

THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes – January 10, 2022

MEETING NO. 2022-02: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held at City Hall and virtually via Zoom webinar and called to order by Mayor Beth Weldon at 7:00p.m.

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

Ms. Hughes-Skandijs 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 a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

III. ROLL CALL

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

Assemblymembers Absent: Christine Woll

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Assistant City Attorney Sherri Layne, Municipal Clerk Beth McEwen, Finance Director Jeff Rogers, Parks and Recreation Director George Schaaf, Airport Manager Patty Wahto, Engineering/Public Works Director Katie Koester, Community Development Director Jill Maclean, Lands Manager Dan Bleidorn, Port Engineer Erich Schaal

IV. SPECIAL ORDER OF BUSINESS

A. Snow Plow Drivers Appreciation

Mayor Weldon extended a heartfelt thank you on behalf of the Assembly to all the snow plow drivers, snow haulers and all the community members who have been assisting in digging out the drains and helping their neighbors with snow removal in this very heavy snowfall winter.

B. Heather Gatti Tlingit & Haida Central Council (THCC) Government Affairs Liaison Update

Ms. Gatti stated that THCC stood up its Tribal Emergency Operations Center (TEOC) at the onset of the pandemic with the primary goal being to try to stop the spread of COVID-19. They underwent a lot of training with their communities as well as with Juneau to its citizens and staff. They have also been able to respond to other emergencies throughout the region during pandemic, including missing persons in Juneau and in Kake and also assisted following the landslide in Haines. She said that the Executive Council, at the recommendation of the TEOC, mandated vaccinations for all the THCC employees and they have also partnered with SEARHC for offering COVID testing to their employees. As the Omicron

variant sweeps through the community, the TEOC is developing new guidance for the Executive Council to consider in order to protect staff and fellow citizens.

She said that just like the Juneau School District and others, the early education programs are being impacted with the increase in COVID cases and they have had several closures with Head Start classes as well as with their Child Care Center which has been closed for 1 week due to positive cases in the class rooms.

Ms. Gatti reported that THCC recently purchased the property located at 400 & 410 Willoughby Ave. buildings in the Auk Village Districts. They will begin renovations using their Southeast General Contractors which is owned and operated by the tribe. They have had tremendous growth, expanding the number of departments and almost doubled the staff count in spite of the pandemic and this will help them start their much needed expansion. One part of that expansion was to stand up the Community and Behavioral Health Department that will hopefully help fill some of need for mental and behavioral health services in the region. On staff, they have five licensed clinicians and they have four behavioral health aides who are currently going through training. They launched their new Community Behavioral Health Services Community Healing Center website. They also operate a 24/7 crisis and access line.

She said THCC has almost doubled its staff count and they have over 420 employees, a majority of which are in Juneau but they are also expanding their offices in Seattle and Anchorage. They are recruiting community navigators to assist community members in accessing the services of THCC. They have created a citizens support access team that provides assistance to citizens in applying for rescue relief funds and CARES applications.

Ms. Gatti said that for the most part, their enterprises remain open, although they have also seen some affects to staff due to the pandemic. However, they are committed to keeping their citizens and staff employed so they are remaining open during this time to the extent they can be. Those include Sacred Grounds Café, Elizabeth Peratrovich Hall, Smokehouse Catering, and Sacred Shine Auto Detailing. They have been working with the CBJ EOC in working through the various COVID mitigation measures to ensure those enterprises can continue to operate.

As they gear up for the upcoming Legislative Session, they are looking at regional issues of concern including the Alaska Marine Highway system, public safety, food safety, tribal recognition, and compacting for child welfare and education.

In other THCC news, it is an election year for them and they will be holding their delegate elections on March 17, 2022. They will have 116 newly elected delegates on that day. Those delegates will then convene on April 20 for the 87th Tribal Assembly at which they will elect a new president, and a new Executive Council.

Mayor Weldon thanked Ms. Gatti for her report and said that in her discussions with President Peterson, he mentioned that they had a lot of new staff with no offices to put them in so he was excited about their recent purchases in the Auk Village District. Mayor Weldon asked Ms. Gatti if the Smokehouse

Catering was going to remain available during the legislative session as she has had inquiries from legislative offices to see if that was operating. Ms. Gatti responded yes, that Smokehouse Catering will remain open and available for catering during the legislative session.

C. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform.

V. APPROVAL OF MINUTES

A. September 29, 2021 Special Assembly Meeting DRAFT Minutes

B. December 15, 2021 Special Assembly Meeting Retreat-Worksession DRAFT Minutes

MOTION by Ms. Hale to approve the minutes of the September 29 and December 15, 2021 Special 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.

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Dennis Harris, a West 12th Street downtown resident, he noted that on C Street directly behind him there is a giant berm that a Petro fuel truck slid into a parked car the previous evening because of that berm. He said that berm has been there since the first snow fall. He said that Grant Ritter used to have a great plan for snow removal and he would hope that management would go back to using that plan. He said that there are contractors out there with equipment ready to go out and help. If the city doesn't have enough employees or has broken equipment, it is time to start hiring some private contractors. Mr. Smith asked for clarification about Mr. Ritter's plan. Mr. Harris explained that Grant Ritter's plan was to haul snow away and dump it at the yacht club or from other dock areas and not to push it to the middle of the road.

VI. 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 approve the Consent Agenda and she asked for unanimous consent. *Hearing no objections, the Consent Agenda was adopted by unanimous consent.*

1. Ordinances for Introduction

a. Ordinance 2021-43 An Ordinance Providing for the Issuance and Sale of Hospital Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed \$20,000,000 to Provide Financing for Capital Improvements to Bartlett Regional Hospital; 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 would allow Bartlett Regional Hospital to issue up to \$20 million of revenue bonds to partially fund the construction of the Crisis Stabilization Center and renovations to the Emergency Department. These bonds would be repaid entirely from Hospital revenues, and do not commit any CBJ general funds for future repayment. These bonds are expected to be repaid over 20 years.

The Hospital Board reviewed this request at its September meeting. The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting.

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

b. Ordinance 2021-08(b)(am)(V) An Ordinance Appropriating \$265,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.

This ordinance would appropriate \$265,000 as funding to partially relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. The Federal Lands Access Program is administered through the Federal Highway Administration to improve access from non-federal lands to federal lands with an emphasis on high-use recreation sites. A local match requirement of \$28,787 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix will reconstruct the trail in 2022 and 2023.

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

c. Ordinance 2022-02 An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Private Dock Owners.

Docks & Harbors does not currently have the authority under to manage private dock reservations. In 2021, Ordinance 2020-38 authorized a one-year pilot program so Docks & Harbors could accommodate Goldbelt Inc.'s request for managing the reservations at the Seadrome Dock and Merchant's Wharf Float. The pilot program was successful. This ordinance would amend Title 85 by making the pilot program permanent.

The Docks & Harbors Board believes a moorage reservation system operated by Docks and Harbors provides both efficiencies and cost savings for the private owner and D&H. The Board considered this

action at its December 8 Operations-Planning Meeting and its December 16 regular board meeting. The Docks & Harbors Board will hold a public hearing on for this ordinance on January 19.

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

2. Resolutions

a. Resolution 2973 A Resolution Adopting an Alternative Allocation Method for the FY2022 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.

This resolution would facilitate the CBJ's participation in the State's FY2022 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during calendar year 2020 from fisheries business activities within the CBJ's qualifying area.

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

It is anticipated that the CBJ's share will be approximately \$2,250.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. Riverbend Elementary School Roofing Replacement

This project consists of demolition of the existing roof assembly down to plywood decking and replacement with asphalt shingle roofing assembly including insulation, plywood sheathing, new ridge and roof-to-wall vents, gutters, downspouts, roof anchors and other work indicated in the contract documents. This project also includes limited removal and reinstallation of mechanical hoods and vents and electrical items.

