this resolution to the Assembly for adoption at its February 13, 2023 meeting. The Bartlett Regional Hospital Board passed a motion of support for this process at its February 17, 2023 meeting and plans to continue its discussion and analysis of this topic.

The City Manager recommends the Assembly adopt this resolution.

20. Resolution 3023(b) A Resolution of the City and Borough of Juneau Opposing the Wild Fish Conservancy Lawsuit and Protecting the Southeast Alaska Troll Fishery from Closure.

The Assembly Committee of the Whole discussed this resolution at their February 13, 2023 meeting and moved this resolution to the Assembly for adoption.

The City Manager recommends the Assembly adopt this resolution.

K. Bid Awards

L. Transfers

21. Transfer Request T-1051 A Transfer of \$ 54,731.48 from CIP H51-121 Pile Anode Installation to CIP H51-108 Statter Harbor Improvements Phase III.

The Pile Anode Installation work is complete and the project is ready to close out. This request would transfer the remaining unspent balance of \$54,731.48 to the Statter Harbor Improvements Phase III CIP for construction work.

The Docks and Harbors Board reviewed this request at the February 23, 2023 meeting.

The City Manager recommends approval of this transfer.

M. Liquor Licenses

22. 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.

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

Liquor License Type: Restaurant Eating Place, License #4584

Location: Lot C1, Juneau Subport, Section 23, Township 41S Range 67E. Juneau

Licensee: Bullwinkle's Inc., d/b/a Bullwinkle's Pizza

Liquor License Type: Restaurant Eating Place, License #1690

Location: 9108 Mendenhall Mall Rd., Juneau

Licensee: Thibodeau's Market Inc., d/b/a Percy's Liquor Store

Liquor License Type: Package Store, License #849

Location: 214 Front St., Juneau

Licensee: Thibodeau's Market Inc., d/b/a Thibodeau's Douglas Depot

Liquor License Type: Package Store, License #828

Location: 1017 3rd St., Douglas

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments have reviewed the above licenses and recommended the Assembly waive its right to protest the 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. PUBLIC HEARING**23. Ordinance 2022-64(b) An Ordinance Reorganizing and Consolidating the Aquatics Board, the Treadwell Arena Advisory Board, the Jensen-Olson Arboretum Advisory Board, and the Parks and Recreation Advisory Committee.**

This ordinance would dissolve the Treadwell Arena Advisory Board, the Aquatics Board, the Jensen-Olson Arboretum Advisory Board, and transfer those board duties to the Parks & Recreation Advisory Board ("PRAC"). The various Parks & Recreation boards were created when there were pressing community issues, which have waned and decreased community interest for so many boards. Because recruitment and retention for so many community volunteers is 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 and amended Ord. 2022-64 at the February 13, 2023 COW meeting creating version Ord. 2022-64(b).

The City Manager recommends the Assembly adopt this ordinance.

O. UNFINISHED BUSINESS**P. NEW BUSINESS****24. iRide Alaska Lease Request for use of West Douglas Pioneer Road**

The City received an application from iRide Alaska for the use of the West Douglas Pioneer Road (WDPR). This application requests commercial use of the WDPR for guided e-bike tours between May 1st and October 30th. The application has been received and according to city code, CBJC 53.09.260(a), the next step in processing the application is for the Assembly to determine "whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." Currently the City does not have a policy regarding the commercial use of the WDPR. The attached draft 2017 policy on the Interim Public Use of West Douglas Pioneer Road was never adopted by the Assembly but the WDPR has been managed similarly to the management described in the policy. Unfortunately, the draft policy was not included in the LHED Committee review of this

request when they forwarded it to the Assembly for discussion. LHEDC forwarded this issue without recommendation.

If the Assembly provides a motion of support to work with the original proposer, the Manager would commence negotiations which could include terms and conditions to alleviate impacts to the property.

If the Assembly wants to proceed with determining draft lease details, the Manager recommends the Assembly pass a motion of support to work with iRide Alaska as the original proposer in accordance with CBJC 53.09.260.

Q. STAFF REPORTS

[25.](#) Staff Report on Dependent Care

R. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

S. ASSEMBLY COMMENTS & QUESTIONS

T. EXECUTIVE SESSION

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.org.

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

PROCLAMATION

WHEREAS, February 19-25, 2023 has been designated as National Engineers Week; and

WHEREAS, the 2023 theme is “Creating the Future!” as engineers play a vital role in innovating solutions to global challenges that impact future generations; and

WHEREAS, National Engineers Week is celebrated during the week of George Washington’s birthday to honor the contributions President Washington, a military engineer and land surveyor, made to engineering; and

WHEREAS, Southeast Alaska engineers have enhanced the quality of life in Juneau and the Southeast community through public works projects, ports and harbors development, maritime transportation, mining, and improvements to airports, museums, recreational facilities, roadways, schools, and telecommunications; and

WHEREAS, the Juneau branch of the American Society of Civil Engineers, and Alaska Capital Engineers are local sponsors of National Engineers Week, celebrating the local accomplishment of projects-of-the-year and engineer-of-the-year recognitions within the Juneau region; and

WHEREAS, since 1983 the National Society of Professional Engineers has contributed time, sponsorship and resources in support of the national Mathcounts competition series, a competitive mathematics program that promotes mathematical achievements through a series of fun and engaging “bee” style contests; and

WHEREAS, the 2023 Juneau Mathcounts competition was held on February 11, 2023 at Floyd Dryden Middle School; and

WHEREAS, the Juneau branch of the American Society of Civil Engineers engages in hands-on school outreach programs in science, technology, engineering, and mathematics during National Engineers Week to inspire future generations of engineers and scientists; and

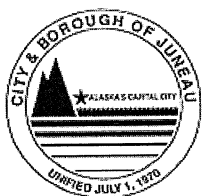
WHEREAS, the Juneau branch has established civil engineer and professional engineer scholarships for high school seniors pursuing Bachelor of Science degrees in the engineering and science fields.

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 proclaim February 19-25, 2023 as:

National Engineers Week

in Juneau, Alaska and call upon the people of Juneau to recognize the essential contributions engineers make within our community.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, to be affixed this 24th day of February, 2023.



Beth A. Weldon, Mayor

THE CITY AND BOROUGH OF JUNEAU, ALASKA
Regular ASSEMBLY MEETING
 DRAFT Meeting Minutes – August 1, 2022

MEETING NO. 2022-18: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held in the Chambers and virtually via Zoom Webinar and called to order by Mayor Beth Weldon at 7:00p.m.

I. FLAG SALUTE

Deputy Mayor Maria Gladziszewski led the flag salute.

II. LAND ACKNOWLEDGMENT

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 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!

III. ROLL CALL

Assemblymembers Present: Mayor Weldon, Deputy Mayor Maria Gladziszewski, Christine Woll, Michelle Hale, Greg Smith, Carole Triem, Alicia Hughes-Skandijs, and Wade Bryson; Assemblymember ‘Wáahlaal Gíidaak joined via Zoom at 7:07p.m and left at 8:41pm.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Engineering/Public Works Director Katie Koester, Finance Director Jeff Rogers, Lands Manager Dan Bleidorn, Parks and Recreation Director George Schaaf, Deputy Parks and Recreation Director Michele Elfers, and Assistant City Attorney Sherri Layne

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: First Juneau-Based Ukrainian Refugees

Mayor Weldon welcomed Juneau’s first Ukrainian refugees Iryna Hynchenko and her son Ivan Hynchenko. Ms. Hynchenko said that the war her country is currently fighting is beyond words to describe and she thanked the people of Juneau for their warm welcome for their support and understanding during this difficult time.

B. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform or to sign up at the back of the Assembly Chambers for those in person wishing to testify.

V. APPROVAL OF MINUTES

- A. June 13, 2022 Regular Assembly Meeting 2022-13 DRAFT Minutes
- B. June 14, 2022 Special Assembly Meeting 2022-14 DRAFT Minutes
- C. June 15, 2022 Special Assembly Meeting 2022-15 DRAFT Minutes
- D. June 27, 2022 Special Assembly Meeting 2022-16 DRAFT Minutes

MOTION by Ms. Woll to approve the minutes of the June 13, 14, 15, and 27, 2022 Assembly meetings and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

None. The agenda was approved as presented.

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Albert Shaw, said that he spoke to the Assembly a couple of months ago about the placement location of the gondola at Eaglecrest. He said that since his testimony to the Assembly, he has met with Eaglecrest Manager Dave Scanlan and he found that the location Mr. Shaw was suggesting would not have enough room for the base of the gondola. Mr. Shaw stated that an Eaglecrest masterplan was not created until a number of years after Eaglecrest was already established.

Mr. Shaw, in speaking to the matter of the Tulsequa Mine, said that between the 1930s and 1950s, Juneau did extremely well financially as a result of that mine. He said that the original claim holders lived in Douglas and that Alaska Coastal brought in a special plane to fly material in there which meant that they had people who were making money. He said that the Reishel's had the barge system that would bring supplies up the river. He said that the Baranof Hotel did very well as a result of the mine. He said that in 1948, he bought \$100 Canadian dollars with \$80 US dollars. He said he was sharing this information to highlight the fact that while there are serious issues with Tulsequa at this time, there was a lot of money made in Juneau as a result of the mine in those early decades.

Mr. Carl Uchytel, from Douglas, speaking on behalf of the American Society of Civil Engineers, invited the Assembly to attend an event on September 10, 2022 commemorating the dedication of the Salmon Creek Dam as an American Society of Civil Engineers National Historic Landmark. He said that this will be the third National Historic Landmark in Alaska with the first two being the Alaska Highway ("The ALCAN") and White Pass. Mr. Uchytel noted that the Salmon Creek Dam is the first constant angle, variable radius dam that was constructed in the United States. It was constructed between 1912 and 1914 and credit for this Historic Landmark dedication goes back to the work of Scott Willis who was an engineer with Alaska Electric Light & Power who passed away approximately 6 years ago. There will be people from all of the United States coming to commemorate this event.

Mr. Adam Leon, spoke on behalf of Shoshana Gungerstein who was running for U.S. Senate. He said that she is based out of Juneau and he wanted to be sure the Assembly and public were aware that someone from Southeast was running for the U.S. Senate.

VIII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

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

Hearing no objection, the Consent Agenda was adopted by unanimous consent.

1. Ordinances for Introduction

a. Ordinance 2022-41 An Ordinance Authorizing the Manager to Execute a Lease with the Juneau Arts and Humanities Council for Use of the Juneau Arts and Culture Center Building.

The State of Alaska conveyed the former Armory Building and property to the City and Borough of Juneau in 2006. In 2007 the City began leasing the building now known as the Juneau Arts and Culture Center (JACC) to the Juneau Arts and Humanities Council (JAHC) to rent and manage the performance and exhibit space for community arts and cultural events. This ordinance will authorize the JAHC to continue to lease and operate the JACC for the benefit of the community by providing arts and cultural opportunities for Juneau and the surrounding Southeast communities. In identifying the JAHC's nonprofit status and the public service it provides, the Assembly has leased the JACC to the JAHC at less than fair market value in accordance with CBJC 53.09.270. The LHED Committee reviewed this lease request at its June 27 meeting and provided a motion of support to continue to lease this property to the JAHC for the lease rate of \$500.00 per month for the first three years and \$1,000.00 per month for the last two years.

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

b. Ordinance 2022-06(b)(F) An Ordinance Appropriating \$9,563 to the Manager for the Statter Harbor Phase IIIC Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.

Docks and Harbors has been awarded an additional \$9,563 in Clean Vessel Act grant funding from the Alaska Department of Fish and Game to construct, manage, and maintain sewage pump-out stations in Statter Harbor. This award increases the grant appropriated under Ordinance 2019-06(AF). A local match requirement of \$3,188 will be provided by previously appropriated funds from the Statter Harbor Phase IIIC CIP (H51-108).

The Docks and Harbors Board approved this request at the July 28, 2022 meeting.

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

c. Ordinance 2022-06(b)(G) An Ordinance Appropriating \$5,000,000 to the Manager for the North State Office Building Parking Capital Improvement Project; Grant Funding Provided by the Alaska Department of Commerce, Community, and Economic Development.

CBJ has been awarded a \$5 million designated legislative grant through the Alaska Department of Commerce, Community, and Economic Development. This grant provides partial funding for the planning, design and construction of additional parking levels above the North State Office Building Parking Garage. Additional project funding will be provided by temporary 1% sales tax, if extended by voters during the October election. This project is #10 on CBJ's FY23 Legislative Priority List.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

d. Ordinance 2022-06(b)(H) An Ordinance Appropriating \$292,000 to the Manager for the Eagle Valley Center Capital Improvement Project; Grant Funding Provided by the Rasmuson Foundation.

The Rasmuson Foundation has awarded CBJ a \$292,000 grant to renovate the Eagle Valley Center. This grant funding will supplement the 2020 voter approved general obligation bond funding for energy efficiency improvements. With the grant funding, the project work will include a new, more efficient exterior building shell, new windows and doors, electric boiler and hot water system, electrical upgrades, a potable water filtration system from a well, rot removal, and site drainage improvements.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

e. Ordinance 2022-06(b)(J) An Ordinance Transferring \$116,600 from the Manager's Office to Engineering and Public Works for Grant Writing and Consulting.

This ordinance would transfer \$116,600 from the Manager's Office to Engineering and Public Works for grant writing and consulting. The grant writer position was created in FY22 and funded by Ordinance 2021-08(b)(am)(H) in an effort to identify, prioritize, and pursue funding opportunities available to the city from an unprecedented level of federal stimulus infused into the economy. Establishing the grant writer position in Engineering and Public Works facilitates collaboration and partnership between grant writing and likely infrastructure grant recipients within CBJ (such as Transit,

Streets, etc.). The grant writer position will be partially funded by CIPs, making available additional funding for grant consulting from Blank Rome, LLP.

The Public Works and Facilities Committee will review this request at the August 8, 2022 meeting.

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

2. Resolutions

a. Resolution 2997 A Resolution of the City and Borough of Juneau Supporting the Operational Needs of the Juneau District Heating Proposal in the Downtown Vicinity.

Our Congressional delegation, led by Senator Sullivan, is proposing legislation which would authorize conveyance of the downtown NOAA dock to CBJ at fair market value. Docks & Harbors has long viewed this NOAA facility as integral to contiguously link the Juneau waterfront from the bridge to AJ Dock and is critical to advancing envisioned development. Since 2017, Juneau District Heating has been in discussion with NOAA to conceptually plan for seawater supply and discharge lines to be located from their Subport Lot at 300 Egan Drive through the existing NOAA dock. The intent of Resolution 2997 is to reassure, in the event CBJ acquires the NOAA dock, that the needs and interests of Juneau District Heating will be reasonably accommodated by CBJ.

The City Manager recommends the Assembly adopt Resolution 2997.

b. Resolution 2998 A Resolution Supporting the City and Borough of Juneau's Application for a Safe Streets for All Planning Grant to Develop a Safety Action Plan and Committing to Zero Roadway Fatalities by 2050.

This resolution supports CBJ's application to the federally funded Safe Streets for All program for a grant to develop a Safety Action Plan and commits CBJ to zero roadway fatalities by 2050. Such a commitment is required by the grant.

The plan will analyze historical safety data and trends and recommend projects and initiatives. A Safety Action Plan will allow CBJ to be eligible for future implementation grants for specific projects such as Lemon Creek Multimodal Path. It will also facilitate advocating with ADOT for safety improvements on state roads. The grant requires a 20% which would be appropriated from area wide street sales tax.

The City Manager recommends the Assembly adopt Resolution 2998.

c. Resolution 2989(b) A Resolution Encouraging the Prompt and Full Closure and Cleanup of the Tulsequah Chief Mine and Urging the British Columbia Government to Oppose any Extension of the Receivership Process.

The Tulsequah Chief Mine is located approximately 10 miles from the Alaska border and upstream from the Taku River. The Tulsequah Chief Mine closed in 1957 and acid rock drainage has been leaching since. The Taku River is usually Southeast Alaska’s largest overall salmon producer, with Southeast’s largest run of coho and king salmon. The Taku River basin is of tremendous and unique ecological, customary and traditional use, cultural, commercial, and recreational fisheries value. As a community with substantial cultural, economic, and recreational connections to the vitality of the Taku River basin, this resolution would join the City and Borough of Juneau Assembly into calling for the prompt closure and cleanup of the Tulsequah Chief Mine.

This resolution is at the request of the Deputy Mayor and the City Manager has no recommendation on this policy matter.

3. Bid Award

a. Augustus Brown Pool Mechanical and Electrical Upgrades, BE23-019

This project consists of renovation of the existing 17,700 SF pool building to replace existing mechanical and electrical equipment that is past its useful life, and making code-required and functional improvements to the building’s architectural layout. The alternate work includes replacement of leisure pool finishes and the main entrance doors and finishes.

Bids were opened for this project on July 26, 2022. The bid protest period expired at 4:30 p.m. on July 27, 2022. Results of the bid opening were as follows:

Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Dawson Construction LLC	\$3,498,000	\$384,500	\$175,700	(\$32,000)	\$4,026,200
Schmolck Mechanical Contractors	\$3,731,757	\$371,940	\$218,570	(\$55,000)	\$4,267,267
Architect's Estimate	\$2,555,000	\$200,500	\$50,000	(\$40,000)	\$2,765,500

The City Manager recommends award of this project to Dawson Construction, LLC, for the base bid and alternates 1 and 2 for a total amount of \$4,058,200.

b. Centennial Hall Ballroom Renovation, BE22-204

This project renovates the ballrooms at Centennial Hall including HVAC, flooring, and room dividers. The alternate work includes structural upgrades and additional acoustical wall paneling. Bids for the project came in over original estimates, which will require using more of the \$2.8M added with the 2023 CIP than originally anticipated. Staff expects approximately \$1.6M to remain available for future projects at Centennial Hall.

Bids were opened for the project on July 27, 2022. The bid protest period expired at 4:30 p.m. on July 28, 2022. Results of the bid opening were as follows:

Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Carver Construction LLC	\$6,038,165	\$302,730	\$120,382	(\$40,878)	\$6,420,399
Dawson Construction LLC	\$6,264,450	\$237,500	\$106,230	(\$51,775)	\$6,556,405
Alaska Commercial Contractors, Inc.	\$6,378,000	\$330,000	\$145,000	(\$36,000)	\$6,817,000
Island Contractors, Inc.	\$7,070,000	\$330,000	\$115,000	(\$38,600)	\$7,476,400
Architect's Estimate	\$5,560,000	\$290,000	\$245,000	(\$115,000)	\$5,980,000

The City Manager recommends award of this project to Carver Construction, LLC, for the total amount bid of \$6,420,399.

IX. PUBLIC HEARING

A. Ordinance 2022-34 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2023, and Providing for a Ballot Question Ratifying the Levy.

This ordinance would place the question of extending the 1% temporary sales tax on the October 4, 2022, regular municipal election ballot. The current 1% temporary sales tax expires on September 30, 2023. If approved, the temporary 1% tax would be extended for five years, until September 30, 2028.

If extended, the temporary tax is estimated to generate a total of \$60.2 million in sales tax revenue. The Assembly has designated funds to the following projects areas:

- Deferred maintenance of CBJ and JSD facilities
- Replacement public safety equipment for JPD and CCFR
- Redevelopment of Gastineau Avenue, Telephone Hill, and North SOB Parking Garage
- Affordable housing initiatives, including further development of Pederson Hill
- Harbor expansion and maintenance
- Childcare support
- Lemon Creek multi-modal path
- Relocation of City Museum
- Contribution to the Restricted Budget Reserve
- Information technology upgrades

This topic was reviewed by the Assembly Finance Committee at its meeting on March 12, and by the Committee of the Whole at its meetings on May 2 and June 27. The Committee of the Whole recommended the ordinance be brought to the full Assembly for consideration. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Aaron Spratt, a Valley resident, said that he is opposed to any extension of taxes and that the Assembly should be cognizant of the public image they are presenting. He said the plan is to raise \$60.2 million in revenue from this 1% tax and the first item listed is CBJ and JSD facilities. He reminded the public that the next item for public comment is to allocate \$35 million for a new City Hall. He said CBJ is requesting this temporary/permanent 1% sales taxes that keep going on and on to fund maintenance on properties and questioned whether CBJ would allocate any of the money appropriately. He said that while these are all great projects, in light of the current economy and inflation, he is strongly opposed to the continuation of any tax and is in favor of less government and keeping the money in the hands of the people.

Assembly Action

MOTION by Mr. Bryson to adopt *Ordinance 2022-34 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2023, and Providing for a Ballot Question Ratifying the Levy* and asked for unanimous consent.

Ms. Gladziszewski objected for purposes making a comment. She said that the Assembly received comments from the public on a variety of these items and she said that most of these things will come back to the Assembly for specific appropriations. She noted that a number of the comments related to harbor expansion as well as a harbor project in North Douglas that is not on this list. She stated that all the various projects will be before the Assembly for future appropriation and members of the public can comment on those individual projects at that time. Ms. Gladziszewski removed her objection.

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

B. Ordinance 2022-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$35,000,000 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 4, 2022.

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$35 million for the construction and equipment of a new city hall. The total project cost, with underground

parking, is currently estimated at \$41.3 million, and the Assembly has already appropriated \$6.3 million of general funds.

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

The Committee of the Whole selected 450 Whittier Avenue as the preferred site for a new city hall during the April 11, 2022 meeting. The Assembly requested staff draft an ordinance to submit a proposition to the voters on the October 4, 2022 election ballot during the June 6, 2022 Committee of the Whole meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Rob Steedle, a resident of West 10th Street, said that as a former CBJ employee he would like to share his perspective of having worked in City Hall and other downtown office locations for 25 years. He said that he knows first-hand the inefficiencies that those inadequate spaces create. He said that the idea of building a purpose-built modern City Hall is not a new one and CBJ would do well to upgrade its facilities. However, he also thinks that this is not the time to do so for three reasons:

- 1) The pandemic disrupted the way we do business and we may not fully return to working in offices as we have done in the past. He said that there has not been such a profound shift in the workplace in our lifetimes and that the shift is not complete. Mr. Steedle said that given such rapid changes, could we really know all of the requirements for a new City Hall right now.
- 2) Mr. Steedle said now is not the time for a major new construction project, given the rising materials costs, materials shortages, increasing transportation costs, and increasing interest rates.

Mr. Steedle met his time limit and did not share his third reason.

Ms. Hale asked Mr. Steedle that if he feels that now is not the correct time, in his opinion when would be the right time be. Mr. Steedle said that they need more clarity about the office requirements of the future but more importantly, he thinks this is a diversion from a more pressing problem which is to address the need for housing.

Mr. David Ignell, a West Juneau resident, said that he can't fathom why the city is considering spending \$35 million on a new City Hall when there is infrastructure within the city that needs to be addressed, specifically storm drains. He said that his property is being eroded by upstream erosion or upstream water which has been diverted. He said that this has been a problem for many years. As properties in West Juneau and Douglas have been developed on the uphill side of the road and as

wetlands are being built upon, all that water is running downhill. He said that has unfortunately caused his house and property and that of other neighbors to have eroded as a result. He said those infrastructure problems need to be addressed before they consider building new office buildings. In looking at this, he noticed that the manager's report notes it will save \$800,000 per year in office rents. He suggested that some of that may be inflated due to those expenses being attributable to other expenses such as utilities, taxes and other things.

Mr. Smith asked if Mr. Ignell has discussed his storm drain issues with Engineering/Public Works staff. Mr. Ignell said that yes, he has discussed those issues with numerous members of staff. Mr. Smith said he will follow-up with Director Koester on that issue.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt *Ordinance 2022-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$35,000,000 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 4, 2022* and asked for unanimous consent.

Objection by Ms. Gladziszewski. She said that she agrees with many of the concerns that were raised by Mr. Steedle. She also said that she thinks the city should be looking at all of its offices and consolidating. She does understand that the current City Hall does need some work but this is not the time to ask the voters to vote on this issue as there are other facilities that may be repurposed. She cited that the current City Hall used to be a fire station.

Mr. Smith said that he also shared similar concerns as those raised by Ms. Gladziszewski and that in the long term he thinks the idea of a new City Hall has merit as the City plans to be in business indefinitely, but he does not think this is the correct time to place it on the ballot.

Mr. Bryson said that they have been working on this at Public Works and Facilities Committee as well as at the Committee of the Whole for the past two years. He said that the situation CBJ is currently in a worst case scenario, with renting so much office space and City Hall needing significant repairs. He said that the \$800,000 a year rent is closer to \$900,000 and will be closer to a million in a couple years and that spending taxpayer money to pay rent should be criminal. He said that by doing this, there could be 24 apartments added back to the community which would move housing in the right direction. He said that the most critical piece to him is that the "Not do anything" option costs more over the next 30 years than building a new City Hall. He said building a new City Hall provides the greatest benefit to the most Juneauites throughout the longest period of time.

Ms. Triem spoke in support of this Ordinance for two main reasons. First is that the current City Hall needs an immense amount of expensive maintenance to maintain. Second is that the debt load is low, so issuing new bonds will not raise taxes. Ms. Triem said she understands this is not a politically popular issue but supports it anyway.

Ms. Hale asked Mr. Watt if the bond passes when the City would go into the design phase for the new building and would they be able to incorporate some of the changes in office needs that have emerged from the pandemic and teleworking. Mr. Watt answered that the design is conceptual at this point and anticipating some flexibility in the building, but believes that a centralized workplace is better for CBJ and the public. Ms. Hale said she is in support of this Ordinance.

Mayor Weldon said she will also vote yes on this Ordinance and said she feels there is a strong business case for why CBJ needs a new City Hall.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-37:

Ayes: Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Ms. Triem; Ms. Woll; ‘Waahlaal Gíidaak, Mayor Weldon

Nays: Mr. Smith, Ms. Gladziszewski

Motion passed. Seven (7) Ayes, Two (2) Nays.

C. Ordinance 2022-38 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$6,600,000 to Finance Construction and Equipping of Park Improvements within the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022.

This ordinance would send a bond package to the voters to consider in the municipal election on October 4, 2022. This ordinance would send one general obligation bond proposition of up to \$6.6 million for the construction and equipment of park improvements within CBJ, including:

- Turf and track surfacing for sports facilities at Adair Kennedy Park
- A new public use cabin
- Areawide trail maintenance

The Committee of the Whole discussed this request during the June 27, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

This ordinance was introduced at the request of the Mayor. The City Manager does not have a recommendation on this ordinance.

Public Comment

Ms. Heidi Richards-Mazon, from Lemon Creek, said she has three children who use the parks facilities in CBJ. She has shoveled the Adair Kennedy turf field by hand for the last six years because snow blowers are not allowed due to the condition of the surface. She said that she has walked the track for many years and that is it in bad condition. She fully supports this bond.

Mr. Jim Ayers, from Auke Bay, said that Adair Kennedy is a park dedicated to the memory of Richard James Adair and Jimmy Earl Kennedy who gave their lives in sacrifice to our community and that the

park reflects our culture, community, and our commitment to one another. He said the softball and baseball fields are an eyesore and that this bond is a critical action in strengthening our community. He supports this bond and asked the Assembly to exert their influence to help the bond pass.

Mr. Ryan O’Shaughnessy, from Downtown Juneau, is the executive director of Trail Mix, Inc. He urged the Assembly to support this Ordinance and give the voters a chance to put funding towards the community’s trails.

Assembly Action

MOTION by Ms. Triem to adopt *Ordinance 2022-38 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$6,600,000 to Finance Construction and Equipping of Park Improvements within the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 4, 2022* and asked for unanimous consent.

Objection by Ms. Woll, who said she does not believe this Ordinance has had enough public process. While she is not against any of the specific projects, she would like the Assembly to put more work into this before it goes before the voters.

Ms. Hughes-Skandjis said she also feels like this Ordinance has not had due public process. She said she loves the park system and the public had compelling public testimony, but she does not feel comfortable with a bond given some structural deficits that have been raised at previous Finance meetings and where this project fits in the largest context of the Assembly goals. She said a lot of work has been put forth on the 1% Sales Tax projects, while this bond has not gone to a Finance meeting or some of the other committees.

Mr. Smith said that recreation and sports are critical to our community and that he has been working on this Ordinance for months and said it was his fault that it did not come to various committee meeting earlier. He supports bringing this to the voters to decide.

Mayor Weldon also supports this Ordinance, and noted there is extreme public support for this project.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-38:

Ayes: Ms. Triem; ‘Waahlaal Giidaak; Mr. Smith; Mr. Bryson; Ms. Gladziszewski; Mayor Weldon
Nays: Ms. Woll; Ms. Hughes-Skandjis; Ms. Hale;

Motion passed. Six (6) Ayes, Three (3) Nays.

D. Ordinance 2021-08(b)(am)(AT) An Ordinance Appropriating \$500 to the Manager for the Bartlett Regional Hospital Rainforest Recovery Center; Funding Provided by a Donation from the Second to Nine Motorcycle Club.

This ordinance would appropriate a \$500 donation from the Second to None Motorcycle Club for Bartlett Regional Hospital's Rainforest Recovery Center to support addiction rehabilitation and recovery programs throughout the state.

The Systemic Racism Review Committee reviewed this request at the July 12, 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 2021-08(b)(am)(AT) An Ordinance Appropriating \$500 to the Manager for the Bartlett Regional Hospital Rainforest Recovery Center; Funding Provided by a Donation from the Second to None Motorcycle Club* and asked for unanimous consent.

Ms. Hale said this is a heartfelt donation from a group outside of Juneau and that it is an honor to receive this donation.

Hearing no objection, the ordinance passed by unanimous consent.

E. Ordinance 2022-06(b)(E) An Ordinance Appropriating \$40,000 to the Manager to Conduct a Statistically Valid Survey of Juneau Voters Related to Removing Sales Tax on Food; Funding Provided by General Funds.

This ordinance provides funding to the Manager to contract with a research firm experienced in conducting statistically valid surveys. The firm will provide survey design services and conduct the survey. The survey will begin with education on the topic and conclude with questions that 1) assess whether or not the survey taker approves of removing sales tax on food, and 2) regardless of their approval, seeks input on the method by which CBJ revenue should be replaced if sales tax were removed from food. Revenue replacement options would include annual sales tax, seasonal sales tax, and property tax. The Assembly discussed and decided to proceed with this survey at its June 27, 2022 Committee of the Whole meeting.

The Systemic Racism Review Committee reviewed this request at the July 12, 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)(E) An Ordinance Appropriating \$40,000 to the Manager to Conduct a Statistically Valid Survey of Juneau Voters Related to Removing Sales Tax on Food; Funding Provided by General Funds* and asked for unanimous consent.

Objection by Ms. Hale for purposes of a question. Ms. Hale asked if the Assembly would be able to provide input on the survey before it went to the public. Mr. Watt said the Assembly would have an opportunity to be involved at a high level.

Objection by Ms. Triem, who said that she feels CBJ has the ability to conduct a statistically valid survey by putting the question to the voters. Ms. Triem says this will not reduce any work for CBJ staff, the assembly, or the public and that it is a waste of time and money.

Mr. Bryson said that this is not the first time this topic has come up with Assembly, and supports this ordinance because he believes this will provide a definitive answer.

Ms. Gladziszewski said she agrees with Ms. Triem that this should be on the ballot as an advisory vote, and noted that it would then need to be on the ballot again the following year to be binding.

Ms. Hughes-Skandjis said she will support this survey and was disappointed that they did not get to a full vote of the people. She said she wants the Assembly to contemplate which issues they decide they need public survey information for and which issues they move forward on without public surveys.

Mayor Weldon said she will support this ordinance and that she felt there was not enough public testimony on sales tax exemption on food.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(E):

Ayes: Ms. Woll; ‘Waahlaal Gíidaak; Mr. Smith; Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Ms. Gladziszewski; Mayor Weldon

Nays: Ms. Triem;

Motion passed. Eight (8) Ayes, One (1) Nay.

F. Ordinance 2022-06(b)(B) An Ordinance Appropriating \$20,000 to the Manager for Short-Term Rental Data Collection; Funding Provided by Hotel-Bed Tax Funds.

The Assembly discussed the topic of short-term rentals and provided direction to begin the process of collecting data on short-term rentals so the Assembly can be better equipped to make policy decisions. This appropriation would enable the Manager to contract with a third-party vendor that monitors short-term rental websites to report data about the location and ownership of short-term rental units, number of nights rented, type of short-term rental (i.e. full-house, shared house, apartment), and estimated rental rates.

In addition to the June 6, 2022 Committee of the Whole meeting, the Assembly discussed the registration piece of this topic at its July 7, 2022 Finance Committee meeting. The Systemic Racism Review Committee reviewed this request at the July 12, 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. Smith to adopt *Ordinance 2022-06(b)(B) An Ordinance Appropriating \$20,000 to the Manager for Short-Term Rental Data Collection; Funding Provided by Hotel-Bed Tax Funds* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

G. Ordinance 2022-06(b)(C) An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds.

In October 2020, the Assembly adopted Ordinance 2020-47(am) to require the disclosure of real estate transaction prices to the Borough Assessor. Due to lack of compliance and legal issues with the confidential provision with the original ordinance, the Assembly amended the law by ordinance in February 2022 to make sales prices public and institute a civil fine for failure to disclose. A referendum to repeal these ordinances has been certified for the October 2022 ballot. The Assembly's stated intent with these ordinances was to give the Assessor more access to market sales information in the interest of more accurate assessments for all property owners. A repeal would give the Assessor less information which would force the Assessor to speculate about real estate market activity. Less sales information and more speculation about the market would result in less accurate assessments that are more prone to surprising value corrections. With passage of this appropriating ordinance, the Assembly and appointed officials would be able to publicly support the merit of mandatory price disclosure and oppose its repeal.

The Assembly may determine that it is inappropriate for staff to advocate for the outcome of this ballot proposition and may decline to adopt this Ordinance. During public hearing of this Ordinance, the Assembly should debate the best way to provide the public with information about the reasons why the Administration recommended and the Assembly approved the requirement for disclosure of property sale prices. As it is likely that the sponsors of the referendum will advocate in favor of passage, it is important for the Assembly to consider how the public may understand its action in balancing the needs of privacy of financial information and the needs of equitable taxation.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. David Ignell, from West Juneau, said he believes that government should be by and for the people. He said it does not seem right that the government would take an advocacy position in a matter up for election and that it sets a bad precedence. Mr. Ignell said his comments also apply to Ordinance 2022-06(b)(D).

Mr. Bryson asked Mr. Ignell if he thought there was a difference between 2022-06(b)(C), a ballot initiative brought forward from the public, and 2022-07(b)(D), an Assembly based initiative. Mr. Ignell said that while government should be allowed to present facts, he did not believe that government should be allowed to advocate for a certain position using taxpayer funds.