Bids were opened on this project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 15, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Dawson Construction, LLC	\$2,394,700.00
Earhart Roofing Co., Inc.	\$2,470,775.00
Coogan Construction Co.	\$2,498,000.00
Carver Construction, LLC	\$2,556,411.61
Architect's Estimate	\$2,500,000 to \$2,900,000

The City Manager recommends that this project be awarded to Dawson Construction, LLC for the total amount bid of \$2,394,700.00.

b. Calhoun Avenue Reconstruction

This project consists of the reconstruction of Calhoun Avenue from the Gold Creek Bridge to the intersection of West 7th Street. Work generally includes concrete slab removal, excavation, shot rock borrow, 2" minus shot rock with D-1 base course, asphalt pavement, curb and gutter, concrete sidewalk, ADA ramps, replacement of storm drain pipe, catch basins, manholes, sewer pipes, insulated HDPE water main and apparatuses, traffic control markings, signs and other miscellaneous work.

Bids were opened on this project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 16, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS TOTAL BID

North40 Construction Corporation	\$1,885,217.00
Coogan Construction Co.	\$2,032,599.00
Glacier State Contractors	\$2,330,943.00
Admiralty Construction Inc.	\$2,670,555.00
<i>Engineer's Estimate</i>	<i>\$1,559,777.00</i>

The City Manager recommends award of this project to North40 Construction Corporation for the total amount bid of \$1,885,217.00

4. Liquor License

a. 16 Liquor License Renewals for 2022-2023

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

Liquor License Renewals

License Type: Beverage Dispensary-Tourism, License #2541

Licensee: MGO Inc., d/b/a Juneau Airport Travel Lodge

Location: 9200 Glacier Hwy, Juneau

License Type: Beverage Dispensary-Tourism, License #3824

Licensee: Hospitality Group LLC, d/b/a Frontier Suites Hotel

Location: 9400 Glacier Hwy, Juneau

License Type: Package Store, License #661

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

Location: 621 Willoughby Ave, Juneau

License Type: Package Store, License #4422

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

Location: 9106 Mendenhall Mall Rd, Juneau

License Type: Package Store, License #1129

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

Location: 5235 Glacier Hwy, Juneau

License Type: Package Store, License #521

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

Location: 465 W. Willoughby Ave, Juneau

License Type: Package Store, License #4742

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

Location: No Premises, Juneau

License Type: Package Store, License #2976

Licensee: No Creek Jack Inc., d/b/a Duck Creek Market

Location: 9951 Stephen Richards Dr., Juneau

License Type: Restaurant Eating Place, License #2812

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

Location: 432 S. Franklin St., Juneau

License Type: Beverage Dispensary, License #728

Licensee: JD Entertainment, Inc. d/b/a The Island Pub

Location: 1102 2nd St., Douglas

License Type: Package Store, License #271

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

Location: 156 S. Franklin St., Juneau

License Type: Restaurant Eating Place, License #5231

Licensee: Alaska Sustainable Seafood's LLC, d/b/a Deckhand Dave's

Location: 127-139 S. Franklin St., Juneau

License Type: Restaurant Eating Place, License #5482

Licensee: Alaska Sustainable Seafood's LLC, d/b/a Deckhand Dave's

Location: 356 S. Franklin St., Juneau

License Type: Beverage Dispensary-Tourism, License #5430

Licensee: Mac Ventures LLC, d/b/a McGivney's Sports Bar & Grill

Location: 51 Egan Dr., Juneau

License Type: Beverage Dispensary-Tourism, License #175

Licensee: CNH Holding LLC, d/b/a Breakwater Inn Restaurant & Lounge

Location: 1711 Glacier Ave., Juneau

License Type: Beverage Dispensary-Tourism, License #1378

Licensee: Alaskan Hotel & Bar Inc., d/b/a Alaskan Hotel

Location: 167 S. Franklin St., Juneau

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

IX. PUBLIC HEARING

A. Ordinance 2021-46 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

This ordinance would amend the existing CBJ COVID-19 mitigation strategies (currently Ord. 2021-42). Staff proposed changes to the text of the ordinance and to Exhibit A reflecting the changing COVID-19 disease situation, CDC guidance, and availability of vaccines for children as young as five. The attached memo from Deputy City Manager Barr describes the changes from Ordinance 2021-42. The changes are also depicted in the ordinance and in Exhibit A with strikethroughs and underlining. The Systemic Racism Review Committee reviewed this ordinance at its November 23, 2021, meeting and forwarded it to the full Assembly for public hearing. This ordinance was last discussed by the Assembly Committee of the Whole on December 20, 2021, who forwarded it to the January 10, 2022, regular Assembly meeting for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Ms. McEwen noted there were over 100 people participating via Zoom and that there were quite a number of raised hands of those wishing to speak. Mayor Weldon noted that there were 13 members of the public who had signed up in advance to speak and she noted that there were likely more who may also wish to speak. She asked the Assembly how much time they should allow for each speaker. It was determined that each speaker would be given up to 2 minutes to testify. The following represents each person's position on this ordinance and a brief summary of their comments. To hear the full testimony, a recording of this meeting is also available in the Clerk's office.

Public Comment

Kaila Buerger, a Juneau resident, spoke in opposition to the ordinance and noted that the CDC has come out and said that PCR testing and masking is not working to combat COVID that the CBJ

Assembly and management are basing their decisions based on fear, flawed science and skewed statistics while censoring science that deviates from their narrative. She said that Juneau is going to become a ghost town due to small business shut downs. She said that she has a list of over 30 businesses that allow customers to shop based on their choice on whether to wear a mask or not.

Robert Shoemake, an Auke Bay resident, stated that he opposes this ordinance which is a regular city ordinance and it needs to be under the Alaska State and US Constitution. He stated that he feels it violates the 1st and the 6th amendments of the US Constitution and it also violates the Alaska State Constitution Section 1.1 that addresses equality. He said that the big box stores have an advantage over the smaller stores in town. He noted that the vaccine requirements create a basis for people to be treated unequal on a medical basis which is a civil rights and ADA decision. He noted that a Supreme Court decision in 1888 stated that any laws in violation of the US Constitution are null and void and he feels this law is null and void.

Cordova Pleasants, a valley resident, said that she is 30 years old and between she and her husband have four business in Juneau, one of which has been operating in Juneau for 60 years. They have recently been talking about packing up/closing those businesses and leaving Juneau for a more open minded community that does not oppress the youth. She said that the Assembly has wasted her generation's ingenuity, energy, time, and potential. She said that they keep referring to following the science but as a biologist, she knows that science evolves and challenges the hypothesis. She spoke in opposition to the ordinance and the environmental impact the response to the pandemic is having on our planet. She said that it will take 450 years for the masks to decompose while it leaches polypropylenes and plastics into our salmon streams. She said that it is estimated that there are now more disposable masks in our oceans than there are jelly fish. She encouraged them to read the email she had sent in for more facts and figures and she urged them to end the mandates immediately.

Erin Howell, an Auke Bay resident, stated that she also owns three businesses in town and she echoes everything that Ms. Pleasants stated and they no longer want to live in Juneau and they know many other business members who feel the same way. She spoke in opposed to this ordinance as she considered this ordinance, and all past COVID ordinances and mandates as being unconstitutional. She stated that the Assembly needs to hold in person meetings with no attendance limitations. Virtual only meetings are too limiting and according to CBJ Code "the public shall have reasonable opportunity to be heard." And she feels this code is being inhibited by these virtual meetings. She has sent a video to the Assembly about what isn't working with respect to the pandemic. She spoke to the mildness of the Omicron variant. She also encouraged that those who want to wear masks to continue to do so but to allow the public to make those choices themselves.

April Hoy, a West Juneau resident, she spoke in opposition to this ordinance and in speaking to the Juneau residents, she stated that the government was created by the people and it is incumbent upon the people to challenge their authority and stand up against ordinances and mandates such as this one. They serve the public and the public should exercise their civil rights. The masks should be on the criminals which in her mind is the Assembly in this case.

Sara Daniels, a valley resident, spoke in opposition to this ordinance. She said she worked for CBJ for 11 years and said that the management and Assembly are following supposed science but the science in this case is not working. She said that compromising their own people is not science, she asked them to start opening up.