Mr. Aaron Spratt, from the Mendenhall Valley, said that this Ordinance is not well written and does not provide information on how the money will be spent. He encouraged the Assembly to be mindful of the optics of using taxpayer money to oppose the will of the people and the voters.

Assembly Action

MOTION by Ms. Gladziszewski to adopt *Ordinance 2022-06(b)(C) An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds*. Ms. Gladziszewski did not ask for unanimous consent as she said there may be a lot of discussion by members on this motion.

Objection by Ms. Triem. Ms. Triem asked Mr. Watt about how the money would be spent. She specifically wanted clarification on the term “publicly oppose” as listed in the ordinance title, and how that is different from providing unbiased information. Mr. Palmer answered that state law provides local governments with the ability to inform the public, but does not allow the Assembly or CBJ staff to influence the election without a specific and different appropriation clearly intended for the purpose. Mr. Watt answered that activities the money could be spent on include participating in debates or at forums, postcards mailed out to voters, or PSAs on the radio, but that ultimately the decision on how to spend the money would be directed by the Assembly. Mr. Watt said that the supporters of the referendum will have an advocacy footprint, the Assembly needs to decide if it is appropriate for CBJ to have a similar footprint.

Mr. Bryson said that the original ordinance did not get enough community support, which is why there is now an ordinance for repeal on the ballot. If the Assembly had been more thorough during the initial process, this repeal could possibly have been avoided. He said he cannot support advocating against the citizens.

Ms. Gladziszewski asked for clarification on whether or not Assembly members can advocate for a position on the ballot measure during the election or say how they voted. Mr. Palmer said that Assembly members, as individuals, can advocate for any position they believe in. But if the Assembly wants staff

to advocate for why the Assembly took action, they would need to appropriate money for that purpose. Ms. Gladziszewski asked if there will still be a Voter Guide with factual information provided to the public. Mr. Palmer said that regardless of the outcome of this vote, there will still be a voter information packet provided with a neutral summary.

Ms. Hale said she does not support using city staff to oppose this measure. Ms. Hale said she voted for the disclosure and the fine and supports the action the Assembly took. She said she feels it is more appropriate for Assembly members to do community outreach rather than making an appropriation to allow city staff to do so. Ms. Hale asked Mr. Watt if there will be a pro and con section in the voter information packet about this ballot measure. Mr. Palmer responded that it depends on circumstances; either CBJ can just provide a neutral statement or CBJ can provide a neutral statement and advocacy groups on both sides of an issue can present arguments bolstering their positions, and that decision is up to the Assembly. Ms. Hale asked a follow up if an Assembly member could provide one of the statements in this packet, should they decide to allow additional statements. Mr. Palmer said that the Assembly could not write a position statement for this ballot measure without passing this ordinance.

Ms. Hughes-Skandjis asked Mr. Palmer to clarify whether this has to be an appropriating ordinance; could the Assembly pass an ordinance that allowed the Assembly to take action but not provide funding for staff to take action. Mr. Palmer said yes, this ordinance is required to be an appropriating ordinance. Ms. Hughes-Skandjis said she is not in favor of spending city money to advocate against a citizen petition, but is worried about the line between advocacy and a neutral statement for the voter's guide.

Ms. Woll said she trusts staff to provide data and information, but the community might not trust government in the same way. She feels like passing this ordinance would decrease the community's trust in government.

Ms. Triem said there was a small group negatively impacted by the mandatory disclosure laws but the benefits of disclosure were spread more diffusely around Juneau and therefore it is unlikely there will be second advocacy group formed to support mandatory disclosure.

Ms. Gladziszewski said that the Assembly is constrained by Alaska Public Offices Commission (APOC) rules. She said she supports facts being presented to the community. Ms. Gladziszewski asks Mr. Palmer where the legal line between facts and advocacy is. Mr. Palmer said that the legal standard is 'have we spent money to influence the outcome of the election'.

Mayor Weldon requested a roll call vote on the ordinance.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(C)

Ayes: None

Nays: Ms. Gladziszewski; 'Waahlaal Gíidaak; Ms. Woll; Ms. Triem; Mr. Smith; Ms. Hughes-Skandjis; Ms. Hale; Mr. Bryson; Mayor Weldon

Motion failed. Zero (0) Ayes, Nine (9) Nays.

H. Ordinance 2022-06(b)(D) An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds.

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 draft an ordinance to submit a proposition to the voters on the October 4, 2022, election ballot during the June 6, 2022, Committee of the Whole meeting. This ordinance would appropriate \$25,000 for the Assembly and appointed officials to advocate for this proposition and educate the public of the merits of construction of a new city hall prior to the October election.

Whether or not to authorize the construction of a new city hall is an important long-term decision for the community. In accordance with AS 15.13.145, this ordinance will allow staff to properly and accurately convey information to the public and will allow staff to participate in debates regarding the merits of the proposal.

Absent municipal participation in this important public decision, voters are likely to not have access to the facts or best arguments in favor of the proposal for a new City Hall.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

‘Wáahlaal Giidaak left the meeting to catch a flight at 8:41pm.

Public Comment

None

Assembly Action

MOTION by Mr. Bryson to adopt *Ordinance 2022-06(b)(D) An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds* and asked for unanimous consent.

Objection by Ms. Gladziszewski. Ms. Gladziszewski said that this ordinance is the same as the previous Ordinance 2022-06(b)(C) which was voted down, as both ordinances are to appropriate money to defend Assembly decisions.

Mr. Bryson said the big difference between this ordinance and the previous Ordinance is that 2022-06(b)(C) came from a citizen’s petition, while Ordinance 2022-06(b)(D) comes from two years of hard work by the Assembly. Mr. Bryson said that a new City Hall is worth advocating for, as it is in the best

interest of the citizens of Juneau. Mr. Palmer provided clarification that Mr. Bryson or any Assembly member in their personal capacity can advocate for or against any ballot item.

Ms. Hale said she does not support this measure as she does not like the precedent it would set. Ms. Hale said that information patterns have changed and the City needs to figure out how to adapt to meet the changing needs. Ms. Hale said that providing information is appropriate but advocating for an outcome in an election is not.

Ms. Hughes-Skandjis said she thinks there is a huge difference between this ordinance and the previous one. She wants to make sure that the Assembly and City do not run afoul of APOC so she supports this ordinance.

Mayor Weldon said she sees by not passing this ordinance, it would hamstring staff and she plans to vote for a new City Hall.

Mr. Bryson asked if Engineering/Public Works staff could go to different groups to answer questions about this ballot issue if the Assembly does not pass this ordinance. Mr. Watt answered that it would be tricky, as some of the arguments to build a new City Hall are subjective. If the Assembly did not pass this ordinance then the City would have limited public involvement to avoid the possibility to having an APOC violation.

Ms. Triem asked if the ordinance did pass would Mr. Watt actually plan to spend any money. Mr. Watt answered that staff would come back to the Assembly with a plan with options and the Assembly would help steer the City's level of involvement. Ms. Triem clarified that if this ordinance passed the Assembly would not be required to spend any money.

Mr. Smith asked if this APOC law applies to the School Districts as well. Mr. Palmer said APOC law applies to school districts, state government or political subdivisions of the state. It does not apply to non-government institutions, such as the Alaska Association of School Boards.

Mr. Watt said that annually the Assembly appropriates funds for the voter information guide which includes a filing with APOC. Mr. Watt said that he has previously been asked if the Assembly had ever appropriated funds before to support a ballot measure and he had answered he did not think so. He corrected his previous answer that the Assembly had appropriated funds before in support of an elementary school renovation project.

ROLL CALL VOTE FOR ADOPTION OF ORDINANCE 2022-06(b)(D):

Ayes: Mr. Bryson; Ms. Hughes-Skandjis;

Nays: Ms. Hale; Mr. Smith; Ms. Triem; Ms. Woll; Ms. Gladziszewski; Mayor Weldon

Motion failed. Two (2) Ayes, Six (6) Nays.

X. UNFINISHED BUSINESS – None.

XI. NEW BUSINESS

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

There are nine 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.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski that the City Assessor accept the appeals and put it in the docket for consideration for: Richard Earl Partin (Hardship and Senior Citizen/Disabled Veteran applications), James T Craig, Sharon Gaipman, Brenda M Holdener, Brad Rider, Cort Saviers, James Thompson, and Michael Vuille and asked for unanimous consent.

Hearing no objections, the motion passed by unanimous consent.

Clerk's Note: No action was taken on the Non-Profit Exemption letter from the Glory Hall.

B. Regulation 20 CBJ AC 40.520 Class A Endorsement Taxi Rate Change

The Commercial Passenger Vehicle (CPV) regulations provide for Class A endorsement (taxi rates and fees). The proposed regulations provide for an increase in the two discrete rates, the flag drop and the mileage rate. The flag drop rate would increase from \$3.40 to \$4.00 and the mileage rate would increase from \$0.22 per one-tenth mile to \$0.25 per one-twelfth mile. The proposed regulations would also eliminate two discrete additional fees, the \$1.00 Airport to and from fee and \$1.50 Cruise Ship Dock fee. Finally, the proposed regulations would replace the existing language describing the taxi cleaning fee, but would not change this rate.

The City Manager recommends the Assembly adopt this regulation.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski to adopt *Regulation 20 CBJ AC 40.520 Class A Endorsement Taxi Rate Change* and asked for unanimous consent.

Ms. Hale objected for purposes for a question. Ms. Hale said that the Assembly has received quite a bit of communication about taxi service in Juneau. She asked at what point CBJ might want to look at the taxi regulations and make sure they are keeping pace with the current times and if they need to look at possible changes resulting from such a review.

Mr. Barr answered that they look at taxi regulations at least annually, although this is the second one recently. He said that increasing the rate is one of those changes that will hopefully enable taxi owners hire more taxi drivers which would increase availability. Ms. Hale said there is a high bar to entry into the taxi field. She suggested that there may be things that CBJ can do to reduce that high bar to entry and to look at those when next they are reviewed. Ms. Hale removed her objection.

Hearing no objection, this regulation passed by unanimous consent.

C. Parise Request to Purchase City Property.

In May 2021 the Lands Office received an application to purchase City Property from James Parise in the 12000 block of Glacier Highway. City code 53.09.260 states, “the proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.”

In accordance with 53.09.260 the Assembly has three options for processing this applicant, outlined in the staff memo on packet page 88:

Option 1: Retain this property for public use

Option 2: Enter into direct negotiates with the applicant

Option 3: Solicit additional proposals from other interested Parties

This issue needs to be brought to resolution, the LHED was unable to move a recommendation to the Assembly. The applicant, staff and the neighborhood need direction. The Assembly can provide direction tonight or refer the matter to Committee. No action by the Assembly will result in Option 1 – the property will be retained for public use.

Public Comment:

Mr. Jim Parise, from Auke Bay, said he is trying to get a permanent easement across a right of way in order to build a driveway. Currently half of the right of way is blocked by a wall that was put up by the State of Alaska and the other half contains deadfall, brush, and alders. He said is it unusable, dangerous, and steep. Mr. Parise said that if the right of way is put in, he wants to put in a ramp and cut a trail to the beach which would be available for the public to use. Mr. Parise also said the driveway will be

maintained, as it would be the driveway to their home. He sees this as a win-win for the City, as Mr. Parise would receive a driveway and place to park and residents would receive access to the beach.

Ms. Woll asked Mr. Parise if he had a preference between having an easement on city property, or owning the property and the city having an easement. Mr. Parise said his preferred solution is the city retaining the property and the Parise family getting a permanent easement, but would be happy with whatever moves the project forward.

Mr. Bryson asked Mr. Parise how many solutions he has tried to come up with. Mr. Parise answered that he has tried three to four different solutions over the last year and a half. Mr. Parise said he is not trying to buy land, what he is really interested in is the access.

Ms. Hale asked Mr. Parise if he knew what the parking situation was when he purchased the house. Mr. Parise said he knew, but thought he was able to park on a flat area near the house where he has subsequently received parking tickets because he is parking across the sidewalk. Ms. Hale asked why Mr. Parise does not park in his garage. Mr. Parise said the garage is oddly shaped and is starting to slide downhill.

Mr. Smith asked Mr. Parise if he has looked into the cost of rebuilding the garage so it is functional. Mr. Parise has not.

Ms. Weldon asked Mr. Parise why he could not put the driveway on his own property. Mr. Parise answered that there is a retaining wall that covers the entire property and half the way through the CBJ property which was put up by the State when they widened the road.

Ms. Gladziszewski asked staff where the comments came from and also asked if the public would have access to the beach and whether this property could provide that in the future and if any of these proposals would preclude public access.

Mr. Bleidorn said that the comments came from postcards that were sent out when this matter was before the Parks & Recreation Advisory Committee.

He said with respect to Ms. Gladziszewski's second question about beach access, the property does not currently have public beach access. This property was retained when CBJ was given the opportunity to retain property for that purpose. He said that either outcome if it is sold, dispose of it, or grant an easement, staff would work to retain property easement rights to allow for public access to the beach.

Ms. Triem asked staff what the difference between easement and selling the land would be in terms of taxation. Mr. Palmer answered that private property is taxed 100% but that easements are taxed at a lower valuation.

Mr. Murray Walsh, from West Juneau, said that property was developed in phases and the rules have changed over time. He said that this particular property was platted 60 or 70 years ago when Glacier

Highway was not considered an arterial road, and that this property would not be legal today. Mr. Walsh said that he disagrees with the interpretation made by CDD staff which said the only way to access a lot was through the front yard. He said that rule is for new subdivisions but does not apply retroactively. Mr. Walsh said that they were encouraged by CDD to purchase the property in question which would extend the front lot line and therefore not violate the CDD interpretation of the code. This is why the application before the Assembly tonight is to purchase the property.

Mr. Bryson asked Mr. Walsh if the applicant is acceptable with either buying the property or getting an easement. Mr. Walsh said the only outcome the applicant is looking for is permission, in some form, to build the driveway.

Ms. Triem asked Mr. Walsh if there were any concerns that if the Assembly did an easement that it would not solve the problem. Mr. Walsh said he would never guarantee an outcome to his clients, but if the Assembly gives staff the authority to negotiate and easement or sale then it probably will not come back to the Assembly.

Ms. Gladziszewski asked Mr. Walsh about the additional options that he was referring to as solutions. Mr. Walsh referenced the following options that he included in his letter to the Assembly sent via email on July 28.

“The best and fastest resolution is for you to adopt Mr. Bleidorn’s Option 2 only worded as follows:

Option 2: Enter into direct negotiations with the applicant to enable the driveway by sale, or easement.

Choosing this option would mean that you are either willing to ignore the CDD Director’s ruling on access or that you overtly disagree with it. We can see why that might be uncomfortable but it certainly seems clear on its face that the Director has over-interpreted a section of code.

There is another option, and that is to defer the matter until the code issue is either resolved by revision of the Director’s ruling through the appeal process, or by some form of code revision to clarify that side access can be allowed, especially in non-conforming lot situations. So, we offer language for a fourth option:

Option 4: Defer this matter until the applicant can bring, and win, an appeal of the Director’s access ruling or until CBJ staff can bring forward an amendment to the code that will make the lease/easement option compliant.

Mr. Parise has cooperated in every way possible and offered every benefit, including creating safe pedestrian access to the public beach, that has been suggested. There can be no doubt that shifting access to this parcel will be far safer and more practical than the original situation and that the public will thus benefit as well.”

Ms. Gladziszewski asked staff what we have to do to ensure public access to the beach is retained. Mr. Bleidorn said that if they enter into negotiations for an easement the City would retain ownership of the land so public access would be guaranteed. If the City moved to dispose of the land, they would also record and plat an easement on the property requiring public access to the shoreline.

Ms. Hale asked Mr. Palmer about the paragraph in Mr. Bleidorn's memo that stated "Parks, CDD, Lands, and the City Attorney's office staff determined that an easement was problematic for following the Land Use Code ..." She asked if that statement was in part due to some changes in the way the we have been interpreting the code such as variances. Mr. Palmer answered no to Ms. Hale's question.

Ms. Hughes-Skandijs asked Mr. Palmer if the Law department had weighed in on this topic. Mr. Palmer explained that this has had a substantial amount of work on it from both his staff as well as Director Maclean. He commended Director Maclean for identifying that the current situation was not conforming, or likely non-conforming. She identified a solution that made it such that property owner could achieve their desire for access while preserving the public easement to the waterfront and that was by disposing of CBJ property and preserving a public easement. He said that he recognizes that this did not clear the Lands, Housing, and Economic Development Committee so this is one of those weird pickles that the Assembly gets in that there is technically not a motion out of the committee. It becomes an uncomfortable question before the body of whether this is properly before the full Assembly or not. The question is, can four Assemblymembers, kill a topic?

Additional discussion took place on process and next steps.

Ms. Triem asked staff asked what the difference in price would be for selling an easement verses selling the land but keeping an easement. She said she would not want to require someone to pay significantly more money when the same outcome could be achieved through a different interpretation of the code. Mr. Watt said that if the Assembly goes with option 2 in Mr. Bleidorn's memo, they will come up with a legally permissible, most efficient solution possible.

Assembly Action:

MOTION by Mr. Bryson to allow staff to enter into direct negotiations with the applicant (option 2 in the memo) and said that he would like to speak to his motion.

Mr. Bryson, in speaking to his motion said that staff is required by law to follow the letter of the law to the best of their ability. He said it is the responsibility of the Assembly, using common sense, to look past the black and white letter and allowing negotiations that would look at all possible solutions. He noted the comments from the public asking to 'keep the beach access' when in fact there is not currently any beach access and this would allow for that to come about. Option 2 would solve the problem for the applicant, the community, and the city.

Objection by Ms. Hale. Ms. Hale said that the city has ownership of many similar properties and she has real concerns that this may become a precedent and it may open a floodgate of many similar requests. Ms. Hale said she sympathized with Mr. Parise but stated that there is a garage and a platform leading to

the garage on his property. She also stated that the City can provide access to the beach at any point in time, but it has not been a priority. All that said, she said she has a lot of sympathy for the applicant due to the process they have had to go through with this request. Ms. Hale said that she thinks in the end, the best solution is to go with option 2. She said that she was sorry it hit the Lands Committee in the way that it did and she removed her objection.

Ms. Gladziszewski shared her concerns about preserving public access to the beach as part of the negotiations if this motion passes.

Mr. Smith asked if they needed to state in the motion that public access to the beach needs to be maintained. Mr. Watt says it is understood and does not need to be stated.

Hearing no objection, the motion to direct staff to enter into negotiations with Mr. Parise passed by unanimous consent.

D. L3Harris Request to Lease City Property at the JPD Station for Communications Equipment

In June 2022, the City Manager received an application from L3Harris to lease space at the Juneau Police Station located at 6255 Alaway Avenue. The CBJ has a signed MOA with the Federal Aviation Administration (FAA), which grants the FAA space for a Wide Area Multilateration Aerial Radar Surveillance System (WAM) equipment cabinet and tower space for antennas at Lemon Creek. L3Harris has submitted a letter from the FAA with their application stating that L3Harris holds a contract with the Federal Aviation Administration.

At this point in time, the application has been received and the next step in processing the application is for the Assembly to determine “whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

The LHED Committee reviewed this request at its meeting on June 27, 2022, and provided a motion of support for leasing this property to L3Harris.

The Manager recommends the Assembly pass a motion of support to work with L3Harris as the original proposer in accordance with City Code 53.09.260.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski to direct the Manager to work with L3Harris to lease space at JPD and asked for unanimous consent.

Hearing no objection, the motion passed with unanimous consent.

E. Notice of Appeals: Goldstein Improvement Company v. CBJ Finance Department/ Assessors Division

Greg Adler, on behalf of Goldstein Improvement Company, filed two Notices of Appeal regarding real property valuations by the Assessor from 2022 as follows:

Appeal to Assembly #2022-AA01 for the property located at 110 Seward St., parcel #1C070A020030
Appeal to Assembly #2022-AA02 for the property located at 122 Front Street, parcel #1C070A020011

State law (AS 29.45.210(d)) provides that a taxpayer can appeal a Board of Equalization decision to Superior Court within 30 days of distribution of the Board of Equalization decision—not to the Assembly. Additionally, CBJ Charter has two provisions that may be relevant: CBJ Charter 3.16(b) (allowing appeals from Boards created by the Assembly to the Assembly) with CBJ Charter 3.11 (prohibiting the Assembly from giving orders on administrative matters to an employee of the Manager). Prior to the expiration of the 30 day window to appeal the Board of Equalization decisions to superior court, the City Clerk informed Mr. Adler that the Assembly would likely address these subject matter jurisdiction issues before deciding the merits of the appeals and that may cause Mr. Adler to forego his ability to timely appeal the Board of Equalization decision to superior court.

Mr. Palmer stated that he understands that Mr. Adler did in fact file appeals in these matters with Superior Court earlier that day.

Mr. Palmer stated that the Assembly needs to decide at this time, if it is going to accept these appeals, and if it is going to appoint a presiding officer or appoint a hearing officer.

Mr. Palmer recommended that if the Assembly decides to accept these appeals, it should accept them for the limited purpose of receiving briefing from the parties and deciding if it has jurisdiction over the subject matter of these appeals and appointing a hearing officer.

Public Comment:

Mr. Greg Adler, residing in Santa Monica California, said that in his opinion there are no jurisdictional issues. He stated that when he submitted his appeal documents, the Municipal Clerk was on the phone with the City Attorney's office and was advised to accept the appeal documents pursuant to CBJ Charter 3.16(b) and copies of that charter section was included with his receipts. He stated that he had no reason to believe that CBJ Charter 3.16(b) would not apply. He said that Charter section, as the CBJ constitutional document, takes precedence over state statute or CBJ Code. Mr. Adler said CBJ Code 01.50.030 says "the notice of appeal shall be liberally construed in order to preserve the rights of the appellant." He said this is not a limited jurisdictional issue and that a hearing officer should be appointed to discuss the merits of these appeals. Mr. Adler also requested to consolidate all six of his appeals into the first two.

Mayor Weldon asked if there were any questions for Mr. Adler, hearing none and not seeing Mr. Geldhoff, whose name was on the advance sign-up sheet, she closed public testimony.

Mayor Weldon asked if members had any questions for staff before a motion is entertained. Ms. Triem asked if they can really get around state law by putting something in the CBJ Charter. Mr. Palmer answered no, that it has happened a few times and there are provisions in the Charter that are unconstitutional or illegal because of state law.

Ms. Hale asked Mr. Palmer if he had said that Mr. Adler had appealed to the Superior Court today. Mr. Palmer said yes. Ms. Hale asked if that appeal to Superior Court was within the 30 day window. Mr. Palmer said that the appeal appears that today was likely the final day to file in Superior Court so it appears to have been timely filed.

Mayor Weldon asked for clarification on CBJ Charter 3.16(b) and CBJ Charter 3.11 that are potentially in conflict.

Mr. Palmer said the Mayor is correct that there are two charter pieces which are possibly in conflict and that there are state law provisions that are likely items that need to be briefed to decide if the Assembly has the ability to even hear one of these appeals.

Assembly Action:

MOTION by Ms. Gladziszewski to accept the appeals for the limited purpose of deciding jurisdictional issues. She said there are clearly three conflicting things that need to be addressed before they can even consider the merits of the matter. She said that they should accept the appeals and if the City Attorney can find a suitable hearing officer and if not, the Assembly could hear it themselves. She asked for unanimous consent.

Hearing no objection, the motion passed by unanimous consent.

Mayor Weldon noted that the City Attorney nodded his head that he thought he could find a suitable hearing officer.

XII. STAFF REPORTS

A. Telephone Hill

Pursuant to legislation passed by the State of Alaska this year, conveyance of the Telephone Hill properties has begun. As part of that process, the State Department of Transportation will first convey the property to the State Department of Natural Resources, which will then convey the property to CBJ.

There are a number of residents on the hill that cooperatively lease the properties on a month-to-month basis. The State has determined that as part of the inter-Departmental transfer that it must terminate the existing lease, those notices went out on Friday 7/29. The Manager has communicated to the neighborhood association that CBJ's goal is to have a public process on how to manage and redevelop the property – which is a tremendous opportunity for Downtown Juneau and to plan for a “soft landing”

for the renters of the properties. The goal is to provide a seamless transition that will allow a continuance of occupancy in the short run. It is hard to imagine a scenario where tenants won't be able to stay for at least an additional six months, perhaps longer.

The City Manager recommends that this topic be forwarded to the Lands, Housing and Economic Development Committee for regular updates, beginning with the August 8, 2022 meeting. I also recommend that the Assembly tonight verbally support the notion of a "soft landing" in our decision making.

Public Comment:

Ms. Shoshana Seligman, from Telephone Hill in Downtown Juneau, wanted to speak on the topic of the six month deadline for residents. She said there is a lot of excitement for CBJ to acquire the land and there are a lot of ideas happening. She said that six months will put the Telephone Hill population, which includes seniors, people with disabilities, low-income residents, and legislative staff, having to move during the winter. She requested that the Assembly give residents six months from the time they have determined what to do with the land, rather than six months from the present. Ms. Seligman said she came today because she will be unavailable for August 8th meeting. She also said she has great concerns to vote on the 1% sales tax ballot measure as Telephone Hill is mentioned in the proposals and she does not know what the City will do with Telephone Hill.

Mr. Bryson asked Ms. Seligman asked if nine months would be more acceptable so that the end date would not be in the winter. Ms. Seligman answered that she is not looking for something set in stone. She said she is concerned with the feeling that CBJ is trying to rush residents out instead of working with them.

Mr. Tony Tengs, from Telephone Hill in Downtown Juneau, has lived on Telephone Hill for 28 years. Mr. Tengs said the residents understand that they will have to move for the property to be developed. He said that housing is hard in Juneau and that it does not make sense to kick out residents while there is no plan in place. Mr. Tengs said that he is picturing bulldozers scraping the houses down. He says he prefers a firm move-out date from a hazy one.

Mr. Smith asked Mr. Tengs how many people live on Telephone Hill. Mr. Tengs replied that there are thirteen households, but he did not know how many people lived there exactly.

Ms. Hale asked Mr. Tengs to clarify where the idea of bulldozing the property is coming from. Mr. Tengs said that the rush to remove residents indicates that the City wants the property empty for a reason and that bulldozing is common with old buildings.

Assembly Action:

MOTION by Ms. Gladziszewski that the residents be assured that they will not be evicted prior to the city knowing what it is going to do with the land, to give them at least 9 months' notice before action is taken.

Additional discussion took place regarding the “soft landing” timeline and when that count down would even begin. Ms. Triem said she feels really strongly that they not start the soft landing clock until the city has an idea of what its development plans might be. Ms. Hale said that she thinks it will be a long time before they do anything. That said, they have to be careful about using the phrase “until we know what to do” which is a nebulous concept and wanted to assure the residents of Telephone Hill that they will receive a lot of notice and lead time. Ms. Hale said that she would be concerned with nailing down any specific time but that anything CBJ does will be a lengthy, public involved process. She also noted that the leases of residents on Telephone Hill have been month-to-month for forty years and everybody living on Telephone Hill have always known it was temporary.

Mr. Bryson said there are deeper questions, such as will CBJ employ a property manager or become a landlord, as CBJ does not currently own residential property. Mr. Watt said he wanted it to be clear that the State of Alaska put out the eviction notices, not CBJ. Mr. Watt said CBJ is still unclear on when they will receive the property from the State. Mr. Watt said that they will come to the Lands committee with a general process flow on how to consider a redevelopment plan and there will be a lot of issues to work through.

Mr. Smith asked if the goal was to keep people in the properties as long as possible.

Mr. Watt said CBJ, as a new property owner, wants to do their due diligence which includes looking for building code and fire code violations for people’s health and safety. He said that it would not be to anyone’s benefit to have empty buildings. He said that if CBJ chooses to do a large redevelopment they will need to do a hazardous materials inventory to look for things such as lead paint, asbestos or oil tanks. State of Alaska Dept. of Transportation (DOT) is working on conveying the property to Dept. of Natural Resources (DNR). He said that there is a time trap, DOT has notified the residents that they have 30 days but we don’t know when DNR is going to even convey the property to CBJ. Mr. Watt said that what he hopes the Assembly will do tonight is convey to the neighborhood that CBJ wants to work with them, have a seamless transition and understand that we don’t have a plan yet and it will take some time.

Mr. Smith expressed his concerns that since housing is high priority of the Assembly he’d like staff to work with the current residents of telephone hill and keep them informed about housing options and timelines associated with any plans CBJ comes up with.

Ms. Gladziszewski clarified her motion that the “soft landing” would mean that no one would be noticed to move out for a minimum of nine months and that the city is not going to come in and bulldoze the properties during that time and that at least four months’ notice will be given from when the city finally figures out a plan for what it is going to do.

Mr. Smith asked staff if that proposal will work. Mr. Watt said that he doesn’t want to overpromise something when they really don’t have specific information about timelines and what CBJ’s plans might be. He said it is going to be complicated about a property that only became an immediate issue on Thursday afternoon.

Ms. Hughes-Skandjis said she thought that it was too soon to be making a specific motion. Ms. Hughes-Skandjis said the general will of the Assembly is to provide a soft landing for residents.

AMENDMENT#1 by Ms. Hughes-Skandjis to endorse the concept of a soft landing and direct staff to bring this back to the Assembly and communicate with Telephone Hill residents, and remove all specific timeframes.

Objection by Ms. Gladziszewski that is too vague. Additional discussion took place with Ms. Hale supporting Ms. Hughes-Skandjis’ sentiment about this being too specific too early in the process. Ms. Triem said she is happy to support the nine months of Ms. Gladziszewski’s motion but does like the concept of notice four months after a decision is made, because the language of making a decision is vague. Mayor Weldon said she supports Ms. Hughes-Skandjis’ motion, as CBJ does not even own the property yet and believes the motion needs to not be so specific this early in the process.

ROLE CALL VOTE ON AMENDMENT #1:

Ayes: Ms. Hughes-Skandjis, Ms. Triem, Ms. Woll, Ms. Hale, Mr. Bryson, Mayor Weldon
Nays: Mr. Smith, Ms. Gladziszewski

*Amendment #1 passed. Six (6) Ayes, Two (2) Nays.
Hearing no objection, the main motion passed as amended.*

- XIII. ASSEMBLY REPORTS** – *Mayor Weldon skipped Assembly reports in the interest of time.*
 - A. Mayor’s Report**
 - B. Committee Reports, Liaison Reports, Assembly Comments and Questions**
 - C. Presiding Officer Reports**
- XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**-None.
- XV. EXECUTIVE SESSION**
 - A. Labor Negotiations**

Assembly Action:
MOTION by Ms. Triem to recess into executive session to discuss matters which may negatively affect the finances of the municipality, specifically an update on labor negotiations and asked for unanimous consent. *Hearing no objection, the motion passed.*
Ms. Woll was recused from Executive Session due to a conflict of interest.
The Assembly moved into executive session at 10:34pm and returned at 10:42p.m.

XVI. ADJOURNMENT
There being no further business to come before the Assembly, the meeting was adjourned at 10:43 p.m.

Signed: _____	Signed: _____
Elizabeth J. McEwen	Beth A. Weldon
Municipal Clerk	Mayor

SPECIAL ASSEMBLY MEETING NO. 2022-19

DRAFT MINUTES

August 08, 2022 at 6:30 PM



Assembly Chambers/Zoom Webinar/YouTube Livestream

Meeting No. 2022-19 <https://juneau.zoom.us/j/95424544691> or 1-253-215-8782 Webinar ID 9542454 4691;
Immediately followed by assembly Committee of the Whole worksession

A. CALL TO ORDER

Meeting No. 2022-19: The Special Meeting of the City and Borough Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 6:30p.m.

B. LAND ACKNOWLEDGEMENT

Mr. 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: Christine Woll, 'Wáahlaal Gíidaak, Carole Triem, Greg Smith, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: Maria Gladziszewski

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Port Director Carl Uchytel, Port Engineer Erich Schaal, Tourism Manager Alix Pierce

D. SPECIAL ORDER OF BUSINESS

1. 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 reote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278.*** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

No one signed up to testify.

F. AGENDA TOPICS

2. Board Matters

Assembly Human Resources Committee (HRC) Chair Alicia Hughes-Skandijs reported that the HRC met on Monday, August 1, 2022 and recommends the following appointments to the below Boards and Commissions:

Juneau Commission on Aging

Susan Warner to a term beginning immediately and expiring on December 31, 2023

Juneau Commission on Sustainability

Jessica Barker to a term beginning immediately and expiring on June 30, 2024

Nick Waldo to a term beginning immediately and expiring on June 30, 2025.

Aquatics Board

Reappointment of Tracy Morrison, Scott Griffith, and Molly McCormick to terms beginning immediately and expiring on June 30, 2025.

Joint Bartlett Regional Hospital (BRH) and Assembly Committee

Extend sunset deadline to October 31, 2022.

Change the BRH membership from Lance Stevens to Brenda Knapp.

The City Manager recommends the Assembly make the above appointments and extend the sunset date of the joint committee to October 31, 2022.

Hearing no objection, the above appointments and extension of the joint committee sunset date passed by unanimous consent.

Ms. Hughes-Skandijs also reminded Assemblymembers that there are two upcoming meetings of the Full Assembly sitting as the Human Resources Committee to conduct board interviews scheduled for the evenings of August 16 and August 25.

G. SUPPLEMENTAL MATERIALS – None.

H. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting was adjourned at 6:37p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA
DRAFT Meeting Minutes – August 29, 2022**

A. CALL TO ORDER

Meeting No. 2022-21: The Special Meeting of the City and Borough Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 6:10p.m.

B. LAND ACKNOWLEDGEMENT

Ms. Woll 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: Maria Gladziszewski, Christine Woll, ‘Wáahlaal Gíidaak, Carole Triem, Greg Smith, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: None

Staff Present: Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Finance Director Jeff Rogers, Assistant City Attorney Sherri Layne, Community Development Director Jill Maclean, Airport Manager Patty Wahto; Budget Analyst Adrien Speegle

D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

1. Instruction for Public Participation

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

Public Testimony:

Tony Tengs, from Telephone Hill, said he appreciated the Assembly’s desire to give residents a soft landing, but also encouraged the Assembly to firm up the plan of what will happen to the Telephone Hill area. He encouraged the Assembly to peruse Ms. Gladziszewski’s motion to guarantee residents at least nine months of residency now and then an additional four months of time after a final plan for Telephone Hill was decided.

Mary Ellefson, from North Douglas, talked on behalf of the North Douglas Neighborhood Association about a second crossing on North Douglas. She stated that the group takes no position on any crossing alternative. She asked that the CBJ North Douglas Comprehensive Plan be updated. Lastly, she asked the Assembly to include the North Douglas Neighborhood Association in the planning process for a second crossing as outlined in CBJ Ord. 1993-68(am).

Fraser Patterson, from Western Australia, shared his concerns around the public health issue of pornography. Mr. Patterson adapted a book to help people break pornography addiction; he stated that pornography, like all addictions, is on a spectrum.

Susan Shoshana Seligman, from Telephone Hill, supported previous points mentioned to create a soft landing for Telephone Hill residents, and asked the Assembly to approach the process as neighbors. She supported the idea of at least a year-long lease and asked the Assembly to look into or provide relocation grants, such as the State of Alaska provides.

Maureen Connerton, from Telephone Hill, shared concerns that tenants of Telephone Hill, particularly seniors and people with disabilities, require additional time to vacate the properties, and asked the Assembly to extend the amount of time residents had in the properties.

E. CONSENT AGENDA

i. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction.

None.

ii. Assembly Requests for Consent Agenda Changes. *None.*

iii. Assembly Action

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

2. Ordinance 2022-06(b)(K) An Ordinance Appropriating \$100,000 to the Manager for the Telephone Hill Redevelopment Capital Improvement Project; Funding Provided by General Funds.

This ordinance would appropriate \$100,000 to begin the redevelopment process of Telephone Hill upon completion of the property conveyance from the State Department of Natural Resources to CBJ. An additional \$2 million in project funding will be provided by temporary

1% sales tax, if extended by voters during the October election. This project is #9 on CBJ's FY23 Legislative Priority List.

The Lands, Housing, and Economic Development Committee reviewed this request at the August 8 and August 29, 2022 meeting.

The City Manager recommends the Assembly introduce this ordinance and forward it to the Lands, Housing, and Economic Development Committee, and set it for public hearing at the regular Assembly meeting on September 12, 2022.

3. Ordinance 2022-06(b)(L) An Ordinance Appropriating \$187,442 to the Manager for the Design Phase of the Gate 5 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$187,442 in Airport Improvement Program grant funding for the Gate 5 Passenger Boarding Bridge CIP. This funding would provide for the design phase of the acquisition and installation of a new passenger boarding bridge. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Gate 5 Passenger Boarding Bridge CIP.

The Airport Board reviewed this request at the August 11, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting.

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

4. Ordinance 2022-06(b)(M) An Ordinance Appropriating \$2,017,881 to the Manager for the Design Phase of the Ramp Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$2,017,881 in Airport Improvement Program grant funding for the Ramp Improvements CIP. This funding would provide for the design phase of the rehabilitation of large air carrier and air taxi ramps. The local match requirement will be provided by previously-appropriated 1% sales tax funds in the Ramp Improvements CIP.

The Airport Board reviewed this request at the August 18, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting.

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

5. Ordinance 2022-06(b)(N) An Ordinance Appropriating \$2,254,418 to the Manager for the Construction Phase of the Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$2,254,418 in Airport Improvement Program grant funding for the Float Pond Improvements CIP. This funding would provide for the construction of raising the existing roadbed, introducing a drainage ditch, armoring the pond bank with rock, and reconstructing fourteen floatplane dock headwalls. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Float Pond Improvements CIP.

The Airport Board reviewed this request at the August 18, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting.

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

6. Ordinance 2022-06(b)(O) An Ordinance Appropriating \$2,400,000 to the Manager for the Purchase of the Family Practice Building at 10301 Glacier Highway; Funding Provided by Hospital Funds.

Bartlett Regional Hospital desires to acquire the Family Practice property near Industrial Boulevard to ensure the hospital has space to expand into as the demand for medical care increases. This property currently houses multiple established medical practices, and it would provide convenient access to medical care for people that live in the Mendenhall Valley. The hospital would like to eventually provide easy access to specialty care practitioners closer to patients' homes.

This request was reviewed by the Lands, Housing and Economic Development Committee at the March 7, 2022 meeting. This request was reviewed by the Hospital Board at the February 22, 2022 meeting. The Hospital Board recommended the purchase of the building at the August 23, 2022 meeting.

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

7. Ordinance 2022-06(b)(Q) An Ordinance Appropriating \$1,185,900 to the Manager for the Hospital CT/MRI Replacement Capital Improvement Project; Funding Provided by Hospital Funds.

This ordinance would appropriate \$1,185,900 of hospital funds for the replacement and installation of one MRI and two CT scanners at Bartlett Regional Hospital. The existing apparatus has reached end of useful life and upgrades to the HVAC, electrical, and magnetic shielding are required for installation of the new equipment. This funding will supplement the original project appropriation of \$2,300,000 in order to award the bid, which came in 65%-75% above the architect's estimate.

The hospital Board reviewed this request at the August 23, 2022 meeting and the Hospital Finance Committee will review this request at the September 9, 2022 meeting.

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

8. Ordinance 2022-22 An Ordinance Amending the City and Borough of Juneau Code Related to the Aquatic Board of Directors.

Over the last two years, the Aquatics Board has had vacancies, which contributed to meetings being cancelled for lack of quorum. The Aquatics Board recommended changes to its membership requirements, so it can continue to provide effective oversight of the pool facilities. The Assembly Human Resources Committee reviewed this topic on August 1, 2022 and recommended the Assembly reduce the membership from nine to seven and allow up to three members to be from a local aquatic organization. Assemblymember Triem has also proposed an amendment to remove the current code requirement that inserts the Aquatics Board into the hiring process for the Aquatics Manager.

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

9. Resolution 2999 A Resolution Accepting Telephone Hill at No Cost from the State of Alaska.

This legislative session, the Alaska Legislature enacted HB349, directing the Alaska Department of Natural Resources to convey, without cost, State-owned properties on Telephone Hill to the City and Borough of Juneau. In exchange for receiving these properties, the City and Borough of Juneau acknowledges that the State of Alaska has satisfied any and all obligations originating from a \$2M contribution made by the City and Borough of Juneau in 1984.

The Lands, Housing, and Economic Development Committee reviewed this topic at the August 8, 2022 meeting and passed a motion of support for a resolution to acquire Telephone Hill properties.

The Manager recommends the Assembly adopt this resolution.

10. Resolution 3000 A Resolution Amending the City and Borough of Juneau Personnel Rules.

This resolution would update the Personnel Rules as a result of recent three-year collective bargaining agreements, market conditions, and changes to the State of Alaska pay policies related to attorneys. A more detailed summary of the changes is included with a memo from Human Resources Director Dallas Hargrave.

The Assembly Human Resources Committee reviewed this matter on August 25, 2022.

The Manager recommends the Assembly adopt this resolution.

F. NEW BUSINESS

11. Notices of Appeals to Assembly: Goldstein Improvement Company Appeal #2022-AA03, #2022-AA04, #2022-AA05, and #2022-AA06

Greg Adler, on behalf of Goldstein Improvement Company, filed four Notices of Appeal regarding real property valuations by the Assessor from 2022 as follows:

Appeal to Assembly #2022-AA03 for the property located at 119 Second St., parcel #1C070A020043

Appeal to Assembly #2022-AA04 for the property located at 201 Seward St., parcel #1C070A040010

Appeal to Assembly #2022-AA05 for the property located at 224 Second St., parcel #1C070A040020

Appeal to Assembly #2022-AA06 for the property located at 234 Seward St., parcel #1C070A050060

State law (AS29.45.210(d)) provides that a taxpayer can appeal a Board of Equalization decision to Superior Court within 30 days of distribution of the Board of Equalization decision---not to the Assembly. Additionally, CBJ Charter has two provisions that may be relevant: CBJ Charter 3.16(b) (allowing appeals from Boards created by the Assembly to the Assembly) with CBJ Charter 3.11 (prohibiting the Assembly from giving orders on administrative matters to an employee of the Manager). Prior to the expiration of the 30 day window to appeal the Board of Equalization decisions to Superior Court, the City Clerk informed Mr. Adler that the Assembly would likely address these subject matter jurisdiction issues before deciding the merits of the appeals and that may cause Mr. Adler to forego his ability to timely appeal the Board of Equalization decision to Superior Court.

The Assembly needs to decide if it is going to accept these appeals, and if it is going to appoint a presiding officer or appoint a hearing officer.

The City Attorney recommends the Assembly accept these appeals for the limited purpose of receiving briefing from the parties and deciding if it has jurisdiction over the subject matter of these appeals, and refer these to the same hearing officer as the two prior appeals.

Public Comment:

Greg Adler, of the Goldstein Improvement Company, owns and manages several buildings and commercial properties in town. Mr. Adler, before starting his public comment period, stated that “I would like to say that the agenda item as written states the law incorrectly and the notice of appeal is actually governed by the CBJ Charter 01.50 which says it’s governed – which means the Assembly can exercise continuous sovereignty over the six appeals. Based on 01.50 the notice of appeal, and I’m quoting ‘shall be liberally construed in order to preserve the rights of the appellants’.”

Mr. Adler stated that the intent of the CBJ charter was to be ‘liberally construed in order to preserve the rights of the appellants’ and to let the Assembly govern with continuous sovereignty over appeals. Mr. Adler said that the Goldstein Improvement Company appeals should be heard by the Assembly, not State statute or law or City ordinances. Mr. Adler said that the assessor radically altered the manner in which commercial property was valued and that the mass appraisal method the assessor used was based on false data. He stated that the mass appraisal

method ignores market transactions and treats commercial property owners unfairly. He said that his company purchased the Key Bank property in late November 2021 and the assessor's office ignored the transaction and valued the property at more than double the sales price. Mr. Adler stated that ignoring the market sale of the Key Bank property was dishonest and inconsistent with appraisal practices. He urged the Assembly to use their oversight power to change the commercial property assessment process to reflect actual property values and to accept MAI appraisals submitted by commercial property owners. Mr. Adler stated that the City Manager uses outside counsel to defend assessment appeals and questioned the use of public funds to be used for this process.

Assembly Action:

Ms. Triem requested from Mr. Palmer the status of the first two appeals by the Goldstein Improvement Company. Mr. Palmer said that he has found a hearing officer and if the Assembly accepts these additional appeals tonight, then the hearing office would consolidate the appeals and move to the next step.

Motion by Ms. Gladziszewski for the Assembly to accept the appeals for the limited purpose of receiving briefing from the parties regarding whether the Assembly has jurisdiction over the subject matter of the appeals, and moved that they are referred to the same hearing officer as the other appeals. *Mayor Weldon asked if there were any objection; hearing none, the motion passed by unanimous consent.*

12. Staff Reports: Juneau Terminal Reconstruction CIP: Supplemental Agreement #2

At the July 11, 2022 regular meeting, the Manager notified the Assembly that he had approved a supplemental agreement to the JNU Terminal Reconstruction Project with Dawson Construction for up to \$223,506.25 for the installation of additional acoustical tiles in the terminal building. CBJC 53.50.040(C) authorizes the execution of supplemental agreements; the Manager is limited to approving supplemental agreements to an amount not greater than \$250,000, or 25% of the contract amount, whichever is less. The base contract with Dawson was for approximately \$16,000,000. The Manager is also required to notify the Assembly of approved supplemental agreements at its next regularly scheduled meeting.

The Airport has requested approval for a second supplemental agreement for the installation of additional flooring for a price of \$176,266.32. As the value of these two requests exceeds the Manager's authority, Assembly approval for this proposed addition to the construction contract is required.

The logic for these two supplemental agreements is similar. The Airport desires to capitalize on the already mobilized contractor, the ability to lock in building materials at current prices, and the value of having consistent building materials throughout the building, which allows for lower maintenance costs. These reasons support a finding that not requiring competitive bidding for these improvements is in the best interests of the City and Borough.

The Manager recommends that the Assembly approve Supplemental Agreement #2.

Ms. Triem asked what the source of the money would be. Airport Manager Patty Wahto, answered that the money comes from a combination of airport fund balance and general obligation bond funds.

MOTION by Ms. Hughes-Skandjis for the Assembly to approve supplemental agreement #2. *Mayor Weldon asked if there were any objection; hearing none, the motion passed by unanimous consent.*

13. Staff Report: Update on Catholic Community Service - Hospice and Home Health

Mr. Barr updated the Assembly that earlier in the month Catholic Community Services expressed financial difficulty in operating their hospice and home care program. The City, primarily through Bartlett, is looking at helping to find a financially sustainable solution for those services.

Ms. Hughes-Skandjis asked if this matter will come back to the Assembly again, and what services Juneau is currently without.

Mr. Barr answered that the matter will come before the Assembly and/or the Bartlett Hospital Board again as the problem evolves, but that the Assembly will receive more updates.

14. Staff Report: Update on Municipal Election Matters

Ms. McEwen said the full report is in the packet, but informed the Assembly that the final turnover of the Thane Ballot Processing Center would be happening that week and staff will schedule tours for the Assembly, media, and the public. Ms. McEwen said that elections results will have to be reported differently this year than in previous years, as the maps the Assembly adopted in May 2022 were significantly different than the State's emergency precinct and redistricting maps that were adopted in July 2022. This year's election results will not show the granular data of how individual precincts voted.

Ms. Gladziszewski asked Ms. McEwen when the data from the State was needed in order to for the City to produce the more granular election reports.

Ms. McEwen said the Clerk's office would have needed that data by spring. The city uses the State Voter Registration List and the precinct numbers adopted by the Assembly would not coincide with the precinct numbers assigned by the State, and those numbers came too late to be programmed in the City's voter systems.

Ms. Gladziszewski asked if we could use the old precinct numbers, as it's a CBJ election and not a State election.

Ms. McEwen answered that the data that comes from the State has the new precinct numbers and that and we do not have the ability to recreate the old numbers.

Mayor Weldon asked if it was possible to have additional voting centers the day of the election, particularly people in Douglas were asking to have a Douglas vote center on the day of the election.

Ms. McEwen answered that the City does not have the ability to do so for this election, but could look at adding additional vote centers in future elections, after staff has the time and money is found to secure additional voting equipment for various voting needs.

15. Assembly retreat date discussion

Assembly Action: Mayor Weldon postponed discussion on item 15 until after the Joint Assembly Meeting with the Planning Commission. *Hearing no objection, item 15 was taken up after the Planning Commission meeting.*

Mayor Weldon said the original retreat date was set for November 5th, but the Finance department needed additional time. Discussion ensued about various dates. A final decision was made to hold the Assembly Retreat Date on Sunday, December 11, 2022.

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

There is one property owner that has requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider this request 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 this late-filed exemption request, the application will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on this application.

Assembly Action: Mayor Weldon postponed discussion on item 16 until after the Joint Assembly Meeting with the Planning Commission. *Hearing no objection, item 16 was taken up after the Planning Commission meeting.*

MOTION by Ms. Gladziszewski to accept the application and refer it to the Assessor for review asked for unanimous consent. *Hearing no objection, this motion passed by unanimous consent.*

G. SPECIAL ORDER OF BUSINESS

17. **Joint Assembly Meeting with the Planning Commission** began at approximately 7:00p.m.

Planning Commissioners present: Michael LeVine, Chairman; Paul Voelckers, Vice Chair; Travis Arndt, Clerk; Dan Hickok, Deputy Clerk; Erik Pedersen; Mandy Cole; Matthew Bell

Planning Commissioners absent: Joshua Winchell; Ken Alper

Joint Meeting Topics:

i. Brief overview of Community Development Department (CDD)

CDD Director Jill Maclean shared a powerpoint presentation about the role of the CDD within CBJ and the community. CDD has three main divisions: Administration and Permitting, Building

and Compliance, and Planning and Zoning. Ms. Maclean shared that all three divisions of CDD have had significant staff vacancies in the last year. In addition, the director shared that the staff workload has increased. For example, in calendar years of 2018-2021 CDD ranged from 4104 to 4425 total actions. For calendar year 2022 (January to August) CDD already processed over 3000 total actions. Also, since 2018 CDD staff have significantly increased the number of meetings for the Planning Commission and subcommittee meetings they staff.

Ms. Maclean highlighted several possible areas for improvement including new permitting software to simplify the permit application process and potentially shortening the time it takes to change the land use code by changing when the final ordinance is drafted by the Law department.

Ms. Maclean shared her top priorities for CDD which were, in order: undertaking a new comprehensive plan (after the successful recruitment of a project manager), reviewing and amending the table of dimensional standards, reviewing and amending the table of permissible uses and specifically what is minor versus major development, reviewing and updating the permit fee schedule, enacting the transition zones that meet the condition to be upzoned, and reviewing application submittal requirements.

Ms. Maclean then answered follow-up questions from Assembly and the Planning Commission members.

Mr. Hickok asked if there was going to be outside consulting for the creation of the comprehensive plan. Ms. Maclean answered that there is funding for a new comprehensive plan, but it still requires CDD staff to manage the consultants doing the work. CDD does not currently have the capacity to take on that project at this time.

Mr. Bryson asked how long it took to get streamside setbacks through the process and how much of that time was going through Law. Ms. Maclean said she believes the process started in 2014 and it has gone between planning staff and law staff multiple times.

Mr. Bryson asked what the Assembly could do to speed up the process of changing the land code. Ms. Maclean said it was a complicated answer and that by the mid-90s hundreds of variances had been issued for the community, which meant that the land use code did not work for this community. She said that problem has been pushed down the line for decades and now it seems to be reaching a boiling point. CDD has to make a decision to get permits out the door or to work on fixing the land use code, but it does not have time for both.

Ms. Gladziszewski stated that she hears from developers that the permit process takes more than two weeks. She asked where the disconnect is coming from between developers and CDD. Ms. Maclean answered that process time is counting beginning when an application is deemed complete for intake, not when someone first approaches the office. Staff at CDD submit a plan review log every week and when an item approaches two weeks, CDD tries to prioritize it.

Mayor Weldon asked when the new permitting software will be operational. Ms. Maclean answered that staff is working on the scope of services that will go out with a Request for Proposals (RFP).

Mayor Weldon asked for an updated about the Federal Emergency Management Agency (FEMA) flood maps. Ms. Maclean answered that the FEMA flood maps did get adopted but the hazard maps have not. Mr. Barr said that the delay is in the manager's office. Mr. Barr said the Manager's office was planning to bring this item to the Committee of the Whole at the November 2022 meeting.

ii. Priorities discussion

Planning Commission (PC) Chair Mike Levine then discussed the PC process and their work with the CDD staff. He stated the PC has a quasi-judicial role and a legislative role and that both of those roles depend on CDD analysis and decisions.

Members of the PC gave an update on their goals and priorities to the Assembly:

Mr. Levine said one of his priorities is trying to recruit and retain diverse and qualified Planning Commissioners. He said that institutional knowledge is very valuable and helped the PC avoid pitfalls.

Ms. Cole said that the PC's priorities should be looking at the larger picture of housing in Juneau and to "think big" instead of focusing on line by line changes to the code. She said that the community will need to decide what tangible tradeoffs they were willing to make in order to have reasonable housing in this community.

Mr. Pedersen said that the Title 49 work of reviewing the Table of Dimensional Standards and Table of Permissible Uses is important and can provide a lot of relief to help with housing issues.

Mr. Voelckers said he is concerned that the PC can be too focused on small changes, such as changing stream or side-yard setbacks, as these things do not change the fundamental economics on how housing gets built in the community. He said he had been thinking about how housing can be incentivized, and that it will involve sacrifice and multiple approaches. Mr. Voelckers also addressed two additional concerns: Avalanche and Hazard Mapping and the city's electric capacity. He recommended more research and analyses on the Avalanche and Hazard Mapping to make sure the maps can be defended to the public. Mr. Voelckers said that the testimony presented to the PC stated that according people who testified: two local avalanche experts had not been consulted by the Tetrattech study, residents wanted more depth to the study, and residents had concerns about whether the maps would be a static document or a living document. He also said that the Assembly has a role in developing hydroelectric capacity to support sustainability goals.

Mr. Arndt said a major concern was staffing; Title 49 updates cannot progress without adequate staffing. He said that when these changes take years to process the Assembly changes people and priorities. He supports making improvements to the process so changes can be completed in a timelier manner.

Mr. Bell agreed that housing should be a priority. He said that it is important to have meetings like the joint Assembly and Planning Commission meeting because it gives the PC some perspective on the Assembly's goals and priorities.

Ms. Woll asked what the Assembly should do to help the PC make the process go quicker and smoother.

Mr. Arndt answered that the role of the Assembly should be to provide a higher level perspective of goals. Mr. Levine said the consistency in Assembly priorities being communicated to the PC and CDD makes it easier for work to happen. Ms. Cole noted that the Assembly should set global priorities and leave the granular implementation to the PC.

Mayor Weldon asked the PC if they prefer a carrot, to incentivize private owners to do something, or a stick, such as increasing taxes on vacant buildings.

Mr. Voelckers prefers to use carrots. He said that there are lot of economic disincentives for dealing with downtown properties and that carrots such as flexibility on rehabilitation might help. Ms. Cole said the Assembly should put money behind in-fill incentives, which is a type of carrot for development. Mr. Arndt, who spoke from a non-commissioner hat, said more carrots and less sticks. He said there are lots of sticks outside of the City process. Ms. Triem said both carrots and sticks are needed. Mr. Levine agreed with Ms. Triem that both carrots and sticks are needed and that there is a role for sticks, especially in getting delinquent owners or landlords to transfer ownership or take other actions for the carrots to be effective.

Mr. Levine said the Planning Commission will put together a letter of priorities before the retreat to the Assembly.

Mayor Weldon said the next joint meeting will be the last week of January, 2023.

The Assembly took a 10 minute break at 8:12pm and resumed at 8:22 to discuss the agenda items 15. Assembly Retreat Date and Time and 16. Late filed exemption applications for property assessments.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting was adjourned at 8:30p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

REGULAR ASSEMBLY MEETING 2022-22 DRAFT MINUTES**September 12, 2022 at 7:00 PM****Assembly Chambers/Zoom Webinar/YouTube Livestream**

Meeting No. 2022-22: The Regular Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 6:10p.m.

A. FLAG SALUTE**B. LAND ACKNOWLEDGEMENT**

Deputy Mayor Maria Gladziszewski 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: Maria Gladziszewski, Christine Woll, Greg Smith, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: 'Wáahlaal Gíidaak, Carole Triem

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, Assistant City Attorney Sherri Layne, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Assistant City Attorney Adam Gottschalk, Finance Director Jeff Rogers, Community Development Director Jill Maclean, Lands Division Manager Dan Bleidorn, Parks & Recreation Director George Schaaf, Engineering/Public Works Director Katie Koester, Airport Business Manager John Coleman, CDD Planner Irene Gallion

D. SPECIAL ORDER OF BUSINESS**1. Special Recognition: Legislative Citation - Mila Cosgrove**

Senator Jesse Kiehl honored former Deputy City Manager Mila Cosgrove with a Legislative Citation honoring her career of public service to the people of Juneau and the State of Alaska.

2. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform or to sign up at the back of the Assembly Chambers for those in person wishing to testify.

E. APPROVAL OF MINUTES – *there were no minutes submitted for approval.***F. MANAGER'S REQUEST FOR AGENDA CHANGES**

Manager Watt requested to move the two bid awards, agenda items 10 (Bid Award for BRH CT/MRI Upgrades) & 11 (Bid Award for JNU Access Road/Float Pond Improvements), to be taken up under New Business. *Hearing no objection, the requested changes were approved.*

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Bob Sylvester, a downtown resident, spoke about housing in Juneau in the 1970s and 1980s. When he couldn't find housing in Juneau other than living on a boat in the 1970s, he ended up living in Haines instead. When he came back in the 1980s, he worked with others to coordinate a Juneau Tenants Action Coalition and they presented a Juneau Housing Symposium in October 1980. They were able to get \$5,000,000 from the Alaska

Legislature to build sustainable housing in Juneau. He urged the Assembly to do whatever they can to create long term, sustainable housing to meet the needs of the community now and in the future.

H. CONSENT AGENDA

Public Request for Consent Agenda Changes – None.

Assembly Request for Consent Agenda Changes – None.

Assembly Action

MOTION by Ms. Gladyszewski to adopt the Consent Agenda as amended with the removals of items K 10 and K 11, and asked for unanimous consent. *Hearing no objection, the motion carried.*

I. Ordinances for Introduction

3. Ordinance 2022-42 An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Higher Density Housing.

The Housing Action Plan and Juneau Economic Development Plan identify property tax abatement as an incentive to encourage new housing development. Building on an existing provision for downtown housing, this ordinance proposes to expand tax abatement for qualifying new housing developments borough-wide. Only housing developments on a single lot that remain under common ownership would qualify. This incentive is intended to help address Juneau’s shortage of adequate and affordable housing, which the Assembly identified as a high priority in its 2022 Goals. This tax abatement would sunset on October 1, 2032, which will induce a future review to determine if the program is accomplishing its aims as designed.

The Assembly Finance Committee discussed this topic at the July 7, August 3, and September 7, 2022 meetings.

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

4. Ordinance 2022-49 An Ordinance Authorizing the Manager to Convey Approximately One Acre of City and Borough of Juneau Property Located Near 3145 Fritz Cove Road to Chelsy and Brian Maller at Fair Market Value.

The CBJ Lands Office has received an application from Chelsy and Brian Maller, the owners of property located near 3145 Fritz Cove Road. The Maller property is an undeveloped lot that is adjacent to the City property being requested.

The Lands Housing and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on January 24, 2022, and passed a motion of support. The Planning Commission reviewed this proposed disposal of the CBJ property at its meeting on April 12, 2022, and recommended that the Assembly approve the sale of a portion of Lot 1 to the applicants. Fair market value of the CBJ property has been determined by appraisal to be \$2.53 per square foot, for a total value of \$110,000.00.

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

5. Ordinance 2022-51 An Ordinance Authorizing an Alternative Procurement Method Related to the Emergency Department Addition and Renovation at Bartlett Regional Hospital.

This ordinance authorizes the Manager to competitively solicit proposals and enter into an alternative procurement method for preconstruction services and construction of the Emergency Room Addition and Renovation project at Bartlett Regional Hospital consistent with CBJ charter and Alaska Statute. General Contractor/Construction Manager is a qualifications based procurement method that allows the contractor to be involved in the design process to limit risk and cost for complicated projects such as the Emergency Room where

the department needs to remain operational during construction.

The Bartlett Board of Directors approved the use of GC/CM for this project at its May 26, 2022 meeting.

The Public Works and Facilities Committee approved use of GC/CM for this project at its June 6, 2022 meeting.

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

6. Ordinance 2022-06(b)(P) An Ordinance Appropriating \$700,000 to the Manager for a Pre-Development Loan for Gastineau Lodge Apartments, LLC; Funding Provided by the Affordable Housing Fund.

This ordinance would appropriate funding from the Affordable Housing Fund for a pre-development loan for the Gastineau Lodge Apartments project, a 72-unit apartment building in Downtown Juneau. Phased loan disbursement will mitigate CBJ's risk, and liens against the property and building materials further secure the loan. CBJ's support of this project is intended to help address Juneau's shortage of adequate and affordable housing, which the Assembly identified as a high priority in its 2022 Goals.

The Assembly Finance Committee reviewed this request at the August 3 and September 7, 2022 meetings.

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)(R) An Ordinance Appropriating \$12,253.50 to the Manager for a Grant to The Glory Hall; Funding Provided by the Affordable Housing Fund.

The Glory Hall's former shelter on South Franklin St does not qualify for CBJ's non-profit exemption in 2022 because it was vacant and not being used for the organization's exempt purpose on January 1, 2022. As a result, property taxes cannot be exempted for 2022, and must be paid by the Glory Hall. This is an unanticipated financial burden for the Glory Hall. This grant would, in effect, acknowledge the intended non-profit purpose of the South Franklin building even though it did not meet the strict legal criteria to be exempted.

The Assembly Finance Committee reviewed this request at the September 7, 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)(S) An Ordinance Appropriating \$128,200 to the Manager for a Grant to the Alaska Development Corporation for Medical Respite Care; Funding Provided by General Funds and Hospital Funds.

Prior to the pandemic, CBJ and Bartlett Regional Hospital shared the cost of medical respite for individuals experiencing homelessness. During the pandemic, the cost of this care was reimbursed by FEMA; however, medical respite is no longer eligible for reimbursement effective July 1. This ordinance would appropriate \$128,200 for medical respite care in FY23, to be funded equally by CBJ and Bartlett. Current medical respite costs exceed pre-pandemic levels due to quarantine and isolation for COVID-positive patients; however, program spending will be reduced in the coming months to align with the historical cost of providing this care. A portion of these costs may be funded by the Healthy and Equitable Communities Grant, upon approval by the Alaska Department of Health.

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)(T) An Ordinance Transferring up to \$500,000 from CIP P44-089 Deferred Building Maintenance to CIP F21-041 Downtown and Glacier Fire Stations Mechanical and Electrical Upgrades.

This request would provide up to \$500,000 in funding for the Downtown and Glacier Fire Stations Mechanical and Electrical Upgrades CIP to replace the heating plant system at the Glacier Fire Station and the emergency generators at both Glacier and the Downtown Fire Stations. The project estimate has increased as a result of

inflation, supply chain issues, and other economic factors. The proposed transfer is reallocating funds from the Deferred Building Maintenance CIP, an ongoing project that will retain sufficient funding to cover remaining project work.

The Public Works and Facilities Committee will review this request at the September 26, 2022 meeting.

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

J. Resolutions – *there were no resolutions submitted for approval.*

K. Bid Awards

10. Bid Award for BRH CT/MRI Upgrades

This item was REMOVED From Consent Agenda and taken up during NEW BUSINESS per Manager's Request.

11. Bid Award for JNU Access Road/Float Pond Improvements

This item was REMOVED From Consent Agenda and taken up during NEW BUSINESS per Manager's Request.

12. CMAR Selection Recommendation for the MWWTP SCADA

Pending the outcome of the protest period (in accordance with 53.50.062), staff recommends award of this project to DAWSON. In accordance with 2022-35 which authorizes an Alternative Procurement method, the Manager shall present the recommended Construction Manager at Risk company proposal to the Assembly for approval prior to commencing negotiations with the selected firm. If the Assembly accepts the proposal, the initial contract for pre-construction services will be for \$75,000. All successive amendments will be brought to the Assembly for approval.

L. Transfers – *there were no transfers submitted for approval.*

M. City/State Project Review – *there were no City/State Project reviews submitted for approval.*

N. PUBLIC HEARING

13. Ordinance 2021-36 An Ordinance Amending the Land Use Code Relating to the Downtown Juneau Alternative Development Overlay District.

In 2017, the Assembly established an Alternative Development Overlay District for downtown Juneau and associated interim regulations. Since then, the Community Development Department and the Planning Commission have worked on drafting permanent regulations. This ordinance would establish the permanent regulations for downtown residential properties, which would modify existing lot size, lot width, vegetative cover, structure heights, and setbacks. These proposed regulations would create options for residential development that are more consistent with the current neighborhoods.

The Systemic Racism Review Committee reviewed this ordinance at the June 14, 2022 meeting and forwarded it to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

Mayor Weldon thanked CDD staff for the information and said she had a question about the 'floating box' aka: setbacks diagrams as found in Figures 1 and 2 on page 4 of the draft ordinance. She asked if the property owner could choose the setbacks that they wanted or if there was a process which they would be required to follow to determine the setbacks. Ms. Maclean said that this ordinance keeps in place the underlying zoning so if the property owner prefers the setbacks associated with that zoning they can use them but this ordinance would

provide them with additional options to use this overlay district as well. She said that it would not be part of staff's per hour review as long as it is meeting the minimum requirements, they can adjust the setbacks to meet their needs. She said the idea of this ordinance was to keep it as flexible as they can knowing that the area that it in is the downtown area on steep slopes with tiny lots, some of them odd shaped but also people just having to renovate their existing housing. The property owner will have the ability to pick their setbacks as long as it adds up to 20 feet. Director Maclean said that she has heard the concern about neighboring properties and how they may feel but she thinks they will constantly run into that, especially now that they aren't granting variances. She said that the minimum numbers the Planning Commission settled on was based on the fire code so they have to maintain 3 feet from the property line, on each side. She said even for those instances where there is less than 3 feet from the property line, there are still requirements to ensure they meet the fire code and it is fire resistant. She said that with respect to the uses of the property, it does have to conform to the underlying zoning/use as established in the code.

MOTION by Mr. Bryson to adopt *Ordinance 2021-36 An Ordinance Amending the Land Use Code Relating to the Downtown Juneau Alternative Development Overlay District* and asked for unanimous consent.

Hearing no objection, the motion carried by unanimous consent.

14. Ordinance 2022-22 An Ordinance Amending the City and Borough of Juneau Code Related to the Aquatic Board of Directors.

Over the last two years, the Aquatics Board has had vacancies, which contributed to meetings being cancelled for lack of quorum. The Aquatics Board recommended changes to its membership requirements, so it can continue to provide effective oversight of the pool facilities. The Assembly Human Resources Committee reviewed this topic on August 1, 2022 and recommended the Assembly reduce the membership from nine to seven and allow up to three members to be from a local aquatic organization. Assemblymember Triem has also proposed an amendment to remove the current code requirement that inserts the Aquatics Board into the hiring process for the Aquatics Manager. The Systemic Racism Review Committee discussed this ordinance at its August 30, 2022, and September 6, 2022 meetings. After significant discussion, the SRRC moved that it believes there are larger issues with respect to diversity on boards and commissions that merit further review but did not flag this specific piece of legislation.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs for adoption of *Ordinance 2022-22 An Ordinance Amending the City and Borough of Juneau Code Related to the Aquatic Board of Directors* but asked for the body to first consider the following amendment as requested by Assemblymember Triem as found on packet page 75 and asked for unanimous consent.

Triem Amendment #1

To amend Ordinance 2022-22 as follows to remove the Aquatics Board from the hiring process of the Aquatics Manager:

1. *Insert a new Section 3 and renumber existing Section 3 as Section 4:*

"Section 3. Amendment of Section. CBJC 67.10.020 is amended to read:

67.10.020 General powers.

(a) Subject to state laws and City and Borough ordinances, the aquatics board shall make policy decisions and generally direct the operation and maintenance of the municipally-owned aquatics facilities according to the best interests of the public and in a sound business manner. The aquatics board:

- (1) Shall be responsible for generally directing the operation, maintenance, development and marketing of the municipally owned and operated aquatics facilities, except as otherwise provided by the assembly by resolution.
- (2) Shall prescribe the terms under which persons and groups may use the aquatics facilities under the board's management and establish and enforce standards of operation.
- (3) May adopt regulations pursuant to CBJ 01.60 necessary for the administration of the aquatics facilities under the board's management.
- (4) Shall facilitate and receive citizen input on the management and operations of the aquatics program.
- (b) Shall ensure all legal services for the aquatics board and aquatics facilities are provided by or under the supervision of the municipal attorney.
- (c) Shall annually provide to the assembly a written review of the aquatics program. The review shall include public usage, financial trends, facility maintenance needs, capital needs, and the efficiency of the program operation.
- (d) Shall annually provide a personnel evaluation to the parks and recreation department director of the aquatics manager's performance in supporting the board and implementing board direction. The aquatics manager personnel evaluation and the board's deliberation of it shall be confidential unless the aquatics manager requests a public discussion.
- ~~(e) Shall participate in the selection process for the hiring of the aquatics manager. In the event the board does not support the hiring recommendation of the parks and recreation department director, the board chair shall timely notify the city manager. The city manager shall then make the hiring decision.~~

Section 4 ~~Section 3~~. Effective Date. This ordinance shall be effective 30 days after its adoption.”