Gerry Nance, a Douglas residence, is a veterinarian at Southeast Veterinary. He said that at the beginning of each Assembly meeting, they say the pledge to the flag, and he hopes they are sincere in their pledge, especially the part that says “with liberty and justice for all.” He said he doesn’t envy the Assembly their role, it is up to the Assembly to allow the Juneau citizens the freedoms and liberty to make their own choices with respect to their behavior in response to their own bodies. He said his business has been ruined as a vet shop that should have 8 vets only has 2 and he can’t hire more. Dr. Nance encouraged the Assembly to be brave and make the choice not to implement this ordinance.

Mr. Smith said that he is not a medical expert and they are relying on the information provided by a vast majority of medical experts and scientists who are recommending the measures in this ordinance. He asked Dr. Nance when the CDC and most doctors encourage these measures, how the Assembly justifies turning against those recommendations. Dr. Nance said that he would not normally stray outside of those medical recommendations. He has been trained to listen to everything that has been coming from the CDC pipeline and that is why this is hard to believe. However, he said that he thinks there is something going on that they cannot explain. He said that someone that is censoring, should be raising red flags. He said that when they are seeing all these cases coming up, they need to evaluate the hospital case load and make informed determinations on the impacts of those, how many are actually positive COVID patients, what the staffing levels are, etc... and to question the reporting, the vaccination status. He said that he reads stuff from both sides and he is astonished at the amount of information that is being suppressed. He said he is standing up for those individuals in the community who have been adversely affected by the vaccine requirements who are faced with the choice of either having life-long health impacts from the vaccines or lose their jobs.

Amy Miller, a valley resident, spoke in opposition to the ordinance. She agreed with many of the previous speakers and said that she would leave this town and her children don’t deserve to grow up in a town like this. They do not wear masks and whenever they do go out, they are looked at as though they are lepers. She said that all the vaccines in the U.S. are being administered under an emergency use authorization and the only one that is fully approved is not even available in the U.S. She spoke to the public mandates that require vaccines in order to attend such as the Public Market, drag shows, singing events, etc...are segregating the community and is opposed the Nuremberg Code. She encouraged the Assembly to do the right thing under the U.S. Constitution.

Bradley Johnson, a valley resident, spoke in opposition to this ordinance. He said that he feels mandates are useless. It is sending the message that the citizens better do what the Assembly wants or they will send in the Gestapo and that is not the message he thinks they will want to send. Mr. Johnson posed a number of questions that the Assembly might consider before they pass a mask mandate that had to do with the reasons and implications that occur when masks are used. He also told them that they need to stop telling people to vaccinate their children.

Luann McVey, a Douglas resident, urged the Assembly to please adopt this ordinance. She said that past actions have enabled Juneau to be one of the most protected communities within Alaska and they need to continue this approach by adopting this ordinance. She said that with the Delta and Omicron variants, it has caused hospital surges across the country. She said that Juneau's cases are also rising but not to the extent that they have been in other parts of the country and she attributes that to the mandates currently in place. She is concerned about our hospital's ability to respond to a big surge. She said that requiring masking in public places is on the same level as requiring no smoking in public places. It is taking care of everyone.

Sharon Wildes, a valley resident, spoke in opposition to the ordinance. She reiterated what was said by one of the previous speakers and that was to be brave. There is a lot of fear being broadcast by the news. She said that she had some questions to pose to the Assembly for them to consider during their decision making on this ordinance. She asked if the number of positive cases be the metric when deciding community risk and with respect to that, what techniques are currently being used to detect COVID-19. She said that the FDA just ended some of the EUR authorization on December 31 for some of the PCR tests. She asked how they were accounting for the COVID recovered individuals who will still continue to test positive for COVID up to 90 days or longer. She noted that was also true for anyone who had received the experimental injunction and that would also test positive for quite some time. She said that she has a co-worker who is COVID recovered but has to test each week for employment purposes so she is wondering when he tests as positive each week if that is showing up in the data as a new case each week. She said that wearing masks is not healthy, they are quite unhealthy and she encouraged the Assembly to remove the mask requirements.

Amanda Spratt, a valley resident, spoke in opposition of the ordinance. She stated that we are experiencing exponentially more cases in the community and yet there is only one case currently at the hospital and now that tests are widely available, the case counts being relied upon are not entirely representative of the case load. She cited Dr. Fauci saying that a better way to gauge and address this issue is to monitor the number of cases of those being hospitalized. She said that the mitigation strategies are no longer working and she said that this pandemic has been a sham and that it has been sowing seeds of fear and hate and that the Assembly and EOC has been spreading that fear as well and she implored them to stop considering this an emergency and stop the mandates.

Robert Henricksen, a resident out the road, spoke in opposition to the ordinance primarily as it goes against logic. He said that the idea that one can hide from the virus is illogical. He believes that is a financial component to the city continuing to handle this as an emergency and that the city receives federal money and federal funding for running the EOC. He said that he is opposed to the ordinance and mitigation measures as it undermines both the Alaska and U.S. Constitution. This is violating the rights of city employees, their right to privacy, their right to practice their religion as they will. He said they have created fear within the CBJ offices and it is tyrannical. He said they are running a fascist experiment that is demanding businesses to enforce illegal mandates. He said that it is actually criminal and he suggested that the community members listening who are lifelong Juneau residents, decide that they are not obligated to comply with the CBJ mandates that are illegal. He said that in the Republic in

which we live, noting that we live in a Republic and not a Democracy, the public should not comply and stated that he, for one, will not comply.

Laura Martinson, a Douglas resident, stated that she had already written to the Assembly on a number of occasions to express her opinion, however, she is not hearing any comments related to the capacity limits being imposed on bars and restaurants. She stated that legislative session is starting next week and the tourism season will follow that. She said that just as businesses are trying to come out of severe hardships, adding another three months onto capacity mandates with a risk level that is 2 years old, doesn't reflect the 80% vaccination rate within the community. She urged them to keep the March 1, 2022 expiration date in the current ordinance as is and not to push it to May. She said that there comes a time when ordinances don't work when the community stops paying attention to them. She thanked the Assembly for all their hard work and expressed the appreciation of her fellow business owners.

Leah Haskell-Cummins, a Douglas resident, thanked the Assembly and Mr. Barr for all that they do for Juneau.

John Sisk, a resident out the road, expressed his appreciation for the work that the Assembly has done on this matter and he appreciates the patience and consideration the Assembly has given to those who have provided testimony during meetings. He said that he feels the Assembly has made many wise decisions over the past couple of years in helping to protect our community. He said that he also appreciates the public members who have also testified to share their concerns and viewpoints with the Assembly. He said that he feels patriotic when he wears his mask as it is one small thing he can do to help protect his neighbors, friends, and the community. He said that while they are all getting tired of wearing the masks, it is something they can all do to help protect their neighbors. He spoke in support of the Assembly possibly modifying the ordinance to be able to assist businesses more but he appreciates whatever decision they make going forward as he knows they are working in the best interest of the community.

Phillip Moser, a valley resident, said that they have heard a lot from business owners about their response to the pandemic but they have not heard much from the front line workers who are at the greatest risk every day. He talked about restaurant workers, teachers, health care providers and other front line workers and encouraged the Assembly to leave the mask mandates in place. He is a service worker in a small business that does not provide a health care plan for its employees and he is currently uninsured and he cannot afford to take days off due to illness or others' illnesses. He said that in 2022, none of them can afford the mental fog that comes with COVID.

Aaron Spratt, a valley resident, spoke in opposition to the mandate. He said that COVID mandates and mitigation strategies must be based on evidence and balanced against their costs on the community. He said that there is little evidence that any of CBJ's strategies have made an impact on the spread of this virus. Juneau's vaccination rate has been high but the case rate has mirrored that of other communities with lower vaccination rates. He said that voluntary masking have not proven to have any impact on the spread of the virus. From Jan. 4-7, the case counts have been at their highest while mask mandates were in place. He asked what evidence can CBJ officials offer to prove that any or all of the mitigation

strategies have had any impact on the lessening of the virus. He said that non-pharmaceutical interventions such as CBJ mitigation strategies are routinely implemented at peak cases counts, and give the illusion of effectiveness. He said the impacts to the businesses that have shut down due to the burden that the mitigation measures and that the mental health of the community is in jeopardy. He said that these measures are ripping apart our community and the Assembly needs to ask themselves what the cost is to the community by extending these strategies. He called for them to end these strategies tonight.