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

Hearing no objection, the ordinance, as amended, passed by unanimous consent.

15. Ordinance 2022-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Catholic Community Services Property Located near 1800 Glacier Highway, from D-10 to Light Commercial.

At its regular meeting on April 12, 2022 the Planning Commission recommended that the Assembly approve a rezone of 2.6 acres from D10 (residential) to Light Commercial (LC). The property is across Old Glacier Highway from Wickersham Drive, and is recognizable by current operations of the Bridge Adult Day Care and Capital Access paratransit service. The Planning Commission based its recommendation on Assembly decisions that found LC to conform to the 2013 Comprehensive Plan of Medium Density Residential (MDR) in AME2021 0001 (North Douglas Highway, Comprehensive Plan map L) and AME2013 0006 (Atlin Drive, Comprehensive Plan map G).

The Systemic Racism Review Committee reviewed this ordinance at its July 12, 2022 meeting and forwarded it to the 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 2022-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Catholic Community Services Property Located near 1800 Glacier Highway, from D-10 to Light Commercial* and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs for purposes of a question. She asked Director Maclean if this was similar to the recent North Douglas rezone from Light Commercial to Medium Density Residential. Director Maclean said that yes, this is similar to that one and the one at Atlin Street. She said that based on the Assembly's decision with the North Douglas rezone that Light Commercial does meet the Medium Density residential land use designation from

the Comprehensive Plan. She said that was the reason they found that this would meet that designation for this location and the Planning Commission also made that determination.

Ms. Hughes-Skandijs thanked Director Maclean for her answers. Ms. Hughes-Skandijs said that she removed her objection but also reminded the Assembly that when they are making decisions like that, they are also setting precedent so they need to be good with whatever precedent they are setting.

Hearing no objection, the ordinance passed by unanimous consent.

16. Ordinance 2022-36 An Ordinance Amending the Sales Tax Code to Exempt Veteran Organizations.

Juneau's Sales Tax Code exempts sales by non-profit organizations and to non-profit organizations from the imposition of sales tax. That exemption is limited to organizations with 501(c)(3) and 501(c)(4) designations from the Internal Revenue Service. However, veterans' service organizations, such as the American Legion, are separately designated by the IRS as non-profit organizations under 501(c)(19). This ordinance extends the non-profit sales tax exemption to eligible 501(c)(19) veterans' service organizations.

This ordinance was introduced at the request of the Mayor.

The Assembly Finance Committee reviewed this request at the August 3, 2022 meeting and forwarded it to the full Assembly for public hearing. The Systemic Racism Review Committee reviewed this request at the July 12, 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 2022-36 An Ordinance Amending the Sales Tax Code to Exempt Veteran Organizations* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

17. Ordinance 2022-41 An Ordinance Authorizing the Manager to Execute a Lease with the Juneau Arts and Humanities Council for Use of the Juneau Arts and Culture Center Building.

The State of Alaska conveyed the former Armory Building and property to the City and Borough of Juneau in 2006. In 2007, the City began leasing the building now known as the Juneau Arts and Culture Center (JACC) to the Juneau Arts and Humanities Council (JAHC) to rent and manage the performance and exhibit space for community arts and cultural events. This ordinance will authorize the JAHC to continue to lease and operate the JACC for the benefit of the community by providing arts and cultural opportunities for Juneau and the surrounding Southeast communities. In identifying the JAHC's nonprofit status and the public service it provides, the Assembly has leased the JACC to the JAHC at less than fair market value in accordance with CBJC 53.09.270. The Lands, Housing and Economic Development Committee reviewed this lease request at its June 27 meeting and provided a motion of support to continue to lease this property to the JAHC for the lease rate of \$500.00 per month for the first three years and \$1,000.00 per month for the last two years.

The Systemic Racism Review Committee reviewed this ordinance at its August 2, 2022 meeting and forwarded it to the Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Smith to adopt *Ordinance 2022-41 An Ordinance Authorizing the Manager to Execute a Lease with the Juneau Arts and Humanities Council for Use of the Juneau Arts and Culture Center Building* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

18. Ordinance 2022-06(b)(F) An Ordinance Appropriating \$9,563 to the Manager for the Statter Harbor Phase IIIC Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game.

Docks and Harbors has been awarded an additional \$9,563 in Clean Vessel Act grant funding from the Alaska Department of Fish and Game to construct, manage, and maintain sewage pump-out stations in Statter Harbor. This award increases the grant appropriated under Ordinance 2019-06(AF). A local match requirement of \$3,188 will be provided by previously-appropriated funds from the Statter Harbor Phase IIIC CIP (H51-108).

The Docks and Harbors Board approved this request at the July 28, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 2, 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. Gladyszewski to adopt *Ordinance 2022-06(b)(F) An Ordinance Appropriating \$9,563 to the Manager for the Statter Harbor Phase IIIC Capital Improvement Project; Grant Funding Provided by the Alaska Department of Fish and Game* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

19. Ordinance 2022-06(b)(G) An Ordinance Appropriating \$5,000,000 to the Manager for the North State Office Building Parking Capital Improvement Project; Grant Funding Provided by the Alaska Department of Commerce, Community, and Economic Development.

CBJ has been awarded a \$5 million designated legislative grant through the Alaska Department of Commerce, Community and Economic Development. This grant provides partial funding for the planning, design, and construction of additional parking levels above the North State Office Building Parking Garage. Additional project funding will be provided by temporary 1% sales tax, if extended by voters during the October election. This project is #10 on CBJ's FY23 Legislative Priority List.

The Public Works and Facilities Committee reviewed this request at the August 8, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 2, 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)(G) An Ordinance Appropriating \$5,000,000 to the Manager for the North State Office Building Parking Capital Improvement Project; Grant Funding Provided by the Alaska Department of Commerce, Community, and Economic Development* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

20. Ordinance 2022-06(b)(H) An Ordinance Appropriating \$292,000 to the Manager for the Eagle Valley Center Capital Improvement Project; Grant Funding Provided by the Rasmuson Foundation.

The Rasmuson Foundation has awarded CBJ a \$292,000 grant to renovate the Eagle Valley Center. This grant funding will supplement the 2020 voter-approved general obligation bond funding for energy efficiency improvements. With the grant funding, the project work will include a new, more efficient exterior building shell, new windows and doors, electric boiler and hot water system, electrical upgrades, a potable water filtration system for a well, rot removal, and site drainage improvements.

The Public Works and Facilities Committee reviewed this request at the August 8, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 2, 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. Hughes-Skandijs to adopt *Ordinance 2022-06(b)(H) An Ordinance Appropriating \$292,000 to the Manager for the Eagle Valley Center Capital Improvement Project; Grant Funding Provided by the Rasmuson Foundation* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

21. Ordinance 2022-06(b)(J) An Ordinance Transferring \$116,600 from the Manager's Office to Engineering and Public Works for Grant Writing and Consulting.

This ordinance would transfer \$116,600 from the Manager's Office to Engineering and Public Works for grant writing and consulting. The grant writer position was created in FY22 and funded by Ordinance 2021-08(b)(am)(H) in an effort to identify, prioritize, and pursue funding opportunities available to the city from an unprecedented level of federal stimulus infused into the economy. Establishing the grant writer position in Engineering and Public Works facilitates collaboration and partnership between grant writing and likely infrastructure grant recipients within CBJ (such as Transit, Streets, etc.). The grant writer position will be partially funded by CIPs, making available additional funding for grant consulting from Blank Rome LLP.

The Public Works and Facilities Committee reviewed this request at the August 8, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 2, 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)(J) An Ordinance Transferring \$116,600 from the Manager's Office to Engineering and Public Works for Grant Writing and Consulting* and asked for unanimous consent.

Objection by Ms. Gladyszewski for purposes of a question. Ms. Gladyszewski said that when they initially did this, they put this in the Manager's Office as the Manager is the best one to know the priorities of the Assembly. She said that if this funding goes into the Engineering/Public Works Department there are other entities such as Airport and Docks and Harbors that sometimes have competing interests. She asked Mr. Watt to describe why it is being put into the Engineering/Public Works Department when it is the Manager's Office that has the swing to help all the various departments play together.

Mr. Watt said that when they first considered the grant writing needs, they were not aware of the federal government's focus on infrastructure. At that time, they didn't know if there might be operating grants for things like child care as an example. Being unclear about the scope of federal expenditures, they had decided to put the grant writing tasks under the Manager's Office. He said that it is somewhat unusual to see transfers in departmental operating budgets although they often see transfers within Capital Improvement Projects (CIPs). He said that to the Deputy Mayor's question, the Eng./Public Works staff facilitates communication to the Assembly with the Public Works & Facilities Committee and also provide services at differing levels to the Airport, Docks & Harbors, Bartlett Hospital, Eaglecrest, and many of those services include the procurement piece for hiring and soliciting for professional services or bidding for construction work. He said this will provide for a better connection with the Assembly.

Ms. Gladyszewski thanked Mr. Watt and removed her objection.

Hearing no objection, the ordinance passed by unanimous consent.

22. Ordinance 2022-06(b)(K) An Ordinance Appropriating \$100,000 to the Manager for the Telephone Hill Redevelopment Capital Improvement Project; Funding Provided by General Funds.

This ordinance would appropriate \$100,000 to begin the redevelopment process of Telephone Hill, upon conveyance from the State Department of Natural Resources to CBJ. An additional \$2 million in project funding will be provided by temporary 1% sales tax, if extended by voters during the October election. This project is #9 on CBJ's FY23 Legislative Priority List.

These funds will be used to initiate and complete a public planning process on how the City and Borough should plan to redevelop and use the property. This process will naturally be inclusive and will contemplate a variety of options for using the property in the best interests of the public. Consideration of long-term needs of the Capitol campus and opportunities for significant housing development will be part of this process.

At the August 29, 2022 meeting the Lands, Housing, and Economic Development Committee passed a motion of support for adopting this ordinance. The Systemic Racism Review Committee reviewed this ordinance at its meeting on August 30 and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Mr. Tony Tengs, a Telephone Hill resident, spoke in opposition to the ordinance. Mr. Tengs said that the language of this ordinance appears to commit \$2,000,000 from the proceeds of the upcoming temporary 1% sales tax ballot extension for the demolition of portions of Telephone Hill, and if so, does it also inherently provide consent for the demolition of those structures. If either or both are true, he said the Assembly should reject this ordinance until the question about what to do with Telephone Hill has a more adequate and thorough public review. He said there are residents who feel that they should not displace 14 more homes and further stoke the housing crisis in Juneau. He said that passage of this ordinance would make him and other Telephone Hill supporters vote against the 1% sales tax proposition on the ballot. He said that if this in fact is committing the \$2,000,000 within a \$100,000 appropriating ordinance, it could be considered a masterclass by the City Manager in hardball and political sleight of hand. He said that the only way the Assembly can vote for this ordinance with a twinge of dignity would be if they were to amend it beforehand to not demolish the neighborhood until they have a plan for what they want to do with it afterward that has gone through the public process.

Assembly Action

Ms. Hale asked the City Manager about the \$2,000,000 in the temporary 1% Sales Tax funding. She said that if that proposition passes during the election, would the Assembly see an appropriating ordinance come back before them and giving them clear information on what that \$2,000,000 would be spent on.

Mr. Watt said that yes, if the sales tax passes, appropriation of funds for the Telephone Hill and any other project, requires Assembly appropriation and that appropriation ordinance would require some Assembly direction. He

said that he would expect that expenditure of those funds would be discussed robustly during committee meetings and other public meetings. He said that expenditure for any demolition of properties, if that is what the Assembly decided to do, would require Assembly action as well.

Mr. Bryson asked if it was likely that whatever discussions were happening on this topic would be going through the Assembly Public Works & Facilities Committee. Mayor Weldon stated that was very likely but all they are taking action on tonight is to pass an appropriating ordinance for \$100,000 to start the planning process to begin to look ahead at this issue.

Mr. Smith said that he discussed this with the Manager previously and asked Mr. Watt if he might be able to provide a summary to the public of what the planning process might look like and the general timelines involved.

Mr. Watt said that to the best of his understanding at this time, the State Department of Transportation (DOT) will transmit the property to the State Department of Natural Resources (DNR) in early October. He said that they believe that DNR will then take about three months before they transmit the property to CBJ. He said that we may become owners of the property shortly after the new year. He said that he thinks that there is an assumption that demolition of the structures is the logical next step. While that very well may be a likely or a leading contender of ideas that has not been decided by the Assembly or anyone for that matter. He said the intent of this funding of this ordinance would be to put out a competitive solicitation for planning services, architect, engineer, landscape architects to put together a public process to determine how to best use the property. That range of options would certainly include a “do nothing” option and leave the houses as they are today as well as a number of redevelopment options. He said that any municipal plan like that would have substantial public meetings, it would go to the Planning Commission, updates provided to the Assembly and then ultimately the Assembly adopting a specific plan to be implemented. It would require bid awards, and all kinds of Assembly approvals and would likely end up with re-surveying and possibly a redo of the subdivision of the property which again would go to the Planning Commission. He said that he anticipates quite a bit of public process for the community to decide what the best use of this property is, especially since it has been in somewhat of a state of limbo for the past 40 years.

MOTION by Ms. Woll to adopt *Ordinance 2022-06(b)(K) An Ordinance Appropriating \$100,000 to the Manager for the Telephone Hill Redevelopment Capital Improvement Project; Funding Provided by General Funds* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

23. Ordinance 2022-06(b)(L) An Ordinance Appropriating \$187,442 to the Manager for the Design Phase of the Gate 5 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$187,442 in Airport Improvement Program grant funding for the Gate 5 Passenger Boarding Bridge CIP. This funding would provide for the design phase of the acquisition and installation of a new passenger boarding bridge. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Gate 5 Passenger Boarding Bridge CIP.

The Airport Board reviewed this request at the August 11, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 30, 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. Smith to adopt *Ordinance 2022-06(b)(L) An Ordinance Appropriating \$187,442 to the Manager for the Design Phase of the Gate 5 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by*

the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

24. Ordinance 2022-06(b)(M) An Ordinance Appropriating \$2,017,881 to the Manager for the Design Phase of the Ramp Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$2,017,881 in Airport Improvement Program grant funding for the Ramp Improvements CIP. This funding would provide for the design phase of the rehabilitation of large air carrier and air taxi ramps. The local match requirement will be provided by previously-appropriated 1% sales tax funds in the Ramp Improvements CIP.

The Airport Board reviewed this request at the August 18, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 30, 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. Gladyszewski to adopt *Ordinance 2022-06(b)(M) An Ordinance Appropriating \$2,017,881 to the Manager for the Design Phase of the Ramp Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

25. Ordinance 2022-06(b)(N) An Ordinance Appropriating \$2,254,418 to the Manager for the Construction Phase of the Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

This ordinance would appropriate \$2,254,418 in Airport Improvement Program grant funding for the Float Pond Improvements CIP. This funding would provide for the construction of and raising of the existing roadbed, introducing a drainage ditch, armoring the pond bank with rock, and reconstructing fourteen floatplane dock headwalls. The local match requirement will be provided by previously appropriated 1% sales tax funds in the Float Pond Improvements CIP.

The Airport Board reviewed this request at the August 18, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the June 6, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 30, 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)(N) An Ordinance Appropriating \$2,254,418 to the Manager for the Construction Phase of the Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

26. Ordinance 2022-06(b)(O) An Ordinance Appropriating \$2,400,000 to the Manager for the Purchase of the Family Practice Building at 10301 Glacier Highway; Funding Provided by Hospital Funds.

Bartlett Regional Hospital desires to acquire the Family Practice property near Industrial Boulevard to ensure the hospital has space to expand into as the demand for medical care increases. This property currently houses multiple established medical practices, and it would provide convenient access to medical care for people that live in the Mendenhall Valley. The hospital would like to eventually provide easy access to specialty care practitioners.

This request was reviewed by the Lands, Housing and Economic Development Committee at the March 7, 2022 meeting. This request was reviewed by the Hospital Board at the February 22, 2022 meeting. The Hospital Board recommended the purchase of the building at the August 23, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 30, 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. Hughes-Skandijs to adopt *Ordinance 2022-06(b)(O) An Ordinance Appropriating \$2,400,000 to the Manager for the Purchase of the Family Practice Building at 10301 Glacier Highway; Funding Provided by Hospital Funds* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

27. Ordinance 2022-06(b)(Q) An Ordinance Appropriating \$1,185,900 to the Manager for the Hospital CT/MRI Replacement Capital Improvement Project; Funding Provided by Hospital Funds.

This ordinance would appropriate \$1,185,900 of hospital funds for the replacement and installation of one MRI and two CT scanners at Bartlett Regional Hospital. The existing apparatus has reached end of useful life and upgrades to the HVAC, electrical, and magnetic shielding are required for installation of the new equipment. This funding will supplement the original project appropriation of \$2,300,000 in order to award the bid, which came in 65%-75% above the architect's estimate.

The Hospital Board reviewed this request at the August 23, 2022 meeting and the Hospital Finance Committee will review this request at the September 9, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the August 30, 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)(Q) An Ordinance Appropriating \$1,185,900 to the Manager for the Hospital CT/MRI Replacement Capital Improvement Project; Funding Provided by Hospital Funds* and asked for unanimous consent.

Hearing no objection, the ordinance passed by unanimous consent.

The Assembly took a 10 minute break beginning at 7:57p.m.

O. UNFINISHED BUSINESS – *there was nothing for consideration under Unfinished Business.*

P. NEW BUSINESS

28. Moline Investment Management Request to Purchase City Property Located at Pederson Hill

In June 2022, the City Manager received an application from Moline Investment Management to purchase City property. The city property included in this application is located northwest of Karl Reishus Boulevard and is located adjacent to what is commonly known as Pederson Hill Phase 1 development. The application states that the proposed project will develop the property for multifamily housing utilizing tax credits to provide housing to residents at 60% AMI and below for 15 or 30 years. In order for the property to be conveyed by the City, the property must first be rezoned and subdivided by the applicant.

The LHED Committee reviewed this request at the August 8, 2022 meeting and provided a motion of support for disposing of this property to Moline Investment Management for fair market value.

The Manager recommends the Assembly pass a motion of support to work with Moline Investment Management as the original proposer in accordance with City Code 53.09.260.

Public Comment

Mr. Michael Heumann, a Fritz Cove Road resident, spoke in his capacity as a professional real estate developer and home builder and also as a general citizen of Juneau. He said that as a developer and builder, he is fully in favor of this because it severely diminishes his competition's ability to deliver housing in Juneau. He said that there is one other builder active in subdivisions in Juneau at this time and they do not have a lot of other property to go to so this will hamper their ability to compete with him. In general this subdivision competes with him in selling lots on the private market. However, from a citizen's perspective, he thinks it is a bad idea without some careful consideration because this decision has a high degree of strategic impact on the disposal of the rest of this 100 acre parcel. He said that by placing low income housing at the beginning of this neighborhood, they will diminish the value of the remaining land there. People are hesitant to invest in low income housing. He said that it is a major stain on the reputation of a neighborhood to have low income housing right next to them and it will erode the trust of the public in the city and how it disposes of its land.

Mayor Weldon asked members if they had any questions for Mr. Heumann.

Ms. Hale said that the Assembly talks a lot about trying to create affordable housing and she was surprised to see the great big houses being built on the smallish lots on Pederson Hill. She said that the future lots would be even smaller on Pederson Hill. She said that while she understands that no one wants low income housing in their neighborhoods, she asked Mr. Heumann what he would suggest is the answer to try to encourage lower priced affordable housing in the Pederson Hill area.

Mr. Heumann said that the simple answer would be to reduce the cost of development. He said that he grew up in Bonnie Brae subdivision with gravel streets, open ditches and no sidewalks and that is a lot cheaper to develop than subdivisions with paved city streets, sidewalks, and gutters. He said they have to lower the amount of money that it takes to develop the land as it generally is ¼ of the total cost to develop the lot so a lot development cost of \$150,000 means they end up with a \$600,000 house.

Mr. Bryson said that 100 acres is a lot of land with a variety of slopes, land configuration, etc. He asked Mr. Heumann that as they look at providing housing for those at 60% AMI what separations Mr. Heumann might suggest are needed for the development of those acres. Mr. Heumann said the key would be in determining access routes. He said that the Hamilton Street and the undeveloped access road, if they put the access to this area of the neighborhood from that right of way and then to have a fire access gate at the Karl Reishus Blvd. to this development, that would go a long way towards this.

Ms. Hughes-Skandijis asked if Mr. Heumann was familiar for what 60% AMI is for Juneau. She said that he made some comments about it being a stain on the neighborhood and the reputation of the neighborhood. Mr. Heumann said it depends on the household size. He said he didn't know off the top of his head.

Mr. Watt stated that the US Dept. of Housing and Urban Development puts out adjusted home income limits so for Alaska, a single person household, 60% AMI would be \$49,140 and a four person household would be \$70,200.

Ms. Hughes-Skandijs thanked Mr. Watt and said that is illuminating as she sees a number of state jobs that would meet those numbers and she doesn't see how that would be considered a stain on the neighborhood.

Mr. Heumann suggested they may want to take a drive through Coho or Chinook housing areas but also that there are other low income housing areas that do a good job. He said it is a mixed bag and it is not reality, it is fear of what the complex might look like when people are making an investment in a new home to see what is happening in the surrounding area. He said this project will be a multi-year project and in the meantime housing builders will have to overcome those fears as they try to sell houses in that area in the interim.

Public testimony was then closed and the Mayor asked Assemblymembers if they had questions for staff.

Ms. Gladziszewski asked about the map on page 95 of the packet that shows the outline of the property labeled Moline Request. She asked about what Phase 2 and 3 look like in comparison to the Moline Request area as compared to the Tlingit Haida request which is contained within the Phase 1 section. She asked what the whole sketch would be to have access to Phase 2 and also who is Moline.

Mr. Watt, in answering some of Ms. Gladziszewski's questions, said that Mr. Moline had lived in Juneau and moved away and is currently residing in Missouri. He came back to visit family and he is proposing to use his business expertise to develop this proposed property. He said that packet page 95 shows the property in question along with an outline of Phase 1. He said that packet page 103 also shows the area from the appraisal and includes the property that Tlingit Haida Regional Housing Authority would like to purchase. He said that these pieces are on either side of the trunk road that CBJ built with Karl Reishus Blvd. Mr. Watt said that with respect to process questions, Mr. Moline would like to buy the property if it can be rezoned. He said there is a rezoning application in that will be heard by the Planning Committee at its meeting the next night. He said that the rezone request is to change from D-10 single family detached home to D-10 which would allow for multifamily use.

Ms. Gladziszewski said that she could see those areas but asked where Phases 2 and 3 are in relation to those maps. They called up Lands Manager Dan Bleidorn to speak to those questions.

Mr. Bleidorn said that what they are referring to are actually Phase 1b and 1c since there is not a Phase 2 or 3. He said that Phases 1b and 1c are all included within the Phase 1 mapped area.

Additional discussion took place and Mr. Bleidorn provided clarification regarding the mapped areas and how the Moline Request area was never included with any of the initial Pederson Hill development Phase 1 (a, b, or c) areas. They also had discussions about the current zoning vs. the rezoning and how the planning process with the Planning Commission happens and what the formal process is when someone requests to purchase a piece of city land. Mr. Watt answered questions from Assemblymembers on the homework that he has done with respect to Moline Investment Management's purchase request and how it compared to other development projects that the city has been involved with. He also answered what the initial intent was with respect to the Pederson Hill planning process. They proposed the D-10SF zoning for the Pederson Hill to be similar to the smaller, less expensive homes located in the Casey Shattuck areas downtown. He said that didn't actually happen as the developers who purchased the Pederson Hill lots, developed those lots with larger more expensive homes on those lots to get a better return on their investments.

Mr. Bryson asked what the consequences might be if they put this Moline requested property out for a competitive bid process and let other developers look at a potential purchase of that same property. Mr. Watt said he has no idea. He said that when CBJ took an aggressive role in land development of the Pederson Hill property, it was met with some push back from the developers. The developers didn't like the city getting into what they thought was their business. He said that there has not been much interest in the Pederson Hill property until Mr. Moline came in and said that he had an idea on how to develop this property in this particular way. He said they had an ongoing long conversation with Ms. Pata at the Tlingit Haida Housing Authority which led to their application as well. He said they have not had other developers looking at this property before.

Ms. Hale asked to make a statement rather than asking a question at this time. She said that right now, they are looking at the Moline request but they will also be looking at the Tlingit Haida request shortly, the goal of which

would be to provide housing for lower income tribal members but also moderate priced housing to be opened up to all Juneauites. She said that really the idea is talking about more mixed housing. She said that as they are looking at the housing crisis in Juneau, she appreciates the comments made by the gentleman who testified earlier about housing in the 1980s and how housing crises come and go but are ever present in some form. She said that what she is hoping the Assembly can do in the next year is to find ways to make this conversation be part of their overall conversation much more frequently because until they do, they will not be able to solve the housing crisis in Juneau. She said she lives in the valley in a huge swath of single family homes and it is so wasteful of land, she has 1/3 of an acre with a duplex on it. She said that working within the process, how can the process be kicked loose and they don't just come down to "not in my neighborhood" conversations and not just one off conversations about one or two requests but much bigger, community wide conversations and finding solutions.

Mr. Smith asked if there were other areas of town that might work for this proposal. Mr. Watt said that there are not a lot of buildable city parcels that would fit this. He did mention the parcels in the Renninger subdivision but that developers have also indicated that they don't care for the soils and trying to build in that area. He said they did suggest that area to Mr. Moline and Mr. Moline indicated that the land adjacent to the Pederson Hill area was the only land that he was interested in for this development proposal.

Mr. Smith asked Mr. Watt when the Assembly would see this next. Mr. Watt said that if the Assembly passes a motion to allow the manager to negotiate this request with Mr. Moline and if the Planning Commission passes a recommendation for a zone change, Mr. Watt would anticipate that the Assembly may wish to have a worksession during which they can ask Mr. Moline questions related to the development proposal, how the tax credits would work and what the development might look like. Mr. Watt said that for Mr. Moline, there are two questions he wants to know the answers to before he sinks money into developing the property: 1) is the city interested in negotiating with him, and 2) is the Planning Commission going to support a zone change. Mr. Watt said that if the answer to either of those is no, then Mr. Moline will know that he is wasting his time in trying to pursue this further. If those two things are yes, he would likely be spending some money to further develop the idea and engage with the Assembly in an informational session.

Mayor Weldon asked if, during staff conversations with Mr. Moline, he indicated that he was going to do the whole thing as multifamily 60% AMI or if they would be doing a mix like what Ms. Hale spoke about. Mr. Bleidorn said that at the Lands Committee, when this was discussed, originally it was discussed as being 60% AMI. After discussion at the Lands Committee, the motion that was made was to allow for transition from single-family to multi-family and the applicant said he was interested in working the US Coast Guard on developing units for them as well.

Mayor Weldon said that she discussed this with Mr. Watt and she is under the impression that there is no way that the Assembly can put conditions on the land sale such that if the developer doesn't develop the property within a certain timeframe that it would revert back to the city. Mr. Bleidorn said that we do have some ability to put in certain conditions with sales agreements but for this instance, the developer will be required to follow the federal regulations related to the tax credits that imposes certain timelines as well.

Ms. Gladyszewski said that the Assembly has lots of questions about this and likely the next one as well that would be ripe for discussion in a worksession but they went forward with asking those questions at this meeting. She said that the Assembly is constantly under pressure to sell city land. She said that this and other properties are on the market and anyone could have walked up to the city and said they want to purchase land x, y, or z.

Assembly Action

MOTION by Ms. Gladyszewski to direct the Manager to work with Moline Investment Management to negotiate for the sale of this land as the original proposer in accordance with City Code 53.09.260 and asked for unanimous consent.

Objection by Mayor Weldon. Mayor Weldon said that her objection is that this was never open market land and that he walked around and found a piece he was interested in before making his proposal. She said that she would rather see it opened up and see it offered up to the highest bidder before they negotiate with one entity.

ROLL CALL VOTE ON MOTION TO NEGOTIATE WITH THE ORIGINAL PROPOSER

Yeas: Ms. Gladyszewski, Ms. Woll, Mr. Smith, Ms. Hughes-Skandijs, Ms. Hale, and Mr. Bryson

Nays: Mayor Weldon

Motion carried, Six (6) Yeas, One (1) Nay.

29. Tlingit Haida Regional Housing Authority Request to Acquire City Property Located at Pederson Hill for Less Than Fair Market Value

In August 2022, the City Manager received an application from Tlingit Haida (T&H) Regional Housing Authority (Housing Authority) to acquire City property for less than fair market value. The Housing Authority requests that the Assembly consider the less than fair market value disposal of City property for the public purpose of developing City property to provide housing for “low-income tribal citizens” and “moderate income Juneau residents” under CBJ code section 53.09.270. The property being requested is an 11.5 acre property that is commonly known as the future Phase 1B and 1C of the Pederson Hill Subdivision.

The LHED Committee reviewed this application at the August 29, 2022 meeting and provided a motion and forwarded it to both the Committee of the Whole and the Full Assembly in accordance with CBJ code section 53.09.270 – Disposals for Public Use.

The Manager recommends the Assembly pass a motion of support to work with the Housing Authority towards the disposal of City property in accordance with CBJ code section 53.09.270.

Ms. Gladyszewski said she has a lot of questions about this. She spoke to the Affordable Housing Fund process and this is a one off and this would give away city land and she has a lot of questions before they take action on this.

Assembly Action

MOTION by Ms. Gladyszewski to refer this request to the Assembly Committee of the Whole.

Objection by Ms. Hale. She said that one of the reasons the Lands Committee referred this simultaneously to the Assembly and the COW is that the question about giving the land away free, the Lands Committee didn’t say they should do that, they said this needs to go to the COW to figure out if that makes sense and how to go about doing it. She asked if the Manager or Mr. Bleidorn can talk about the process that has happened so far. Tlingit Haida has looked at this and she said that they have not been able to see how this would pencil out without the land being essentially free but there may be more considerations that need to be taken into account. She asked if Mr. Bleidorn can give them some of the background information.

Mr. Bleidorn said that during their conversations, they looked at the housing fund as a potential source but then they were asking if it seemed appropriate for T&H to apply for funds from the Affordable Housing Fund in order to purchase city land. That was why they moved forward in this manner with the letter as contained in the packet. He noted that staff did not yet have authority to enter into negotiations at this time or to discuss their application in great detail so a motion at this meeting would open that door for staff to continue to have discussion with T&H. He said that he believes this topic is also on the schedule for the September 26 COW as well. He said that a motion at this meeting would not necessarily lead to the disposal of the city property but rather, it leads to staff working with T&H to try to negotiate some initial terms and conditions that can be brought forward to the COW.

Ms. Hughes-Skandijs said she would prefer to pass a motion at this meeting to allow staff to negotiate land disposal with T&H so that they are not slowing things down and then have more of a discussion at the COW. She said that whenever there is disposal of CBJ land, it is always a multistep process and she would like to start that process, have the discussions in the COW, and keep the ball rolling.

Ms. Woll said she was in agreement with Ms. Hughes-Skandijs on her points. Ms. Woll said when she was listening to the discussion during the Lands Committee meeting she said that it sounded like Tlingit & Haida was pursuing other avenues for funding and that action tonight would signal to them and their potential funders that they are making forward progress on this issue.

Ms. Gladziszewski said that the Affordable Housing Fund was set up just for this sort of process and it was just opened. She said the committee was set up to make those processes happen in a formal process with experts in that field rather than these types of requests coming directly to the Assembly.

Additional discussion took place regarding the housing crisis within the community, and how this process has come about to this point so far. Ms. Hale asked the Manager to speak to why this proposal came to them in this manner and not through the Affordable Housing Fund. Mr. Watt explained that most applicants to the Affordable Housing Fund have control of the property they are applying for before submitting an application. The answer of whether or not they can even work on the property is the first step. He also noted that as a non-profit organization, it is reasonable that they might ask the Assembly to provide it to them at less than fair market value.

Mr. Watt and Mr. Bleidorn then answered questions from Assemblymembers about the processes involved with land disposal and negotiated land sales.

Mayor Weldon said that she discussed the project with Ms. Pata earlier in the day and Mayor Weldon expressed her reluctance to give T&H the land for free. She said that she asked Ms. Pata if they were to sell the land to them for \$100,000 and then designate that \$100,000 as funding for a park in that area if that would be something they would consider. She said that Ms. Pata agreed that they would be willing to look at that possibility. Mayor Weldon asked staff if a motion tonight would commit CBJ into giving them the land for free or if there was room for negotiation.

Mr. Bleidorn said that staff has not had the authority to negotiate with them yet so they have not yet had those conversations. He said that the application did not state that they wanted the land for free but rather that they were requesting to obtain the land for less than fair market value. He said that after the fact, they said that free would work. He said that he did have a good conversation with the Parks and Recreation Director about the area in Phase 1B that is supposed to be a neighborhood park and they had a similar conversation to the one that Mayor Weldon described with Ms. Pata. Mr. Watt said that he found the code section they were discussing and it states that sale of city property for less than fair market value has to be done by ordinance so the Assembly will have an opportunity to discuss this at the COW prior to an ordinance being ready for introduction.

Ms. Hale said that during the discussions at the Lands Committee about the appraised value of this property, no one was interested in purchasing it at fair market value due to the difficulty of building on it.

ROLL CALL VOTE ON MOTION TO MOVE THIS TO THE C.O.W.

Yeas: Ms. Gladziszewski,

Nays: Ms. Woll, Mr. Smith, Ms. Hughes-Skandijs, Ms. Hale, and Mr. Bryson, Mayor Weldon

Motion failed, One (1) Yea, Six (6) Nays.

MOTION by Ms. Hughes-Skandijs to direct the Manager to work with Tlingit & Haida Regional Housing Authority towards the disposal of CBJ land in accordance with City Code 53.09.270 and asked for unanimous consent.

Objection by Ms. Gladziszewski.