Cindy Audet, (*technical issues with audio feedback*), a N. Douglas resident, spoke in favor of the ordinance. She said that she wears her mask in public for three reasons: 1) Humility because she doesn't know if she may have COVID, 2) Kindness because she doesn't know if a person she may be encountering has an elderly family member or a child who may be battling cancer, and 3) Community, she wants her community to thrive, businesses to stay open and workers to stay healthy. She thanked the Assembly for considering all the testimony when they vote on this ordinance.

Rachelle Grossardt, a valley resident, said that she had previously sent in comments in writing as well. She said that she was very thankful for many of the previous speakers who spoke against this ordinance. She said that a lot of times that the people who are against the mitigation measures that have been characterized as stupid when in fact they do a lot of research and they are very informed on this matter. She does not want these mandates to continue and urged the Assembly to think of the kids in the community that are being harmed by the mandates.

Laura Steele, an Auke Bay resident, thanked the Assembly for coming back to her for her testimony as she had been in the middle of putting her daughter down for bed time. She said that as a parent of a young child, a one year old daughter, and because of her age, she is not eligible to be vaccinated against COVID-19. She said that keeping these mitigation strategies in place is very important for keeping her and her family safe. She has not felt safe going anywhere in public, at least until her daughter can be vaccinated, unless people are masked. She said that keeping these mitigation measures in place is a boon for local businesses as it allows for all segments of the community to come into stores to do their shopping. She thanked the Assembly for all their time and attention that they have put into this.

Paul DeSloover, said that like Mr. Sisk, he feels it is his patriotic duty to wear a mask to protect his fellow Juneauites and he served in the U.S. military from 1967-1970 for the same reason. He said that in that case, he gave four years of his life and thankfully he did not lose his life. He said that he appreciates what the Assembly has done so far to mitigate the problems. They have kept his granddaughter safe in school, they have kept his friends and family and those around him from getting the disease and getting extremely sick. He said that he thinks they will be seeing the ending of the pandemic in the near future. He said that at this point in time, it will help us see the end of it quicker with these mitigation strategies kept in place. He said that he appreciates the time, effort, and heartache the Assembly has put up with in doing their public duty.

Kirby Day, a Twin Lakes area resident, said he was not originally going to testify tonight but after listening to some of the previous testimony, he felt the need to testify. He said that he wears a mask, which can be a pain, but that he is trying to do his part. He said that he feels the Assembly and the City

Management deserve a lot of credit and thanks for everything they have done over the past 2 years and they don't get nearly enough of that thanks. He said that many people tonight had good points on both sides of the issue. He said that unfortunately, some did not articulate it in a way that wasn't nasty and not becoming to what he believes to be the best way to testify and get their point across. He said that is maddening to him and embarrassing and there needs to be a better way to get their point across. He said that many did and did a good job. He thanked the Assembly again. He said that many people talked about them needing to be brave and have guts and he asserts that they have. They have had guts and been brave over the past two years and they continue to do what they think is right for our community. He said that regardless of what someone feels about this issue, no individual people should be called out by name during testimony and he thinks the Assembly should not allow that. He said that Robert Barr has done an exceptional job for this community and before him, Mila Cosgrove, and they should not be ridiculed in a public forum like this because someone doesn't agree with what the Assembly is doing.

Martin Stepetin Sr., a member of the Juneau Board of Education, testified in support of the ordinance and all the work that the Assembly and staff, including Mr. Barr, has done for our community. He said that it is sometimes hard to see how extremely valuable all the measure we have taken has been to our community. He said it can be seen in the fact that the schools are open and that we have enough bus drivers. These are problems other communities in Alaska are having because their COVID mitigation measures are not as strong as Juneau's. He said that whenever a school board's policies are not the same as the governing bodies policies, it is very troublesome in getting citizens to follow the rules. He said that we have been lucky in Juneau that the School Board has been on the same page as the Assembly. He shared from a personal point, he has been through watching three people that he knew died of COVID since the beginning of the pandemic, including the very first person to have died in Alaska. He said that one of his wife's cousins has died from COVID. This is not nothing. He said the virus cannot be controlled and it is still dangerous. He said that as long as they can control and manage their actions with respect to the mitigation measures, they can continue to keep the schools open which is the most important thing. He said that the School Board is doing that with the Assembly support and the support of this ordinance.

Krista "K.J.", a valley resident, spoke in opposition to the ordinance. She said that the ordinance has not really made that much difference and we have the highest rate of vaccinated citizens in Alaska and why is everyone so worried. She said that she doesn't get it and she would like to see this ordinance go away.

Jan Caufield, a downtown resident, thanked the Assembly for all its work and is fully supportive of this ordinance. She said that there was no place in the world she would have rather been than in Juneau during this pandemic. She supports keeping the mitigation measures. She expressed her appreciation for the Assembly and CBJ staff and all that they have done to keep the citizens safe, and to keep schools and businesses open and safe.

Christy Montero, the following email was read into the record by the Clerk on behalf of Ms. Montero: *Dear members of the Assembly, Mayor Beth, and City Managers Mr. Watt and Mr. Barr.*

As a legally deaf woman, I have greatly struggled for the last two years to be an interactive member of society. I am writing to urge you to let Juneau residents live their own lives, and move forward at their own pace. Let the US choose how to live our lives. We are not your children, you are not our parents. Respect us, let go and let us live. Stop driving fear into people, the survival rates are high. What does freedom mean to you all? Please, ask yourselves, and tell us the answer. This will be the third year that covid has existed (since the end of 2019), the prison of covid has to end. As a communication platform, zoom is one of the worst ones out there for deaf people. The resolution is not high enough to read lips, and the transcription is terrible and entirely inaccurate. The masks are another great hindrance to anyone who is deaf or hard of hearing. The ADA has not been upheld to the needs of those of us who have disabilities. We have struggled far too long, enough is enough. We need to see faces and restore our sense of true community! Christy M, longtime resident of Juneau

Public Testimony was taken on Ordinance 2021-46 from 7:19-8:35p.m.

Ms. Gladziszewski said that they received testimony and that the method of tracking and reporting the number of cases is not as adequate as it once was. She asked Mr. Barr about those metrics and they are using to go up and down the scale from red to orange to yellow and green. She asked him to elaborate on the factors they look at now in addition to the case positivity numbers.

Mr. Barr said that the risk metrics they use to consider which level is appropriate is many. He said that the weight of those metrics have varied over the course of the pandemic. He noted that previously, they had attributed more weight to the case volume than they do today as Omicron is a different variant than Delta and the original strain. He said that right now, of all the risk metrics they are looking at, the most significant is the ability for the hospital and other businesses, both private and public, to be able to operate. He said that as more and more people get COVID at the same time as the Omicron is spiking, the more people are required to be in isolation at the same time. He said that BRH has the highest number of individuals out sick due to COVID at one time over the course of the pandemic. He said that they have seen that struggle in other businesses, some that consider themselves critical infrastructure and others that do not see themselves in that light. He said that is a big metric they are tracking right now. Another metric they are also tracking right now is the availability of therapeutics. He said that Juneau is a well vaccinated community and it is certainly a true statement that individuals who are fully vaccinated and especially true that those who are vaccinated and boosted are much less likely to end up requiring hospitalization or indeed even a lower level of medical care. He said that unfortunately, not everyone is able to be fully vaccinated and not everyone responds well to vaccines, particularly if they are older or if they have certain medical conditions that would prevent them from being vaccinated. He said that therapeutics including monoclonal antibodies and antiviral medications are authorized but have very limited availability right now. As that availability increases, that will be a significant factor in determining the risk mitigation level. He said that hospitalization rate is a significant factor. He said that during the Omicron waive, they have not seen a significant increase in hospitalizations and he hopes that will continue to be the case.