ROLL CALL VOTE ON MOTION TO NEGOTIATE WITH TLINGIT & HAIDA ON THE LAND DISPOSAL

Yeas: Ms. Woll, Mr. Smith, Ms. Hughes-Skandijs, Ms. Hale, Mr. Bryson and Mayor Weldon

Nays: Ms. Gladziszewski

Motion carried, Six (6) Yeas, One (1) Nay.

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

There are four 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.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski that the City Assessor accept the appeals and put it in the docket for consideration for: Young Shimabakuro, Ignacio Toribio, Everett Boster and Luis Alfredo Aguirre and asked for unanimous consent.

Hearing no objections, the motion passed by unanimous consent.

10. Bid Award for BRH CT/MRI Upgrades

This project consists of the work required to facilitate the replacement of three medical imaging modalities including two CT scanners and one MRI.

Bids were opened for this project on August 17, 2022. The bid protest period expired at 4:30 p.m. on August 18, 2022. Results of the bid opening are in the bid letter included on page 35 of this packet.

The City Manager recommends award of this project to Cornerstone General Contractors, Inc. for the total amount bid of \$2,329,698.

This item was REMOVED From Consent Agenda and taken up during NEW BUSINESS per Manager's Request.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Bryson to award the BRH CT/MRI upgrades to Cornerstone General Contractors, Inc. for the bid amount of \$2,329,698 and asked for unanimous consent.

Hearing no objection, the motion carried by unanimous consent.

11. Bid Award for JNU Access Road/Float Pond Improvements

The base bid consists of revetment of the armored slopes along the Float Plane Pond at Juneau International Airport, resurfacing of the seaplane base access road and replacement of gangway abutments including varying quantities of mobilization, and related work. Additive Alternate A generally consists of the installation of Hot Mix Asphalt Pavement on a portion of the Seaplane Base Access Road. Additive Alternate B work generally consists of the installation of Hot Mix Asphalt Pavement on a portion of the Seaplane Base Access Road and the raising and resetting of existing gangways and gangway abutments.

Bids were opened for this project on August 17, 2022. The bid protest period expired at 4:30 p.m. on August 18, 2022. The Airport Board approved recommendation to award on August 18, 2022. Results of the bid opening can be found on the bid letter on page 36 of this packet

The City Manager recommends award of this project to SECON for the total bid amount of \$2,272,463.

This item was REMOVED From Consent Agenda and taken up during NEW BUSINESS per Manager's Request.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hughes-Skandijs to award of the JNU Access Road/Float Pond Improvements to SECON for the bid amount of \$2,272,463 and asked for unanimous consent.

Hearing no objection, the motion carried by unanimous consent.

Q. STAFF REPORTS

Mr. Watt thanked Mr. Coleman (Airport) and Mr. Ramsey (BRH) for sticking around for their items to be taken up at the end of the agenda.

R. ASSEMBLY REPORTS

Mayor's Report

Mayor Weldon reported that she enjoyed attending the Alaska Municipal League meetings, another round of COVID, and a trip to Minnesota. She said that she got to celebrate Jim Wilcox's 85th birthday and see his museum. She said she was able to go to the dedication of the Salmon Creek dam and then attended the 9/11 commemoration ceremony with Ms. Hughes-Skandijs.

Committee & Liaison Reports; Assembly Comments & Questions

Committee of Whole (COW) Chair Gladyszewski reported that they met with the Planning Commission and the next COW meeting is scheduled for September 26.

Lands, Housing, and Economic Development (LHED) Chair Hale reported that they met on August 29 and discussed those things that were discussed at tonight's meeting. She said they also discussed a lease ordinance for Telephone Hill and that will be coming to the Assembly in the future.

Public Works and Facilities Committee (PWFC) Chair Bryson reported that they did not hold a meeting last month and the next PWFC meeting was scheduled for September 26.

Human Resources Committee (HRC) Chair Hughes-Skandijs reported that the HRC met earlier that evening and forwarded the following names for appointments to boards/commissions:

Youth Activities Board: Bonita Nelson and Summer Christiansen for terms beginning immediately and expiring August 31, 2025.

Treadwell Arena Advisory Board: Jamie Troxel for a seat beginning immediately and expiring May 31, 2025.

Hearing no objections, those appointments were confirmed.

Ms. Hughes-Skandijs also reported that the HRC also discussed the process for applications/interviews of the Systemic Racism Review Committee (SRRC) and Ms. Woll will be following up with the SRRC on that and reporting back to the HRC.

Mr. Bryson reported that the Airport Board met last week and that flooding has been an issue and they determined that the city is not liable. In speaking about parking, they said that they wanted to have EV charging spots available.

Ms. Hughes-Skandijs said that she also attended AML in Sitka and also received her first case of COVID. She attended the 9/11 commemoration ceremony as well. She said that she went to Anchorage and attended the Infrastructure Symposium that was led by Senator Lisa Murkowski in partnership with AML and AFN. She said that she was happy to also see Director Koester attending that same symposium.

Ms. Hughes-Skandijs reported that the Parks & Recreation Advisory Committee (PRAC), Planning Commission, and the Juneau Commission on Aging (JCOA) all met. She said that JCOA is still working towards Juneau being recognized as an age friendly community listing.

Ms. Hale reported that Chamber Housing Task Force is scheduling a meeting to have a discussion about the joint meeting that the Assembly held with the Planning Commission. They have also put out the request for input on the tax abatement for apartment/housing projects. Ms. Hale commented to Mr. Bryson that in relation to the Airport EV charging discussion, she hopes they are aware of the parking/EV charging station study that Director Koester is currently working on.

Ms. Woll reported on a number of topics that the Docks & Harbors Board will be bringing forward to the Assembly. UAS has determined that they do not want to sell the property between Aurora and Harris Harbors to the city and rather they wish to lease it to CBJ. D&H Board is beginning the process of evaluating its options. She also mentioned the email the Assembly received from Hansen-Gress about property disposal of the piece of property that overlaps with their property. D&H is working with Goldbelt on a small cruise ship dock at the Seadrome building. That may involve some of the land swap to line up with those parcels. She said that they also discussed a number of regulations that will be coming before the Assembly in the near future. She noted that one of those regulation changes pertaining to the prohibition of short term rentals (STRs - leases under 6 months) in the harbors and wanted to be sure the Assembly was aware of that since the Assembly has been discussing STRs.

Ms. Woll reported on the discussion and concerns raised by the Systemic Racism Review Committee about the Aquatics Board membership ordinance and that lowering their membership numbers lowers the opportunity for more diverse community representation. She said that ultimately, this one thing doesn't fix the problem but it did raise the issue that tackling specific ordinances may not be the best approach to trying to tackle systemic racism. She said they will be discussing possible recommendations on how they may reform their scope to better tackle systemic racism.

Mayor Weldon thanked Ms. Woll and said that it sounds like they may be looking at holding a joint meeting with the Docks & Harbors Board in the future.

Mr. Smith reported that he met with the UAS Campus Council earlier that day and that enrollment is as predicted which is 1% down but they are hoping to see if they can get it back to flat or slightly up. He said that masks are no longer required at UAS classes. He reported that the Eaglecrest Board met earlier but he was not able to attend. He said that he did attend their planning committee meeting where they discussed some of the logistics related to the gondola installation. He said that discussions/negotiations with Goldbelt are still continuing and that the Manager may be able to provide more information. He said that the Eaglecrest Board will be holding a retreat on October 1. Mr. Smith said he is looking forward to attending Southeast Conference starting tomorrow for a few days.

Ms. Gladyszewski said that she too went to AML and got her first case of COVID but that the meeting was good other than that. She said that she went to the 9/11 memorial and was honored to lay the wreath.

Presiding Officer Reports – None.

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

U. EXECUTIVE SESSION

31. Assembly Salary Compensation Subcommittee Recommendation re: City Manager & City Attorney Compensation (Verbal Report)

MOTION by Ms. Gladyszewski for the Assembly to enter into Executive Session to discuss subjects that could tend to prejudice the reputation or character of any person, specifically to discuss the City Manager and City Attorney compensation. *Hearing no objection, the Assembly entered into Executive Session at 9:15p.m.*

MOTION by Mr. Bryson for the Assembly to exit Executive Session at 9:47p.m.
Mr. Bryson explained that during the Executive Session, the Assembly Salary Compensation Subcommittee provided a report to the Assembly with recommendations for City Manager and City Attorney compensation.

MOTION by Mr. Bryson for the Assembly to approve the following compensation for the City Manager:
Retroactive to July 4, 2022, Mr. Watt’s annual salary shall be \$213,973.79.
Effective on the first full pay period of Fiscal Year 2024, Mr. Watt’s annual salary shall be \$223,054.84.
Hearing no objection, that motion passed by unanimous consent.

MOTION by Mr. Bryson for the Assembly to approve the following compensation for the City Attorney:
Retroactive to July 4, 2022, Mr. Palmer’s annual salary shall be \$192,022.29.
Effective on the first full pay period of Fiscal Year 2024, Mr. Palmer’s annual salary shall be \$200,171.71.
Effective on the first full pay period of Fiscal Year 2025, Mr. Palmer’s annual salary shall be \$208,667.00.
Additionally, in recognition of Mr. Palmer’s outstanding performance, Mr. Palmer is hereby granted advanced leave accrual rate of the 10-year leave accrual rate, effective the pay period starting July 4, 2022.
Hearing no objection, that motion passed by unanimous consent

XIV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 9:49p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

Presented by: The Manager
Presented: 02/27/2023
Drafted by: B. Brown

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-02

An Ordinance Amending the Assessing Standards for the City and Borough of Juneau.

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

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

Section 2. Amendment of Section. CBJ Code 15.05.020 Assessment of property, is amended to read:

15.05.020 Assessment of property.

All taxable property in the City and Borough shall be assessed ~~uniformly within classifications~~ and at its full and true value in money as of January 1 of the assessment year. Assessment at full and true value will be informed by knowledge of the local real estate market. To the extent practicable given the unique characteristics and prevailing circumstances in the City and Borough, the assessment at full and true value will be based on and reflect the Technical Standards of the Alaska Association of Assessing Officers (AAAO) and the International Association of Assessing Officers (IAAO).

State law reference—AS 29.45.110 Full and true value.

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

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-09

An Ordinance Authorizing the Manager to Lease a 1.50 Acre Parcel of Land near 100520 Crazy Horse Drive at a Reduced Rate to Provide for the Southeast Alaska Food Bank Food Warehouse Expansion.

WHEREAS, the Southeast Alaska Food Bank (“Food Bank”), a non-profit organization, provides a food distribution system for service groups assisting the needy and homeless throughout Southeast Alaska; and

WHEREAS, the Food Bank has been operating on City and Borough of Juneau property at the same location under an existing lease since 2005, and expanded its leased area from .25 acres to .50 acres in 2015; and

WHEREAS, the Food Bank requests to lease an additional 1.0 acre for the purpose of increasing its food storage capacity and to help make it more sustainable for the future by building a new warehouse;

WHEREAS, the Food Bank will be responsible for obtaining all the necessary permits including those needed for filling any wetlands at this location; and

WHEREAS, CBJ 53.09.270(b) authorizes the lease of City and Borough of Juneau land “to a private, nonprofit corporation at less than the market value provided the disposal is approved by the assembly by ordinance, and the interest in land or resource is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service...”; and

WHEREAS, the Manager has determined that the annual market value for the entire 1.5 acres is \$1,600 per month of which \$800 is for the additional 1.0 acre; and

WHEREAS, the Lands Committee, at its meeting on January 17, 2023, passed a motion of support for the proposed lease to Southeast Alaska Food Bank.

1
2
3 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
4 ALASKA:

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

6 **Section 2. Authorization.** The Manager is authorized to lease a fraction of U.S.
7 Survey 1041, comprising 1.50 acre, more or less, to Southeast Alaska Food Bank. The final
8 lease shall be subject to the following essential terms and conditions:

9 (A) Term. The lease term shall be for a period of ten years, but may be terminated by
10 the CBJ if, for any period or periods totaling more than 18 months, the property is not used for
11 the authorized purpose, or as otherwise authorized by the lease agreement.

12 (B) Renewal Options. The lease term shall be renewable for two additional ten-year
13 terms. If the lease is terminated prior to the complete lease term, a new ordinance is required
14 to lease the property.

15 (C) Adjustment of Rental. The rent shall not be adjusted during the lease term unless
16 authorized by ordinance.

17 (D) Use of Premises. The leased premises shall be solely used for a non-profit food
18 warehouse to serve the needy and homeless.

19 (E) Hold Harmless. The lease agreement shall provide that Southeast Alaska Food
20 Bank indemnify, defend and hold harmless the City and Borough of Juneau, its officers,
21 volunteers, and employees for any claim related to or arising out of Southeast Alaska Food
22 Bank's use, operation, or maintenance of the leased premises.

23 (F) Rent. Pursuant to CBJ 53.09.270(b), rent shall be \$1.00 per year for the entire 1.50
24 acres, an amount less than the fair market value. The Assembly finds that the proposed use is
25 for the purpose of providing a service to the public which is supplemental to a governmental
service or is in lieu of a service which could or should reasonably be provided by the State or the
City and Borough.

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

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

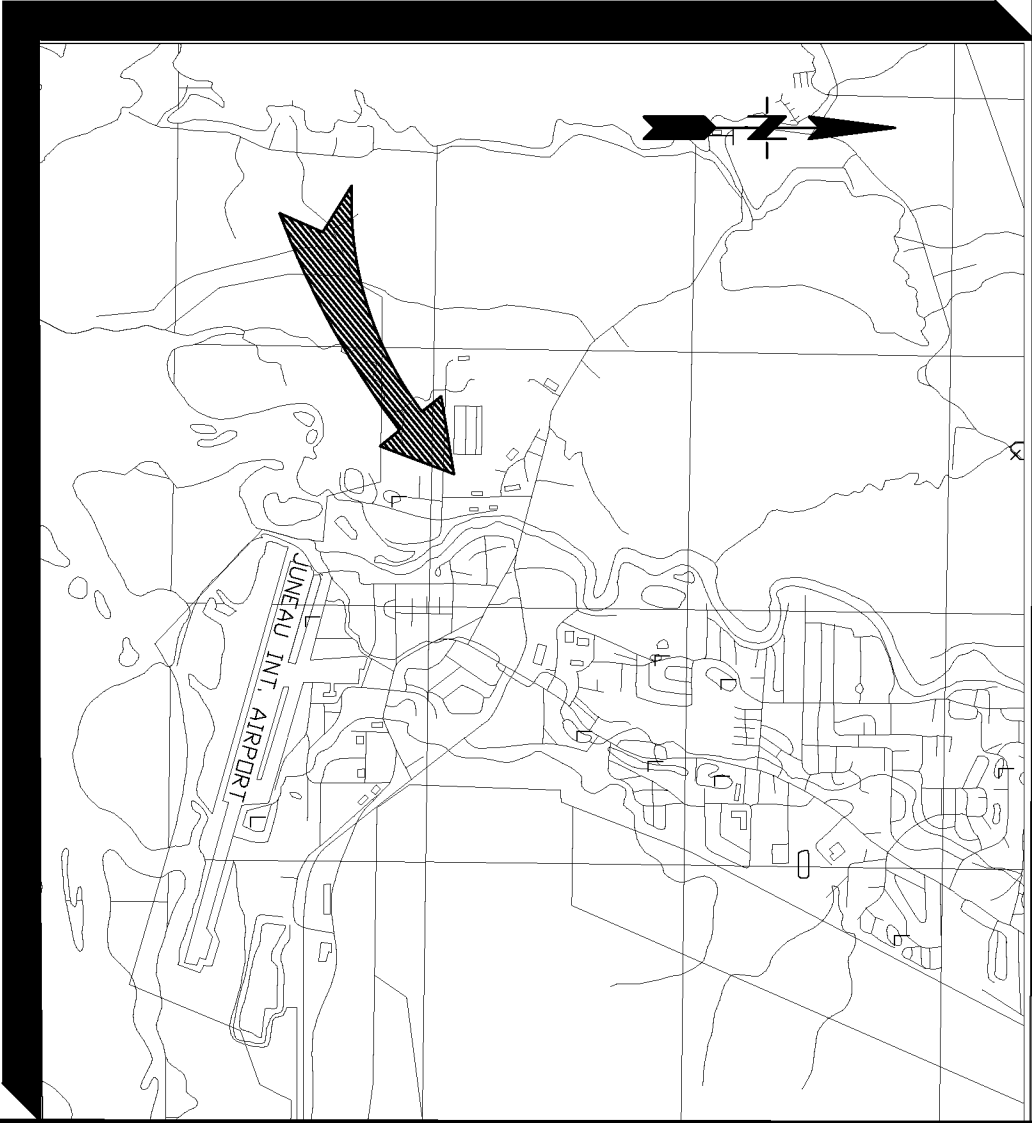
Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Exhibit A - Ordinance No. 2023-09



VICINITY MAP

LEGEND

- PRIMARY MONUMENT (FROM PREVIOUS SITE PLANS)
- SECONDARY MONUMENT (FROM PREVIOUS SITE PLANS)
- SECONDARY MONUMENT (SET)
- RECORDED DATA (PER DDWL 2015)
- RECORDED DATA (PER ACUTEK 2019)
- MEASURED DATA
- COMPUTED DATA

NOTES

- THE PURPOSE OF THIS DRAWING IS TO ESTABLISH A NEW LEASE BOUNDARY WITHIN A FRACTION OF US SURVEY 1041 AS SHOWN (LEASE LOT C). NO FIELD SURVEY WAS CONDUCTED IN CONJUNCTION WITH THIS DRAWING.
- RECORD INFORMATION IS BASED ON "SITE PLANS" PROVIDED BY CBJ LANDS AND RESOURCES. LEASE LOTS 'A' & 'B' CONDUCTED BY DDWL IN 2015, AND LEASE "AK 11 MILE" CONDUCTED BY ACUTEK GEOMATICS LLC IN 2019.
- DIMENSIONS OF LEASE LOT 'C' WERE CALCULATED USING "SITE PLANS" PROVIDED BY S.A.F.D. AND CBJ. MONUMENTATION AND DIMENSIONS SHOULD BE VERIFIED BY FIELD OBSERVATION BEFORE MONUMENTING THE NEW LEASE LOT 'C'.



SHEERWOOD ESTATES

LOT 4, BLOCK D

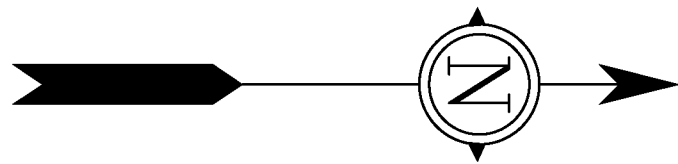


LOT 1

GURTIIS AVENUE

U.S.S. 1041

U.S.S. 1041



NORTH 57

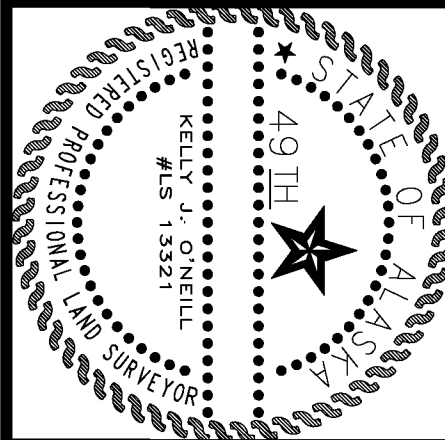
LAND SURVEYING LLC

6907 747-6700 215-F SMITH STREET, SITKA, AK
8800 GLACIER HWY., SUITE 224 1/2, JUNEAU, AK 99801

MAILING ADDRESS - 2007 CASCADE CREEK ROAD, SITKA, AK 99835

EMAIL: nor57landsurveying@alboac.com

BY	DATE	REV	
RECORD OF REVISIONS			



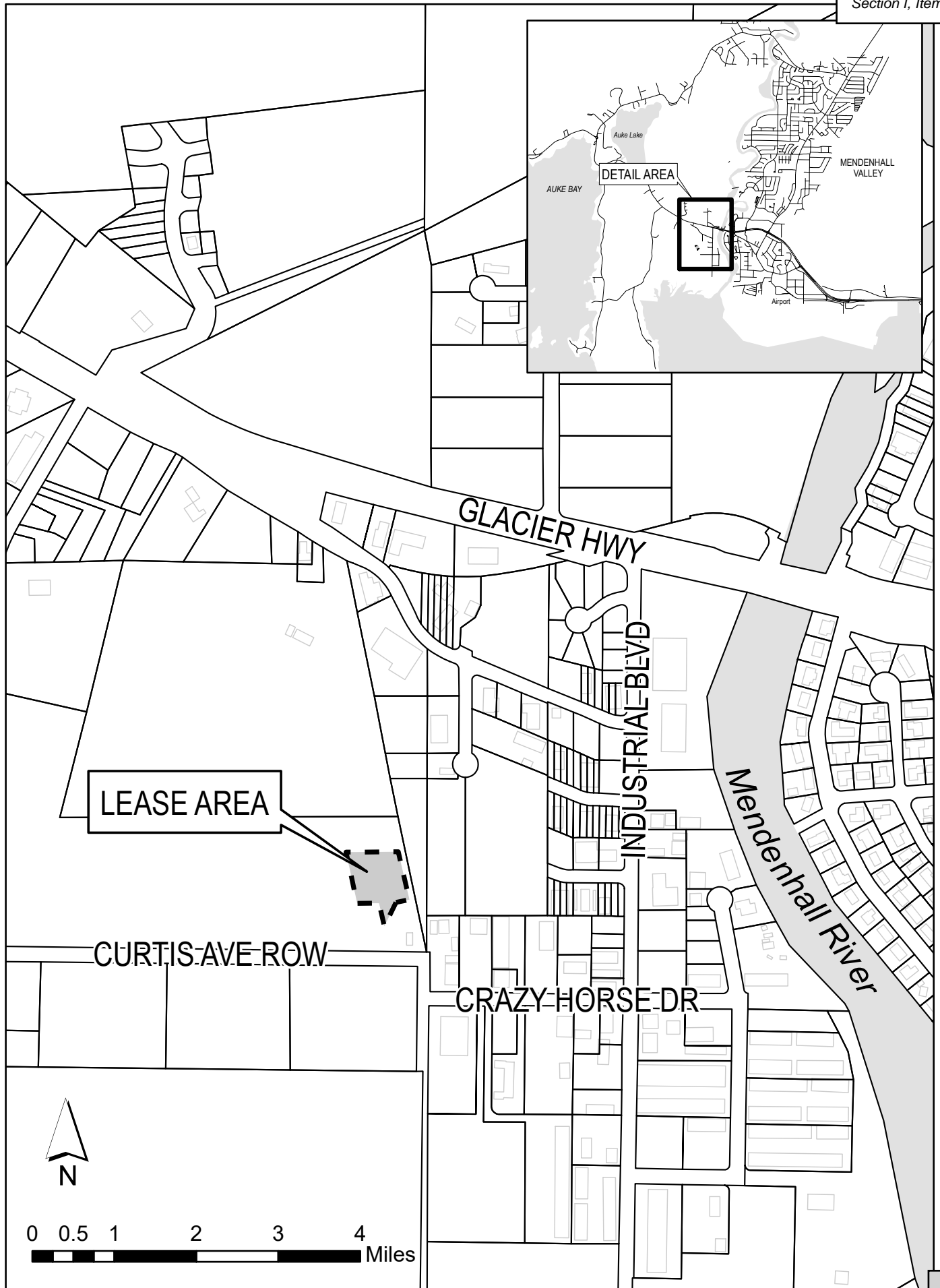
DRAWN: SJ/ACAD
CHECKED: KD
DATE OF PLAT: OCTOBER 19, 2022
SCALE: 1" = 30'
DRAWING NAME: 40412-01
PROJECT NO: 40423-01-00

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN DEC. 2022 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____

LEASE BOUNDARY
LEASE LOT 'C'
FR. U.S. SURVEY NO. 1041 (J.R.D.)
JUNEAU, AK 99801



Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-10

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau, Block 75, Lot A; Juneau Support Lot A, and USS 3566, Lot 3 Fraction and 2A Fraction; from Mixed Use 2 (MU2) to Mixed Use (MU).

WHEREAS, the area of the proposed rezone to Mixed Use zoning, located in the southeast section of the Aak'w Kwan District, is currently zoned as MU2; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Traditional Town Center and Capital Complex; and

WHEREAS, the proposed rezone conforms to the Traditional Town Center and Capital Complex designations; and

WHEREAS, the proposed rezone has been determined compatible with nearby MU and MU2 lots; and

WHEREAS, the proposed rezone provides for mixed-use high density residential and commercial development.

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 to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of:

Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau,

1
2 Block 75, Lot A; Juneau Subport Lot A, and USS 3566, Lot 3 Fraction and 2A
3 Fraction, Juneau Recording District, and located on or near the Willoughby District,
4 from Mixed Use 2 (MU2) to Mixed Use (MU).

5 The described rezone is shown on the attached Exhibit "A" illustrating the area of the
6 proposed zone change.

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

8 Adopted this _____ day of _____, 2023.

9
10 _____
Beth A. Weldon, Mayor

11 Attest:

12 _____
13 Elizabeth J. McEwen, Municipal Clerk
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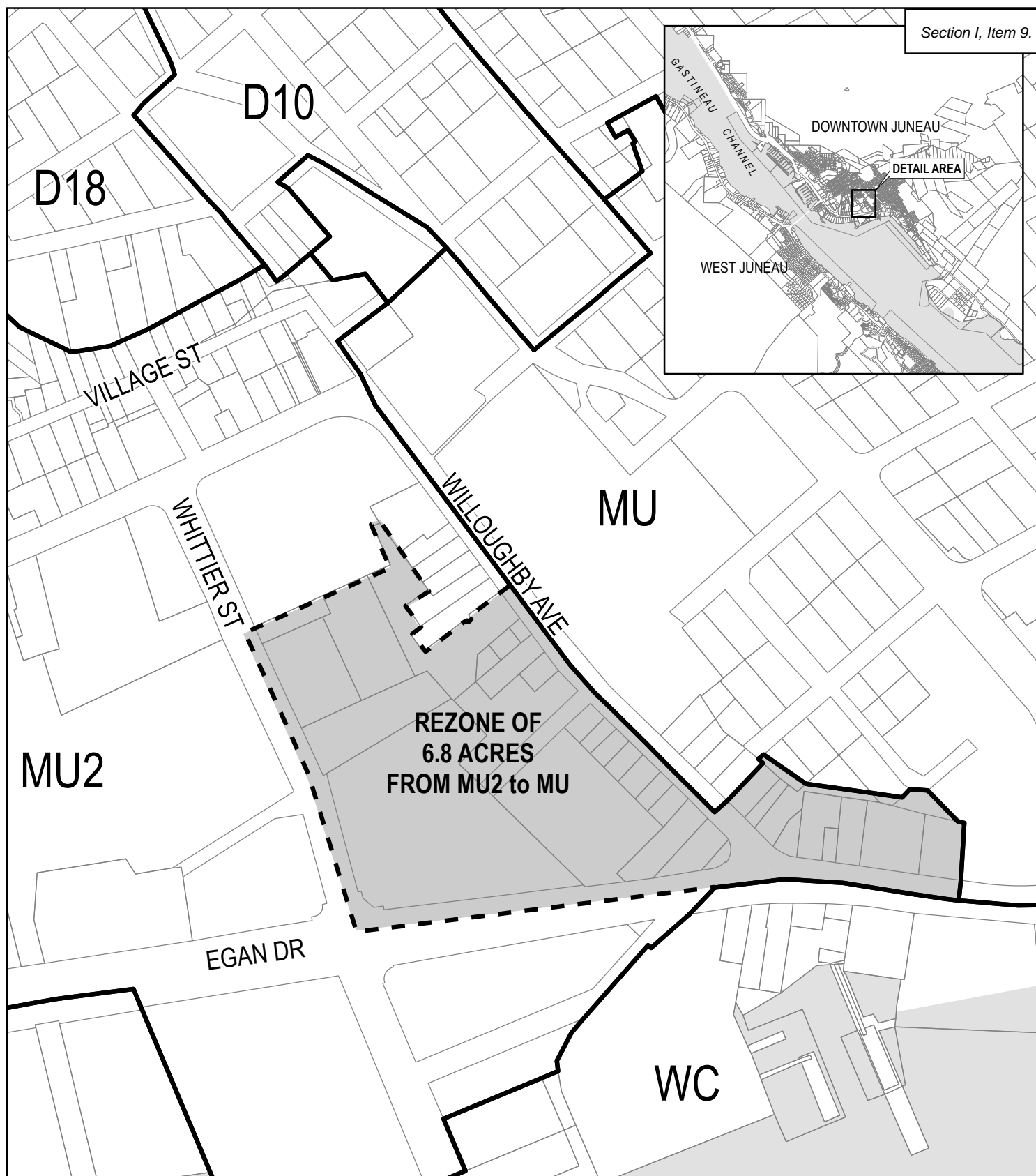


Exhibit A - Ordinance No. 2023-10
 Zone Change for
 portions of the Aak'w Kwaan District
 from MU2 to MU

CDD Case: AME20220008

0 125 250
 Feet



Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-11

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tideland Addition to the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, from Mixed Use 2 (MU2) to Mixed Use (MU).

WHEREAS, the area of the proposed rezone to Mixed Use zoning, located in the northeast section of the Aak’w Kwan District, is currently zoned as MU2; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Traditional Town Center and Capital Complex; and

WHEREAS, the proposed rezone conforms to the Traditional Town Center and Capital Complex designations; and

WHEREAS, the proposed rezone has been determined compatible with nearby MU and MU2 lots; and

WHEREAS, the proposed rezone provides for mixed-use high density residential and commercial development.

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 to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of:

Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tideland Addition to the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, Juneau Recording District, and located on or near the Willoughby District, from Mixed Use 2 (MU2) to Mixed Use (MU).

The described rezone is shown on the attached Exhibit “A” illustrating the area of the proposed zone change.

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

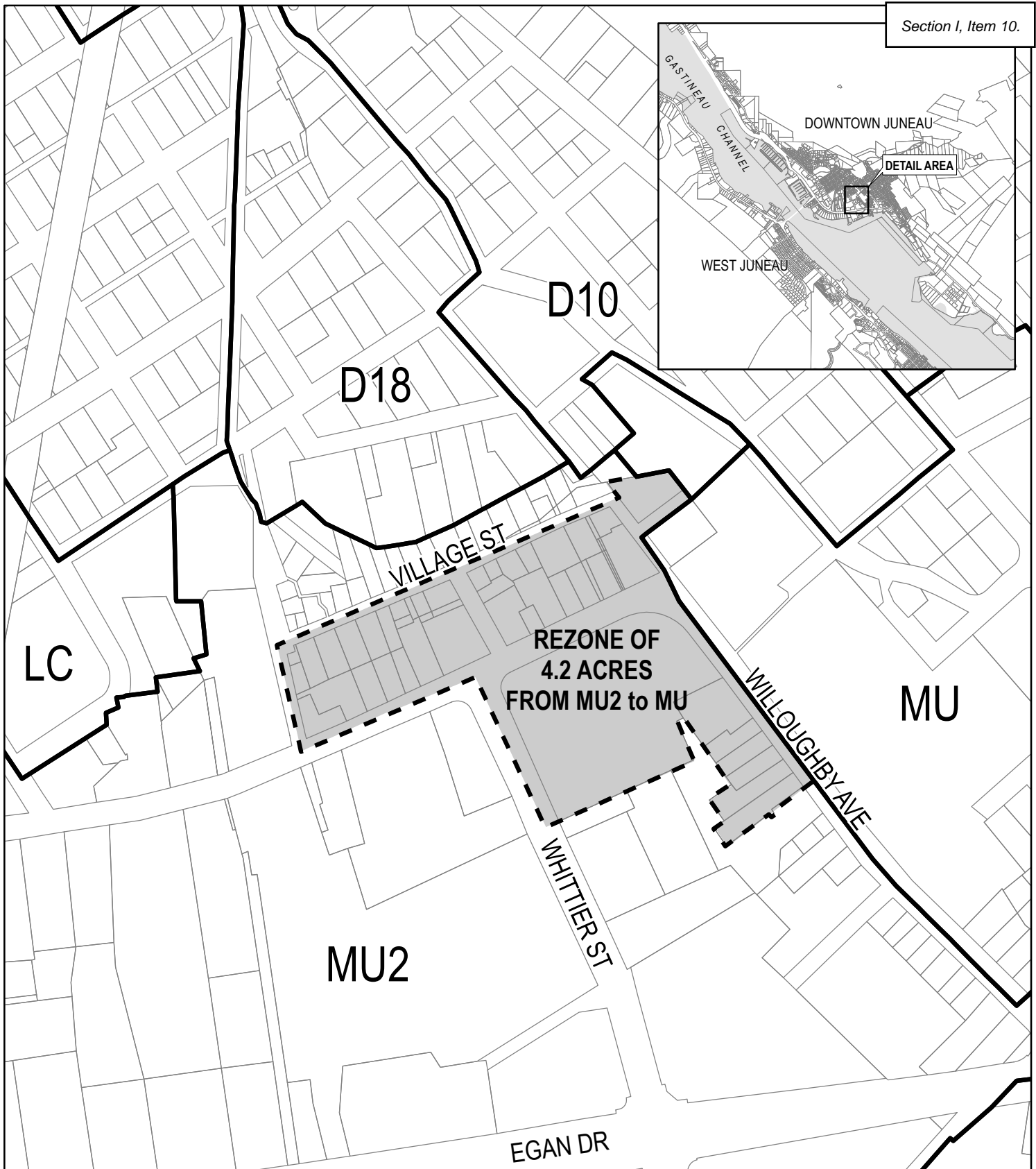


Exhibit A - Ordinance No. 2023-11
Zone Change for
portions of the Aak'w Kwaan District
from MU2 to MU

CDD Case: AME20220006

0 125 250
Feet



Presented by: The Manager
Presented: 02/27/2023
Drafted by: B. Brown

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$1,200,000 to the Manager for a Loan for the Ridgeview Subdivision Project; Funding Provided by the Affordable Housing Fund.

WHEREAS, during the 2022 Juneau Affordable Housing Fund solicitation, the City and Borough of Juneau received a proposal from a private development group for a construction loan of \$1,200,000 for 24 apartment units in a multifamily building configuration in the midtown area of Juneau near Juneau International Airport; and

WHEREAS, the scoring team (including a banker and a developer) supported a loan to the private development group with the condition that the loan was collateralized; and

WHEREAS, the developers, Rooftop Properties, LLC, and Glacier Heights, LLC, have proposed that the City and Borough accept real property as collateral for the loan, which property is all or a portion of the land with a street address of 7400 Glacier Highway, a legal description of USS 1568 TRB1, with a total size of 19.71 acres that is zoned D18; and

WHEREAS, Rooftop Properties, LLC, and Glacier Heights, LLC, have secured an appraisal of the Ridgeview Subdivision Project which indicates that project is financially feasible given the housing market situation in Juneau and the Southeast Alaska economy; and

WHEREAS, given the high demand for housing and the potential benefits for the community if the Ridgeview Subdivision Project is fully developed, the following appropriation terms and conditions are in the best interest of the community.

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 \$1,200,000 for a loan to the Ridgeview Subdivision Project.

Section 3. Source of Funds.

Juneau Affordable Housing Fund	\$1,200,000
--------------------------------	-------------

Section 4. Loan Purpose and Terms. The Manager is authorized to negotiate a loan contract with Rooftop Properties, LLC, and Glacier Heights, LLC, with the following essential terms, in addition to other reasonable contractual and financing provisions deemed necessary by the Manager to protect the City and Borough:

(a) Intent. Housing, especially workforce housing in the midtown area of Juneau near Juneau International Airport, is in high demand. The purpose of this loan is to provide capital in the form of a construction loan, secured by a deed of trust, to help encourage and facilitate the development of 24 housing units that include workforce housing.

(b) Borrower. The Developer and Borrower are Rooftop Properties, LLC, and Glacier Heights, LLC, represented by Garrett Johnson, who is a Manager of both these Limited Liability Companies.

(c) Real Property (“Property”). This appropriation is for 24-unit apartment building on a portion of the following real property:

USS 1568 TRB1.

(d) Loan Amount. A construction loan of \$1,200,000 shall be made to Rooftop Properties, LLC, or Glacier Heights, LLC, in a single disbursement.

(e) Payment Term. Rooftop Properties, LLC, or Glacier Heights, LLC, shall pay CBJ monthly once repayment of the loan commences. Monthly payments shall begin on the first business day of the 120th month after the date that Rooftop Properties, LLC, or Glacier Heights, LLC, receives a Certificate of Occupancy and reserves a minimum of five units of the 24 units constructed for Fair Market Workforce Housing, which will result in full repayment of \$1,200,000 in a period no longer than 25 years from the commencement of repayment.

(f) Fair Market Workforce Housing. Rooftop Properties, LLC, shall reserve at least five of the 24 units for housing to be rented to persons whose incomes are less than 80% of the Area Medium Income for the life of the loan; failure to maintain this condition at any time until the loan has been repaid in full will result in the remaining balance become due and payable immediately at the time this condition ceases to be met.

(g) Interest Rate and Calculation. The loan authorized by the ordinance will be at zero *per cent* (0%) *per annum*.

(h) Security. In exchange for the City and Borough providing the loan, Rooftop Properties, LLC, and/or Glacier Heights, LLC, will agree and grant authority to the City and Borough to secure the loan with a deed of trust conveying the real property. Rooftop Properties, LLC, and/or Glacier Heights, LLC, and the City and Borough may renegotiate the terms of the property which provides security for the loan over the life of the loan. Rooftop Properties, LLC, and/or Glacier Heights, LLC further agrees to authorize the City and Borough to secure the loan with liens on any materials purchased with the loaned money; the City and Borough will release the materials liens either upon Rooftop Properties, LLC, and/or Glacier Heights, LLC, completing repayment or upon the permanently installing the materials onto or into the property.

1
2 (i) **Additional Loan Terms.** The Manager may add additional terms consistent with the
3 intent of this ordinance.

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

5 Adopted this _____ day of _____ 2023.

6
7
8 _____
Beth A. Weldon, Mayor

9 Attest:

10 _____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$2,000,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

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 for the Aurora Harbor Improvements Capital Improvement Project (H51-125).

Section 3. Source of Funds

Alaska Department of Transportation and Public Facilities	\$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: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$31,500 to the Manager as Funding for Phase 2 of a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.

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 \$31,500 as funding for Phase 2 of a building survey and inventory of the Juneau Townsite Historic Neighborhood.

Section 3. Source of Funds

Alaska Department of Natural Resources \$31,500

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA
PORT REVENUE BONDS, 2023

Serial No. 2023-12

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF PORT REVENUE BONDS IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,100,000; PROVIDING FOR THE FORM AND TERMS OF THE BONDS; PROVIDING A METHOD OF PAYMENT THEREFOR; AND RESERVING THE RIGHT TO ISSUE REVENUE BONDS ON A PARITY WITH THE BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Approved: March 20, 2023

Prepared By:

K&L GATES LLP
Seattle, Washington

City and Borough of Juneau, Alaska
Ordinance Serial No. 2023-12
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* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Presented by: The Manager
Introduced: 02/27/23
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-12

An Ordinance Providing for the Issuance and Sale of Port Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed \$5,100,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.

WHEREAS, the City and Borough of Juneau, Alaska (the “City and Borough”) maintains public facilities for the transfer of tourists visiting the City and Borough and a system of wharves and public parks; and

WHEREAS, certain of those facilities are in need of expansion and improvement (the “Project”); and

WHEREAS, the City and Borough is authorized by its Home Rule Charter to issue revenue bonds for capital project purposes without a vote of the electors; and

WHEREAS, the City and Borough has outstanding its Port Revenue Bond, 2014A (Non-AMT), currently outstanding in the principal amount of \$4,590,000 (the “2014A Bond”), issued pursuant to Ordinance Serial No. 2014-01 of the City and Borough adopted January 6, 2014, and Resolution No. 2676 adopted on January 27, 2014 (together, the “2014A Bond Ordinance”); and

WHEREAS, the City and Borough has outstanding its Port Revenue Refunding Bond, 2021 (AMT Forward Delivery), currently outstanding in the principal amount of \$12,505,000 (the “2021 Bond,” and together with the 2014 Bond, the “Outstanding Parity Bonds”), issued pursuant to the 2014A Bond Ordinance, as amended by Ordinance Serial No. 2015-11 adopted on March 16, 2015 and Resolution No. 2709 adopted on April 27, 2015, and by Ordinance Serial No. 2020-21 of the City and Borough adopted on May 18, 2020, as amended by Ordinance Serial No. 2021-15 adopted on April 26, 2021, and Resolution No. 2952 adopted on May 24, 2021 (collectively, the “2021 Bond Ordinance,” and together with the 2014A Bond Ordinance, the Outstanding Parity Bond Ordinances); and

WHEREAS, the Outstanding Parity Bond Ordinances authorize the Port to issue revenue bonds on a parity of lien with the Outstanding Parity Bonds upon compliance with the terms and conditions set forth in the Outstanding Parity Bond Ordinances, and said conditions will be met with respect to the bonds authorized herein; and

WHEREAS, the bonds herein authorized will be payable from certain fees imposed upon users of the City and Borough’s ports and harbors (hereinafter defined as “Port Development Fee Revenues”); and

WHEREAS, the Finance Director will hold a public hearing on the issuance of any series of the bonds herein authorized that will be private activity bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Assembly has determined to delegate to the City and Borough Representative (as defined below) certain matters relating to the manner and timing of sale of the Bonds; and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds in the aggregate principal amount of not to exceed \$5,100,000 herein authorized in one or more series as authorized by this ordinance;

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. Definitions. As used in this ordinance, unless a different meaning clearly appears from the context:

Accreted Value means with respect to any Capital Appreciation Bonds, as of any date of calculation, the sum of the amount set forth in the proceedings authorizing their issuance as the amount representing the initial principal amount of such Capital Appreciation Bonds plus the interest accumulated, compounded and unpaid thereon as of the most recent compounding date. The Accreted Value shall be determined in accordance with the provisions of the ordinance authorizing the issuance of such Balloon Maturity Bonds.

Annual Debt Service means the total amount of Debt Service for any Parity Bond or series of Parity Bonds or other evidences of indebtedness payable from Port Development Fee Revenues in any fiscal year or Base Period.

Assembly means the Assembly of the City and Borough of Juneau as the same shall be duly and regularly constituted from time to time.

Balloon Maturity Bonds means any evidences of indebtedness of the City and Borough payable from Port Development Fee Revenues which are so designated in the proceedings pursuant to which such indebtedness is incurred.

Base Period means each of the two most recently completed fiscal years for which audited financial statements are available within the 36-month period immediately preceding the date of issuance of an additional series of Future Parity Bonds.

Bond Purchase Contract means, if the Bonds of a series shall be sold by Private Placement, the purchase contract or approved term sheet relating to such Bonds between the City and Borough and the Purchaser.

Bonds means the not to exceed \$5,100,000 par value City and Borough of Juneau, Alaska, Port Revenue Bond, 2023[A/B] [(AMT/Non-AMT)] authorized to be issued in one or more series pursuant to this ordinance.

Bond Bank means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

Bond Bank Bonds means, if the Bonds of a series are sold to the Bond Bank, bonds to be issued by the Bond Bank to provide funds to be loaned to the City and Borough pursuant to the Loan Agreement.

Bond Bank Reserve Agreement means, if the Bonds of a series are sold to the Bond Bank, the Reserve Depositary Agreement, between the Bond Bank Trustee and the City and Borough.

Bond Bank Trustee means The Bank of New York Mellon Trust Company, N.A., as the trustee for the Bond Bank under the terms of the 2005 General Obligation Bond Resolution adopted by the Board of Directors of the Bond Bank on July 13, 2005 and shall include any successor thereto as provided in said resolution.

Bond Fund means the “Port Revenue Bond Debt Service [Fund][Account]” maintained in the office of the Finance Director pursuant to this ordinance.

Bond Register means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of all registered owners of the Bonds.

Bond Registrar means the Finance Director, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, and paying the principal of and interest on the Bonds.

Capital Appreciation Bonds means any Future Parity Bonds all or a portion of the interest on which is compounded, accumulated and payable only upon redemption or on the maturity date of such Capital Appreciation Bonds. If so provided in the proceedings authorizing their issuance, Future Parity Bonds may be deemed to be Capital Appreciation Bonds for only a portion of their term. On the date on which Future Parity Bonds no longer are Capital Appreciation Bonds, they shall be deemed outstanding in a principal amount equal to their Accreted Value.

City and Borough means the City and Borough of Juneau, a municipal corporation organized and existing under the laws of the State of Alaska.

City and Borough Representative means the City Manager or such other official or employee of the City and Borough designated in writing by the City Manager.

City Manager means the city manager or interim city manager of the City and Borough.

Code means the United States Internal Revenue Code of 1986, as amended, together with all applicable rulings and regulations heretofore or hereafter promulgated thereunder.

Consultant means at any time an independent municipal financial consultant appointed by the City and Borough to perform the duties of the Consultant as required by this ordinance. For the purposes of delivering any certificate required by Section 15 hereof and making the calculation required by Section 15 hereof, the term Consultant shall also include any independent public accounting firm appointed by the City and Borough to make such calculation or to provide such certificate.

Credit Facility means any Qualified Letter of Credit or Qualified Insurance.

Debt Service means, for any period of time,

(1) with respect to any outstanding Capital Appreciation Bonds which are not designated as Balloon Maturity Bonds in the proceedings authorizing their issuance, the principal amount thereof shall be equal to the Accreted Value thereof maturing or scheduled for redemption in such period, and the interest payable during such period;

(2) with respect to any outstanding Fixed Rate Bonds, an amount equal to (A) the principal amount of such Fixed Rate Bonds due or subject to mandatory redemption during such period and for which no sinking fund installments have been established, (B) the amount of any payments required to be made during such period into any sinking fund established for the payment of any such Fixed Rate Bonds, plus (C) all interest payable during such period on any such outstanding Fixed Rate Bonds and with respect to Fixed Rate Bonds with mandatory sinking fund requirements, calculated on the assumption that mandatory sinking fund installments will be applied to the redemption or retirement of such Fixed Rate Bonds on the date specified in the proceedings authorizing such Fixed Rate Bonds; and

(3) with respect to all other series of Parity Bonds, other than Fixed Rate Bonds, Capital Appreciation Bonds, specifically including but not limited to Balloon Maturity Bonds and Parity Bonds bearing variable rates of interest, an amount for any period equal to the amount which would have been payable for principal and interest on such Parity Bonds during such period computed on the assumption that the amount of Parity Bonds as of the date of such computation would be amortized (i) in accordance with the mandatory redemption provisions, if any, set forth in the proceedings authorizing the issuance of such Parity Bonds, or if mandatory redemption provisions are not provided, during a period commencing on the date of computation and ending on the date 30 years after the date of issuance (ii) at an interest rate equal to the yield to maturity set forth in the 40-Bond Index published in the edition of *The Bond Buyer* (or comparable publication or such other similar index selected by the City and Borough) and published within ten days prior to the date of calculation or, if such calculation is being made in connection with the certificate required

by Section 15 hereof, then within ten days of such certificate, (iii) to provide for essentially level annual debt service of principal and interest over such period. Debt Service shall be net of any interest funded out of Bond proceeds. Debt Service shall include reimbursement obligations to providers of Credit Facilities to the extent authorized by ordinance or resolution.

Federal Tax Certificate means the certificate(s) executed on behalf of the City and Borough upon the issuance of the Bonds and including certain representations regarding the use and application of the Bond proceeds and the payment of rebatable arbitrage, if any, with respect to the Bonds.

Finance Director means the director of the finance department or interim director of the finance department of the City and Borough.

Fitch means Fitch Ratings, Inc., organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, **Fitch** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Fixed Rate Bonds means those Parity Bonds other than Capital Appreciation Bonds or Balloon Maturity Bonds issued under an ordinance in which the rate of interest on such Parity Bonds is fixed and determinable through their final maturity or for a specified period of time. If so provided in the proceedings authorizing their issuance, Parity Bonds may be deemed to be Fixed Rate Bonds for only a portion of their term.

Future Parity Bonds means any revenue bonds which the City and Borough may hereafter issue having a lien upon the Port Development Fee Revenues for the payment of the principal thereof and interest thereon equal to the lien of the Bonds upon the Port Development Fee Revenues.

Government Obligations means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

Loan Agreement means, if the Bonds of a series are sold to the Bond Bank, the Loan Agreement(s) for the Bonds by and between the City and Borough and the Bond Bank authorized to be entered into pursuant to Section 9 of this ordinance.

Maximum Annual Debt Service means highest dollar amount of Annual Debt Service in any fiscal year or Base Period for all outstanding Parity Bonds and/or for all subordinate lien evidences of indebtedness secured by Port Development Fee Revenues, as the context requires.

Moody's means Moody's Investors Service, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, **Moody's** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Outstanding Parity Bond Ordinances means, collectively, the 2014A Bond Ordinance and the 2021 Bond Ordinance.

Outstanding Parity Bonds means, collectively, the 2014A Bond and the 2021 Bond.

Parity Bonds means the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

Parity Requirement means (i) historical Port Development Fee Revenues for the Base Period at least equal to or greater than 120% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued) or (ii) Port Development Fee Revenues, as adjusted by a Consultant, described in Section 15 of this ordinance, equal to at least 135% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued), commencing with the first fiscal year after the anticipated completion of the facilities to be financed with the proceeds of the Future Parity Bonds.

Port Development Fee Fund means the special fund or subaccount of the City and Borough into which all Port Development Fee Revenues are deposited as collected.

Port Development Fee Revenues means the port development fee imposed by Resolution No. 2552 of the Assembly and shall include any fees imposed by the City and Borough Assembly by ordinance or resolution to replace those specific fees.

Port Facilities mean the port facilities owned by the City and Borough and the facilities affected by the use of the harbors of the City and Borough.

Principal and Interest Account means the subaccount of that name created within the Bond Fund pursuant to Section 8 of this ordinance.

Private Placement means the process by which the Bonds of a series are sold by private placement to a Purchaser selected by the City and Borough Representative.

Project means the infrastructure and related capital improvements for the provision of shore power to cruise ships previously approved by the Assembly.

Project Fund means the fund or account into which certain net proceeds of the Bonds issued for the Project shall be deposited.

Purchaser means the initial purchasing entity or bank purchaser of the Bonds of a series if such Bonds are sold by Private Placement.

Qualified Insurance means any non-cancelable municipal bond insurance policy or surety bond issued by any insurance company licensed to conduct an insurance business in any state of the United States (or by a service corporation acting on behalf of one or more such insurance companies) which insurance company or companies, as of the time of issuance of such policy or

surety bond, are currently rated in one of the two highest Rating Categories by two of the Rating Agencies.

Qualified Letter of Credit means any irrevocable letter of credit issued by a financial institution for the account of the City and Borough on behalf of registered owners of the Bonds, which institution maintains an office, agency or branch in the United States and as of the time of issuance of such letter of credit, is currently rated in one of the two highest Rating Categories by a Rating Agency.

Rate Covenant means Port Development Fee Revenues in each fiscal year at least equal to 120% of the amounts required in such fiscal year to be paid as scheduled debt service (principal and interest) on all Parity Bonds.

Rating Agency means Moody's or S&P or Fitch.

Rating Category means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

Registered Owner means the person named as the registered owner of a Bond in the Bond Register.

Reserve Account means the Reserve Account created in the Bond Fund pursuant to Section 8 of this ordinance.

Reserve Requirement means, with respect to Parity Bonds outstanding, the lesser of (a) 125% of Average Annual Debt Service, (b) 10% of the net proceeds of each series of Parity Bonds secured by the Reserve Account, or (c) Maximum Annual Debt Service.

S&P means S&P Global Ratings, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***S&P*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

State means the State of Alaska.

2014A Bond means the City and Borough's Port Revenue Bond, 2014A (Non-AMT), currently outstanding in the principal amount of \$4,590,000, issued pursuant to the 2014A Bond Ordinance.

2014A Bond Ordinance means Ordinance Serial No. 2014-01 of the City and Borough adopted January 6, 2014, and Resolution No. 2676 adopted on January 27, 2014.

2021 Bond means the City and Borough's Port Revenue Refunding Bond, 2021 (AMT Forward Delivery), currently outstanding in the principal amount of \$12,505,000, issued pursuant to the 2021 Bond Ordinance.

2021 Bond Ordinance means, collectively, the 2014A Bond Ordinance, as amended by Ordinance Serial No. 2015-11 adopted on March 16, 2015 and Resolution No. 2709 adopted on April 27, 2015, and Ordinance Serial No. 2020-21 of the City and Borough adopted on May 18, 2020, as amended by Ordinance Serial No. 2021-15 adopted on April 26, 2021, and Resolution No. 2952 adopted on May 24, 2021.

Rules of Interpretation. In this ordinance, unless the context otherwise requires:

- (a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this ordinance;
- (b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;
- (c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;
- (d) Any headings preceding the text of the several sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect;
- (e) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.
- (f) Words importing the singular number include the plural number and vice versa.

Section 3. The Project. This Assembly hereby ratifies and approves the infrastructure and related capital improvements for the provision of shore power to cruise ships (the “Project”). The Project has and will be undertaken in accordance with specifications and contracts for acquisition and construction approved by the Assembly from time to time.

It is hereby provided that said Project shall be subject to such changes as to details of design or any other details of said Project as may be authorized by the Assembly either prior to or during the actual course of construction.

The City and Borough may proceed with the construction and installation of the Project as herein authorized, either alone or in conjunction with the construction of other facilities, and in whole, or in successive parts or units from time to time as may be found advisable.

Section 4. Costs of the Project. The estimated cost of the Project is hereby declared to be, as near as may be, the sum of up to \$20,000,000 which is expected to be paid from port revenues, fees and federal grants, in addition to the proceeds of the Bonds.

Section 5. Authorization of Bonds.

(a) *Authorization.* The City and Borough shall issue and sell not to exceed \$5,100,000 of its port revenue bonds (the “Bonds”) in one or more series for the purpose of providing permanent financing for the construction of the Project, funding the Reserve Requirement and paying the costs of issuance of the Bonds.

(b) *Bond Details.* The Bonds shall be designated as the “City and Borough of Juneau, Alaska Port Revenue Bond, 2023[A/B] [(AMT/Non-AMT)],” shall be dated as of the date established pursuant to Section 9, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates set forth in each respective approved Loan Agreement, and shall come due on the dates set forth in the approved Loan Agreement or Bond Purchase Contract of the following years in the following estimated aggregate principal installments:

Maturity Year	Principal Amount
2023	\$ 155,000
2024	275,000
2025	285,000
2026	295,000
2027	305,000
2028	320,000
2029	330,000
2030	345,000
2031	355,000
2032	370,000
2033	385,000
2034	395,000
2035	410,000
2036	430,000
2037	445,000

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts may increase or decrease in any year by 25%, and *provided, further*, in the aggregate, the Bonds shall be issued in principal amounts that provide no more than \$5,100,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or \$5,100,000 in principal amount, whichever is less.

Section 6. Registration, Exchange and Payments. The Finance Director shall act as authenticating agent, paying agent and registrar for the Bonds (collectively, the “Bond Registrar”). The principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the office of the Bond Registrar. Notwithstanding the foregoing, if the Bond Bank is the Registered Owner of the Bonds, payments of principal of and interest on the Bonds shall be made to the Bond Bank in accordance with each Loan Agreement.

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like series, principal amount, maturity and interest rates shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Bond Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount and of the same series, interest rates and maturities. Such transfer or exchange shall be without cost to the Registered Owner or transferee.

The City and Borough may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bond and for any and all other purposes whatsoever.

Section 7. Priority of Payments from Port Development Fee Fund. There is maintained a special revenue fund of the City and Borough known as the “Port Development Fee Fund” into which all Port Development Fee Revenues are deposited. All Port Development Fee Revenues shall be deposited in the Port Development Fee Fund. The Port Development Fee Fund shall be held separate and apart from all other funds and accounts of the City and Borough and the Port Development Fee Revenues deposited in such Fund shall be used only for the following purposes and in the following order of priority:

First, to pay the interest on any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of interest on Parity Bonds and the proceedings authorizing such Parity Bonds provides for such reimbursement;

Second, to pay the principal of any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of principal of Parity Bonds and the proceedings authorizing such Parity Bonds provides for such reimbursement;

Third, to make all payments required to be made into the Reserve Account to secure the payment of the principal of and interest on the Bonds and to make all payments required to be

made into any reserve account hereafter established to secure the payment of the principal of or interest on any Future Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance fulfills the Reserve Requirement in whole or in part and the proceedings authorizing such Parity Bonds provides for such reimbursement;

Fourth, to make all payments required to be made into any revenue bond redemption fund or revenue warrant redemption fund and debt service fund or reserve fund created to pay and secure the payment of the principal of and interest on any other revenue bonds or revenue warrants of the City and Borough having a lien upon the Port Development Fee Revenues junior and inferior to the lien thereon for the payment of the principal of and interest on Parity Bonds; and

Fifth, to retire by redemption or purchase any outstanding revenue bonds or revenue warrants of the City and Borough, remaining Port Development Fee Revenues may also be used to make necessary additions, betterments, improvements and repairs to or extensions and replacements of the Port Facilities, or for any other lawful City and Borough purposes.

Section 8. Bond Fund. A special account of the City and Borough designated as the “Port Revenue Bond Debt Service [Fund][Account]” (the “Bond Fund”) has heretofore been created in the office of the Finance Director for the purpose of paying and securing the payment of the Bonds and all Parity Bonds. The Bond Fund shall be held separate and apart from all other accounts of the City and Borough and shall be a trust account for the owner of Parity Bonds. The Bond Fund shall be divided into two separate accounts: a Principal and Interest Account for the payment of the principal of and interest on Parity Bonds and the payment of redemption premium, if any, whether due at maturity or redemption prior to maturity and a Reserve Account for the purpose of additionally securing the repayment of Parity Bonds.

(a) *Payments Into Principal and Interest Account.* The Finance Director may direct all or a portion of the original issue premium to be deposited in the Principal and Interest Account. As long as any Parity Bonds remain outstanding, the City and Borough hereby irrevocably obligates and binds itself to set aside and pay from the Bond Fund into the Principal and Interest Account those amounts necessary, together with such other funds as are on hand and available in the Principal and Interest Account, to pay the interest or principal and interest next coming due on outstanding Parity Bonds. Such payments from the Port Development Fee Fund shall be made on or prior to the due date for such installment of principal and interest.

(b) *Priority of Lien of Payments into Principal and Interest Account.* Said amounts so pledged to be paid into the Bond Fund with respect to the Bonds are hereby declared to be a prior lien and charge upon the Port Development Fee Revenues superior to all other charges of any kind or nature whatsoever, except that the amounts so pledged are of equal lien to the lien and charge thereon of any Future Parity Bonds.

(c) *Reserve Account.* A Reserve Account (the “Reserve Account”) is hereby authorized to be created in the Bond Fund for the purpose of securing the payment of the principal of and interest on all Parity Bonds. The City and Borough hereby covenants to deposit into the Reserve Account on the date of issuance of the Bonds from Bond proceeds and/or from funds of

the City and Borough legally available therefor an amount equal to the Reserve Requirement with respect to the Bonds.

The City and Borough further covenants and agrees that when said required deposits have been made into the Reserve Account, it will at all times maintain therein an amount at least equal to the Reserve Requirement with respect to all outstanding Parity Bonds. Whenever there is an insufficient amount in the Bond Fund, including the Reserve Account and the Principal and Interest Account to pay the principal of and interest on all outstanding Parity Bonds when due, the money in the Reserve Account may be used to pay such principal and interest. Money in the Reserve Account may be withdrawn to redeem and retire, and to pay the interest due to such date of redemption on any outstanding Bonds, so long as the money left remaining on deposit in the Reserve Account is equal to the Reserve Requirement with respect to all outstanding Parity Bonds.

The City and Borough may satisfy the Reserve Requirement, in whole or in part with a Qualified Letter of Credit or Qualified Insurance. In making the payments and credits to the Reserve Account required by this subsection (c), to the extent that the City and Borough has obtained Qualified Insurance or a Qualified Letter of Credit for specific amounts required pursuant to this section to be paid out of the Reserve Account, such amounts so covered by Qualified Insurance or a Qualified Letter of Credit shall be credited against the amounts required to be maintained in the Reserve Account by this subsection (c) to the extent that such payments and credits to be made are insured by an insurance company, or guaranteed by a letter of credit from a financial institution. A Qualified Letter of Credit shall not be cancelable on less than 30 days' notice to the City and Borough, and Qualified Insurance shall be noncancellable. In the event of any cancellation of a Qualified Letter of Credit, the Reserve Account shall be funded in accordance with the third paragraph of this subsection (c) as if the Parity Bonds for whose benefit the Qualified Letter of Credit was issued which then remain outstanding had been issued on the date of such notice of cancellation.

In the event that the City and Borough elects to meet the Reserve Requirement through the use of a Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device, the City and Borough may contract with the entity providing such Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device that the City and Borough's reimbursement obligation, if any, to such entity shall be made from Port Development Fee Revenues available after the payments described in Paragraphs First through Third in Section 7 hereof have been made.

In the event a deficiency in the Principal and Interest Account shall occur, the deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom for that purpose and by the sale or redemption of obligations held in the Reserve Account, if necessary, in such amounts as will provide cash in the Reserve Account sufficient to make up any such deficiency, and if a deficiency still exists immediately prior to an interest payment date and after the withdrawal of cash, the City and Borough shall then draw from any Qualified Letter of Credit, Qualified Insurance, or other equivalent credit facility that secures the Parity Bonds in sufficient amount to make up the deficiency. Such draw shall be made at such times and under such conditions as the agreement for such Qualified Letter of Credit or such Qualified Insurance shall provide. Any deficiency created in the Reserve Account by reason of any such withdrawal shall

then be made up within one year of the date of withdrawal from Port Development Fee Revenues after making necessary provision for making the payments described in Paragraphs First through Third in Section 7 hereof.

(d) *Application and Investment of Moneys in the Bond Fund.* Money in the Principal and Interest Account not needed to pay the interest or principal installment and interest next coming due on Parity Bonds may be used to prepay Parity Bonds. Money in the Bond Fund therein may be invested in any legal investment for the funds of the City and Borough. All interest earned and income derived by virtue of such investments shall remain in the Bond Fund (or respective account therein) and be used to meet the required deposits into any account therein.

Section 9. Sale of Bonds. The Assembly has determined that it is in the best interest of the City and Borough to delegate to the City and Borough Representative the authority to approve the manner of sale of the Bonds of each series. Initially, the City and Borough Representative is hereby authorized to determine whether the Bonds of a series shall be sold by Private Placement or to the Bond Bank. If the Bonds of a series are sold by Private Placement, the City and Borough Representative shall select the purchasing entity or bank to purchase the Bonds through a process of soliciting proposals for purchase. Upon the selection of a Purchaser, the City and Borough Representative shall negotiate the terms of sale for the Bonds, including the terms described in this section, in a Bond Purchase Contract. If the Bonds of a series are sold to the Bond Bank, the City and Borough Representative shall negotiate the terms of the sale for the Bonds in a Loan Agreement.

The City and Borough Representative is authorized to negotiate and complete the sale of the Bonds in one or more series to the Purchaser on terms and conditions consistent with this ordinance and the respective Bond Purchase Contract or to the Bond Bank on terms and conditions consistent with this ordinance and the respective Loan Agreement for the Bonds. Following the sale of a series of Bonds, such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates, payment dates and prepayment provisions, all as provided for in this ordinance, shall be set forth in a Bond Purchase Contract or a Loan Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

Section 10. Undertaking to Provide Ongoing Disclosure. The City and Borough will execute a certificate for ongoing disclosure in form and substance satisfactory to the purchaser of the Bonds, and the City Manager or his/her designee is hereby authorized and directed to execute such certificate.

Section 11. Insurance. If a series of Bonds is sold to the Bond Bank, the Bond Bank may, with the consent of the City and Borough and on terms and conditions acceptable to the City and Borough, obtain a policy of municipal bond insurance guaranteeing the payment when due of the principal of and interest on a series of the Bond Bank's Bonds issued to provide funds for the loan to the City and Borough pursuant to a Loan Agreement. By the Loan Agreement, the City Manager or his/her designee may approve any such policy of municipal bond insurance and authorize all other officers, agents, attorneys, and employees of the City and Borough to cooperate with the bond insurer in preparing such additional agreements, certificates, and other

documentation on behalf of the City and Borough, consistent with this ordinance, as shall be necessary or advisable in providing for such policy of municipal bond insurance.

The City Manager or his/her designee also may obtain a surety policy in order to satisfy the Reserve Requirement on the condition that the surety policy meets the requirements of Qualified Insurance on terms and conditions determined to be acceptable to the City Manager or his/her designee. The City Manager or his/her designee may execute such additional agreements or certificates and provide such documentation to the issuer of such surety policy as shall be necessary or advisable in providing for such surety policy.

In connection with the initial issuance and sale of the Bonds to the Bond Bank, and notwithstanding the provisions of Section 19 of this ordinance to the contrary, the Assembly may by resolution modify any of the covenants or other provisions of this ordinance as may be required by a provider of bond insurance or a surety policy for the Bond Bank's Bonds.

Section 12. Disposition of Proceeds of the Bonds. The Finance Director may direct that all or a portion of the original issue premium also be deposited in the Principal and Interest Account. Unless the Reserve Requirement is satisfied with a Credit Facility or other port revenues, a portion of the Bond proceeds in the amount designated by the Finance Director shall be deposited in the Reserve Account in order to meet the Reserve Requirement. The City and Borough shall maintain a fund or account for the Projects (the "Project Fund"). The balance of the proceeds of sale of the Bonds of a series shall be deposited in the Project Fund or a subaccount therein, and shall be expended solely to pay the cost of issuing and selling that series of Bonds and, together with other available moneys of the City and Borough, shall be used to reimburse the City and Borough for funds already distributed for the costs of the Project, and to pay the costs of completing the Project, as the case may be. Money in the Project Fund shall be invested by the Finance Director, pending disbursement, in any legal investment for City and Borough funds, and interest earnings shall be deposited in the Project Fund.

Section 13. Defeasance. In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

Section 14. Specific Covenants. The City and Borough hereby covenants and agrees with the owners of the Bonds that for as long as the Bonds remain outstanding as follows:

(a) *Rate Covenant.* The City and Borough will maintain the rates established in the ordinance and resolution authorizing and imposing the fees that constitute the Port Development Fee Revenues and will collect such amounts for so long as any Bonds are outstanding as will

maintain the Rate Covenant. Nothing in this Rate Covenant shall preclude the City and Borough from increasing the fees or otherwise modifying the Port development fee as long as there is a net increase in the Port development fee as a result of such modification.

(b) *Port Facilities Maintenance.* The City and Borough will at all times maintain and keep the Port Facilities in good repair, working order and condition, and also will at all times operate such facilities and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) *Books and Records.* The City and Borough will, while the Bonds remain outstanding, keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the Port Facilities, and it will furnish the original purchaser or purchasers of the Bonds or any subsequent owner or owners thereof, at the written request of such owner or owners, complete operating and income statements of the Port Facilities in reasonable detail covering any fiscal year, showing the financial condition of the Port Facilities and compliance with the terms and conditions of this ordinance, not more than 120 days after the close of such fiscal year, and it will grant any owner or owners of at least 25% of the outstanding Bonds the right at all reasonable times to inspect the entire Port Facilities and all records, accounts and data of the City and Borough relating thereto. Upon request of any owner of any of said Bonds, it will also furnish to such owner a copy of the most recently completed audit of the City and Borough's accounts.

(d) *Ordinance a Contract.* This ordinance shall constitute a contract with the registered owners of the Bonds, and upon any default hereunder, said owner shall have the right to institute a mandamus action in any court of competent jurisdiction to compel performance by the City and Borough in accordance with the terms of this ordinance.

(e) *Tax Covenants.* The Finance Director is an officer of the City and Borough whose duties include the holding of such hearings as may be required under the Code in order to assure the tax exempt status of the Bonds. The Finance Director will hold a public hearing on the issuance of the Bonds as needed. The City and Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Federal Tax Certificate(s) that will be executed at the closing for the Bonds.

The City and Borough has not designated the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

Section 15. Future Parity Bonds.

(a) *Conditions upon the Issuance of Future Parity Bonds.* As long as the Bonds remain outstanding, the City and Borough hereby further covenants and agrees that it will not issue any obligations having a lien on the Port Development Fee Revenues prior to the lien thereon of the Bonds and further that it will not issue any Future Parity Bonds except in accordance with the conditions of this Section 15. The City and Borough hereby reserves the right to issue additional revenue obligations, which shall constitute a charge and lien upon the Port Development Fee Revenues equal to the lien thereon of the Bonds. Except as provided in subsection (b) below, the

City and Borough shall not issue any series of Future Parity Bonds or incur any additional indebtedness with a parity lien or charge on Port Development Fee Revenues (*i.e.*, on a parity of lien with Parity Bonds at the time outstanding) unless:

(1) the City and Borough shall not have been in default of its Rate Covenant for the immediately preceding fiscal year;

(2) The ordinance authorizing the issuance of such Future Parity Bonds shall provide that the Reserve Requirement shall be funded no later than the date of delivery of the Future Parity Bonds and shall include the covenants set forth in Section 14 of this ordinance (including the tax covenant, to the extent applicable); and

(3) there shall have been filed a certificate (prepared as described in subsection (c) or (d) below) demonstrating fulfillment of the Parity Requirement, commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued no longer will be paid from the proceeds of such series of Future Parity Bonds.