Mr. Smith said that he has seen some information out there that cloth masks are less effective with Omicron and he asked Mr. Barr if the ordinance language needed to be modified in any way to address that. Mr. Barr said that Omicron, as a variant, is far more transmissible than Delta or the other variants

that came before it. He said that masking, in order to be effective against COVID, and Omicron specifically, does have to be done right. He said that a single-ply cloth mask that doesn't fit very well is not going to do as good of a job as a cloth mask that has multiple layers and does do well and you can go up the chain from there. A surgical mask that fits well is going to do a better job and a KN95 or N95 mask is going to a better job yet. He said that they have learned over the course of the pandemic, that masks help control two ways – it provides some protection not only from receiving COVID but also some protection from transmitting to others as well, particularly if wearing a high quality mask properly and it is doubly effective if all people involved are wearing masks. Mr. Barr said that with respect to Mr. Smith's question related to changes in the ordinance about the type of mask is not necessary as they primarily are relying on educating the public on the benefits that masks provide and what types of masks that are more effective.

Ms. Hughes-Skandijs asked about the State contracted workers at BRH and how their availability or the loss of those workers may affect CBJ's ability to respond to COVID in the future. Mr. Barr said that they currently have about 12 contract workers working at BRH with about half leaving mid-January and the other half in March. However, BRH is looking at ways to see if they may be able to continue on as contract workers working for BRH rather than the state. Currently there are 20 BRH staff members unable to work at this time do to COVID or COVID exposure.

Mr. Bryson asked about the reaction from the cruise industry and also asked about the science upon which CBJ is basing its decisions. He mentioned that the Assembly recently heard from a panel of state and local health professionals and he thought that they noted that CBJ had one of the best, if not the best, responses in the state.

Mr. Barr responded that while he can't speak for those agencies, he will try to answer Mr. Bryson's questions to the best of his ability. He said that from a cruise industry perspective, it would be fair to say that any mitigation strategies that a cruise ship is going to have, in all likelihood will exceed our local mitigation strategies. Secondly, cruise industries want to do everything that they can to prevent an outbreak of COVID-19 on their vessels so the passengers can enjoy the vacations that they paid for. A significant part of that is visiting locations that aren't seeing explosions of COVID-19 so they can be confident that those passengers won't be bringing surprises back to the ship with them.

Mr. Barr said that with respect to Mr. Bryson's other question, he was referring to the December 20, 2021 Committee of the Whole meeting with the State Section of Epidemiology and other members of the Health and Social Services Department. They certainly had some positive things to say about the Assembly's handling of the pandemic to date.

Ms. Gladziszewski thanked Mr. Bryson as she too had some of the same questions. She noted that they did hear from the state epidemiologists and others at the December 20 COW meeting at which they gave the Assembly a "gold star" for its response to date. She said that was one of the reasons they had advanced what they did. Since CBJ does not have its own public health department, they really do rely on the State's Public Health and Social Services Department to advise them on these things.

Ms. Gladziszewski asked Mr. Barr if he could provide the reasoning behind his recommendation to extend the mitigation strategy timeframe to May 1. Mr. Barr said that the legislation process they are using for this is the regular ordinance/legislative process that provides for the greatest amount of public input and time to allow the public to provide their comments, both written and verbal into the decision making process. He explained that process is a lengthy one by design. It requires two public meetings, one for introduction and a second for public hearing and Assembly action. After that, any ordinance that is passed then takes 30 days before it becomes effective. He said that the reason he proposed the May 1 date was that if they went with any other date than that, it would require introduction of a new ordinance at the very next Assembly meeting in early February and then it would be up for adoption at the second meeting in February for it to become effective in time. He said that another big reason for the May 1 deadline is that they are just as hopeful as many of the testifiers they heard from tonight that they may not need to do this again depending on how the Omicron variant. In watching other areas such as South Africa and some areas in Europe, it appears to be burning bright and declining rapidly and they are hoping that will be the case here. For now, they are watching that data reporting and that is the main reason they are asking for the May 1 timeline.

Ms. Hale asked about the case positivity rate and if Mr. Barr thought they may continue to go up for a little while. Mr. Barr said that he does anticipate that it will likely continue to increase before they see any type of plateau. He said that although they are not seeing all the test results now that the at home tests are available the current positivity rates they are seeing is at approximately 17%. He said that the state is transitioning on the data they will be providing on their dashboard and our reports will reflect some of those changes in the types of data being reported.

Mr. Smith and Mr. Barr discussed the EOC operations and the hope that as they see a decline in the Omicron variant, they will see the potential for ending and/or at least transitioning from a pandemic to endemic.

Mayor Weldon asked some of the questions that were posed during the testimony they had received so that everyone was clear on what those answers are.

- 1) Has the Pfizer vaccine been fully approved by the FDA? Mr. Barr said, yes, it has been fully approved by the FDA. He said that it is a common misconception that the Pfizer vaccine is not yet fully approved. He said that whether it is referred to a COMIRNATY or Pfizer-BioNTech, it is the precise same vaccine and it has been fully approved.
- 2) Mayor Weldon asked for clarification that we are using the PCR test different from the type of test that was not approved. Mr. Barr said that was correct. He noted that early in the pandemic when PCR testing was sharply constrained and in short supply, the FDA got out of their lane a little bit and approved a PCR test so they could help address the supply/demand issue. That is not what they generally do and they are not a manufacturer and they do not want to produce their own types of tests generally but when everyone was struggling to get reagents and have tests available, they did do that. They stopped because they no longer needed to do that and another reason they stopped was because they were supporting PCR testing that was able to detect, not only COVID, a multiplex assay which could detect a multiple of respiratory diseases.

- 3) Mayor Weldon's last question had to do with someone testing positive every week because they had previously had COVID and she asked how those positive results figure into the numbers being tracked. Mr. Barr said that when tests are reported, that single person, no matter how many times they test positive, only counts once. It is not at all uncommon to see that in the case data. It is true on a PCR test, that is looking at the DNA of the virus, someone who was positive for COVID-19 can test positive for quite some time after having recovered and no longer contagious. He said that is not necessarily true for the rapid antigen tests.

Mayor Weldon explained that this meeting is being held entirely on Zoom due to a number of staff and Assemblymembers who either have COVID or have been exposed to someone with COVID.

MOTION by Mr. Bryson to adopt Ordinance 2021-46 and asked for unanimous consent.

Amendment #1 by Ms. Gladziszewski to change line 15, page 6 of the ordinance, Section 5 to change the date of March 1, 2022 to April 30, 2022.

Mayor Weldon noted that she would object to that amendment and asked for a roll call vote on the amendment.

Roll Call Vote on Amendment #1 Effective Date

Ayes: Gladziszewski, Bryson, Hale, Smith, Triem, 'Wáahlaal Gíidaak

Nays: Hughes-Skandijs, Weldon

Motion passed 6 Ayes, 2 Nays

Mayor Weldon asked for any objection to the original MOTION to pass Ordinance 2021-46 as amended, hearing no objection, the motion passed by unanimous consent.

The Assembly recessed for a break at 9:07 and resumed at 9:15p.m.

B. Ordinance 2021-08(b)(am)(S) An Ordinance Appropriating \$2,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds.

This ordinance would appropriate \$2,000,000 of general funds 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 would provide funds for a 30% complete plan set to develop a more detailed cost estimate of the entire project.

The Committee of the Whole reviewed this request at its November 29, 2021 meeting. The Assembly Finance Committee reviewed this request at the January 5, 2022 meeting. The Systemic Racism Review Committee reviewed this request at its December 14, 2021 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

Liz Perry, a valley resident and Travel Juneau CEO, testified in favor of this ordinance. She said that Travel Juneau appreciates the CBJ investing in some much needed deferred maintenance of Centennial Hall. Travel Juneau is in charge of selling the use of Centennial Hall to conventions and groups. She said that their stakeholders, which include hoteliers, caterers, and planners, recognize the need for a comprehensive overhaul. She said that many communities in the west and mid-west have updated their convention centers over the past 5 years. She noted that Juneau does have an advantage that the convention center is a short walk from our downtown hotels and that additional lodging is just a short distance away from the downtown center. She said that we are now competing with other communities in Alaska including other southeast communities as well as Cordova and Valdez. She said that planners are looking for attractive, up to date meeting spaces that meet their technical and space needs and many of the event planners need more break out room than Centennial Hall currently has. She said they are looking for up to date technology and that is a major factor for every planner who is looking at selecting a location. She noted that planners are also organizing smaller and more frequent meetings. With an expanded facility, the ability to hold multiple meetings of 100 persons or less throughout the week as well as full conventions will help boost Juneau's local economy. She said that this appropriation would fund more specific plans to help generate a more accurate picture of the function and form needed to meet the needs of the community now and into the future. The sooner they can get this project moving forward, Travel Juneau will be able to move forward in selling the hall for future bookings. She said that as Alaska's state capital, Juneau should have a convention center that they can be proud of and showcase to the rest of the state. Travel Juneau urges the Assembly to adopt this appropriating ordinance.

Joe Nelson, a downtown resident and Chairman at Sealaska, said that he is a proud member of Tlingit Haida and he thanked the Assembly for taking the report at the beginning of their meeting from THCC representative Heather Gatti. He said that they have been here for a long time and they don't anticipate going anywhere else. Four years ago, they submitted a letter of support for this project and while a lot has changed since that time, a lot of the change now falls into the category of "Let's do this!" This proposal fits now clearly fits into the 'need to have' column rather than the 'want to have' or 'it'd be nice to have' category. He said that all the properties around Centennial Hall vicinity have had improvements done, or will have done in the near future. Centennial Hall sits in the heart of our community in many ways. He said that if Centennial Hall is looked at as the heart of our community, it is going to need a pacemaker soon unless we do something right now. He said that as a native community, they will continue to bring their best every two years at Celebration. He said that it would be great to have a venue that will meet them in that moment and will be able to host many other important events in our community. He said they are happy to support this ordinance and emphasized the importance of moving forward on this right away as it is overdue in many ways. He expressed appreciation to the Assembly for all they have done during the pandemic and said that he is looking forward to seeing this newly envisioned civic center come to fruition.

McHugh Pierre, a Douglas resident and the President/CEO of Goldbelt, Inc., said that they chose to use Centennial Hall as their meeting place of choice to hold their annual meetings every year. He said that they have more than 2,700 shareholders that call Juneau home and it is time to upgrade. He said we need to support this ordinance to meet the local needs as well as the needs of outside user groups that want to come to the capital city. He said that if we want to remain a relevant region and relevant capital city for the state of Alaska, we need to invest in the necessary infrastructure. He said that he is very proud to hear others testify in a similar vein and the time to build is now so that when the pandemic is over, there will be opportunities for new vibrant economies in place and we can really shine as Alaska's capital city.

Norton Gregory, a Douglas resident, spoke in opposition of spending any money towards any part of the expansion of the new JACC. He said that in the 2019, there was an advisory vote that asked voters if they would approve a \$4.5 million grant towards a new arts and culture center. The issue was defeated with 59% of the voters saying NO. He said that he was surprised to hear a potential \$72 million dollar estimate at one of the recent meetings for this new facility and that it is back up for funding conservation. He said that we need to find out if the community supports this new vision before committing any funding. He provided a list of possible projects that could benefit from a \$72 million infusion and said first and foremost that they should not increase the property taxes. He said that Juneau continues to have a high cost of living and that they need to look at ways to lower that cost of living rather than increase it. He said that there is a retention problem at both the police and fire departments and they should consider increasing the salaries for the first responders. He recommended the Assembly take a walk down at the Douglas boat harbor at night to see that it needs lighting, the parking needs to be paved, and it is in need of serious repairs and attention. He suggested that they continue to work on the North Douglas bench road so additional development in North Douglas can occur to help with housing, recreational and investment opportunities, all of which create jobs to help our local economy. Additional suggested included further development of Phase II of Pederson Hill subdivision, continued water and wastewater infrastructure improvements, snow removal, downtown parking and consider removing the fee in lieu of parking requirements downtown, and invest in a new City Hall but not to build it on top of Downtown Parking Center. Lastly, he encouraged they also look at the Douglas second crossing and that all these projects should be considered before any more money is spent on the Centennial Hall project.

(9:26p.m. – a disruptive individual shouted lewd comments at one of the Assemblymembers, the Clerk immediately removed the member from the Zoom meeting and the Mayor called for an immediate recess of the meeting. The meeting resumed at 9:29pm)

Mayor Weldon stated that when people make inappropriate comments such as that, it then forces the Assembly to conduct its public testimony options differently during meetings. She apologized to Ms. Triem for not being able to stop the testimony sooner.

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2021-08(b)(am)(S) and objected for purposes of a question.

Ms. Hughes-Skandijs said that she had expressed her original concerns during the discussion at the Finance Committee. She asked with respect to the process for the 30% plans that with other capital

improvement projects that they have previously seen, they have seen a menu of options to be considered on what might or might not be able to be included. She asked Mr. Watt to explain what the 30% plans might include.

Mr. Watt said that in most municipal projects, they work in a low bidder environment with which they have a 100% plan set, solicit bids and then award to the lowest bidder. He said that approach doesn't work well for large capital projects. He noted that the industry standard and the proposal they are being made, that he fully supports, is that they pursue what they call an alternative procurement method. Using that method, they do a 30% design set and then solicit bids from contractors who would be responsible for completing the architectural and engineering plans and submitting a "guaranteed maximum price." He said that in this instance, this would not be the last time the Assembly touched this project. There would be many steps and he suspects that the Assembly would get regular updates and that they would be interested in cost control measures and phasing ideas and ways they can balance the scope of the project vs. the cost of the project. He said that any revenue measures would likely have to go to the voters and the voters would have an opportunity to weigh in as well. He said that he would imagine there would be a lot of public process and this would be before the Assembly many times. He said he thoroughly understands the tension between the desire to propose amenities on behalf of the proponents of the facility and the desire of the Assembly to maintain cost controls of the project. It would be largely incumbent on the City Manager and his staff to bring back regular updates on decision points before the Assembly to the extent possible so the Assembly can be informed of cost issues and decisions as the project moves forward.

Ms. Hughes-Skandijs said that while she supports the project and believes that the rest of the Assembly does as well, she was not so sure about what that guaranteed maximum price might be. She said her fear lies in being committed to something via a sunk cost fallacy. She agrees that this is a project we need and will be beneficial to the community but she maintains her objection as she has some concerns about the process overall.

Ms. Gladziszewski said that she agrees with Ms. Hughes-Skandijs concerns about the cost but feels we need to get further down the road to find out more information before they can make decisions about those costs and amenities. She noted that CBJ will not be the only entity contributing costs to the project ultimately but they need more information before they can proceed to even know what all those factors will be so she is supportive of moving this ordinance forward at this point.

Mr. Smith spoke in support of the ordinance and the project and spoke to all the benefits that the arts brings to our community. He said that he feels this is a very different question than what was before the voters in 2019 and he supports this ordinance.

Mayor Weldon noted that Ms. Hughes-Skandijs brought up good points and they will all want to look closely at the various costs associated with the project. She said it will be something they will need to reassess when it comes back to the Assembly at the next step in the process.

Mr. Bryson said that the Assembly has made it crystal clear that if this design comes back at \$70 million dollars that it will not happen. He asked how the Assembly gets the input in that it needs to be at a certain price tag, and have this amenity or that amenity. He asked how the Assembly puts sideboards on this project.

Mayor Weldon asked Mr. Watt to outline the sideboards.