(b) *No Certificate Required.* The certificate described in the foregoing subsection (a)(3) shall not be required as a condition to the issuance of Future Parity Bonds:

(1) if the Future Parity Bonds being issued are for the purpose of refunding outstanding Parity Bonds and the annual debt service requirements for each year in which Parity Bonds are then outstanding are not increased as a result of the refunding; or

(2) if the Future Parity Bonds are being issued to pay costs of construction of facilities of the Port Facilities for which Parity Bonds have been issued previously and the principal amount of such Future Parity Bonds being issued for completion purposes does not exceed an amount equal to an aggregate of 15% of the principal amount of Parity Bonds theretofore issued for such facilities and reasonably allocable to the facilities to be completed as shown in a written certificate of the City and Borough Representative, and there is delivered a Consultant's certificate stating that the nature and purpose of such facilities has not materially changed.

(c) *Certificate of the City and Borough Without A Consultant.* If required pursuant to the foregoing subsection (a)(3), a certificate may be delivered by the City and Borough (executed by the City and Borough Representative) without a Consultant if Port Development Fee Revenues for the Base Period (confirmed by an independent auditor) conclusively demonstrate that the Parity Requirement will be fulfilled commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued will not be paid from the proceeds of such series of Future Parity Bonds.

(d) *Certificate of a Consultant.* Unless compliance with the requirements of subsection (a)(3) have been otherwise satisfied (as provided in (b) or (c) above), compliance with the Parity Requirement shall be demonstrated conclusively by a certificate of a Consultant.

In making the computations of Port Development Fee Revenues for the purpose of certifying compliance with the Parity Requirement, the Consultant shall use as a basis the Port Development Fee Revenues for the Base Period. Such Port Development Fee Revenues shall be determined by adding the following:

(1) The historical Port Development Fee Revenues of the City and Borough for any 12 consecutive months out of the 30 months immediately preceding the month of delivery of the Future Parity Bonds being issued as determined by a Consultant; and

(2) The estimated annual revenue to be derived from any additional fees and charges that have been established by the Assembly as new Port Development Fee Revenues that have not been previously included in any of the sources of net revenue described in this subsection (d).

(e) *Subordinate Lien Obligations.* Nothing herein contained shall prevent the City and Borough from issuing revenue bonds or other obligations which are a charge upon the Port Development Fee Revenues junior or inferior to the payments required by this ordinance to be made out of such Revenue to pay and secure the payment of any outstanding Parity Bonds.

(f) *Refunding Obligations.* Nothing herein contained shall prevent the City and Borough from issuing revenue bonds to refund maturing Parity Bonds for the payment of which moneys are not otherwise available.

Section 16. Lost, Stolen or Destroyed Bonds. In case a Bond shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond of like amount, date and tenor to the owner thereof upon the owner's paying the expenses and charges of the Bond Registrar and the City and Borough in connection therewith and upon his filing with the Bond Registrar and the City and Borough evidence satisfactory to both that such Bond was actually lost, stolen or destroyed and of his ownership thereof, and upon furnishing the City and Borough and the Bond Registrar with indemnity satisfactory to both.

Section 17. Form of Bonds and Registration Certificate. The Bonds shall be in substantially the following form:

NO. _____ UNITED STATES OF AMERICA \$ _____
STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU
PORT REVENUE BOND, 2023[A/B] [(AMT/Non-AMT)]

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the “City and Borough”), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from _____, 20__, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on _____ 1, 20__ and semiannually thereafter on the first day of each _____ and _____.

Year of Principal Installment Payment (_____ 1)	Principal Installment Amount	Interest Rate
	\$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the “Bond Registrar”). [Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of this bond,

payments of principal of and interest on the Bond shall be made to the Bond Bank in accordance with the Loan Agreement.]

This bond is a port revenue bond of the Borough and is issued pursuant to Ordinance Serial No. 2023-12 (the “Bond Ordinance”) for the purpose of making certain improvements to the Port Facilities.

The bond is subject to prepayment as described in the [Bond Purchase Contract/Loan Agreement.]

The City and Borough hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and the Bond Ordinance.

The City and Borough does hereby pledge and bind itself to set aside from such Port Development Fee Revenues, and to pay into said Bond Fund the various amounts required by the Bond Ordinance to be paid into and maintained in said Fund, all within the times provided by said Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Port Development Fee Fund out of the Port Development Fee Revenues into the Bond Fund and the account therein shall be a lien and charge thereon equal in rank to the lien and charge upon said revenue of the amounts required to pay and secure the Outstanding Parity Bonds, the payment of any port revenue bonds of the City and Borough hereafter issued on a parity with the bonds of this issue and superior to all other liens and charges of any kind or nature.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

[This bond [is][is not] a “private activity bond” as such term is defined in the Internal Revenue Code of 1986, as amended (the “Code”).]This bond is not a “qualified tax-exempt obligation” under Section 265(b) of the Code for banks, thrift institutions and other financial institutions.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and ordinances of the City and Borough, including the Bond Ordinance, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, City and Borough of Juneau, Alaska has caused this Bond to be executed by the manual or facsimile signature of the City Manager or his/her designee and authenticated by the manual or facsimile signature of Clerk of the City and Borough as of this _____ day of _____, 2023.

CITY AND BOROUGH OF
JUNEAU, ALASKA

By _____ /s/ manual or facsimile
City Manager or Designee

ATTEST:

_____/s/ manual or facsimile
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the Port Revenue Bond, 2023[A/B] [(AMT/Non-AMT)] of the City and Borough of Juneau, Alaska, dated _____, 2023, and described in the within-mentioned Bond Ordinance.

CITY AND BOROUGH OF JUNEAU, ALASKA
FINANCE DIRECTOR, as Bond Registrar

By _____
Finance Director

Section 18. Execution of Bonds. The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or the Finance Director or his/her respective designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or

delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. The Bonds may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bond the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

Section 19. Supplements and Amendments.

(a) *Without Consent of Owner.* The City and Borough from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this ordinance, for one or more or all of the following purposes:

(1) To add to the covenants and agreements of the City and Borough in this ordinance contained and other covenants and agreements thereafter to be observed, which shall not adversely affect the interests of the owners of the Bonds, or to surrender any rights or power herein reserved to or conferred upon the City and Borough.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance in regard to matters or questions arising under the ordinance as the Assembly may deem necessary or desirable and not inconsistent with the ordinance and which shall not adversely affect the interest of the owner of Parity Bonds.

Any such supplemental ordinance of the Assembly may be adopted without the consent of the owner of the Bonds at any time outstanding, notwithstanding any of the provisions of this section.

(b) *With Owner's Consent.* With the consent of the owners of Parity Bonds, the Assembly of the City and Borough may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall extend the fixed maturity of the Bonds, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof without the consent of the owner of each Parity Bond so affected.

It shall not be necessary for the consent of the owner under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

(c) *Effective Date of Modification.* Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City and Borough under this ordinance shall thereafter be determined, exercised and enforced thereunder,

subject in all respect to such modification and amendments, and all the terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes. A copy of each supplemental ordinance shall be provided to the owners of the Bonds.

Section 20. Compliance with Parity Conditions. The Assembly hereby finds and determines, as required by Section 15 of Ordinance Serial No. 2014-01, as amended, that each of the following conditions will be satisfied at the time of issuance of the Bonds of each series:

(a) the City and Borough will not have been in default of its Rate Covenant for the immediately preceding fiscal year;

(b) the ordinance for the Bonds provides that the Reserve Requirement will be funded no later than the date of delivery of the Bonds and includes the covenants set forth in Section 14 of Ordinance No. 2014-01, as amended (including the tax covenant); and

(c) there will have been filed a certificate (prepared as described in subsection 15(c) or (d) of Ordinance Serial No. 2014-01, as applicable) demonstrating fulfillment of the Parity Requirement, commencing with the first full fiscal year following the date on which any portion of interest on the series of Bonds being issued no longer will be paid from the proceeds of such series of Bonds.

The conditions contained in Ordinance Serial No. 2014-01 having been complied with or assured, the payments required herein to be made out of the Port Development Fee Fund out of the Port Development Fee Revenues into the Bond Fund, including the Reserve Account, to pay and secure the payment of the principal of and interest on the Bonds of a series shall constitute a lien and charge upon Port Development Fee Revenues equal in rank with the lien and charge thereon for the payments required to be made for the Outstanding Parity Bonds.

Section 21. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 22. Effective Date. This ordinance shall become effective thirty days after adoption.

ADOPTED this 20th day of March, 2023.

Beth A. Weldon
Mayor

ATTEST:

Elizabeth J. McEwen
Municipal Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the “City and Borough”), DO HEREBY CERTIFY:

1. That the attached Ordinance Serial No. 2023-12 (herein called the “Ordinance”) is a true and correct copy of an Ordinance of the City and Borough as finally adopted at a meeting of the Assembly held on the 20th day of March, 2023 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Assembly was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of March, 2023.

Elizabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA
GENERAL OBLIGATION BONDS, 2023

Serial No. 2023-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO PROVIDE NOT TO EXCEED \$6,600,000 IN NET PROCEEDS; AND PROVIDING FOR THE FORM AND TERMS OF THE BONDS AND FOR UNLIMITED TAX LEVIES TO PAY THE BONDS.

Approved: March 20, 2023

Prepared by:

K&L GATES LLP
Seattle, Washington

City and Borough of Juneau, Alaska
Ordinance Serial No. 2023-13
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* This Table of Contents and the cover page are provided for convenience only and are not a part of this ordinance.

Presented by: The Manager
Introduced: 02/27/23
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-13

An Ordinance Providing for the Issuance and Sale of General Obligation Bonds in One or More Series to Provide Not to Exceed \$6,600,000 in Net Proceeds; and Providing for the Form and Terms of the Bonds and for Unlimited Tax Levies to Pay the Bonds.

WHEREAS, at the regular municipal election held on October 4, 2022, pursuant to Ordinance Serial No. 2022-38, the Home Rule Charter of the City and Borough, and other resolutions and ordinances of the City and Borough, the qualified electors approved the issuance of general obligation bonds in the principal amount of not to exceed \$6,600,000 (the “Bond Authorization”); and

WHEREAS, it is deemed necessary and advisable and in the best interests of the City and Borough and its inhabitants that the City and Borough issue the Bond Authorization in one or more series in the principal amount of not to exceed \$6,600,000; and

WHEREAS, the Assembly has determined to delegate to certain City and Borough officials the authority, for a limited time, to solicit proposals for an Underwriter (as defined hereinafter) for the Bonds and accept and select the response deemed most favorable by the City and Borough; and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds herein authorized on the terms and conditions set forth herein and in the bond purchase agreement(s) between the City and Borough and the Underwriter, as authorized by this ordinance;

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. Definitions. As used in this ordinance, the following words shall have the following meanings:

Assembly means the Assembly of the City and Borough of Juneau, Alaska as the same shall be duly and regularly constituted from time to time or any successor body.

Beneficial Owner means the beneficial owner of all or a portion of a Bond while such Bond is in fully immobilized form.

Bond Authorization means the \$6,600,000 principal amount of bonds authorized to be issued by the City and Borough pursuant to Ordinance Serial No. 2022-38.

Bond Fund means the “Debt Service Fund” of the City and Borough maintained pursuant to this ordinance.

Bond Purchase Agreement means the purchase agreement relating to each series of Bonds between the City and Borough and the Underwriter authorized to be entered into pursuant to Section 13 of this ordinance.

Bond Register means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of all registered owners of the Bonds.

Bond Registrar means the financial institution selected by the City Manager or his/her designee as provided in Section 4 of this ordinance, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, and paying the principal of and interest on the Bonds.

Bonds means the City and Borough of Juneau, Alaska General Obligation Bonds, 2023[A/B] authorized to be issued pursuant to this ordinance in one or more series.

Bond Year means each one-year period that ends on the date selected by the City and Borough. The first and last Bond Years may be a shorter period. If no day is selected by the City and Borough before the earlier of the final maturity date of the Bonds or the date that is five years after the date of issuance of the Bonds, Bond Years end on each anniversary of the date of issue and on the final maturity date of the Bonds.

City and Borough means City and Borough of Juneau, Alaska, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Alaska.

City and Borough Representative means the City Manager or such other official or employee of the City and Borough designated in writing by the City Manager.

City Manager means the city manager or interim city manager of the City and Borough.

Code means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

Construction Fund means the fund maintained pursuant to Section 10 of this ordinance, into which shall be deposited the Bond proceeds, other than accrued interest.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Bonds pursuant to Section 4 hereof.

Finance Director means the director or interim director of the finance department of the City and Borough.

Financial Advisor means PFM Financial Advisors LLC.

Government Obligations means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

Letter of Representations means a blanket issuer letter of representations from the City and Borough to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successor to its functions.

Net Proceeds, when used with reference to a series of Bonds, means the principal amount of such series of Bonds, plus accrued interest and original issue premium, if any, and less original issue discount.

Official Statement means the Official Statement of the City and Borough pertaining to the sale of such series of Bonds, in either preliminary or final form.

Private Person means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

Private Person Use means the use of property in a trade or business by a Private Person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the Private Person as well as other arrangements that transfer to the Private Person the actual or beneficial use of the property (such as a lease, management or incentive payment contract or other special arrangement) in such a manner as to set the Private Person apart from the general public. Use of property as a member of the general public includes attendance by the Private Person at municipal meetings or business rental of property to the Private Person on a day-to-day basis if the rental paid by such Private Person is the same as the rental paid by any Private Person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a de minimis fee to cover custodial expenses.

Projects means the capital improvements which are specified in Section 3 of Ordinance Serial No. 2022-38 of the City and Borough.

Record Date means the close of business on the 15th day prior to each day on which a payment of interest on the Bonds is due and payable.

Registered Owner means the person in whose name ownership of a Bond is identified in the Bond Register. For so long as the Bonds are held in book-entry only form, DTC shall be deemed to be the sole Registered Owner.

Registrar Agreement means the agreement between the City and Borough and the Bond Registrar entered into pursuant to Section 4 of this ordinance.

Rule means the SEC's Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SEC means the United States Securities and Exchange Commission.

Term Bonds mean the portion of such series of Bonds, if any, designated as "Term Bonds" in the Bond Purchase Agreement for such series of Bonds.

Underwriter means the initial purchaser or representative of the purchasers (if more than one firm acts collectively with one or more additional underwriting firms) of such series of Bonds.

Interpretation and Rules of Interpretation.

(a) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(c) All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this ordinance; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to this ordinance as a whole and not to any particular Article, Section or subdivision hereof.

Section 3. Authorization of Bonds. For the purpose of financing the Projects as authorized by the Bond Authorization and paying the costs of issuance of such bonds, the City and Borough shall issue its general obligation bonds in the aggregate principal amount of not to exceed \$6,600,000 but in any event providing no more than \$6,600,000 in net proceeds (principal amount plus premium, if any, less costs of issuance) (the "Bonds"). The Bonds shall be dated as of the date of initial delivery, shall be fully registered as to both principal and interest, shall be in denominations of \$5,000 each, or any integral multiple thereof, provided that no Bond of any series shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates and rates set forth in the respective approved Bond Purchase Agreement, and shall come due on the dates set forth in the Bond Purchase Agreement of the following years in the following estimated aggregate principal installments:

Maturity Year	Principal Amount*
2023	\$2,830,000
2024	620,000
2025	650,000
2026	685,000
2027	715,000
2028	755,000

Total: \$6,255,000*

* Principal maturities do not add to \$6,600,000, in anticipation of selling Bonds with original issue premium, generating not more than \$6,600,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts in any year are increased or decreased by no more than 15%, and *provided, further*, in the aggregate, the Bonds shall be issued in principal amounts that provide no more than \$6,600,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or \$6,600,000 in principal amount, whichever is less.

Section 4. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City Manager or his/her designee is hereby authorized and directed to solicit proposals from and select a financial institution to act as authenticating agent, paying agent and bond registrar for each series of Bonds (the “Bond Registrar”) and to enter into a Registrar Agreement with the Bond Registrar pursuant to which the Bond Registrar will perform the duties specified for the Bond Registrar under this ordinance and hold and invest certain funds (Bond proceeds and debt service money) from time to time. The form of the Registrar Agreement shall be subject to the approval of the City and Borough Representative, which approval shall be presumed upon the execution thereof by the City and Borough Representative. So long as any Bonds of a series remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration of transfer of such series of Bonds at its principal corporate trust office. The Bond Registrar may be removed at any time at the option of the City and Borough Representative upon prior notice to the Bond Registrar, DTC, each entity entitled to receive notice pursuant to Section 14, and a successor Bond Registrar appointed by the City and Borough Representative. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City and Borough, to authenticate and deliver such series of Bonds transferred or exchanged in accordance with the provisions of such series of Bonds and this ordinance and to carry out all of the Bond Registrar’s powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on such series of Bonds.

(b) *Registered Ownership.* The City and Borough and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond of a series as the absolute owner thereof for all purposes (except as provided in Section 14 of this ordinance), and neither the City and Borough nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond of a series shall be made only as described in Section 4(h) hereof, but such Bond may be transferred as herein provided. All such payments made as described in Section 4(h) shall be valid and shall satisfy and discharge the liability of the City and Borough upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letter of Representations.* To induce DTC to accept the Bonds as eligible for deposit at DTC, the City and Borough has executed and delivered to DTC a Letter of Representations.

Neither the City and Borough nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds of a series, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City and Borough to the Bond Registrar or to DTC (or any successor depository), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds of a series are held in fully-immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder (except as provided in Section 14), and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City and Borough on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bond until such Bond is paid.

(d) *Use of Depository.*

(1) The Bonds shall be registered initially in the name of “CEDE & Co.”, as nominee of DTC, with one Bond maturing on each of the maturity dates for each series of Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the City and Borough Representative pursuant to subsection (2) below or such substitute depository’s successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the City and Borough Representative to discontinue the system of book-entry transfers through DTC or its successor (or

any substitute depository or its successor), the City and Borough Representative may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds of a series, together with a written request from the City and Borough Representative, issue a single new Bond for each maturity of such series then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the City and Borough Representative.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the City and Borough Representative determines that it is in the best interest of the Beneficial Owners of the Bonds of such series that such owners be able to obtain such Bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully-immobilized form. The City and Borough Representative shall deliver a written request to the Bond Registrar, together with a supply of definitive Bonds of such series, to issue Bonds of such series as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds of such series together with a written request on behalf of the Assembly to the Bond Registrar, new Bonds of such series shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond of a series may be registered and Bonds of such series may be exchanged, but no transfer of any such Bond shall be valid unless such Bond is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond of such series and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same series, date, maturity, redemption provisions and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same series, date, maturity, redemption provisions and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer or to exchange any Bond during the 15 days preceding the date any such Bond is to be redeemed.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Registration Covenant.* The City and Borough covenants that, until all Bonds of a series have been surrendered and cancelled, it will maintain a system for recording the ownership of each Bond of such series that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment.* Both principal of and interest on each series of Bonds shall be payable in lawful money of the United States of America. Interest on each series of Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. For so long as all Bonds of a series are in fully immobilized form, payments of principal and interest shall be made as provided to the parties entitled to receive payment as of each Record Date in accordance with the operational arrangements of DTC referred to in the Letter of Representations.

In the event that such series of Bonds are no longer in fully immobilized form, interest on such series of Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register as of the Record Date, and principal of such series of Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if so requested in writing by the Registered Owner of at least \$1,000,000 principal amount of such series of Bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

Section 5. Redemption and Purchase of Bonds.

(a) *Optional Redemption.* Each series of Bonds may be subject to optional redemption on the dates, at the price of par, and under the terms set forth in the Bond Purchase Agreement for such series of Bonds approved by the City and Borough Representative pursuant to Section 13.

(b) *Mandatory Redemption.* Each series of Bonds may be subject to mandatory redemption to the extent, if any, set forth in the Bond Purchase Agreement for such series of Bonds and as approved by the City and Borough Representative pursuant to Section 13.

(c) *Purchase of Bonds for Retirement.* The City and Borough reserves the right to purchase any of the Bonds of a series offered to the City and Borough at any price deemed reasonable to the City and Borough Representative.

(d) *Effect of Optional Redemption/Purchase.* To the extent that the City and Borough shall have optionally redeemed or purchased any Term Bonds prior to their scheduled mandatory redemption of such Term Bonds, the City and Borough may reduce the principal amount of the Term Bonds to be redeemed in like aggregate principal amount. Such reduction may be applied in the year specified by the City and Borough Representative.

(e) *Selection of Bonds for Redemption.* As long as the Bonds are held in book-entry only form, the selection of Bonds within a series and maturity to be redeemed shall be made in accordance with the operational arrangements in effect at DTC. If the Bonds are no longer held in uncertificated form, the selection of such Bonds within a series and maturity to be redeemed shall be made as provided in this subsection (e). If the City and Borough redeems at any one time

fewer than all of the Bonds having the same series and maturity date, the particular Bonds or portions of Bonds of such series and maturity to be redeemed shall be selected by lot (or in such other manner determined by the Bond Registrar) in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City and Borough and Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of the such Bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like series, maturity and interest rate in any of the denominations herein authorized. If Bonds are called for optional redemption, portions of the principal amount of such Bonds, in installments of \$5,000 or any integral multiple of \$5,000, may be redeemed. If less than all of the principal amount of any Bond is redeemed, upon surrender of such Bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the principal amount thereof, a new Bond or Bonds, at the option of the Registered Owner, of like series, maturity and interest rate in any denomination authorized by this ordinance.

(f) *Notice of Redemption.*

(1) Official Notice. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption (which notice may be conditional) shall be given by the Bond Registrar on behalf of the City and Borough by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,
- (C) if fewer than all outstanding Bonds are to be redeemed, the identification by series, maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

- (E) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City and Borough shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(2) Effect of Notice; Bonds Due. If an unconditional notice of redemption has been given, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City and Borough shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same series and maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City and Borough as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 25 days before the redemption date to the insurer, if any, the party entitled to receive notice pursuant to Section 14, and to the Underwriter for such series of Bonds or to its business successor, if any, and to such persons and with such additional information as the City and Borough Representative shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

(5) Amendment of Notice Provisions. The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____ \$ _____

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU
GENERAL OBLIGATION BOND, 2023[A/B]

INTEREST RATE: _____ MATURITY DATE: _____ CUSIP NO.: _____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the “City and Borough”), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from _____, 2023, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, commencing on _____ 1, 20__ and semiannually thereafter on the first day of each _____ and _____. Both principal of and interest on this bond are payable in lawful money of the United States of America. For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company (“DTC”) referred to in the Blanket Issuer Letter of Representations (the “Letter of Representations”) from the City and Borough to DTC. _____ is acting as the registrar, authenticating agent and paying agent for the bonds of this issue (the “Bond Registrar”).

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, amount, rate of interest and date of maturity, in the aggregate principal amount of \$ _____ (the “Bonds”), and is issued pursuant to elections authorizing the same for the purpose of making capital improvements to facilities of the City and Borough.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under Ordinance Serial No. 2023-13 of the City and Borough (the “Bond Ordinance”) until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar. Capitalized terms used in this bond and not otherwise defined herein have the meanings given such terms in the Bond Ordinance.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Alaska and ordinances duly adopted by the Assembly, including the Bond Ordinance.

The bonds of this issue are subject to redemption as stated in the Bond Purchase Agreement dated _____ for the Bonds.

The City and Borough has obligated and bound itself to make annual levies of ad valorem taxes upon all the taxable property within the City and Borough, without limitation as to rate or amount, in amounts sufficient, together with such other moneys of the City and Borough available for such purposes as the Assembly of the City and Borough may, from time to time, appropriate and make available to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the levy of such taxes and the prompt payment of such principal and interest. The pledge of tax levies for payment of principal of and interest on the bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bonds of this issue are not “private activity bonds” as such term is defined in the Internal Revenue Code of 1986, as amended (the “Code”). The City and Borough has not designated the bonds of this issue as “qualified tax-exempt obligations” under Section 265(b) of the Code for investment by banks, thrift institutions and other financial institutions.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Alaska to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City and Borough may incur.

IN WITNESS WHEREOF, the City and Borough of Juneau, Alaska has caused this bond to be executed by the manual or facsimile signature of its City Manager or his/her designee and attested by the manual or facsimile of the Clerk, and the official seal of the City and Borough to be impressed, imprinted or otherwise reproduced hereon, as of this ____ day of _____, 2023.

CITY AND BOROUGH OF
JUNEAU, ALASKA

By _____ /s/ manual or facsimile
City Manager or Designee

ATTEST:

_____/s/ manual or facsimile
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is one of the General Obligation Bonds, 2023[A/B] of the City and Borough of Juneau, Alaska, dated _____, 2023, and described in the within-mentioned Bond Ordinance.

_____, as Bond Registrar

By _____
Authorized Signer

Section 7. Execution of Bonds. The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or his/her designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. Any Bond may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bonds the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

Section 8. Lost, Stolen, Destroyed or Mutilated Bonds. In case any Bonds shall at any time become mutilated or be lost, stolen or destroyed, the City and Borough in the case of such mutilated Bonds shall, and in the case of such lost, stolen or destroyed Bonds in its discretion may, execute and deliver a new Bond of like tenor and effect in exchange or substitution for and upon the surrender and cancellation of such mutilated Bonds, or in lieu of or in substitution for such destroyed, stolen or lost Bonds, or if such stolen, destroyed or lost Bonds shall have matured, instead of issuing a substitute therefor, the City and Borough at its option pay the same without the surrender thereof. Except in the case where a mutilated Bonds is surrendered, the applicant for the issuance of a substitute Bond shall furnish to the City and Borough evidence satisfactory to it

of the theft, destruction, or loss of the original Bonds, and of the ownership thereof, and also such security and indemnity as may be required by the City and Borough, and no such substitute Bond shall be issued unless the applicant for the issuance thereof shall reimburse the City and Borough for the expenses incurred by the City and Borough in connection with the preparation, execution, issuance, and delivery of the substitute Bonds, and any such substitute Bond shall be equally and proportionately entitled to the security of this ordinance with all other bonds issued hereunder, whether or not the Bonds alleged to have been lost, stolen or destroyed shall be found at any time or be enforceable by anyone.

Section 9. Pledge of Taxes and Credit. The City and Borough hereby irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City and Borough subject to taxation in amounts sufficient 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 for the annual levy and collection of such taxes and for the prompt payment of such principal and interest. There is maintained in the office of the Finance Director a special fund of the City and Borough known as the “Debt Service Fund” (the “Bond Fund”), for the sole purpose of paying the principal of and interest on the Bonds and all other general obligation bonds of the City and Borough. Accrued interest, if any, received at the time of delivery of the Bonds shall be paid into the Bond Fund.

The City and Borough hereby irrevocably covenants and pledges for as long as the Bonds are outstanding that it will make provision for the payment of the principal of and interest on the Bonds in its annual budgets and further covenants that it will make annual levies of ad valorem taxes, for payment into the Bond Fund, upon all the property within the City and Borough subject to taxation, without limitation as to rate or amount, in amounts sufficient, with such other moneys available for such purposes as the Assembly from time to time may appropriate and order transferred to the Bond Fund, to pay the principal of and interest on the Bonds as the same shall be come due and payable.

Section 10. Construction Fund for Proceeds of the Bonds. There has heretofore been created in the office of the Finance Director of the City and Borough certain funds and accounts (the “Construction Fund”), into which shall be paid the proceeds of the Bonds (other than accrued interest which shall be deposited in the Bond Fund), and any and all other moneys which the City and Borough may now or later have on hand which are necessary and legally available to pay the costs authorized by Ordinance Serial No. 2022-38 and paying the costs of issuance of the Bonds. The Finance Director shall maintain records sufficient to account for the investment and expenditure of the Bond Authorizations.

Said funds shall be drawn upon for paying the costs authorized by Ordinance Serial No. 2022-38, for repaying any other funds or accounts of the City and Borough that may have advanced moneys for such purposes and for paying all expenses incidental to such purposes and the expenses incidental to the issuance of the Bonds. Bond proceeds in the Construction Fund may be invested in any legal investment for City and Borough funds and the proceeds thereof and earnings thereon shall be deposited in the Construction Fund or at the option of the Finance Director in the Bond Fund. In the event there are any proceeds of the Bonds left remaining in the

Construction Fund after the payment of all of such costs and expenses, the same may be used for any purpose permitted under Ordinance Serial No. 2022-38 or may be transferred to the Bond Fund or may be used for any purpose permitted under Section 10.10 of the Home Rule Charter of the City and Borough.

Section 11. Defeasance. In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

Section 12. Tax Covenants.

(a) *Arbitrage Covenant.* The City and Borough hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City and Borough which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code and the applicable regulations thereunder which, if such use had been reasonably expected on the dates of delivery of the Bonds to the initial purchasers thereof, would have caused such Bonds to be “arbitrage bonds” within the meaning of said section and said regulations. The City and Borough will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Bonds.

(b) *Private Person Use Limitation for Bonds.* The City and Borough covenants that for as long as the Bonds is outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Bonds in a Bond Year to be directly or indirectly (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City and Borough further covenants that, if:

(3) More than five percent of the Net Proceeds of the Bonds is to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or

indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the projects described in subsection (3) hereof or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects funded by the Bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Bonds used for the state or local governmental use portion of the project to which the Private Person Use of such portion of the project relates. The City and Borough further covenants that it will comply with any limitations on the use of the projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax status of the Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City and Borough's bond counsel that such modification or elimination will not adversely affect the tax status of the Bonds.

Section 13. Sale of Bonds.

(a) *Bond Sale.* The City and Borough Representative shall select one or more underwriting firms to underwrite such series of Bonds through a process of soliciting proposals for underwriting. Upon the selection of one or more underwriters, the City and Borough Representative shall negotiate the terms of sale for such series of Bonds, including the terms described in this section, in a contract of sale (the "Bond Purchase Agreement").

The City and Borough Representative is authorized to negotiate and complete the sale of the Bonds to the Underwriter on terms and conditions consistent with this ordinance and the Bond Purchase Agreement for the Bonds. Such terms and conditions, including the final principal amount, date, principal amounts of each maturity, final interest rates, maturity dates and redemption provisions, all as provided for in this ordinance, shall be set forth in the Bond Purchase Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

Subject to the terms and conditions set forth in this Section 13, the City and Borough Representative is hereby authorized to execute the final form of a Bond Purchase Agreement, upon his or her approval of the final interest rates, maturity dates, aggregate principal amount, principal maturities and redemption rights set forth therein. Following the sale of the Bonds, the Designated Representative shall provide a report to the Assembly, describing the final terms of the Bonds approved pursuant to the authority delegated in this section.

The City and Borough Representative is further authorized and directed to take such other actions to publicize or facilitate the sale as he/she may deem desirable or necessary, including, but not limited to, securing a rating on the Bonds from one or more of the established rating services.

(b) *Delivery; Documentation.* Upon the passage of this ordinance, the proper officials of the City and Borough, including the City and Borough Representative, are authorized and directed to undertake all other actions necessary for the prompt execution and delivery of the Bonds to the Underwriter thereof and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Bond Purchase Agreement.

The City and Borough Representative and other City and Borough officials, agents, and representatives are hereby authorized and directed to do everything necessary for the prompt issuance, execution and delivery of the Bonds to the Underwriter and for the proper application and use of the proceeds of sale of the Bonds. In furtherance of the foregoing, the City and Borough Representative is authorized to approve and enter into agreements for the payment of costs of issuance, including Underwriter's discount, the fees and expenses specified in the Bond Purchase Agreement, including fees and expenses of Underwriter and other retained services, including Bond Counsel, Financial Advisor, rating agent, Bond Registrar, and other expenses customarily incurred in connection with issuance and sale of bonds.

(c) *Preliminary and Final Official Statements.* The City and Borough Representative is authorized to ratify and to approve for purposes of the Rule, on behalf of the City and Borough, the Official Statement (and any preliminary Official Statement) and any supplement thereto relating to the issuance and sale of the Bonds and the distribution of the Bonds pursuant thereto with such changes, if any, as may be deemed by him/her to be appropriate.

Section 14. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking.* This section constitutes the City and Borough's written undertaking for the benefit of the owners of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data.* The City and Borough agrees to provide or cause to be provided to the Municipal Securities Rulemaking Board ("MSRB"), the following annual financial information and operating data for the prior fiscal year (commencing June 30, 2024 for the fiscal year ending June 30, 2023):

1. Annual financial statements, which may or may not be audited prepared in accordance with generally accepted accounting principles;
2. The assessed valuation of taxable property in the City and Borough;
3. Property taxes due and property taxes collected;
4. Property tax levy rate per \$1,000 of assessed valuation; and
5. Outstanding general obligation debt of the City and Borough.

Items 2-5 shall be required only to the extent that such information is not included in the annual financial statements.

Such annual information and operating data described above shall be provided on or before nine months after the end of the City and Borough's fiscal year. The City and Borough's current fiscal year ends June 30. The City and Borough may adjust such fiscal year by providing written notice of the change of fiscal year to the MSRB. In lieu of providing such annual financial information and operating data, the City and Borough may cross-reference to other documents available to the public on the MSRB's internet website.

If not provided as part of the annual financial information discussed above, the City and Borough shall provide the City and Borough's audited annual financial statement prepared in accordance generally accepted accounting principles when and if available to the MSRB.

(c) *Listed Events.* The City and Borough agrees to provide or cause to be provided, in a timely manner to the MSRB notice of the occurrence of any of the following events with respect to the Bonds not in excess of ten business days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material or events affecting the tax status of the Bonds;
7. Modifications to rights of owners, if material;
8. Optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856, if material, and tender offers;
9. Defeasances;
10. Release, substitution or sale of property securing the repayment of the Bonds, if material;
11. Rating changes;

12. Bankruptcy, insolvency, receivership or similar event of the City and Borough;
13. The consummation of a merger, consolidation, or acquisition of the City and Borough or the sale of all or substantially all of the assets of the City and Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement to undertake such an action, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of the trustee, if material;
15. Incurrence of a financial obligation of the City and Borough, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City and Borough, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City and Borough, any of which reflect financial difficulties.

The term “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

Solely for purposes of information, but without intending to modify this agreement, with respect to the notice regarding property securing the repayment of the Bonds, the City and Borough will state in its preliminary and Final Official Statements that there is no property securing the repayment of the Bonds.

(d) *Notice Upon Failure to Provide Financial Data.* The City and Borough agrees to provide or cause to be provided, in a timely manner, to the MSRB notice of its failure to provide the annual financial information described in subsection (b) above on or prior to the date set forth in subsection (b) above.

(e) *EMMA; Format for Filings with the MSRB.* Until otherwise designated by the MSRB or the SEC, any information or notices submitted to the MSRB in compliance with the Rule are to be submitted through the MSRB’s Electronic Municipal Market Access system (“EMMA”), currently located at www.emma.msrb.org. All notices, financial information and operating data required by this undertaking to be provided to the MSRB must be in an electronic format as prescribed by the MSRB. All documents provided to the MSRB pursuant to this undertaking must be accompanied by identifying information as prescribed by the MSRB.

(f) *Termination/Modification.* The City and Borough's obligations to provide annual financial information and notices of material events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City and Borough (1) obtains an opinion of nationally recognized bond counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies the MSRB of such opinion and the cancellation of this section.

The City and Borough may amend this section with an opinion of nationally recognized bond counsel in accordance with the Rule. In the event of any amendment of this section, the City and Borough shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City and Borough. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (1) notice of such change shall be given in the same manner as for a material event under Subsection (c), and (2) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(g) *Bond Owner's Remedies Under this Section.* A Bond owner's right to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City and Borough's obligations hereunder, and any failure by the City and Borough to comply with the provisions of this undertaking shall not be a default with respect to the Bonds under this ordinance.

(h) *Additional Information.* Nothing in this Section 14 shall be deemed to prevent the City and Borough from disseminating any other information, using the means of dissemination set forth in this Section 14 or any other means of communication, or including any other information in any annual financial statement or notice of occurrence of a material event, in addition to that which is required by this Section 14. If the City and Borough chooses to include any information in any annual financial statement or notice of the occurrence of a material event in addition to that specifically required by this Section 14 the City and Borough shall have no obligation under this ordinance to update such information or to include it in any future annual financial statement or notice of occurrence of a material event.

Section 15. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 16. Effective Date. This ordinance shall become effective thirty days after adoption.

ADOPTED this 20th day of March, 2023.

Beth A. Weldon
Mayor

ATTEST:

Elizabeth J. McEwen
Municipal Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the “City and Borough”), Do HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance Serial No. 2023-13 (the “Ordinance”) of the City and Borough as finally passed at a regular meeting of the Assembly of the City and Borough (the “Assembly”) held on the 20th day of March, 2023, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such special meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of March, 2023.

Elizabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

Presented by: The Manager
 Introduced: February 27, 2023
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$6,600,000 to the Manager for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects; Funding Provided by General Obligation Bond Proceeds.

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 \$6,600,000 for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects, allocated as follows:

Adair-Kennedy Memorial Park	\$ 5,000,000
Areawide Trail Improvements	\$ 1,000,000
Public Use Cabins	\$ 600,000

Section 3. Source of Funds

General Obligation Bond Proceeds	\$ 6,600,000
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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: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$5,000,000 to the Manager for the Dock Electrification Capital Improvement Project; Funding Provided by Port Revenue Bond Proceeds.

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 \$5,000,000 for the Dock Electrification Capital Improvement Project (H51-128).

Section 3. Source of Funds

Port Revenue Bond Proceeds	\$5,000,000
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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: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

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

An Ordinance Appropriating \$5,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds and Hotel-Bed Tax Funds.

WHEREAS, this appropriation is intended to leverage grant funding and should not be expended until such time as sufficient grant funding is secured for the project that would require local matching funds in the amount of this appropriation.

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 \$5,000,000 for the Capital Civic Center Capital Improvement Project (D12-051).

Section 3. Source of Funds

General Funds	\$2,500,000
Hotel-Bed Tax Funds	\$2,500,000

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

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3015

A Resolution Authorizing the Chief Executive Officer of Bartlett Regional Hospital (BRH) to Execute a Transition Agreement with Wildflower Court (WFC), and Negotiate for a Potential Transfer of Wildflower Court to BRH, with the Consent of the BRH Board.

WHEREAS, Bartlett Regional Hospital (“BRH”) is an enterprise division of the City and Borough of Juneau, Alaska (“CBJ”); and

WHEREAS, Wildflower Court, Inc. (“WFC”) currently operates a 61-room rehabilitation and long-term care facility located at 2000 Salmon Creek Lane, Juneau, Alaska 99801 (“Facility”), leases the real property on which the Facility is located from the CBJ, and owns the building and all business and personal property used in the operation of the Facility; and

WHEREAS, Juneau’s population is aging and will require increased healthcare needs and there continues to be a significant demand in the community for post-acute and long-term care services; and

WHEREAS, WFC has seen an increase in operating costs during the pandemic of roughly 13%, and serious staffing shortages, which have resulted in WFC operating well below maximum occupancy with an average occupancy of 49 residents out of the total 61 beds available; and

WHEREAS, BRH strives to ensure a critical healthcare resource for post-acute care and long-term care services is sustained in the Juneau community; and

WHEREAS, BRH would like to engage in negotiations with WFC beginning with a letter of intent, transition agreement, and the finally transfer of ownership and operations of the organization’s rehabilitation and long-term care facility from WFC to BRH.

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

Section 1. Support to Engage in Negotiations with WFC. The City and Borough of Juneau supports the Chief Executive Officer of BRH entering into a transition agreement to manage WFC and engage in negotiations for a future transfer of the facility to CBJ.

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

Adopted this _____ day of _____, 2023.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

Presented by: Triem
Presented: 02/27/2023
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3023(b)

A Resolution of the City and Borough of Juneau Opposing the Wild Fish Conservancy Lawsuit and Protecting the Southeast Alaska Troll Fishery from Closure.

WHEREAS, commercial fishing is a mainstay of Alaska's economy, the largest private sector employer in the state, and sustains year-round employment in the fishing, processing, and support sector industries in Southeast Alaska; and

WHEREAS, the troll fleet is the second largest fleet in Alaska, and trollers derive an estimated 44% of their income from the Chinook catch; and

WHEREAS, commercial salmon trolling is a year-round contributor to the Southeast Alaska economy and sustains year-round employment; and

WHEREAS, there are approximately 581 fishing and seafood processing jobs in Juneau that represent approximately \$27.4 million in wages, which includes commercial salmon trollers and processors that depend on Chinook salmon; and

WHEREAS, the troll fleet, including fishing, processing, and all related multiplier effects, has a total annual economic impact of approximately \$85 million across Southeast Alaska; and

WHEREAS, a lawsuit, *Wild Fish Conservancy v. Rumsey et al.*, in the Western District of Washington State Federal Court (No. C20-417-RAJ-MLP) challenges the National Marine Fisheries Service fishery management plan and seeks the closure of the Southeast troll fishery—except from May 1 through June 30—in an effort to provide more Chinook salmon to the endangered Southern Resident killer whales located in the Pacific Northwest; and

WHEREAS, many communities of Southeast will suffer severe economic hardship if the pending litigation results in the closure of the Southeast troll fishery.

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

Section 1. The City and Borough of Juneau urges the National Marine Fisheries
Service (NMFS) to prioritize preparation of the necessary documents and processes to
support continuation of the Southeast winter and summer troll fisheries.

Section 2. The City and Borough of Juneau supports the NMFS and the Alaska
Department of Fish and Game's commitment to defend Southeast Alaska's hatchery system
and troll fishery.

Section 3. The City and Borough of Juneau urges all state and local governmental
bodies to work with Alaska's congressional delegation to protect Southeast Alaska's
economic, cultural, and social livelihood related to Chinook salmon while also protecting the
Southern Resident killer whale population.

Section 4. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____ 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: February 27, 2023
 Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1051

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$ 54,731.48 be transferred:

From: CIP

H51-121	Pile Anode Installation	(\$ 54,731.48)
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To: CIP

H51-108	Statter Harbor Improvements Phase III	\$ 54,731.48
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The \$54,731.48 consists of:

Harbor Funds	\$ 54,731.48
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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

January 17, 2023

City & Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License	4584
Licensee:	Tracy's King Crab Shack		
Doing Business As:	Genuine Ventures, LLC		

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,

A handwritten signature in cursive script that reads "Joan M. Wilson".

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

January 18, 2023

Juneau, City and Borough
Via Email: bullwinkles1@gci.net; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License	1690
Licensee:	Bullwinkle's Inc.		
Doing Business As:	Bullwinkle's Pizza		

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,

A handwritten signature in cursive script that reads "Joan M. Wilson".

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

January 23, 2023

Juneau, City and Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	License	849
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Percy's Liquor Store		

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,

A handwritten signature in cursive script that reads "Joan M. Wilson".

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

January 23, 2023

Juneau, City and Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	License	828
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Thibodeaus Douglas Depot		

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,

A handwritten signature in cursive script that reads "Joan M. Wilson".

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Presented by: The Manager
Presented: 12/12/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA
Serial No. 2022-64(b)

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.

WHEREAS, the Jensen-Olson Arboretum Advisory Board was most recently created by Resolution 2377 (12/11/2006); and

WHEREAS, the Parks and Recreation Advisory Committee was most recently created by Resolution 2646 (6/3/2013); and

WHEREAS, the Treadwell Arena Advisory Board was most recently created by Ordinance 2019-04(b) (1/28/2019); and

WHEREAS, the Aquatics Board was most recently created by Ordinance 2019-03(b) (1/28/2019); and

WHEREAS, the Assembly appreciates the community engagement and extensive volunteer hours members of the Jensen-Olson Arboretum Advisory Board, the Treadwell Arena Advisory Board, the Aquatics Board, and the Parks and Recreation Advisory Committee invested into our community; and

WHEREAS, the current Assembly Advisory Board Rules of Procedure are located in Resolution 2686 (6/9/2014); and

WHEREAS, Resolution 2686 requires appointments to advisory boards based on talent and interest instead of race, creed, color, age, religion, national origin, sex, marital status, political ideology, sexual orientation, or sensory, mental or physical handicap; and

1 WHEREAS, Resolution 2686 also requires diverse appointments to advisory boards to
2 reflect a membership appropriate for accomplishing the goals of the board, which should include
3 cultural, social, political, technical, and economic viewpoints sufficient to ensure wide-ranging
4 and active debate; and

5 WHEREAS, consolidation of the Jensen-Olson Arboretum Advisory Board, the Treadwell
6 Arena Advisory Board, and the Aquatics Board duties into the Parks and Recreation Advisory
7 Committee is in the best interest of the community because recruitment and retention of 43
8 engaged volunteers is challenging, board morale is low when meetings are not meaningful, staff
9 support time can be better spent on other projects, and fewer boards representing a larger
10 portion of the community would be more effective and impactful.

11 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
12 ALASKA:
13

14 **Section 1. Classification.** Sections 2, 3, 4, and 7 are noncode provisions. Sections 5
15 and 6 are code provisions.

16
17 **Section 2. Repeal of Resolution 2377.** Resolution 2377 is repealed. The Jensen-Olson
18 Arboretum Advisory Board is dissolved upon the effective date of this ordinance.

19
20 **Section 3. Repeal of Resolution 2646.** Resolution 2646 is repealed. The Parks and
21 Recreation Advisory Committee is reestablished consistent with Section 6 of this ordinance.

22
23 **Section 4. Repeal of Ordinance 2019-04(b).** Ordinance 2019-04(b) is repealed. The
24 Treadwell Arena Advisory Board is dissolved upon the effective date of this ordinance.
25

Section 5. Repeal of Chapter 67.10. Chapter 67.10 – Aquatics Facilities is repealed and reserved. The Aquatics Board is dissolved upon the effective date of this ordinance.

Section 6. Amendment of Chapter 67.01. Chapter 67.01 – Recreation Areas is amended by adding articles to reestablish the Parks and Recreation Advisory Committee.

Chapter 67.01 – RECREATION AREAS

ARTICLE I. RECREATION AREA ORDINANCE

67.01.010 Short title.

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67.01.020 Other ordinances not affected.

...

67.01.030 Areas regulated.

...

67.01.040 Intent.

...

67.01.045 Regulations.

...

67.01.050 Hours of operation.

...

67.01.080 Use; liability insurance.

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67.01.090 Prohibited uses.

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67.01.095 Motorized uses on Auke Lake.

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67.01.100 Criminal liability.

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ARTICLE II. PARKS AND RECREATION ADVISORY COMMITTEE

67.01.200 Establishment.

There is established the Parks and Recreation Advisory Committee (“PRAC”).

67.01.210 Membership.

(a) Membership. The members of the PRAC shall be nine citizens of the City and Borough of Juneau.

(b) Term. Members shall be appointed by the assembly. Members shall be appointed to staggered three-year terms. A new member shall be seated upon appointment and serve until their term ends or until their successor is appointed. A member serves at the pleasure of the assembly and may be removed at any time by an affirmative vote of six members of the assembly.

(c) Quorum. Five members constitutes a quorum.

67.01.220 Meetings.

(a) Procedure. The PRAC shall be governed by the Advisory Board Rules of Procedure, which generally follows Robert’s Rules of Order.

(b) Regular and special meetings. The PRAC should hold regular meetings on a schedule established by the PRAC and may hold special meetings—at the call of the chairperson or three members—as necessary to conduct business.

1 **67.01.230 Subcommittees.**

2 (a) Jensen-Olson Arboretum Endowment Subcommittee. There is established a permanent
3 subcommittee to advise on use of the Jensen-Olson Arboretum Endowment. This subcommittee
4 should meet at least once per year and as necessary to effectuate the business of the
5 endowment.

6 (b) Special subcommittees. The chairperson—subject to ratification by the PRAC—or majority
7 of the PRAC may create temporary special subcommittees to facilitate any discrete PRAC
8 business issue. Membership on subcommittees may include public seats in addition to PRAC
9 members. While all PRAC members may attend and participate in subcommittee proceedings,
10 only designated subcommittee members may vote. Temporary subcommittees should exist for
11 no longer than 24 months and dissolve upon completion of the enabling charge.

12 (c) Facilities Subcommittee. There is established a Facilities Subcommittee that will focus on
13 the health and good repair of all facilities under the purview of the PRAC. At a minimum of
14 once per year the Facilities Subcommittee shall engage users of each facility to hear from those
15 users and to plan for facility needs.

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19 **67.01.240 Duties.**

20 (a) Intent. With the exception of parking management and facilities maintenance services
21 provided to other departments, the PRAC should advise the assembly regarding all Parks and
22 Recreation Department managed lands, facilities, and services including, but not limited to, the
23 Treadwell Arena, the Aquatics Facilities, and the Jensen-Olson Arboretum.

24 (b) The PRAC should review and provide recommendations to the parks and recreation
25 director and assembly regarding the following:

- (1) Planning and development of all aspects of recreation and associated issues affecting parks and recreation in the community.
- (2) The Capital Improvement Plan (excluding Facilities Maintenance and Centennial Hall).
- (3) The department's Fee Schedule (excluding parking).
- (4) Adopted and proposed legislation, including regulations, related to the department.
- (5) Acquisition or disposal of City and Borough of Juneau lands managed or dedicated for park or recreation purposes.
- (6) Naming of parks or recreation facilities.

67.01.250 Staff Assistance.

Staff support and assistance to the PRAC may be provided by the City Manager as available and appropriate.

Section 7. Parks and Recreation Advisory Committee Transition Period. The Assembly intends on reestablishing the PRAC by April 1, 2023. Current members of the PRAC will continue to serve through March 30, 2023, and need to reapply if interested in a future PRAC position. In addition to new public members, all members of the Jensen-Olson Arboretum Advisory Board, the Treadwell Arena Advisory Board, and the Aquatics Board are encouraged to apply for a PRAC position. The Assembly shall appoint transitional PRAC positions as follows: three members for one-year terms, three members for two-year terms, and three members for three-year terms.

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Section 8. Effective Date. This ordinance shall be effective March 15, 2023.

Adopted this _____ day of _____, 2023.

Carole Triem, Acting Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Alicia Hughes-Skandijs, Chair of the Assembly LHED Committee
FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*
SUBJECT: iRide Alaska Lease Request
DATE: February 7, 2023

In November, the Lands Office received a request for a commercial use permit on city property in the location of the West Douglas Pioneer Road (WDPR) from iRide Alaska LLC. After discussion with the applicant it was determined that this use conforms best to city code 53.09.260 as a non-exclusive lease of city property. This application requests use of the NDPR for guided e-bike tours between May 1st and October 30th. The application requests 3 tours a day for 6 days per week.

Currently the WDPR is primarily used in the summer by recreation bikers and hikers and for harvesting firewood. The Lands Office issues permits for firewood harvesting which helps remove trees that fall across the road. Allowing seasonal firewood harvesting on this property has minimized the illegal tree cutting for firewood on other CBJ properties. In the past, the City had also provided access to the Alaska Department of Fish and Game for studying bats, to the USGS for monitoring stream flow, and for running competitions. In the winter, the Nordic Ski Club grooms the WDPR. The WDPR was completed in 2018 as a future development access corridor to City property.

At this point in time, the application has been received and the next step in processing the application is for the Assembly to determine "whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land" (53.09.260).

The WDPR is a primitive pioneer corridor with no guardrails, frequent tree falls and the almost seasonal washout of a culvert. Allowing a commercial use, such

as this application, would provide some funding that could be used for maintenance of the WNPR and the parking lot. Eaglecrest and the Nordic Ski Cub also help with maintenance.

Staff requests that the LHED Committee forward a motion of support to the Assembly for the nonexclusive lease of City Property to iRide Alaska in accordance with 53.09.260

Attachments:

1. Permit Request dated 11/12/22
2. 09-30-2018 Juneau Empire Article

November 12, 2022

Dan Bleidorn
City and Borough of Juneau
Division of Lands & Resources
155 S. Seward Street
Juneau AK 99801

Re: Commercial Use Permit

Dear Mr. Bleidorn,

iRide Alaska, LLC dba Segway Alaska has been an established company since 2019. We have been offering guided Segway tours for the past three years and are currently requesting a commercial use permit to use city land for a guided e-bike tour on North Douglas. Below are the details of our request.

PERMIT REQUEST: Commercial Use Permit on the West Douglas Road Extension

COMMERCIAL ACTIVITY PROPOSED ON CITY LAND:

We are proposing a guided e-bike tour on the four-mile West Douglas Road Extension. These guided tour groups will be riding e-bikes from a drop off point near the North Douglas Boat launch ramp up to the intersection of the West Douglas Road Extension and the North Douglas Highway and continuing onto the West Douglas Road Extension (CBJ land) and riding to the end of the gravel road and back. Tours will stop at various locations along the road to look at attractions and possibly include a short hike in the woods to see an old growth forest and muskeg.

GUIDED TOUR LOGISTICS:

- Two guides per group.
- Group sizes will range from 4 to 15 people.
- Three tours a day will be offered, 6 days a week with no tours on Sunday.
- Each tour will run approximately an hour and a half.
- Tours will be offered at approximately 10:00a, 1:00p, and 4:00p, though times will vary depending on cruise ship schedules.
- Tour groups and e-bikes will be dropped off and picked up near the North Douglas Boat launch ramp.
- Storage of e-Bikes will not occur on site.
- Tours will run from May 1st to October 30th.

ADDITIONAL PERMISSION REQUESTS:

We would like to get additional permission from the City and Borough of Juneau for the following items:

- To place a small open-air tent in the cul-de-sac at the end of the West Douglas Road Extension to be used for e-bike riders to take a break.
- To allow people to take a short hike into the woods to see the old growth forest and muskeg.
- To add a short section along the road where a small 18" wide trail would allow bikes to ride near the edge of the road.
- For the most part we do not intend to park in the parking area at the beginning of the road or to drive vehicles on the road. However, obtaining a key to the gate would allow for emergency retrieval of a bike that breaks or a person who is injured.

APPLICANT PERMIT HISTORY:

Below is a list of permits that iRide Alaska, LLC has acquired with the City and Borough of Juneau. We have successfully met all permit conditions, including paying fees and taxes on time. We are a member of the Tourism Best Management Practices (TBMP) and are in good standing.

- Rainforest Trail Permit, Parks and Recreation Department, 3 years
- Overstreet Park, Parks and Recreation Department, 3 years
- Eaglecrest Cross-country Ski Trail, Eaglecrest Ski Area, 2 years

It is our intention to do everything possible to reduce conflicts with existing walking, running, dog walking, biking, firewood harvesters, and other users.

Thank you for considering our permit request. If you have any questions, please feel free to contact James King at 360-685-3008.

Sincerely,

A handwritten signature in blue ink that reads "James King". The signature is fluid and cursive, with the first name "James" and last name "King" clearly distinguishable.

James King

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

August 28, 2017 5:00 PM
City Hall, Assembly Chambers

I. ROLL CALL

Debbie White, Chair, called the meeting to order at 5:02 pm.

Members Present: Chair Debbie White; Assembly members: Norton Gregory; Jesse Kiehl; Mary Becker

Liaison Present: Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors

Liaison Absent: Chris Mertl, Parks & Recreation

Staff Present: Greg Chaney, Lands Manager; Beth McEwen, Deputy Clerk; Dave Scanlan, Eaglecrest Manager; Alan Steffert, Engineering/Public Works

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

A. August 7, 2017 Minutes

MOTION by Ms. Becker to approve the minutes of the August 7, 2017 Lands Committee meeting. Hearing no objection, the minutes were approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Albert Shaw spoke to the committee regarding his past work with the borough boundaries when they were originally drawn up. He encouraged the Assembly to annex the properties on Admiralty Island to include Cube Cove, then going to the corner of the Sitka Borough, and then up north to the corner of the Haines borough. He stated that the boundary lines need to be clarified such that they follow the ridge lines. His main reasons for the annexation of these lands is that the people using them, come through the City and Borough of Juneau for their services and in addition to the timber resources, there are also mineral resources that he feels should fall within Juneau's jurisdiction.

IV. AGENDA TOPICS

A. West Douglas Pioneer Road Management Proposal

Mr. Chaney gave a broad overview of the project. He stated that Alan Steffert is the project/construction manager and available to answer questions if the committee had any.

Mr. Chaney explained that this pioneer road is currently a one lane gravel road with one bridge and a couple of large culvert crossings. He said it is a pretty ambitious project since it is all brand new and that they had received a grant from the state to build this road. He said that assuming they get the necessary permits from the Corps of Engineers and Department of Fish and Game, they can continue as far as the money takes them and needs to be spent by the end of this fiscal year. With the proposal in the packet, it is likely to run out before the fiscal year.

He also explained that in the long range plan for N. Douglas, there are four areas for development and that any waterfront development to be done will require a

partnership or agreement with Goldbelt. Mr. Chaney said he is hoping the Lands Committee will provide him with direction on how they wish to manage this asset once it is no longer a construction zone. Presently it is not eligible for public road access and is basically just a construction road at this point. He suggested that the best way to manage this would be to secure a gate and allow for non-motorized access along the road. He included a draft administrative policy for interim public use until it is developed for future use as a road.

Committee discussion took place regarding whether or not motorized vehicles such as snowmobiles, ATVs or other motorized apparatus would be permitted. Mr. Chaney said they looked at that as an option but felt that the liability would be pretty high but if there was a good plan in place, they may be able to review the matter on a case by case basis for the types of apparatus. He said it is not currently Parks and Recreation managed lands but rather managed by the Lands Dept. but they realize that it will likely be used in a park type manner.

Mr. Kiehl asked if they had approached or consulted the N. Douglas residents about this road or proposal. Mr. Chaney stated that it was a low key project and they had not made direct contact with the N. Douglas residents regarding the project. Addition discussion and questions were answered regarding the types of traffic, parking, as well as whether this was classified as a “road” for purposes of the discharging of firearms ordinance. Ms. White expressed a desire for this to go through a Law Department review for some clarification as to the restrictions and uses that may or may not be applied to this “road.”

MOTION by Ms. Becker for The Lands Committee to recommend the Assembly adopt the attached CBJ West Douglas Pioneer Road Extension Interim Use Policy as the official policy for managing the West Douglas Pioneer Road until it is upgraded to safely accommodate public transit and asked for unanimous consent. Motion carried without objection.

V. STAFF REPORTS

There were no staff reports.

VI. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Docks and Harbors Board Liaison Weston Eiler reported that there would be a meeting on Tuesday, August 29 at 5pm in the Chambers of the Docks and Harbors Board to discuss the Urban Plan with respect to the area from Marine Park to the Taku Dock.

Planning Commission Liaison Paul Voelckers reported that the Lemon Creek Area Plan is getting close to being submitted to the Planning Commission in the next week or so. He said it is a good document that includes some reasonable vision for Lemon Creek and possible CIP actions for community affairs.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:28 p.m.

Respectfully submitted,
Beth McEwen, Deputy Clerk

ADMINISTRATIVE POLICY NO. XX-XX

CBJ WEST DOUGLAS PIONEER ROAD EXTENSION INTERIM USE POLICY

INTERIM PUBLIC USE OF WEST DOUGLAS PIONEER ROAD

I. HISTORICAL OVERVIEW

The City and Borough of Juneau owns approximately 3,434 acres of land located between Outer Point and the Point Hilda area on Douglas Island. This undeveloped land on the western side of Douglas has long been classified as a new growth area for Juneau. The extension of the North Douglas Highway to Point Hilda through the construction of the West Douglas pioneer road will provide access to this remote City land and enable future community expansion and development in West Douglas.

II. CONSTRUCTION OF WEST DOUGLAS PIONEER ROAD

The purpose of this policy is to clarify the intent for interim use of the West Douglas pioneer road.

III. INTENT OF WEST DOUGLAS PIONEER ROAD

The West Douglas pioneer road was constructed as the first step towards accessing and developing City land in West Douglas. The road extension will continue as permits allow and in conjunction with funding allocated for development in the area. Currently, the pioneer road has not been built to public vehicular standards and as such is reserved for non-motorized uses. The pioneer road is not intended to be a permanent trail and will be developed to accommodate motorized vehicles in the future.

IV. MOTORIZED USE OF PIONEER ROAD AND ASSOCIATED FEES

Motorized vehicles such as off road vehicles, ATVs, or motorcycles are not permitted on the West Douglas pioneer road. Any unauthorized motorized use of the pioneer road is an infraction and violators will be prosecuted and fined. The fee schedule for fines will be determined by the City Manager.

V. EXCEPTIONS

Exceptions for vehicles to use the West Douglas road for planning, surveying, construction and related uses may be granted in writing by the City Manager.

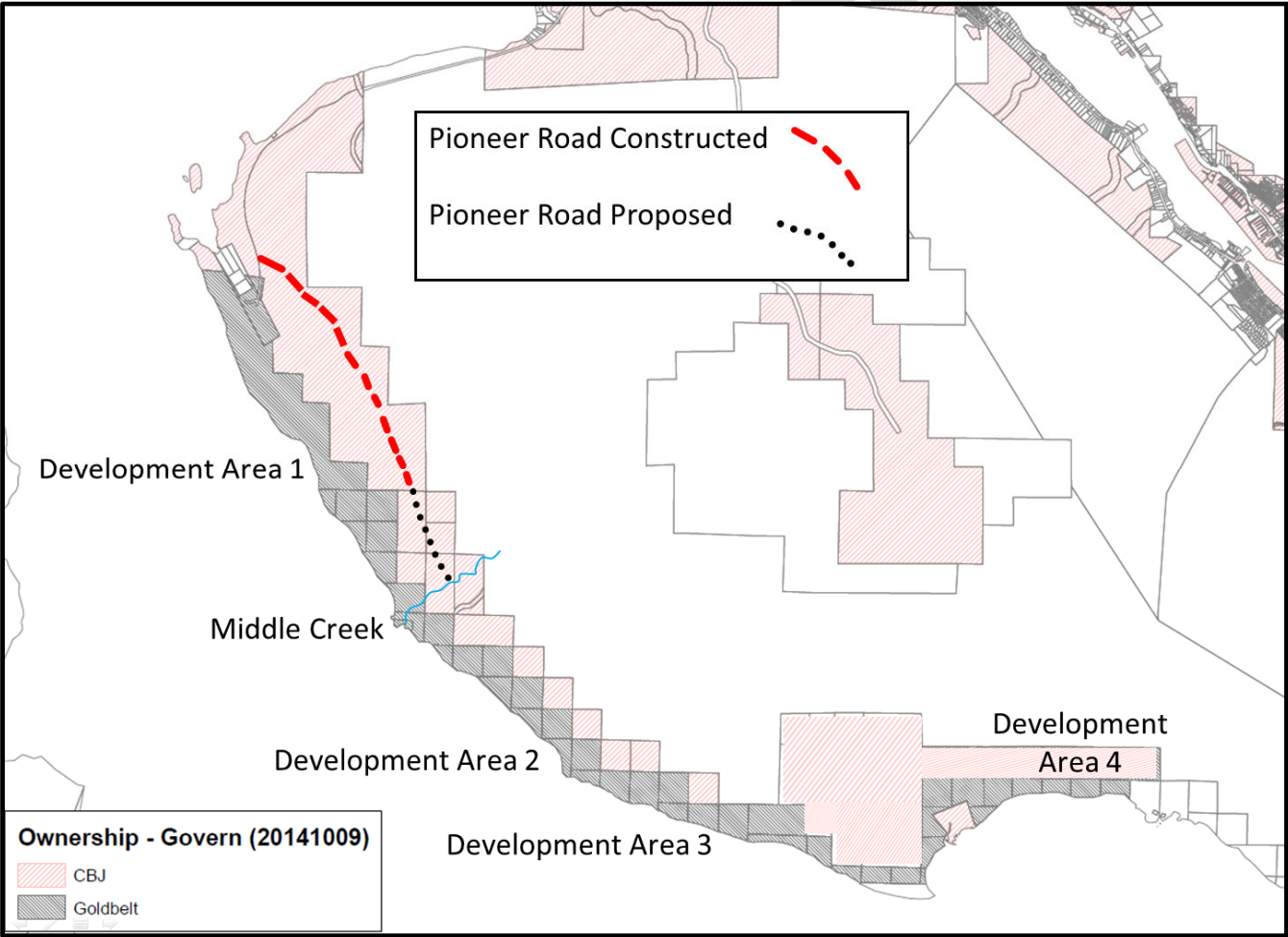
VI. GENERAL PROVISIONS

Scope: This policy applies to all individuals.

- A. Authority to promulgate policy: The City Manager of the City and Borough of Juneau, Alaska, maintains the authority granted by the CBJ Charter to order policy and the guidelines for implementation.
- B. Effective Date: This policy will take effect on date policy is signed.

Dated at Juneau, Alaska, this _____ day of _____, 20__.

Duncan R. Watt
City and Borough Manager



**Department of Human Resources / Risk Management**

155 Municipal Way Suite 101, Juneau, AK 99801

907-586-5250 <phone> 907-586-5392 <fax>

Email: Dallas.Hargrave@juneau.org

MEMORANDUM

Date: January 26, 2023

To: City and Borough of Juneau Assembly

Thru: Duncan Rorie Watt
City ManagerFrom: Dallas Hargrave
Human Resources & Risk Management Director

Re: Implementation of the Employer Sponsored to Dependent Care Account.

At the January 4, 2023 Assembly Finance Committee meeting, City and Borough of Juneau (CBJ) management presented the concept of improving retention by paying an employer contribution to a dependent care account (DCA) for full time employees after they work for the CBJ for a year, and annually thereafter. By unanimous motion, the Assembly Finance Committee directed staff to develop proposed changes to the DCA plan and propose the costs for the program in the Fiscal Year 2024 budget. The purpose of this memorandum is to update the Assembly on this proposed program.

National data supports that during the COVID-19 pandemic working parents and caregivers left the workforce in high numbers and have yet to return to full-time employment. In fact, according to the Bureau of Labor Statistics, there are still two million fewer women in the workforce than pre-pandemic rates. Additional research notes 25% of employers listed caregivers with children under 18 years old and employees with caregiving responsibilities have higher attrition rates.¹

Currently, CBJ offers a voluntary benefit that allows employees to contribute to a DCA. This is a pre-tax benefit account used to pay for eligible services include childcare, preschool, summer day camp, before or after school programs, and adult daycare. Employee contributions to a DCA are not subject to payroll taxes, so an employee can pay less in taxes by contributing to a DCA and then paying for the care from the DCA. We are proposing that the CBJ implement an employer payment to the employee DCA in the manner outlined below:

- Effective July 1, 2023, all full-time benefited employees of the City & Borough of Juneau will be able to enroll in an employer funded DCA based on the following guidelines:
 - Full-time benefited employees are eligible for this plan on July 1 following their one year Merit Anniversary date.
 - Full-time benefited employees may requalify for each year thereafter.

¹ <https://www.benefitnews.com/news/how-to-attract-and-retain-employees-during-the-great-resignation>

Assembly

Page 2

Implementation of the Employer Contribution to the Dependent Care Flexible Spending Account.

- If eligible, employees will enroll in the Employer Paid DCA each year during benefit open enrollment.
- Elections will be use or lose. Any unspent funds will be returned to the Employer DCA account.
- Employees will have the option to enroll in the employee funded DCA as a new hire. If they elect to enroll and elections cross into the same calendar year in which they become eligible for the Employer funded DCA, the employer funded plan will be pro-rated to as not to exceed the maximum IRS contribution limit of \$5000.00
- The employer funded DCA will function the same as the employee funded DCA—employees will pay for services and submit for reimbursement with invoices/receipts

Although this benefit will apply to a caregiver of any gender, this enhanced recruitment and retention benefit will likely have a higher impact on employing women at CBJ and supporting women remaining employed with the CBJ. Additionally, because the \$5000 benefit for employees is a flat dollar amount regardless of earnings, it has a proportionally higher impact on lower wage earner CBJ employees.

Although only a handful of employees participate in the voluntary employee funded DCA benefit each year, it is anticipated that significantly more employees would participate if the employer contribution benefit was available. It is estimated that there are approximately 100 full time CBJ employees with children under the age of 13 who may qualify for this benefit. Based on that estimated number of employees, estimated annual costs are:

- \$500,000 if 100% qualify
- \$375,000 if 75% qualify
- \$250,000 if 50% qualify

In the proposed FY2024 budget, CBJ management will propose a benefit rate model where all Departments would pay the same rate per employee, irrespective of potential usage. We will initially use the payments from the department to fund the newly established dependent care risk fund at the \$500,000 level in FY2024. Once the fund is established on July 1, 2024, when an employee qualifies for the \$5000 benefit, the benefit would be transferred from the dependent care risk fund to the employer sponsored DCA.

Recommended Action

This memorandum is intended to supplement the materials that were provided to the Assembly Finance Committee on January 4, 2023. There is no action required at this time; however, if the whole Assembly is interested changing the guidance that was provided by the Assembly Finance Committee we prefer to know soon so that adjustments can be made. CBJ leadership will include the estimated costs for this program in the FY24 budget for consideration by the Assembly so that the benefit is available to eligible employees on July 1, 2024.