Mr. Watt said that while there has been a group of proponents working on this project, this ordinance is appropriating \$2 million dollars to the City Manager. It would then be up to the City Manager and his staff to manage a contract that will work with architects and engineers to develop that design process and the Manager will oversee that process and cost estimation process. He said it would be a city project, fully under the control of the City Manager and as he mentioned earlier to Ms. Hughes-Skandijs, they would be coming back to the Assembly with updates and information. He said that they can't get certainty until you get more detail. The Assembly will need to be involved. He said there will be a wide range of factors that will come into play as the project goes along and you can't get any certainties until you start working on the project but you can't start working on the project without taking this first step. He said the Assembly will be receiving frequent updates and if they have concerns as it goes along, there will be many opportunities to express those and provide clarifying direction to staff on the project.

Ms. Hale said that they may have a variety of funding sources for this project and that there may be additional future funding sources that are not yet known. She noted that the Assembly met with its federal lobbyists this morning who advised the Assembly to have projects shovel ready as much as possible over the next few years that might be eligible for federal funding opportunities. She said that she thinks they would be selling themselves short if they were to determine a full dollar amount at this stage without knowing what possible revenue sources may be.

Roll Call Vote on Ordinance 2021-08(am)(S)

Yeas: Hale, Bryson, Gladziszewski, Smith, 'Wáahlaal Gíidaak, Weldon

Nays: Hughes-Skandijs, Triem

Motion passed 6 Yeas, 2 Nays.

Mayor Weldon noted that she has an early morning flight and turned her gavel over to Deputy Mayor Gladziszewski to preside over the rest of the meeting. Deputy Mayor Gladziszewski began the remainder of the meeting at 9:45p.m.

C. Ordinance 2022-01 An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power.

In 2008, a massive avalanche damaged the hydroelectric lines serving the community. Electrical power costs for CBJ residents and businesses increased dramatically. The Assembly responded and temporarily exempted the cost of power adjustments on electrical power from sales tax. (Emerg. Ord. 2008-17; Ord. 2008-31). However, the exemption has inadvertently remained in the sales tax code. Because the

Assembly in 2008 only intended the exemption for cost of power adjustments to be temporary, this ordinance would repeal that sales tax exemption.

The Assembly Finance Committee reviewed this ordinance at the January 5, 2022, meeting. The Systemic Racism Review Committee reviewed this request at its December 14, 2021, meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

Mr. Watt noted that there was a version (b) of the ordinance that was submitted to the Assembly as a red folder item that changes the effective date of the ordinance to March 1, 2022 which corresponds to the monthly power billing cycle.

Ms. Gladziszewski asked if there was any updated information about the billing from the question that was asked at the Committee of the Whole meeting at which they were asking if the billing had been collected. Mr. Watt said that he believes that had not been collected.

Public Comment

None.

Assembly Action

MOTION by Mr. Smith to adopt Ordinance 2022-01 and asked for unanimous consent.

Ms. Hale objected for purposes of a question. She asked what they are talking about when they are talking about the cost of power adjustments. Mr. Watt answered that generally cost of power adjustments can be positive or negative but generally a smaller portion of the electric bill. Ms. Gladziszewski said that they were big when the avalanches hit but they have been small now.

Ms. Triem asked if Mr. Watt might speak to how often this happens and what amount of revenue may have been given up with this exemption. Mr. Watt said that he does not know. He said that they could bring Mr. Rogers over to try to answer that. Mr. Rogers said that he has observed on his own power bill that the cost of power adjustment has remained untaxed. He said that the remainder of the power bill is still subject to tax. He said that AEL&P has been correctly applying an incorrect exemption for the past 14 years. As the manager said, cost of power adjustments can be positive or negative and he suggested that removing the exemption will result in some very small tax collection but not a large amount.

Additional discussion took place regarding when cost of power adjustments are made as well as the process by which the utility goes to the Regulatory Commission for fee fluctuations. The cost of power adjustment tends to go up and down depending on low and high water level years.

Ms. Triem said that she understands that this ordinance was likely meant to be a housekeeping clean up ordinance but she doesn't see a down side to having an exemption for something that may be beneficial to help with the cost of living in our community so she objected to adopting this ordinance at this time.

Roll Call Vote on Ordinance 2022-01

Yeas: Smith, Bryson, Hale, Hughes-Skandijs, 'Wáahlaal Gíidaak, Gladziszewski

Nays: Triem

Motion passed 6 Yeas, 1 Nay.

D. Ordinance 2022-03 An Ordinance Authorizing the Municipal Attorney to Update Monetary Values Pursuant to Adjustment Provisions in Previously Adopted Legislation.

Various CBJ ordinances, resolutions, and regulations have automatic monetary adjustment provisions tied to the Consumer Price Index or other inflation metrics. This ordinance would clarify that the Municipal Attorney is authorized to update those monetary values in the published CBJ Code pursuant to the previously adopted legislation.

The Systemic Racism Review Committee reviewed this request at its December 14, 2021, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

The Clerk requested a brief at ease at 9:55p.m. The meeting resumed at 9:57p.m.

Public Comment

Mr. Hugh Freeland's hand was raised but when brought over was not speaking to this item on the agenda.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-03 and asked for unanimous consent.

Hearing no objection, the motion passed.

X. UNFINISHED BUSINESS

A. Ordinance 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

The ordinance involves a rezone request for a 15-acre parcel on North Douglas approximately 1 mile north of the Juneau-Douglas Bridge.

The applicant requested a rezone from D-15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions and a Comprehensive Plan map amendment. On May 11, 2021, the Planning Commission, instead,

recommended a rezone from D15 to Light Commercial because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

On August 2, 2021, the Assembly tabled Ordinance 2021-27, which would have amended the Comprehensive Plan for this property from Medium Density Residential to High Density Residential. The Assembly Committee of the Whole discussed this ordinance on July 19, 2021. On August 2, 2021, the Assembly held a public hearing, amended the ordinance with a public infrastructure condition, and an Assemblymember gave notice of reconsideration. On August 23, 2021, the Assembly reconsidered the rezone ordinance and referred it back to Assembly Committee of the Whole. On December 20, 2021, the Assembly Committee of the Whole forwarded the ordinance to the Assembly for public hearing.

On January 3, 2022, the Systemic Racism Review Committee concluded the ordinance would likely perpetuate systemic racism if adopted. The Committee identified the Light Commercial rezone would benefit the developer; the boat storage intended by the developer would benefit people that have enough income to pay for boat storage; and the Light Commercial zoning district as compared to the D-15 zoning district would likely harm people in need of housing, which are disproportionally racial minorities. The Committee questioned whether the 500 feet of public notice was meaningful, identified the lack of public support in the record, questioned the legal compliance with the Comprehensive Plan, and recommended the Assembly seek additional public input.

The City Manager recommends the Assembly refer this ordinance back to the Committee of the Whole for further consideration.

Public Comment

Travis Arndt, the developer for this project, said they are still very interested in proceeding with this project and have been at it since they applied nearly a year ago. He said that the last meeting they were at was the Committee of the Whole and they thought the next meeting at which it would be considered was this meeting tonight. He said that were surprised by the Systemic Racism Review Committee meeting that was held on this ordinance without them being aware of it. He said they weren't able to provide any input and that some of the things that they mentioned on there were dealt were addressed by the Planning Commission which is charged with those tasks. He said that the Planning Commission voted unanimously 8:0 to recommend the Assembly approve the rezone. He said that they would be more than happy to work with the Assembly back in the Committee of the Whole if that is what they would like in order to continue to move the project forward. The rezone is a very important feature to make development on that parcel work. Development without a rezone would be pretty bleak.

Mr. Smith asked about the process and timing that this has gone through.

Mr. Arndt explained that building material prices have gone up 167% since Aug. 2021 alone and he is trying to find a way forward to provide multifamily units.

M. Hale asked if Mr. Arndt would be able to address the issues raised by the SRRC. She also asked if this does go to the COW, would they be able to have members of the SRRC there to discuss this further. Mr. Arndt answered that yes, they'd be able to prepare the information requested and be available to discuss this. Mr. Gladziszewski said that both Mr. Arndt and members of the SRRC could both provide info at a COW meeting.

Dave Hanna, a valley resident, encouraged the Assembly not to refer this ordinance back to the COW but rather to move it forward. He said that the SRRC isn't very well versed in the systems of zoning and the effects that has on the community. He said that their remarks are exactly wrong and in fact, this rezone would allow for denser zoning which usually allows for lower cost housing as well as mixed use. This leads to a wider range of diversity in housing and uses. The LC zoning makes it exactly the opposite of the concerns raised by the SRRC.

Assembly Action

MOTION by Mr. Bryson to adopt Ordinance 2021-26(am) and asked for unanimous consent.

Objection by Ms. Hughes-Skandijs.

Mr. Bryson spoke to his motion and noted that Mr. Hanna's comments were correct. He said this is a way to get serious about housing, to stop systemic racism, to allow for multifamily dwellings to go into what has traditionally been single family homes. He encouraged everyone to support this ordinance at this time.

Ms. Hughes-Skandijs noted that this is the first time the SRRC has provided a recommendation re: systemic racism. She said that with all the work that has gone into the creation and the meetings of the SRRC, it is incumbent upon the Assembly to carefully consider its concerns and not immediately vote against their first recommendations outright. She said that the Assembly has reviewed this ordinance at length and she apologized to Mr. Arndt that this has taken so long but she does see the best method moving forward would be to refer it back to the COW to consider the SRRC concerns.

AMENDMENT by Ms. Hughes-Skandijs to refer Ordinance 2021-26(am) back to the COW.

Ms. Gladziszewski asked Mr. Palmer to weigh in on the motion and amendment. Mr. Palmer said that Ms. Hughes-Skandijs can refer this back to the COW and that would take precedence over the main motion to adopt. He also noted that if the Assembly does vote on the main motion and it fails, then this ordinance is done because the Assembly can only reconsider something once.

Ms. Gladziszewski noted that Ms. Hughes-Skandijs motion to refer this to the COW was before the body for action. There being no objection to motion to refer Ord. 2021-26(am) to COW, the motion passed.

Ms. Hale said that she had a comment speaking to both Mr. Bryson's and Ms. Hughes-Skandijs' motion. She said that the Assembly will be seeing instances where the SRRC will not have expertise in certain areas, just like the Assembly encounters. She said that she agrees with sending this back to the COW and this being the first time they have made recommendations, this process will be fine-tuned over time but it is good to have this process at this time.

Ms. Gladziszewski noted that as Chair of the COW, they will work to ensure an opportunity to hear from both the SRRC and Mr. Arndt further on this issue.

XI. NEW BUSINESS

A. Housing Fund Awards

The Juneau Affordable Housing Fund was established by the Assembly to provide funding for the creation of affordable and workforce housing. Fiscal year 2021 projects were considered by the Assembly Committee of the Whole on December 20, 2021, who recommended the Assembly award the following three projects:

- **AWARE Cordova Street project (\$150,000)**
- **St. Vincent DePaul Channelview project (\$50,000)**
- **St. Vincent DePaul Teal Street project (\$100,000)**

The City Manager recommends the Assembly award Juneau Affordable Housing Funds for fiscal year 2021 as recommended by the Committee of the Whole.

Ms. Gladziszewski asked if there were any objections to adopting the City Manager's recommendations. Hearing no objection, the funding awards were approved as recommended.

B. 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 each of these applications individually.

Assembly Action

MOTION by Ms. Hale to consider the application from Ms. Carolyn Martin and to refer the matter to the Assessor for review and action. Hearing no objection, the motion carried.

XIII. ASSEMBLY REPORTS

A. Mayor's Report – None.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Ms. Triem reported that the Assembly Finance Committee met last week and two of the ordinances discussed were acted upon at this meeting. The next meeting will be held February 2.

Ms. Hale reported that the Lands Housing and Economic Development did not meet on 12/20/21 and the next meeting will be the same day as the COW meeting.

Mr. Bryson reported that the Public Works and Facilities Committee met on 12/20/21 and received a snow berm update, discussed the legislative priority list, and the pool roof postponement.

Ms. Gladziszewski reported that the Committee of the Whole met on 12/20/21 where they talked about COVID measures, heard from Dept. of Health and Social Services, discussed the rezone ordinance that was just referred back to the COW and the next meeting will be held on 1/24/22 via Zoom. She also noted that all the meetings on 1/24/22 will be held via Zoom.

Ms. Hughes-Skandijs reported that the Human Resources Committee met earlier that evening and discussed Board of Equalization (BOE) appointments and will take them up at a later date. Incumbents who are currently serving will continue to serve until the end of this BOE appeal cycle. They also discussed the Resolution to rename Peratrovich Place that will be coming to the Assembly. They also need to find a date to interview applicants for the two vacancies on the SRRC. They are looking at 2/15/22 as a possible date; hearing no objection, they set the meeting for 2/15/22.

Ms. Gladziszewski noted that the Housing Development Task Force (HDTF) met and suggested the Title 49/Planning Commission (PC) review the Table of Permissible Standards. The PC deals with this all the time and they know which parts of this table causes the most friction for housing. Hearing no objection from the Assembly the HDTF recommendation was forwarded to the PC for consideration.

Liaison Reports

Mr. Smith reported that the Eaglecrest Board met last Thursday night, the board voted to increase employee pay by 7.5% across the board. They will be requesting a policy adoption by the Assembly that no employee will be paid less than state minimum wage. They are having a good year and they feel they will be able to cover the increased expense. He also reported that the UAS Community Council met today and are getting a new Environmental Science degree. He said that spring enrollment is down but Fall is looking up. He reported that the Juneau Housing Homelessness Coalition is trying to set a meeting.

Mr. Smith reported that the Joint JSD/Assembly Facilities Committee will be meeting on 1/13/22 at Noon via Zoom. He also noted that there is a public meeting tomorrow at 5pm re: Revising the Long Range Waterfront Plan.

Ms. Hughes-Skandijs reported that the Parks & Recreation Advisory Committee (PRAC) met and the Fish Creek Masterplan is closed for public comment. They have put some maps online for the Montana Creek project and there is a lot of info on that process due to all the overlapping jurisdictions/agencies involved. She said there will be a joint meeting of Juneau Off Road Association – 33 mile site, late Jan/early Feb likely held via Zoom. It was introduced in the packet tonight and she noted that they got a \$265,000 grant to relocate the Mt. Jumbo trailhead to Savikko Park. She said the PC has not met since the last Assembly meeting. There will be a PC meeting tomorrow night looking at disposal of park downtown to Franklin Foods, and a land trade in the valley. She noted there is one vacancy on Juneau Commission on Aging (JCOA) and a vacancy on the PRAC.

‘Wáahlaal Gíidaak said she missed the last JSD meeting due to son’s band concert at same time. JSD is meeting again tomorrow night. She said that there is a Sister Cities Committee (SCC) meeting on 1/25/22. She said that she really enjoyed the New Year’s Eve event at which Ms. Hughes-Skandijs was the comedy act featured with the “Supremes.”

Ms. Hale reported that the Hospital (BRH) board met 12/28/21 and elected the following officers: President Kenny Solomon-Gross, Vice President Rosemary Hagevig, and Secretary Deb Johnston. She said that the BRH Board retreat, held on 1/8/22 was facilitated by Mila Cosgrove who did a great job. She said that she missed some of the Juneau Chamber of Commerce (JCC) meetings. The JCC annual retreat is Wed. 1/12/22 and that the Mayor and she will meet with them to talk about Assembly priorities.

Ms. Triem reported that the Aquatics regulations were moved on and the Aquatics Board is working on its budget. She said that the boiler needs replacing at the Augustus Brown pool. It has been closed on and off and staff couldn’t get there due to the roads. She said that they have also had some staffing shortages due to COVID which caused the Augustus Brown to close so enough staff could be available to keep at least one of the pools open.

Ms. Gladziszewski thanked everyone for their service and all those who testified and listened in.

C. Presiding Officer Reports – None.

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

XVI. SUPPLEMENTAL MATERIALS

RED FOLDER-Ordinance 2022-01(b) An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power

XVII. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 10:39 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor