

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

December 19, 2016 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2016-38

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. UAS Chancellor Caulfield

IV. APPROVAL OF MINUTES

A. November 28, 2016 Regular Assembly Meeting 2016-36

B. December 8, 2016 Special Assembly Meeting 2016-37

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. Ordinance 2016-09(Z) An Ordinance Appropriating to the Manager the Sum of \$459,909 Plus Interest through January 10, 2017, as Funding for IRS Arbitrage Rebate (Related to Tax-Exempt Bonds); Funding Provided by the Debt Service Fund's Fund Balance.

The 2006 CBJ General Obligation bonds have arbitrage rebate owed in the amount of \$487,103.60 including interest of \$72,180.40 on the rebate liability of \$414,923.20. The total liability needs to be paid within 60 days from December 5, 2016, the date the recently refunded (refinanced) bonds were officially retired. The Debt Service Fund Balance has \$490,000 available from prior interest earnings and a sales tax funding allocated to pay school bond debt.

The Assembly Finance Committee forwarded this request to the Assembly at its December 14, 2016, regular meeting.

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

b. **Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.**

This ordinance narrowly defines a geographic area in downtown Juneau from which camping is prohibited. Businesses in the downtown Juneau area are experiencing a noticeable and significant increase of unauthorized people camping in doorways, and campers leaving refuse behind. The primary purpose of this ordinance is to prohibit camping on private property without permission of the property owner.

Importantly, this ordinance primarily regulates business property because those business property owners and tenants are generally not present during the evenings when the camping is occurring. This ordinance would give the CBJ and business owners a tool to minimize the unauthorized camping.

The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole, and set for public hearing at the next regular assembly meeting.

c. **Ordinance 2016-45 An Ordinance Amending the Official Land Use Maps of the City and Borough to Change the Land Use Designation of Two Parcels Located on a Fraction of USMS 164 near the End of St. Ann's Avenue in Downtown Douglas from Natural Area Park to Medium Density Residential.**

In July 2016, CDD received a rezone application for a parcel located near the end of St. Ann's requesting a rezone from D-5 to D-18. The rezone was recommended for approval by the Planning Commission on September 13, 2016, and the rezone ordinance, 2016-41, was introduced at the November 7, 2016, regular Assembly meeting.

However, as staff continued its work on the proposed rezone, it was discovered that the Comprehensive Plan Map designations of both the parcel to be rezoned, and the parcel adjacent to it, were incorrectly designated as Natural Park Area. Natural Park Area is defined as "CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development." The subject parcels in this ordinance are privately held and suitable for development.

Staff forwarded a recommendation to the Planning Commission that the Land Use Maps be amended to change the parcels' designation from Natural Park Area to Medium Density Residential. The Planning Commission considered the map amendment issue at its meeting on November 30, 2016, and approved making the recommendation to the Assembly.

This ordinance would amend the Land Use Maps of the Comprehensive Plan to change the map designation of both parcels from Natural Park Area to Medium Density Residential.

Ordinance 2016-41, addressing the rezone, will be brought forward for public hearing concurrent with the public hearing on this ordinance.

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

2. Resolutions

a. **Resolution 2778 A Resolution in Support of Proposed Changes to Alaska Statute Chapters 30.30 and 05.25 Relating to Improving the Management and Prevention of Derelict Vessels.**

The substance of this resolution was drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks and Harbors is a member. Since 2014, an Abandoned and Derelict Vessel *ad hoc* task force consisting of federal, state, Alaska Native, and non-profit organizations have met to recommend changes to Alaska statutes addressing this public nuisance. Some of the recommended proposed legislative changes include a funding mechanism to address abandoned and derelict vessels and vessel insurance requirements to cover salvage costs.

A complete copy of the amendments being proposed to the legislature can be found here:

<http://www.juneau.org/harbors/documents/AlaskaCleanHarbors.pdf>

The Docks & Harbors Board reviewed this resolution at its meeting on October 26, 2016, and recommended forwarding it to the full Assembly for its consideration.

The City Manager recommends this resolution be adopted.

b. **Resolution 2779 A Resolution Authorizing the Manager to Apply for, and Enter into, a Loan Agreement with the State of Alaska Department of Environmental Conservation, through its Alaska Drinking Water Fund, for the Douglas Highway Water System Replacement.**

This resolution would authorize the City Manager to enter into loan agreements with the Alaska Department of Environmental Conservation for the Douglas Highway Water System Replacement, in the amount of \$3,000,000.

The Douglas Highway Water System Replacement Project involves the replacement of failing water infrastructure within Douglas Highway from the Juneau Douglas Bridge to Lawson Creek Bridge, and is intended to be completed before Alaska DOT resurfaces the roadway in 2018/2019.

The terms of the low interest loans under the Alaska Revolving Loan Fund managed by ADEC are 20-year repayment at a 1.5-percent interest rate. The project loans would be re-paid with water utility customer revenues.

The Public Works and Facilities Committee passed a motion of support for this resolution at its November 21, 2016, regular meeting and recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

c. **Resolution 2780 A Resolution Adopting the Housing Action Plan.**

This resolution would adopt the Housing Action Plan (HAP).

On October 26, 2015, the draft HAP was presented to the Assembly Committee of the Whole.

The Affordable Housing Commission and staff further refined the HAP, and at its June 7, 2016, meeting, the Affordable Housing Commission voted to move the HAP to the Planning Commission and recommended it be adopted as part of the Comprehensive Plan.

On July 12, 2016, the Planning Commission, by unanimous vote, recommended that the Assembly adopt the HAP.

On October 31, 2016, the Assembly Committee of the Whole made its final changes to the HAP and forwarded it to the Assembly for adoption into the Comprehensive Plan by Ordinance 2016-30. At the public hearing on the ordinance at its meeting on November 28, 2016, the Assembly instead passed a motion directing staff to draft a resolution to adopt the plan.

This resolution would adopt the Housing Action Plan.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Bid Award - Headworks Improvements BE17-033**

Bids were opened on the subject project on December 13, 2016. The bid protest period expired at 4:30 p.m. on December 14, 2016. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Carver Construction	\$2,422,930
Dawson Construction	\$2,663,000
North Pacific Erectors	\$2,996,791
Alaska Commercial Contractors	\$3,487,000
RSCI	\$3,648,500
Engineer's Estimate	\$3,443,707

Project Manager: Lori Sowa, CBJ Engineering

Project Description: Mendenhall Valley Wastewater Treatment Plant (MWWTP): The improvements to the headworks includes removal of one existing automatic screen and grinder system and one manual bar screen, the installation of two new perforated plate screens and screening washer/compactors including new electrical connections to the screens and compactors, dismantling and removing an oil/water separation tank, relocating an existing grit classifier clarifier and conveyor, and modifications to the piping in the influent pump station, painting of pipe, installation of gas alarms, and miscellaneous related work. Installation of the new screens will require construction sequencing to dismantle and replace existing 16-inch and 18-inch ductile iron pipe and new 24-inch process piping to make space for the new screens.

Juneau-Douglas Wastewater Treatment Plant (JDTP): The improvements to the headworks includes the installation of two new perforated plate automatic screens and screening washer/compactors including new electrical connections to the screens and compactors, construction of new concrete influent channels and piping to connect the new influent channels to existing piping, construction of a new building around the new channels and miscellaneous related work. Site grading includes the installation of two new catch basins, new storm drain lines, and asphalt restoration. Demolition includes the removal of the existing automatic screen and manual screen, removal of existing concrete steps, removal of a timber framed wall and soffit, and removal of electrical feeds to the existing screens.

Construction sequencing will be required to maintain the existing headworks in operation while the new screens and channels are in construction.

Funding Source: Wastewater Contribution	\$1,610,000
ADEC Loan	<u>\$4,000,000</u>
Total Project Funds:	\$ 5,610,000

CIP No. U76-106	
Construction Encumbrance:	\$2,422,930
Construction Contingency:	\$242,293
Design:	\$403,500
Contract Administration/Inspection:	\$193,835
CBJ Administrative costs:	\$72,687

The City Manager recommends award of this project to Carver Construction for the total amount bid of \$2,422,930.

b. Bid Award for Auke Bay Loading Facility Boat Yard

This project develops needed office and work space for the boat repair facility at the Auke Bay Loading Facility. The work includes construction of an office space addition to an existing building; a new boat repair shop building; and erection of a new fabric covered boat shelter.

A public bid opening occurred on December 8, 2016. The Docks and Harbors Board reviewed the bids at its regular board meeting on December 15, 2016. Bid information will be provided in a red folder.

The City Manager recommends the bid be awarded to Alaska Commercial Contractors in the amount of \$373,766.

4. Transfer

a. Transfer T-982 Transfers \$1,970,781 from Eight Capital Improvement Projects to Provide Funding for Four Ongoing Capital Improvement Projects.

This transfer request will move \$1,970,781 from 3 completed and 5 nearly completed Capital Improvement Projects to provide funding for 4 ongoing Capital Improvement Projects.

These funds will be distributed to provide necessary funding for ongoing Capital Improvement Projects. The transfers are tabulated below:

Project No.	Transfer From	Transfer	Status
W75-037	Last Chance Basin Hydro-Geo Inventory	815,000	Ongoing
W75-044	Salmon Crk Secondary Disinfection	267,544	Ongoing
W75-053	West Juneau Reservoir Improvements	140,000	complete - close CIP
R72-111	Distin/W 8th Street Reconstruction	229,000	*Final phase completion Spring 2017
R72-104	Lakewood Subdivision Reconstruction	215,000	Ongoing

R72-107 Meadow Lane Improvements	275,000	Ongoing complete - close
R72-113 Scott Drive Improvements	26,000	CIP complete - close
R72-051 Berners Avenue	3,237	CIP

Total Transfer 1,970,781
 * - adequate funding has been left to complete final phase of project

Project No.	Transfer To	Transfer	Status
W75-054	Douglas Hwy Water Repl Brdg to Lawson Creek	1,222,544	Ongoing Final change order/Closeout
P71-055	Downtown Transportation Center	54,000	
R72-127	East Street-5th to 6th	75,000	Ongoing
R72-125	Aspen Avenue-Mendenhall to Portage	100,000	Ongoing
R72-125	Aspen Avenue-Mendenhall to Portage	519,237	Ongoing
	Total Transfer	1,970,781	

The Public Works and Facilities Committee reviewed and forwarded this transfer to the full Assembly at its November 21, 2016, meeting.

The City Manager recommends approval of this transfer.

5. Liquor License

a. **New Brewery Liquor License #5524 - Barnaby Brewing Company, LLC d/b/a Barnaby Brewing Company**

This is an application for a new brewery license to be located at 206-1 N. Franklin Street, Juneau, Alaska, 99801.

Staff from the Finance, Police, Fire, Public Works, and Community Development departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest this liquor license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the issuance of this new liquor license application.

VIII. PUBLIC HEARING

A. **Ordinance 2016-36(b) An Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Domestic Animals.**

The Animal Hearing Board and Gastineau Humane Society request several amendments of CBJ Chapter 8.30 relating to potentially dangerous and dangerous domestic animals. The changes clarify some of the requirements imposed on owners of potentially dangerous and dangerous domestic animals.

The Committee of the Whole considered this ordinance at its November 21, 2016, meeting and recommended moving the ordinance forward as amended. The amendments are shown in italics in version (b) of the ordinance.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2015-20(AX) An Ordinance Appropriating to the Manager the Sum of \$660,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2016 Operating Budget; Funding Provided by Hospital Revenues.

This ordinance would appropriate an additional \$660,000 to Bartlett Regional Hospital for FY16 operations. BRH initially prepared their budget 18 months ago and underestimated the total expenditures by less than 1%. This appropriation is being funded from FY16 hospital revenues.

The Bartlett Finance Committee was informed of the year-end operating expense authorization shortfall, and the need to obtain Assembly budget authorization, at its November 15, 2016, meeting.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2016-09(V) An Ordinance Transferring \$3,075,566 from the Sales Tax, and the General Fund's Fund Balance to the General Debt Service Fund's Fund Balance.

This ordinance would replace \$3,075,000 of the original state funding that was appropriated for debt service with available fund balance from the general and sales tax funds.

The original funding was expected as a part of the state budget allocation to reimburse local governments for the state share of school debt bond reimbursement. Due to the Governor's veto of state revenue CBJ needed to find additional funding. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding for school debt service be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2016-09(W) An Ordinance Transferring \$696,000 from the CBJ Facility Infrastructure Deferred Maintenance Project, to the General Government Fund's Fund Balance.

This ordinance would transfer \$696,000 of FY17 Deferred Maintenance CIP funding to the general fund for operating budget expenditures. As a part of the FY17 CBJ budget process, the Assembly tentatively allocated \$696,000 of increased property tax revenues into a deferred maintenance CIP. The allocation was tentative based on the uncertainty of the FY17 state budget.

Subsequent to the adoption of the CBJ budget in May 2016, a Governor's veto reduced the amount of the permanent fund dividend. The reduction in the dividend is expected to reduce the retail sales tax collected. The tax loss reduces the revenue originally allocated to the general fund. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding, via a CIP transfer, for general government operations be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2016-09(X) An Ordinance Transferring \$110,434 from the Sales Tax Fund's Fund Balance, to the Roaded Service Area Fund's Fund Balance.

This ordinance would appropriate \$110,434 of available sales tax fund balance as partial funding for the FY17 general government operating budget.

Subsequent to the adoption of the CBJ budget in May 2016, a Governor's veto reduced the amount of the permanent fund dividend. The reduction in the dividend is expected to reduce the retail sales tax collected. The tax loss reduces the revenue originally allocated to the general government funds. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding from the sales tax fund for general government operations be drafted and forwarded to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

F. Ordinance 2016-09(Y) An Ordinance Appropriating to the Manager the Sum of \$365,000 as Funding for the Fountain and Whale Related Site Elements that are Part of the Bridge Park Capital Improvement Project; Funding Provided through a Donation from The Whale Project Committee.

The Whale Project Committee is donating \$365,000 to the CBJ for the construction of the fountain and whale related site preparation elements of the Seawalk Bridge Park to Gold Creek project. This donation will pay for these items in the Phase III Seawalk contract and will have additional funds available to put towards the completion of the fountain works and pump room. These donated funds will be appropriated into the Bridge Park CIP, P41-090.

The Public Works and Facilities Committee recommended this request be forwarded to the Assembly for action/adoption at its October 31, 2016, regular meeting.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor License #4405 - Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc.

The Finance Department is recommending the Assembly file a mid-cycle protest of the Tides Complex, Inc. dba Dragon Inn Chinese Cuisine Inc. Liquor License #440 in accordance with AS 04.11.480 which states the following:

"The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application...."

The protest is based on the continued delinquency on the Confession of Judgment (COJ) which is in default for the second time with a total of 7 missed monthly payments as of November 30, 2016 resulting in a total of \$10,000 in back payments due to bring the COJ current again. In addition to the defaulted COJ payments, there is a total of \$141.12 in outstanding sales taxes, penalties, and interest also owing to pay their sales tax account current through December 2016. Complete details of these issues are outlined in the December 8, 2016 certified letter sent to the business in advance of this meeting.

CBJ Code 20.25.025 provides the business the right to an informal hearing before the Assembly if they choose to do so and this would be that opportunity should they choose to request an informal hearing.

The final regular Assembly meeting at which a mid-cycle protest may be acted upon is January 23, 2017.

This license was before the Assembly Human Resources Committee (HRC) at its meeting earlier in the evening. The City Manager recommends the Assembly act in accordance with the recommendation from the HRC.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee and Liaison Reports
- C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - November 28, 2016

MEETING NO. 2016-36: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Rob Steedle, Community Development Director; Scott Ciambor, Chief Housing Officer; Dan Bleidorn, Deputy Lands Manager.

II. SPECIAL ORDER OF BUSINESS

None.

III. APPROVAL OF MINUTES

A. November 7, 2016 Regular Assembly Meeting 2016-35

Hearing no objection, the minutes of the November 28, 2016 Regular Assembly Meeting 2016-35 were approved with grammatical corrections.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested that a Bid Award for CBJ Contract No. BE17-137 be added to the consent agenda. The bid was opened Tuesday, Nov. 22, the protest period was past and staff sought Assembly approval and award to enable the contractor to order materials before the holiday season.

Hearing no objection, the matter was added to the agenda under "New Business."

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said he is not the only person that is interested in seeing the regulations regarding pedicab licensing changed. 290 people voted for him and most of them know he was interested in this topic. He said the \$1500 license fee is too high and the insurance required for registered vehicles does not cover pedicabs. Pedicabs promote "green energy." Sitka charges \$400 for this type of license. He said seniors running a pedicab you should not have to pay anything for a license.

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 Nankervis, to adopt the consent agenda. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

- a. Ordinance 2015-20(AX) An Ordinance Appropriating to the Manager the Sum of \$660,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2016 Operating Budget; Funding Provided by Hospital Revenues.

This ordinance would appropriate an additional \$660,000 to Bartlett Regional Hospital for FY16 operations. BRH initially prepared their budget 18 months ago and underestimated the total expenditures by less than 1%. This appropriation is being funded from FY16 hospital revenues.

The Bartlett Finance Committee was informed of the year-end operating expense authorization shortfall, and the need to obtain Assembly budget authorization, at its November 15, 2016, meeting.

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

- b. Ordinance 2016-09(V) An Ordinance Transferring \$3,075,566 from the Sales Tax, and the General Fund's Fund Balance to the General Debt Service Fund's Fund Balance.

This ordinance would replace \$3,075,000 of the original state funding that was appropriated for debt service with available fund balance from the general and sales tax funds.

The original funding was expected as a part of the state budget allocation to reimburse local governments for the state share of school debt bond reimbursement. Due to the Governor's veto of state revenue CBJ needed to find additional funding. The Assembly Finance Committee reviewed the FY17 budget shortfalls at its September 8, 2016, and November 9, 2016, meetings. The committee recommended an ordinance to provide additional funding for school debt service be drafted and forwarded to the full Assembly for adoption.

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

- c. Ordinance 2016-09(W) An Ordinance Transferring \$696,000 from the CBJ Facility Infrastructure Deferred Maintenance Project, to the General Government Fund's Fund Balance.

This ordinance would transfer \$696,000 of FY17 Deferred Maintenance CIP funding to the general fund for operating budget expenditures. As a part of the FY17 CBJ budget process, the Assembly tentatively allocated \$696,000 of increased property tax revenues into a deferred maintenance CIP. The allocation was tentative based on the uncertainty of the FY17 state budget.

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- d. Ordinance 2016-09(X) An Ordinance Transferring \$110,434 from the Sales Tax Fund's Fund Balance, to the Road Service Area Fund's Fund Balance.

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- e. Ordinance 2016-09(Y) An Ordinance Appropriating to the Manager the Sum of \$365,000 as Funding for the Fountain and Whale Related Site Elements that are Part of the Bridge Park Capital Improvement Project; Funding Provided through a Donation from The Whale Project Committee.

The Whale Project Committee is donating \$365,000 to the CBJ for the construction of the fountain and whale related site preparation elements of the Seawalk Bridge Park to Gold Creek project. This donation will pay for these items in the Phase III Seawalk contract and will have additional funds available to put towards the completion of the fountain works and pump room. These donated funds will be appropriated into the Bridge Park CIP, P41-090.

The Public Works and Facilities Committee recommended this request be forwarded to the Assembly for action/adoption at its October 31, 2016, regular meeting.

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

VII. PUBLIC HEARING

- A. Ordinance 2016-30 An Ordinance Amending the Comprehensive Plan by Adopting the Housing Action Plan.

This ordinance would adopt the Housing Action Plan, and amend the CBJ's Comprehensive Plan to include the Housing Action Plan.

On October 26, 2015, the draft plan was presented to the Assembly Committee of the Whole. The Affordable Housing Commission and staff further refined the plan, and at its June 7, 2016, meeting, the Affordable Housing Commission voted to move the plan to the Planning Commission. On July 12, 2016, the Planning Commission, by unanimous vote, recommended that the Assembly adopt the plan as an addition to the City and Borough Comprehensive Plan.

On October 31, 2016, the Assembly Committee of the Whole made its final changes to the plan. The ordinance would adopt the version of the plan approved by the Committee.

The City Manager recommends this ordinance be adopted.

Public Comment:

Joanie Waller said the Housing Action Plan was an impressive document. On page 83 there are suggestions to address parking. If this document is to be used to direct marching orders it doesn't say that housing should be built downtown without parking. People have cars - it is like peanut butter and jelly - housing and parking go together. The housing director should be directed to address housing in any of his decisions.

Dave Hanna said he is not speaking for any of the groups he is affiliated with nor as an apartment owner. The Housing Action Plan is good in many regards. It still needs some work, some items have been fixed and some have not. On page 54, there is a suggestion for registration of every rental unit with inspections required. He does not believe that another regime or more work by city staff is required and he worries about tying the city's hands. Sometimes you can't address housing and parking at the same time and he did not want to see this plan, if adopted as part of the comprehensive plan, to stifle innovation.

Mandy Cole said she would like to return the topic to the original intent of the plan which is to provide direction on how to move the needle on housing. Housing has been before the Assembly as an urgent issue for health, safety, employers, and the economy. As a member of the Affordable Housing Commission, she said the commission was looking for out of the box ideas, not a plan to tie the communities hands. This plan has many ideas, they are a variety of tools, and by adopting this, it is not meant to make the problem stickier, but to put more options on the table. She hoped that the Assembly would view it as a buffet of suggestions for new ways of thinking to bring real change to the housing picture in Juneau.

Kathleen Strasbaugh said she was a member of the Affordable Housing Commission, and supported Ms. Cole's comments. She said that the plan would not be implemented without a

specific Assembly action to make it happen, such as the apartment registration program. The most important thing to remember was that the plan is a compendium of ideas for the Assembly to choose from and it is a situation in which the Assembly will have to take further action to implement. These are ideas for change, as status quo has not been working.

Ms. Gladziszewski asked for the background on the development of the plan. Ms. Strasbaugh said she was new to the Commission, but understood this has been under development for at least two years, before the Affordable Housing Commission, the Planning Commission, the Committee of the Whole and Lands Committee. It has come before the public many times and different groups in the community and local experts have provided input since the document was completed.

Assembly Action:

MOTION, by Becker, to adopt the Housing Action Plan by resolution.

Mr. Jones said that the motion was out of order, and he thought it would be better to move the plan as a part of the comprehensive plan, then amend the ordinance to adopt the ordinance.

Mr. Kiehl asked if this could be done without providing public notice. Ms. Mead said a resolution would need to be brought back to the Assembly for consideration to adopt the plan by resolution, rather than by adoption of an ordinance to incorporate the plan into the comprehensive plan.

Ms. White said she preferred adoption by resolution so that it could be aspirational and a guideline, and if adopted into the comprehensive plan it would become a rule.

Ms. Becker said that if adopted by ordinance, the Housing Action Plan has the force of policy, and there were some things in the plan that she found objectionable. When the HAP gets into the comprehensive plan it is open for interpretation. Action can still be taken by resolution.

Mr. Kiehl said that there was some discussion about this at the Committee of the Whole, he did not want to rehash the arguments, but it is important to remember that the Comprehensive Plan states that it is aspirational in nature and it contains standards by which we review proposals that come forward. If we adopt the plan by ordinance it is the policy of the CBJ. If we need to change the plan, let's amend it or if it is so bad that we don't want it to be our policy, let's reject it. He supported adopting the plan by ordinance as part of the comprehensive plan.

Ms. Gladziszewski said she served on the Planning Commission for many years and the Comprehensive Plan contained many things and the commissioners looked at proposals through all of the lenses. It is not an ordinance that obligates funds, it is the force of policy. This plan has been reviewed for over two years. There have been many changes. If there are things we don't agree with we should debate them, rather than argue whether they should have more or less weight than other items included in the Comprehensive Plan. Every time we get close to doing something about housing, people object. This is just a tool.

Mr. Gregory said the Comprehensive Plan was modified in 2012 and part of that plan calls for us to adopt a Housing Action Plan. He felt it was important to adopt the plan as part of the Comprehensive Plan.

Mr. Nankervis said the process should be to move adoption of the ordinance, then speak against the motion, and if the motion failed, then the next motion regarding a resolution could be made. The more he "scratched" at the plan the more concerns he had, and he did not believe there was sufficient time at this meeting to address his concerns.

Ms. Weldon said that the plan is creative, but said it tied with a fiscal note that she was still not certain about it - it asked for a code enforcement officer and she did not know if there were sufficient resources to carry out the plan.

Ms. White spoke about the "softening" of the rental market, her concern about building subsidized housing, and the economy. She said her hesitation was not only with staff interpretation on deciding how this should go - it was a moving target that is not moving in our favor right now. There are good things in the plan - reviewing density and height, but it seems we are focusing on subsidies, requiring rental inspections, requiring developers to make a portion of their developments to subsidized housing, we are taking away the free market. Juneau has a hard time getting developers to come here and do things. CDD is looking for ways to deny permits. She would support adoption of this plan by resolution, but she has talked with people who have tried to develop property for over a year without success. The plan says we need \$3 million to loan out to people at no cost. We will have to charge higher permit fees so those fees can go into a special fund to support the loan program.

Mr. Jones said Ms. White read a different plan than he did. He was still vacillating. It is possible that not adopting the HAP as part of the comprehensive plan or not could increase appeals - due to either lack of review of issues or application of the plan to the development. He wished the plan was better written, and it is not written to adopt some solutions over other solutions in the plan. The motion should not be on the table, we should adopt the ordinance or not, he maintained his objection.

Ms. White said that part of the staff memo for every development was a review of the comprehensive plan as compared to the proposed development. It may be aspirational, however staff considers it policy, especially if they are not in favor of the proposal.

Mr. Kiehl compared the plan to a hardware store in which he could not afford every tool - the comprehensive plan is full of implementing actions that have not been implemented. We still need a Housing Action Plan. He understands that the staff reviews proposals based on the comprehensive plan - that is the work of the Planning Commission. This Housing Action Plan uses the verbs, "consider," "inclusionary zoning," "develop opportunities with private developers," "invite outside developers," "inventory," "create a downtown improvement district" and the vast majority of actions call for consideration, not elimination of private sector housing development - it encourages that. He said the rental market may have softened at this time of the year because of the seasonal economy of the legislature and tourism, but this did not mean that Juneau does not have a housing crunch and that Juneau doesn't need a Housing Action Plan.

Ms. Gladziszewski said this plan is to make things easier for developers, not the opposite. The point is to give the Planning Commission and staff incentive to approve projects by giving them this tool. We adopted the Juneau Economic Development Plan into the Comprehensive Plan by ordinance and there are many measures that call for the use of funds, that does not mean we will be able to do all of these items and any dedication of funds requires further Assembly action. This just provides tools to "unstuck the housing market."

Mr. Gregory said he was happy to hear this level of debate about this issue. This is reflective of how serious this issue is for our community. He said the average sale price of a home at \$398,000 was not affordable to a single working person such as himself. This community needs new ideas to support the housing supply, the economy, and he would support the next motion to adopt this plan into the comprehensive plan.

Roll call on the motion to direct staff to draft a resolution for the adoption of the Housing Action Plan:

Aye: Becker, Nankervis, Weldon, White, Koelsch

Nay: Gladziszewski, Gregory, Jones, Kiehl

Motion passed: 5 aye, 4 nay.

B. Ordinance 2016-35 An Ordinance Authorizing the Manager to Convey Lot 3 of the Renninger Subdivision to the Juneau Housing Trust.

Staff solicited letters of interest for the disposal of six residential lots in the Renninger Subdivision. The Lands Committee reviewed four letters of interest at its April 25, 2016, meeting, and at its May 16, 2016, meeting recommended authorizing the City Manager to negotiate with the Juneau Housing Trust for the sale of Lot 3. On August 29, 2016, the Lands Committee unanimously passed a motion of support to dispose of Lot 3 in the Renninger Subdivision to the Juneau Housing Trust for 50% less than fair market value. The ordinance outlining the disposal was introduced to the Assembly on September 26, 2016.

In accordance with CBJ 53.09.270, this sale is for less than fair market value because the Trust's proposal is to work with the University of Alaska Southeast and the Juneau School District to build affordable single family homes while teaching students in the educational Home Build Program. Homes built by the program will be sold outright, and Juneau Housing Trust will lease the underlying land to the homeowners with a 99 year land lease. The homes are intended to service the 80 - 120% median income range over the life of the land lease.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-35.

Mr. Kiehl asked if section c, 3, mentions specifically and exclusively the JSD Homebuild program and if this could preclude the University of Alaska from participation. Ms. Mead said the property would be conveyed to Juneau Housing Trust and would not prohibit either JSD and UAS or the Homebuild program from participation in the project. Juneau Housing Trust would hold title to the property.

Mr. Jones asked if Juneau Housing Trust paid property taxes. Tamara Rowcroft, Vice President of the Juneau Housing Trust said yes, they pay property taxes. The taxes were split between the Trust and the homeowners. Both parties pay.

Hearing no objection, Ordinance 2016-35 was adopted.

C. Ordinance 2016-39(b) An Ordinance Authorizing the Manager to Negotiate a Sale of the North Franklin Parking Lot, Located at 310 Second Street, to Eagle Rock Ventures, LLC.

At the Assembly's direction, staff solicited letters of interest and applications for a negotiated sale of the North Franklin Parking Lot located at the corner of Franklin and Second Street.

The Lands Committee reviewed the Eagle Rock Ventures, LLC proposal at its June 27, August 15, August 29, and October 10, 2016, meetings.

At its October 10, 2016, meeting, the Lands Committee considered Eagle Rock Ventures, LLC's proposal but the motion supporting the proposal did not pass.

At its meeting on October 17, 2016, the full Assembly passed a motion, without objection, directing staff to prepare an ordinance for its consideration authorizing the sale of the property to Eagle Rock Ventures, LLC.

Version (b) of the ordinance makes a change to section 3 (d), providing for the closing date.

The City Manager recommends this ordinance be adopted.

Public Comment:

Brock Tabor said he hoped the Assembly recognized the excellent work that had gone into the Housing Action Plan and that change needs to happen for those of us who want to live here. The proposal before the Assembly has a great deal of merit but he was concerned about the location. Developing this many units without parking for the price it would be rented for was not the right project because of access to facilities that affect their quality of life, such as shopping at big box stores. He asked what is the vision for downtown. We have restaurants, galleries and many opportunities for people with disposable income - is this project consistent with the downtown businesses? He suggested projects like this could be easier to locate in Lemon Creek, or by the Hospital, and suggested the Assembly save this idea - don't lose it, but not build it here at this location at this time.

Mr. Jones said in 1975 there was a downtown grocery store because people lived downtown and if more people lived downtown a store might develop. He asked Mr. Tabor if he thought that was a possibility of increased density. Mr. Tabor said yes, if parking is included and if there is more mixed use. If we are going to develop at that location, do it at less density, and to the benefit of the downtown businesses.

Mr. Kiehl asked if his impression was that this is subsidized housing because this is market rate housing. Mr. Tabor said if you are looking at no parking the units will not target those with disposable income that will spend money downtown.

Morgan Humphries Davis said her concern about the project was parking. It has become more congested where her patients park at her physical therapy business and as a downtown business owner it is difficult to maintain a downtown location without parking getting sorted out.

Dale Whitney said he co-owned the Hellenthall Building, the Palace Theatre and the MacKinnon Buildings downtown with Chris Hess. The city needs to sell property and get out of the way and let developers do their thing, however, this project is different as it is in the historic district that is worth money to landowners and to the community as a whole. While he doesn't oppose housing on this property, he has seen similar housing in Seattle to what is proposed and it has not been historically designed. He said the city, as a land owner, has some leverage to make sure that development going forward is more consistent with the historic district. The Gastineau Apartment had an art deco facade and if maintained, it would have contributed to the historic nature of the area. More effort should be made to make development on this property consistent with this idea. He cited the Housing Action Plan. Sale of this property should be held until a plan is developed and he asked that this include the historic nature of the area. The decision you make tonight will outlive you and impact the future and he asked the Assembly to take the long view.

Mr. Kiehl said the historic district now ends on the downhill side of Second Street. Mr. Whitney said that there has been talk about expanding the historic district and the buildings in the area show that it is a historic neighborhood.

Mr. Jones asked if he was aware that CBJ had to exclude the Sealaska Building from the historic district to get it built the way it was currently designed, so there is a determination of "whose" history to follow, and there is a conversation about how to brand downtown Juneau that is ongoing now. Mr. Whitney said that was a separate issue and the discussion focuses on the erection of a 2016 style apartment building.

Christine Hess said she agreed with Mr. Whitney and spoke about her co-ownership of the three buildings in the historic district. She nicknamed the area a 1920's "Vice Street," with the new brewery and marijuana shops. The RFP had no specifications for how the housing will be built and no note of it being done in a historic manner. The investors are from Seattle and the monthly rent will roll to Seattle and leave the community. People say parking is not the highest and best use, but you can't have a downtown if you don't have parking. I realize we also need housing. We own the McKinnon building and we have 12 parking spaces. We do not have a core to the community and it is difficult to have a transportation system here without a car. There are no zip cars. I don't know that the housing situation is as dire as it used to be. A lot has been built in the last two years and she listed recent and current developments. With the economic downturn and the state employee reduction there will be a lessening of demand. Working with existing landlords may be a better way to go to help them do costly renovations that are needed. Please pause and reevaluate and if you choose to move ahead, restart with a new RFP that is more specific and defined.

Catherine McCarthy said she was opposed to the project to build 33 one-bedroom apartments. She lives in a historic home and said that the Bergman Hotel was on the historic register. There are four houses in the neighborhood that are empty. She agrees that the historic nature of the community needs to be preserved as a mining town with its history. Downtown is not vibrant. We do need housing for indigents and that is affordable like the Housing First project but she wants to see our town be beautiful and not erect another Mendenhall Apartment building. Parking is an issue and people store their cars in our neighborhood for many days and weeks, which is another issue. She asked the Assembly to not adopt the ordinance.

Joanie Waller said she owns two houses and a cottage on 3rd Street and would like to renovate them to be more historical. There are tourist maps which direct people to their neighborhood to see the Russian Orthodox Church and she would like to see improvements. The land use codes

spells out the parking requirements for new buildings and there is an exception - PD1 - for dense downtown parking - which allows for a 60% reduction. 40% will have cars and need parking - and there is a fee-in-lieu of parking available. To have housing, we are speaking to desperation for housing by allowing it to happen without parking. She said that she had a petition of people who objected to this development without parking and there has to be something that tips the scale on allowing exemptions.

Mr. Jones said that in PD1 - 60% of the parking is not required, and that a fee-in-lieu is allowed for the rest of the requirement, and this is no different than any other development in the PD1 zone. He asked what value a flattened asphalt parking lot added to the historic district. Ms. Waller said if something was added there it should reflect the design of the area. The parking serves the neighborhood. Whoever builds this needs to have parking. The design and the parking are two different topics.

Mindy Roggenkamp said she has the barbershop across from the parking lot. Losing this parking lot will affect her business, her neighbors, the Baranof Hotel, the entire neighborhood. The apartment will have people with cars and she asked where they would park. She knew that downtown housing was needed but a combination is needed. She has lost some older customers because they have to walk too far to get to her shop.

Paul McCarthy said he lives downtown on 3rd Street and said that all of the Assemblymembers drive and know about the lack of parking as a concept, but living the lack of parking is a different thing. Parking is bad and there are times he has to drive five blocks from his home to find a place to park. He often leaves work late so he can find parking when he gets home after businesses close. When the weather gets bad it is even worse. It is a real problem for people living downtown and he asked the Assembly to do the neighborly thing. It would be irresponsible to move forward on this project without acknowledging that parking is already a problem.

Maridon Boario lives downtown and said she does not support this project in this location at this time and supported the comments of those who spoke before her.

Steve Soenksen distributed written comments and said he was a design-build contractor and had a long history in Juneau. He encouraged a no vote and asked for referral to a committee to add a requirement for parking with housing. He proposed a project three years ago on this site. He paid a \$500 fee to make a proposal. Another RFP was solicited, and his was the only project to apply. Nothing happened, and then another RFP was put out. The staff recommended this other company based on a real estate market appraisal, but those do not speak to what is acceptable in the community. In the appraisal, parking did not come up because parking is not feasible and there are not many privately developed parking solutions. A combined public parking private development is needed. He spoke about a community solution - with a private sector solution for housing and a public solution for parking. He asked if this proposal that supports market value should go forward or a community proposal such as his that included parking. A market test does not necessarily make a highest and best use test. He likes a "look local first" for solutions before selling city assets to out of town developers.

Mr. Gladziszewski thanked Mr. Soenksen and she asked about the 300 units that went out of service in the last few years that he referred to in testimony. Mr. Soenksen reviewed those that he was counting including the apartments that were on the site, those where the parking garage is, and several in the downtown area. He said he is motivated to bring back vitality to downtown. Ms. Gladziszewski asked if his proposal had financing and if it required any

assistance from the city. He spoke about his conversation with public housing financiers in Anchorage. You can't build many parking units on a 30-year mortgage. At a price of \$50 - 70,000 per parking space - parking doesn't pencil and dilutes the feasibility of housing in Alaska Housing Finance Corporation's view, but they are eager to get a project going in downtown. Ms. Gladziszewski asked for clarification - could he do parking with housing. Mr. Soenkson said no one has done it or tried it - we would have to go through a final test - the feasibility - to see if it would all work. The city has already studied a three story parking facility on this site. I don't think doing one or the other is the highest and best use - I think you need both things in the downtown area.

Ms. Weldon asked the demographic for his rentals and he said it was workforce housing. Many people can't sign a one year lease and that is not the market here. We have to solve problems in context - who is it for and how the numbers run are important. Transient workers - those who need to be downtown for work purposes. Workforce housing is a huge thing that we need to get moving on soon. We could build that here.

Ralph Kibby spoke about the work of the downtown revitalization committee in the early 1980's and talked about the downtown core. No where are we talking about the benefit of this to the capital campus. He asked to delay this until that discussion could take place. There are many ideas that were floated about this property, and it was held in abeyance for us in the civic center context. Once this property is gone we won't get it back and there is nothing that identifies this property for our capital campus idea. He said the fee-in-lieu of parking was established for businesses, he did not remember it being established for residential development.

David Hanna said he was in favor of the proposal and said he was part of the Affordable Housing Commission that was unanimously in favor of this project and the commission thought the city planning staff did a good job of getting something done. This is a first step in getting more downtown development and this targets year round residents to revitalize downtown. Yes there are issues with parking, but we can't solve every problem at once. It is unfortunate the parking meters did not work. That site is too small to build an economical parking structure. The impacts from this project can be mitigated.

Assembly Action:

MOTION, by White, that if the ordinance passes, to direct staff to bring back an ordinance to direct that the fees from the sale of this lot are put to work on a parking solution for the immediate area.

Ms. Gladziszewski said that the city manager is working on parking and it may not be possible to create a parking structure in that area. She supported a solution to parking but objected to putting the money to a structure. She did not object to working on parking in general.

Ms. White said that there are two parking garages downtown and the one closest to the neighborhood is oversold on permits now and she would not want to see the funds diverted to putting something in the Centennial Hall lot, she wanted it directed to something in the neighborhood. She said that we are in an aging community and people want to park close to the businesses, and the residents in the area will be impacted.

Mr. Kiehl said there was a parking grant from the state and if we start being too specific about where the next structured parking will be we may lose the grant.

Mr. Nankervis asked if Ms. White's motion spoke to downtown parking solutions. She said yes but she would like to be neighborhood specific and up on the hill where this property was located.

Mr. Jones said the key is the vehicle you choose to drive - he often travels by bus - he can ride it for free as a senior and he has no problem walking downtown. If people choose to drive vehicles that don't fit downtown, or choose not to walk that is their choice. He supports having the money go to a parking CIP but not to limit it to parking on flat land or a garage - we can do other options. Street parking can be permitted and there are solutions that don't take up money - parking structures on a hill don't work.

Ms White restated her motion - if the Assembly votes to sell the lot, an ordinance is returned to the Assembly that directs the proceeds of the sale to a new CIP for parking that serves the central business district.

The Assembly reviewed the existing CIP's regarding parking and Mr. Watt recommended that a new CIP would be appropriate.

MOTION, by Gladziszewski, to amend, the motion so that the proceeds from the sale would be directed to a CIP that addresses parking solutions in the downtown core.

Ms. Becker asked if there was already a committee or a fund that had been established to review. Mr. Watt said he had suggested an ad hoc committee to work on parking issues. This Friday that would be kicked off at the DIG and he hoped DIG would take this on as a project. There are many things that can be done to affect parking and at this time funds are not needed for that project. This ordinance would authorize the manager to enter into a sales agreement with the developer. Once the developer sees this ordinance adopted, he would then spend money on design and permitting. If he can't get a project permitted, he does not want to buy the property. What you will see if the ordinance is passed is a potential sale six months from now of the property with a project with more specificity. The fee-in-lieu applies to both commercial and residential uses and it made the fee for residential development half of that for commercial development to incentivise housing. The Assembly passed the fee-in-lieu ordinance once the voters approved the downtown transit center which provided 200 new spaces to the downtown area. We have seen a modest amount of development from the fee-in-lieu of ordinance.

Roll call on the motion to amend:

Aye: Becker, Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon

Nay: Koelsch, White

Motion passed, 7 ayes, 2 nays.

MOTION, by Gregory to amend to require that 5% of the sale of this property be deposited into the Affordable Housing Fund.

He said the Affordable Housing Fund was underutilized and this was a prime opportunity to enhance that fund.

Mr. Jones objected. The main issue was parking vs. housing and putting 5% n the affordable housing fund would not solve either problem.

Ms. Gladziszewski asked what amount was in the affordable housing fund now. Mr. Watt said there was a balance of \$390,000 and it had supported the mobile home down payment assistance program. He intends to have Mr. Ciambor review housing fund options during the CIP discussion and he agreed the fund has been under-used.

Roll call on the amendment:

Aye: Gregory, Kiehl, Koelsch

Nay: Becker, Gladziszewski, Jones, Nankervis, Weldon, White

Motion failed, 6 ayes, 3 nays.

Hearing no objection, the main motion as amended was adopted.

MOTION, by White, to adopt Ordinance 2016-39(b).

MOTION, by Nankervis, to amend page 2 of 2, to add a condition under section 3, to require as a minimum term of the purchase and sale agreement, a condition that Eagle Rock Ventures develop the property in accordance with its June 13, 2016 proposal to build workforce housing. Hearing no objections, the amendment passed.

MOTION, by Gregory, to amend to require the buyer to pay all closing costs.

He said that in most cases, the buyer generally pays all closing costs and he felt this is a reasonable request.

Mr. Kiehl asked if there is a standard agreement or are all sales subject to negotiation. Ms. Mead said there is no standard purchase sales agreement and this is not done often - no standard practice had been used in last seven years. Mr. Kiehl asked if this is a negotiated term in a negotiated sale. Mr. Watt said that it has been a long process for the sale of this property and it has not taken the shortest path to the code. This is a negotiated sale vs. a sale to the highest bidder. In the end it is a negotiated sale for fair market value and we are trying to get a housing project so the closing costs did not seem like an unreasonable cost and he did not know as a percentage of the cost if that would drive a decision.

Ms. White said closing costs are negotiated and it depended on the market at the time. This ordinance has already been put out there, and we are already changing terms as it is, so I don't think it is time to adjust what we have told them.

Roll call on the amendment:

Aye: Gregory

Nay: Becker, Gladziszewski, Jones, Kiehl, Nankervis, Weldon, White, Koelsch

Motion failed, 1 aye, 8 nays.

Mr. Jones gave a history of the sale of this property and said there are many good points on both sides. He will err on the side of wanting housing, and will work on parking, and once an actual purchase occurs, that property is no longer city property it will bring in property tax revenue and this is a sale that should have occurred 2.5 years ago. He supported the motion.

Mayor Koelsch said he would vote against the motion because in 2002-2003 there was an assembly plan to provide parking in the North Franklin area and the lot was purchased to provide parking on this lot. When it became too expensive to build a garage on the site we did not go further to explore other lots in that area. Star Hill is an important historical area and we

need to put parking there. We have several young entrepreneurs coming in to that area that we should support them and this action takes away that support. The Baranof late night users access that lot. I am not comfortable at how we arrived at one particular consumer for this parking lot.

Ms. Gladziszewski spoke in favor of the motion and we need to do the best for the most people and we have been talking about housing and we have heard that we need to sell off property and get out of the way. We hear parking doesn't pencil, we have lost residences and we have gained parking spaces over time with two parking garages. We lost many units in the Gastineau Apartment fire and she had confidence CBJ would continue to work on parking management and the new garage was only a few blocks away from this location.

Ms. Becker did not support the ordinance and she said she heard no suggestions for parking on the project. She does not want to penalize the people who are in the neighborhood.

Mr. Kiehl said this is his neighborhood and he lives in a historical home. It does not have a parking space and he jockeys for on-street parking on streets that were built without cars in mind and parking is bad. We will never solve parking. He said the Assembly was balancing between bad problems and worse problems. We need people to live downtown. The neighborhood will be safer with more neighbors in the area. Increased population will lead to greater improvements and there are more opportunities for development. He preferred the "spirit district" to "Vice Street" but the development was positive. He said this will not solve the problems but we are upgrading our problem. He supported the ordinance.

Roll call to adopt Ordinance 2016-39(b) as amended:

Aye: Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon

Nay: Becker, White, Koelsch

Motion passed 6 ayes, 3 nay.

D. Ordinance 2016-40 An Ordinance Authorizing the Port Director to Lease Tract A of Alaska Tidelands Survey 1670 to Angoon Trading Company, Inc.

CBJ Docks & Harbors proposes entering into a new 35-year lease with Angoon Trading Company for Alaska Tidelands Survey No. 1670, Tract A, located along Channel Drive.

The property was appraised at \$0.10 per square foot with an effective date of August 13, 2015. On October 27, 2016, the Docks & Harbors Board recommended that the Assembly approve a new 35-year lease with Angoon Trading Company for \$6359.80 per year. The Lands Committee reviewed and recommended approval of the new lease at its October 31, 2016, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2016-40. Hearing no objection, it was so ordered.

- E. Ordinance 2016-42 An Ordinance Amending Non-code Ordinance 2016-34, Authorizing the Port Director to Lease Alaska Tidelands Survey 33 to Andrew's Marina, Inc., to Correct the Initial Annual Rent Amount.

After Ordinance 2016-34 was adopted in September 2016, authorizing Docks and Harbors to lease tidelands to Andrew's Marina, Inc., staff discovered an error in the appraisal establishing fair market value for the leased property. A corrected appraisal report was received on October 26, 2016.

This ordinance corrects the annual rental amount consistent with the actual fair market value for the leased premises.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2016-42. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

- A. Bid Award - Downtown Street Improvements - Phase I CBJ Contract No. BE17-137

MOTION, by Gregory, to award BE17-137 to Arete Construction Corporation in the Total Bid Amount of \$1,155,855.00. Hearing no objection, it was so ordered.

X. STAFF REPORTS

None.

XI. ASSEMBLY REPORTS

- A. Mayor's Report

Mayor Koelsch distributed a draft agenda for the Saturday, December 3 Assembly Retreat work session in the Chambers - starting at 9 am. He asked the Assembly to revisit the prior Assembly goals and to respond to him by the close of business Thursday with ten top ranked goals with 1 being highest, 10 lowest and also to formulate any items for the good of the order for discussion. The meeting will include an executive session and working lunch with a city manager performance review.

- B. Committee and Liaison Reports

Human Resources Committee: Mr. Jones said the HRC met prior to this meeting and heard an annual report from the Local Emergency Planning Committee and made recommendations for Assembly appointments. Hearing no objection, the following persons were appointed to CBJ Boards and Commissions:

Building Code Advisory Committee:

Patrick Gorman reappointed to a term expiring November 30, 2019.

Juneau Affordable Housing Commission:

Frank Bergstrom appointed to a term expiring January 31, 2020.

Local Emergency Planning Committee:

Ed Quinto reappointed to Seat 3, term expiring December 31, 2019.

Todd Cameron appointed to Seat 3a, term expiring December 31, 2019.

Martha Palicka appointed to Seat 5a, for a term expiring December 31, 2017.

Andrew Bogar reappointed to Seat 7 for a term expiring December 31, 2019.

Norman Wagner Jr. appointed to Seat 7a for a term expiring December 31, 2019.

Suzanne Dutson appointed to Seat 11 for a term expiring December 31, 2019.

Jason Burke reappointed to Seat 11a for a term expiring December 31, 2019.

Mr. Jones noted the full Assembly sitting as the HRC would meet on December 8 at 5 p.m. in City Hall Conference Room 224 to interview persons to fill vacancies on the Aquatics Board, Bartlett Regional Hospital Board and the Planning Commission.

C. Presiding Officer Reports

Ms. Gladziszewski said the OLMO v CBJ Board of Adjustment appeal would be held on Wednesday, December 14 at 5 p.m. and asked the Assembly to notify the clerk of it desired a paper packet as the material was published on the CBJ website.

Mr. Jones said the Meek v Planning Commission appeal would be held Monday, December 19 at 5 p.m. and briefing would soon be complete. The Nestler v Planning Commission appeal was scheduled for February 27.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones requested that staff look at the plans adopted into the Comprehensive Plan and see if the plans are still in effect and whether they are still valuable or they need to be replaced.

Mr. Jones reminded the Assembly that it received a letter from Bruce Botelho to request that the Assembly look into the process of lowering the speed limit near Auke Lake and the UAS campus going into the roundabout. Mr. Jones asked staff to look into what is possible. Mr. Watt said that Mr. Healy would ask DOT to attend a PWFC meeting to report on the situation.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said that rent is so high because the state legislature reimburses employees for their rent and he asked the Assembly to tell the legislature to lower the reimbursement rate to \$800. He said that CBJ could investigate a voluntary rent reduction. He encouraged Juneau to sell its water to generate revenue.

XIV. EXECUTIVE SESSION

MOTION, by Kiehl, to suspend the rules to extend the meeting to no later than 11:30 p.m.
Hearing no objection, it was so ordered.

MOTION, by Kiehl, to enter into executive session, to discuss a matter, the immediate knowledge of which would have a detrimental affect on the finances of the CBJ, specifically consideration of financial discussions with the University of Alaska. Hearing no objection, the Assembly entered into executive session at 10:58 p.m.

Upon returning to regular session at 11:27 p.m., the Assembly gave direction to staff on discussion with the University of Alaska.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:30 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

XVI. SUPPLEMENTAL MATERIALS

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - December 8, 2016

The Special Meeting #2016-37 of the City and Borough of Juneau Assembly, held in Conference Room #224 of the Municipal Building, was called to order at 7:28 p.m. by Mayor Ken Koelsch.

Assemblymembers present: Mayor Ken Koelsch, Loren Jones, Jesse Kiehl, Maria Gladziszewski, Jerry Nankervis, Debbie White, Mary Becker, Beth Weldon, and Norton Gregory

Others present: Beth McEwen, Deputy Clerk

I. CALL TO ORDER / ROLL CALL

II. AGENDA TOPICS

A. Board Appointments

Planning Commission - There are three open seats on the Planning Commission for terms beginning January 1, 2017 and expiring December 31, 2019.

Aquatics Board - There is one open seat on the Aquatics Board for a partial term due to the election of former Aquatics Board member Beth Weldon to the Assembly. This seat is for a term beginning immediately and expiring June 30, 2018.

Bartlett Regional Hospital Board - There are three open seats on the Bartlett Regional Hospital Board for terms beginning January 1, 2017 and expiring December 31, 2019.

The full Assembly, sitting as the Human Resources Committee (HRC), is conducting interviews of all applicants for the above boards prior to this Special Assembly meeting.

The City Manager recommends the Assembly make board appointments in accordance with the HRC recommendations.

Mr. Jones noted that the full Assembly sitting as the Human Resources Committee met just prior to this meeting and recommended the appointments of Ben Haight, Dan Miller, and Daniel Hickok to the Planning Commission to terms beginning January 1, 2017 and expiring December 31, 2019. *Hearing no objection, the appointments were approved as recommended by the HRC.*

Mr. Jones noted that the Human Resources Committee recommended the appointment of Becky Monagle to the Aquatics Board to a term beginning immediately and expiring June 30, 2018. *Hearing no objection, the appointment was approved as recommended by the HRC.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mayor Koelsch stated the he was taking this opportunity to update other Assemblymembers on some of the things he has been working on recently.

He mentioned that at the Capital Committee, they have been discussing the Capital Plaza which is the area between the Capitol Building and the Dimond Court House to see if the idea of turning that

into a strictly pedestrian plaza area rather than opening it back up as 4th Street is something that the Assembly would like to entertain. He said that Ms. Becker was also at that meeting and that the Capital Committee was very supportive of exploring that idea. It has been closed for 8-9 months and he said this if the Assembly was ever going to be considering closing off the area of 4th Street between the Capitol Building and the Court House, now would be the time for them to consider doing it since people have become used to not driving on it. He said it would be worth looking at and weighing the pros and cons of it in the immediate future.

The second item he wanted to let them know about is an ad hoc meeting that he held in his office on Friday, December 2 on homelessness and inebriates. The first thing was to establish whether there is a problem or that maybe we are just hearing anecdotal comments here and there. He said it was very clear that there is a problem. This is a different problem and is a group that we have not necessarily dealt with before. The is always the focus of trying to connect the homeless and inebriates with help and he said there are some long range plans in effect and his hope was to look at short term solutions. He said one thing that came about as a result of the meeting was to connect the foot patrol officers with the merchants. The merchants were frustrated that in order to get people out of their doorways, they had to serve them with papers and in order to do that, they had to identify who the people were in their doorways. He said the foot patrol officers now have enough information on who is where and they can work with merchants to immediately start that serving process. He said another issue discussed was "rapid rehousing" which is someone that is here in Juneau and has no way to get out of Juneau and wants to get back to another state or community from where they came from. He said that would be a financial focus that the city or some of the community agencies or foundations may be able to assist in. He said they talked some with the City Attorney's office about a possible camping ordinance about having some parts of downtown designated as a "No Camping" zone and by doing that, it will enable people to be moved out of that zone immediately. He said there was a representative from AEL&P and hearing their comments as to what was happening on their property on the hillside was quite disgusting. He said similar to that, what is happening under the docks and even in some of the doorways around town is not good. He said staff from Engineering/PW was present and they discussed the plans for lighting changes on Franklin and Front Streets over the next three years and how lighting can help control the situation. He said they will continue to get information from Law, Housing and Engineering staff on solutions.

Ms. Gladziszewski said they also discussed the possibility of reopening the Thane campground in the short term.

Ms. Becker asked about the Mayor's comments about new homeless and inebriates whom have not been seen before. Mayor Koelsch said this is a different group of individuals whom have not necessarily been around previously and are acting somewhat more aggressive than what we have seen in the past. He said he didn't want to get into the details at this time but wanted to make all the Assemblymembers aware of these issues and bring them up to speed on efforts currently in progress.

IV. ADJOURNMENT

There being no further business to come before the Assembly, Mayor Koelsch adjourned the meeting at 7:36 p.m.

Signed: _____
Elizabeth J. McEwen Deputy Clerk

Signed: _____
Kendell D. Koelsch, Mayor

Presented by: The Manager
Introduced: 12/19/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(Z)

An Ordinance Appropriating to the Manager the Sum of \$459,909 Plus Interest through January 10, 2017, as Funding for IRS Arbitrage Rebate (Related to Tax-Exempt Bonds); Funding Provided by the Debt Service Fund's Fund Balance.

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. Appropriate. There is appropriated to the Manager the sum of \$459,909 Plus Interest through January 10, 2017, as funding for IRS Arbitrage Rebate.

Section 3. Source of Funds.

Debt Service Fund's Fund Balance	\$ 459,909
----------------------------------	------------

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

Adopted this __ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-44

**An Ordinance Amending the City and Borough Code Relating to Camping
in the Downtown Juneau Area.**

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 53.09.340 Camping, is amended to read:
53.09.340 Camping.

(a) Except as provided in subsection (c) of this section, no person shall camp or establish or maintain a campsite:

(1) On any part of a public right-of-way not designated for camping by an official sign;

(2) For a period in excess of 48 hours within the boundaries of any one area on a public right-of-way, designated for camping by an official sign; or

(3) On City and Borough land other than a public right-of-way within one-half mile of the same location for a period in excess of 48 hours.

(4) On any parcel or right-of-way within or abutting the Downtown Juneau Area unless authorized by the property owner. For the purposes of this section, the Downtown

Juneau Area is defined as North of 900 South Franklin, South of Fourth Street, East of Main Street and the waterside of the cruise ship docks, and West of Franklin Street as depicted on the adopted Downtown Juneau Area No Camping Map dated xx, 2017, as the same may be amended from time to time by the assembly by ordinance.

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

(1) *Camp* means to be personally present with the intent of remaining between the hours of 12:00 midnight and 7:00 a.m., other than in a permanent residential structure constructed and maintained in accordance with applicable codes.

(2) *Campsite* means a shelter, tent, camping equipment, furniture, bedding, cooking or eating utensils, or other outdoor or household items indicating an intent to remain or return for the purpose of staying overnight.

Establishment or maintenance of a campsite by a person may be established if the campsite includes mail addressed to that person, items having other indicia of ownership or control by that person, or items identified by a witness as owned or controlled by that person. It shall be a defense to liability under this section if the defendant can establish that an item came to be located at the campsite solely by an act of God or an act or omission of a third party other than an employee or agent of the defendant, if the defendant establishes that the defendant exercised due care with respect to disposal of the item, including foreseeable acts or omissions of such third party. Items not claimed by the defendant shall be confiscated as unclaimed property and disposed of according to sections 55.50.230 through 55.50.310.

- 1
- 2 (c) The manager or the manager's designee may issue permits for recreational camping in
- 3 excess of that otherwise allowed by this section upon a showing by the applicant that such use
- 4 will result in no waste, damage, or pollution to the land occupied.
- 5 (d) Violation of this section is an infraction.
- 6

7

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

9 adoption.

10 Adopted this _____ day of _____, 2016.

11

12 _____

13 Kendell D. Koelsch, Mayor

14 Attest:

15 _____

16 Laurie J. Sica, Municipal Clerk

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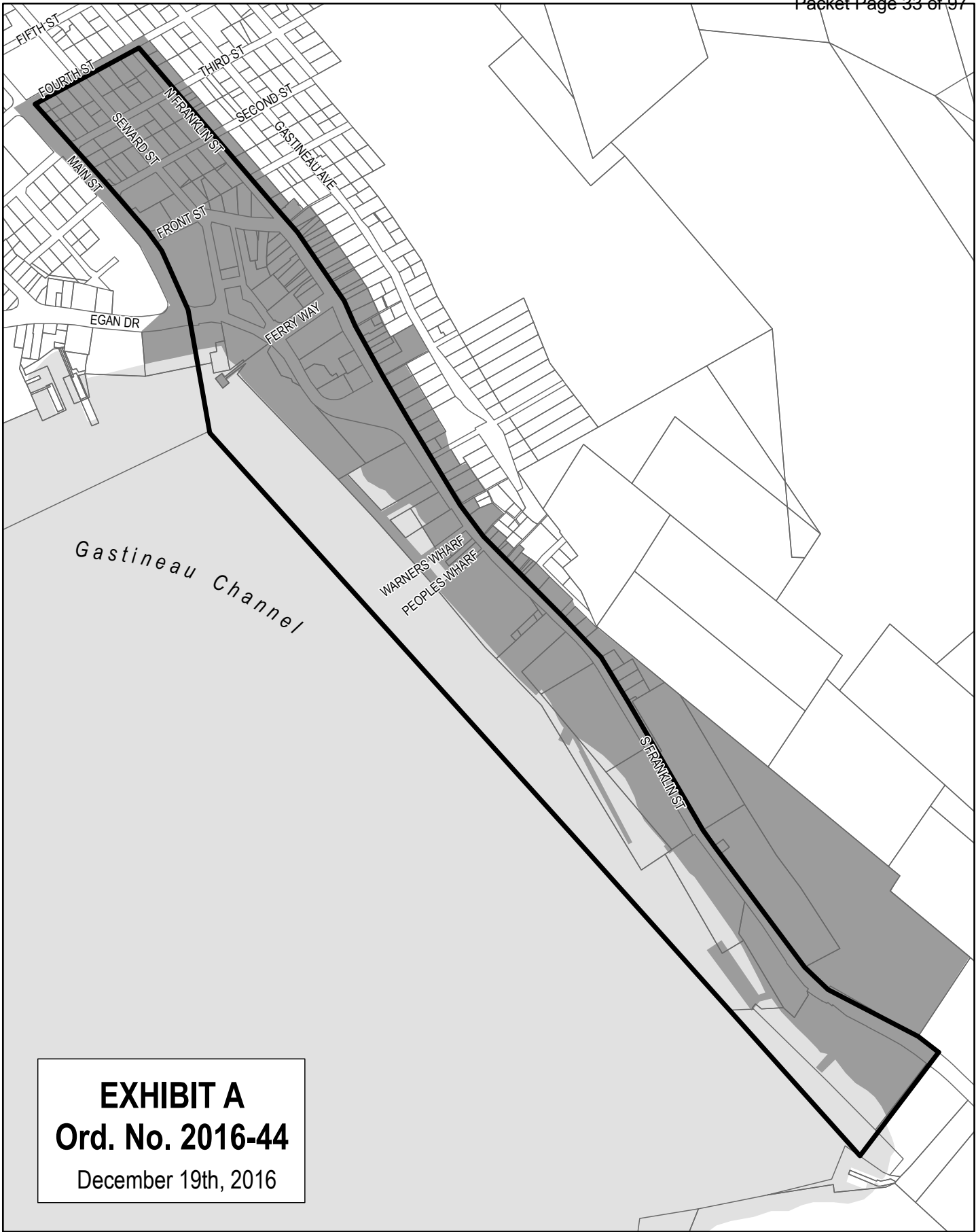
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Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-45

An Ordinance Amending the Official Land Use Maps of the City and Borough to Change the Land Use Designation of Two Parcels Located on a Fraction of USMS 164 near the End of St. Ann's Avenue in Downtown Douglas from Natural Area Park to Medium Density Residential.

WHEREAS, the Land Use Maps of the Comprehensive Plan may be amended by the Assembly as necessary to reflect changing conditions; and

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems; and

WHEREAS, the Land Use Maps of the Comprehensive Plan designate the subject parcels as Natural Area Park (NP); and

WHEREAS, the NP designation is described as CBJ-owned lands suitable for community recreational purposes, which are not to be zoned for residential, commercial, or industrial development; and

WHEREAS, the NP designation is not appropriate for the subject parcels because they are privately owned and suitable for development; and

WHEREAS, the property adjacent to the parcels to be re-designated is identified in the Land Use Maps as Medium Density Residential (MDR), which is described as appropriate for multifamily dwelling units at densities of 5 - 20 units per acre; and

WHEREAS, the MDR designation that is adjacent to the subject parcels is more appropriate to the subject sites than their current NP designation due to the availability of CBJ sewer, water, and maintained streets and their private ownership and development potential.

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

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

Section 2. Amendment to Comprehensive Plan Land Use Map. The Land Use Maps of the Comprehensive Plan of the City and Borough are amended to change the land use designation of two parcels located on a Fraction of US USMS 164 near the end of St. Ann's Avenue in Downtown Douglas, from Natural Area Park (NP) to Medium Density Residential (MDR).

The described amendment is shown on the attached Exhibit A.

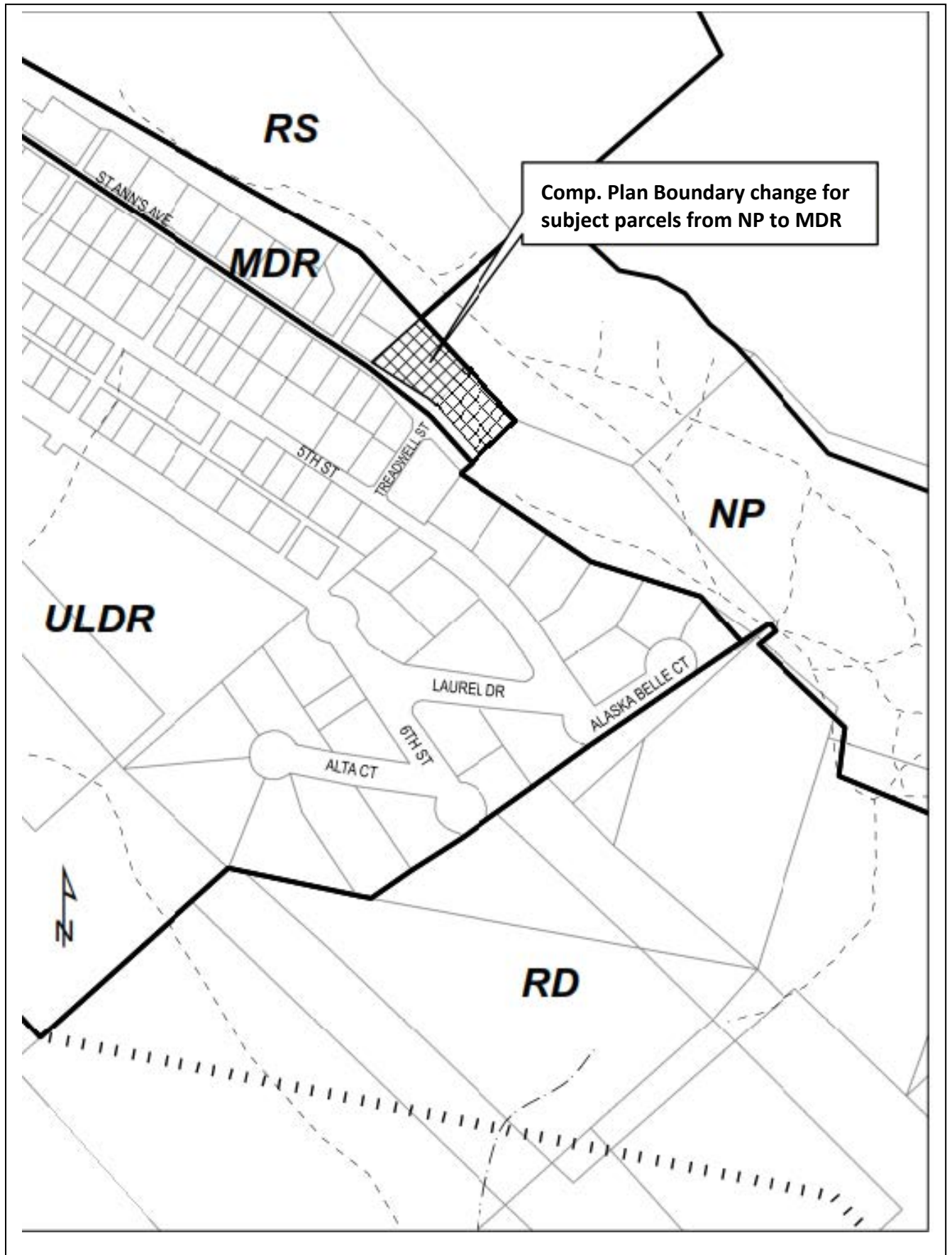
Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



\$500,000 of that will be covered by some unexpected sales tax revenue and \$500,000 through departments trimming their budgets. The Assembly decided to pull money back it had allocated for deferred maintenance. The remaining \$2.6 million deficit was taken care of through bond fund balance money, not the budget reserve, said Ms. White.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0011: A proposed rezone of a vacant lot near the end of St. Ann's in Downtown Douglas from D-5 to D-18 zoning district.

Applicant: R & M Engineering

Location: St. Ann's Avenue

Staff Recommendation

Staff recommends the Planning Commission recommend the Assembly approve the subject rezone application, changing the zoning district from D-5 to D-18.

This item is for the rezone of a vacant lot near the end of St. Ann's in downtown Douglas from a D-5 to a D-18 zoning district, said Mr. Feldt. A zoning change is initiated by a private property owner, said Mr. Feldt, and the zone change requests are limited to the months of January and July, he said. This request came to the staff in July, he said. Public notice has been provided, said Mr. Feldt, in addition to a voluntary neighborhood meeting proposed by the staff. This meeting was held in mid-August, he said.

The applicant is proposing that this lot be expanded into the D-18 zoning district, said Mr. Feldt. If the Planning Commission provides a positive recommendation it then proceeds to the Assembly for action following public meetings, said Mr. Feldt. If the Commission votes to deny the rezone application, said Mr. Feldt, that decision is final and it does not go any further to the Assembly.

The property owner requests the rezone in order to develop the property by subdividing it into three small lots, said Mr. Feldt. There would then be a total of three homes, said Mr. Feldt. One lot would be a single family detached home and lots two and three would be two common wall dwellings, said Mr. Feldt.

On the subject site the owner may have up to two dwelling units, said Mr. Feldt. If the rezone request was approved it could have a maximum of up to six dwelling units, he said. The building height for both zones is 35 feet and the maximum amount of land that can be covered by buildings is the same for both zones at 50 percent, he said. For a D-5 zone home with an accessory apartment three parking spaces would be required, said Mr. Feldt. If the rezone was granted the parking would be calculated on a per bedroom basis, he said. The rear yard setback for a D-18 zoning district is 10 feet instead of the 20 feet required for a D-5 zoning district, said Mr. Feldt.

If the lot was developed at its current zoning of D-5 the traffic would be more similar to existing lots, said Mr. Feldt. The Public Works and Streets Division was consulted about the impact of additional traffic generated by the rezone and it indicated that the trip count on a six plex could be accommodated by the neighborhood streets, said Mr. Feldt.

The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code, said Mr. Feldt. The rezone to D-18 from D-5 substantially conforms to the Comprehensive Plan and will not cause negative impacts to the adjacent property, said Mr. Feldt. The rezone expands the existing D-18 district to the subject site.

Mark Pusich of R & M Engineering said he was representing the applicant for the rezone request to D-18. They are unclear, he said, why the D-5 zoning district jumped across the street in the first place. This subdivision was created through a U.S. Mineral Survey and not part of the Douglas town site plan, said Mr. Pusich. He said he believes that is why it was designated as a natural park in the Comprehensive Plan.

Mr. LeVine said if they granted the rezone they would be giving authority for the construction of more units than the applicant is proposing to build. He asked how many units they could realistically construct on the property.

Mr. Pusich said it would depend on the size of the dwelling units. Adding more dwelling units than those proposed would trigger more stringent parking requirements, he said. He said in his opinion three was a comfortable and safe number for the development.

Applicant Guy Russo said he co-owned the property with his brother. He said he wanted to build a single family dwelling and his brother wanted to build a common-wall house on the property.

MOTION: *by Mr. Peters, to approve AME2016 0011 and accept the findings, analysis and recommendations of the staff.*

Roll Call Vote:

Yeas: Greene, Dye, Frisby, Bell, Peters, LeVine, Haight

Nays:

The motion passed by unanimous vote.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Information Item: 8/10/16 Decision on Haven House appeal

Mr. Steedle said the court's decision on the appeal of Haven House was that the Planning Commission and the Assembly acted properly and it upheld their actions in granting the Use Not Listed two years ago.

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.

to the forefront the regulation and the ordinance that went to the Assembly, which was another opportunity for businesses to get involved and speak to that. He agreed with Ms. LeBarge; many cannabis owners participated in those discussions and have been in front of the Commission, striving hard to be productive business clients within the community. The fact of the matter is 52% of Alaskans voted to pass marijuana.

MOTION: by Mr. Voelkers, to approve USE2016 0026 accepting the staff's analysis and findings with the striking of condition 3 and the rewrite of condition 2 to read, "The applicant is encouraged to take steps to insure that no obstruction is caused by the business onto a public right of way."

The motion passed unanimously via a voice vote.

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- C. **AME2016 0018:** A proposed Comprehensive Plan Map Amendment of a vacant lot near the end of St. Ann's Avenue in downtown Douglas from Natural Area Park to Medium Density Residential
Applicant: City and Borough of Juneau
Location: St. Ann's Avenue

Mr. Feldt said the map amendment comes on heels of rezone proposal before the commission recently. The commission concluded the rezone was consistent with the Comprehensive Plan and thereby provided a favorable recommendation to the Assembly to make the change. More recently staff concluded that the existing land use designation was inappropriate enough to the degree that it needed to be changed for general housekeeping purposes and to facilitate the rezone project that the commission took action on a few months prior.

Mr. Feldt summarized from the Comprehensive Plan, page 230. "The Planning Commission may make recommendations to the Assembly to amend the Comprehensive Plan as necessary to reflect changing conditions and needs." This is essentially why we are here today, said Mr. Feldt.

Mr. Feldt presented a PowerPoint with maps of the recommended map change for two lots on St. Ann's Avenue, from Natural Area Park to Medium Density Residential. The Comprehensive Plan land use designation gives direction for future rezone proposals. When such a proposal is presented to the commission, they and staff have to find whether or not the rezone is consistent with the maps of the Comprehensive Plan. What is being done tonight is a little backwards, said Mr. Feldt, because it has already been determined that Natural Area Park is inappropriate for these two lots and a change has to happen. The change that staff is recommending will realign the land use designation with the rezone proposal that the commission took action on.

Staff recommends that the Planning Commission recommend to the Assembly to take the rezone proposal and the Comprehensive Plan land use map change as one package and approve it as such. This is a different approach than has been done in the past.

Mr. Levine asked for clarification that the previous rezone recommendation concerns only one property while the map change concerns two properties. Mr. Feldt said that was correct. The property with the triplex is already zoned D18. However the map change affects the property with the triplex and the vacant property.

Public testimony – none.

MOTION: *by Mr. Levine, to approve AME2016 0018 accepting the staff's analysis and findings.*

Mr. Frisby seconded the motion.

The motion passed with no objection.

Mr. Haight recessed the body as a Planning Commission and took up business as the Board of Adjustment at 9:15 pm.

X. BOARD OF ADJUSTMENT

- A. FZE2016 0001:** A Flood Zone Exception to allow new restaurant buildings to be built on a dock seaward of the man high tide in a Velocity flood zone.

Applicant: James Bibb

Location: 406 South Franklin Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001.

If the Board of Adjustment makes findings to grant the applicant's project, staff recommends the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.
2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.
3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Feldt explained that the proposal before the commission is similar to a variance but is not through the land use code. Rather it is a variance of the flood zone regulations.

The reason why the flood zone exception is brought to the commission at this time is that the structures of the previous restaurant on this deck were smaller and substantially different from the new proposed structures. This requires a new flood zone exception to be filed, reviewed and taken action upon.

The focal point of the review was that the proposed buildings are located on an area seaward of mean high tide and the property is in a velocity flood zone, which means that during a 100-year storm event the shoreline would experience either a combination of three-foot tall waves or higher or a wave of lesser height that, when it hits the shoreline, has a high wave run up. There are more stringent building

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2778

A Resolution in Support of Proposed Changes to Alaska Statute Chapters 30.30 and 05.25 Relating to Improving the Management and Prevention of Derelict Vessels.

WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors; and

WHEREAS, these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including incidents involving two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the Challenger tug off Juneau; and

WHEREAS, the Assembly of the City and Borough of Juneau recognizes the widespread costs and the environmental and navigational risks associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their laws in the past five years to better prevent, track, and manage derelict vessels, including raising fees to support the management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska's current statutory scheme regarding derelict vessels is outdated and lacks the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding, or vessel insurance requirements; and

WHEREAS, in 2013, the Alaska Clean Harbors program convened an ad-hoc derelict vessel task force at the urging of the Association of Harbormasters and Port Administrators, which included representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

WHEREAS, over the course of nine full-day meetings, the task force developed thoughtful, robust, and meaningful proposed revisions to Alaska Statute Chapters 30.30 and 05.25 designed to help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, these proposed changes would better protect harbor infrastructure; keep valuable moorage space in harbors available; and prevent economic, environmental, and navigational hazards; and

WHEREAS, the proposed changes would improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

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

Section 1. The Assembly of the City and Borough of Juneau fully supports the passage of all proposed revisions to Alaska Statute Chapters 30.30 and 05.25.

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2779

A Resolution Authorizing the Manager to Apply for, and Enter into, a Loan Agreement with the State of Alaska Department of Environmental Conservation, through its Alaska Drinking Water Fund, for the Douglas Highway Water System Replacement.

WHEREAS, the Douglas Highway Water System Replacement Project involves the replacement of the water system infrastructure within Douglas Highway between the Juneau Douglas Bridge and Lawson Creek; and

WHEREAS, the adoption of this resolution would authorize the City Manager to submit a loan application and enter into a loan agreement with the State of Alaska Department of Environmental Conservation to provide funding for the Douglas Highway Water System Replacement Project in an amount up to \$3,000,000; and

WHEREAS, the terms of the low interest loan under the Alaska Drinking Water Fund loan program are a 20-year repayment term at 1.5 percent interest; and

WHEREAS, the loan would be re-paid with water utility customer revenues; and

WHEREAS, the Public Works and Facilities Committee, at its regular meeting on November 21, 2016, recommended adoption of this resolution.

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

Section 1. That the Manager is authorized to submit a loan application to the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund loan program, and enter into an agreement with the State of Alaska for the Douglas Highway Water System Replacement Project loan, not to exceed \$3,000,000.

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2780

A Resolution Adopting the Housing Action Plan.

WHEREAS, a housing needs assessment completed in 2010 and 2012 by the Juneau Economic Development Council found that Juneau suffers a critical housing shortage; and

WHEREAS, the 2013 Comprehensive Plan recommended the development of a housing plan to strategize methods to successfully develop affordable housing through a diversity of housing types and densities; and

WHEREAS, one of the top initiatives of the 2014 Juneau Economic Development Plan was to promote housing affordability and availability in Juneau, beginning with the development of a housing action plan; and

WHEREAS, the Affordable Housing Commission, in conjunction with the Community Development Department and the Lands and Resources Division, worked with czb, LLC, a firm specializing in housing analysis and neighborhood revitalization strategies to develop a draft housing action plan; and

WHEREAS, consistent with recommendations made in the Housing Action Plan, the Assembly funded the new Chief Housing Officer position, the creation of which is a top priority of the Plan; and

WHEREAS, the Assembly has identified three key areas in which progress on housing issues can be made - the provision of financial incentives, facilitating land development and disposal, and considering amendments to the City and Borough's Land Use Code; and

WHEREAS, the Assembly has facilitated work in the key area of land development and disposals by adopting the Land Management Plan, by funding and proceeding with the Renninger Subdivision development and then proceeding with land disposals in the subdivision; and by its continued consideration of the Pedersen Subdivision concept; and

WHEREAS, the Assembly has spent significant time working on and adopting revisions to the City and Borough's Land Use Code relating to subdivisions; and

WHEREAS, the Chief Housing Officer has been directed to draft a Housing Capital Improvement Plan listing potential programs considered in the Housing Action Plan, and as

the Assembly will be able to prioritize the expenditure of capital dollars on housing programs within the context of the Housing CIP; and

WHEREAS, the Assembly has supported the development of neighborhood area plans for Auke Bay and Lemon Creek, and where the development of such plans are a goal of the Plan; and

WHEREAS, at its meeting on June 7, 2016, the Affordable Housing Commission voted to recommend adoption of the Housing Action Plan; and

WHEREAS, at its meeting on July 12, 2016, the Planning Commission voted to recommend adoption of the Housing Action Plan.

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

Section 1. That the document identified as the Housing Action Plan, dated November 2016, is approved and adopted.

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

FROM: Greg Smith
Contract Administrator

SUBJ: BID RESULTS:
CBJ Headworks Improvements
CBJ Contract No. BE17-033

DATE: December 13, 2016

FILE: 1940

Bids were opened on the subject project on December 13, 2016. The bid protest period expired at 4:30 p.m. on December 14, 2016. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Carver Construction	\$2,422,930
Dawson Construction	\$2,663,000
North Pacific Erectors	\$2,996,791
Alaska Commercial Contractors	\$3,487,000
RSCI	\$3,648,500
Engineer's Estimate	\$3,443,707

Project Manager: Lori Sowa, CBJ Engineering

Project Description: Mendenhall Valley Wastewater Treatment Plant (MWWTP): The improvements to the headworks includes removal of one existing automatic screen and grinder system and one manual bar screen, the installation of two new perforated plate screens and screening washer/compactors including new electrical connections to the screens and compactors, dismantling and removing an oil/water separation tank, relocating an existing grit classifier clarifier and conveyor, and modifications to the piping in the influent pump station, painting of pipe, installation of gas alarms, and miscellaneous related WORK. Installation of the new screens will require construction sequencing to dismantle and replace existing 16-inch and 18-inch ductile iron pipe and new 24-inch process piping to make space for the new screens.

Juneau-Douglas Wastewater Treatment Plant (JDTP): The improvements to the headworks includes the installation of two new perforated plate automatic screens and screening washer/compactors including new electrical connections to the screens and compactors, construction of new concrete influent channels and piping to connect the new influent channels to existing piping, construction of a new building around the new channels and miscellaneous related WORK. Site grading includes the installation of two new catch basins, new storm drain lines, and asphalt restoration. Demolition includes the removal of the existing automatic screen and manual screen, removal of existing concrete steps, removal of a timber framed wall and soffit, and removal of electrical feeds to the existing screens. Construction sequencing will be required to maintain the existing headworks in operation while the new screens and channels are in construction.

Funding Source: Wastewater Contribution - \$1,610,000; ADEC Loan - \$4,000,000
Total Project Funds: \$ 5,610,000
CIP No. U76-106
Construction Encumbrance: \$2,422,930
Construction Contingency: \$242,293
Design: \$403,500.00
Contract Administration/Inspection: \$193,835
CBJ Administrative costs: \$72,687

Staff recommends award of this project to Carver Construction for the total amount bid of \$2,422,930.

Approved: _____
Duncan Rorie Watt, City Manager

Date of Assembly Approval: _____

c: CBJ Purchasing



Presented by: The Manager
 Introduced: December 19, 2016
 Drafted by: Engineering

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
 ALASKA

SERIAL NUMBER T-982

It is hereby ordered by the Assembly of the City and Borough of Juneau,
 Alaska, that \$1,970,781 be transferred:

From: CIP

W75-037	Lst Chance Basin Hydro-Geo Inv	\$ 815,000
W75-044	Salmon Crk Secondary Disinf	\$ 267,544
W75-053	W Juneau Reservoir Impr	\$ 140,000
R72-111	Distin/W 8th St Reconstruction	\$ 229,000
R72-104	Lakewood Subdivision Reconstruction	\$ 215,000
R72-107	Meadow Lane Improvements	\$ 275,000
R72-113	Scott Drive Improvements	\$ 26,000
R72-051	Berners Avenue	\$ 3,237

To: CIP

W75-054	Douglas Hwy Water Repl	\$ 1,222,544
P71-055	DT Transportation Ctr	\$ 54,000
R72-127	East Street-5th to 6th	\$ 75,000
R72-125	Aspen Avenue-Mend to Portage	\$ 619,237

The \$ 1,970,781 consists of:

Areawide Sales Tax	\$ 748,237
Temporary Sales Tax	\$ 267,544
Water Fund	\$ 955,000
	\$1,970,781

Moved and Approved this _____ day of _____, 2016.

D. Rorie Watt, City Manager

Attest:

Laurie J. Sica, Municipal Clerk



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

November 17, 2016

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

License Type:	Brewery	License Number:	5524
Licensee:	Barnaby Brewing Company, LLC		
Doing Business As:	Barnaby Brewing Company		

☒ **New Application**

☐ **Transfer of Location Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Controlling Interest Application**

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

This application is scheduled for the October 26, 2016 Alcoholic Beverage Control Board Meeting.

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

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

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

Sincerely,

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alcohol and Marijuana Control Office
550 Packard Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Barnaby Brewing Company LLC				
License Type:	Brewery	Statutory Reference:	AS 4.11.130		
Doing Business As:	Barnaby Brewing Company				
Premises Address:	206-1 N. Franklin St				
City:	Juneau	State:	AK	ZIP:	99824
Local Governing Body:	City and Borough of Juneau				
Community Council:					

Mailing Address:	2204A Douglas Hwy				
City:	Douglas	State:	AK	ZIP:	99824

Designated Licensee:	Matthew Barnaby				
Contact Phone:	843-737-2453	Business Phone:	907-419-0916		
Contact Email:	barnabybrewing@gmail.com				

Seasonal License? Yes ☐ No ☒ If "Yes", write your six-month operating period: _____

OFFICE USE ONLY				
Complete Date:		License Years:		License #: 5524
Board Meeting Date:		Transaction #:		
Issue Date:		BRE:		



Alcohol and Marijuana Control Office

550 W. 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:



an existing facility



a new building



a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

N/A

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

N/A

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant



affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant



affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application**Section 4 – Entity Ownership Information**

This section must be completed by any **entity**, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each **stockholder who owns 10% or more** of the stock in the corporation, and for each **president, vice-president, secretary, and managing officer**.
- If the applicant is a **limited liability organization**, the following information must be completed for each **member with an ownership interest of 10% or more**, and for each **manager**.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each **partner with an interest of 10% or more**, and for each **general partner**.

Entity Official:	Matthew Barnaby				
Title(s):	Owner	Phone:	843-737-2453	% Owned:	100
Address:	2204A Douglas Hwy				
City:	Douglas	State:	AK	ZIP:	99824

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10035969	AK Formed Date:	2/22/2016	Home State:	Alaska
Registered Agent:	Matthew Barnaby		Agent's Phone:	843-737-2453	
Agent's Mailing Address:	2204A Douglas Hwy				
City:	Douglas	State:	AK	ZIP:	99824

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒☐**Section 5 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☐☒

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Section 6 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐☒

If "Yes", disclose the name of the individual and the reason for this authorization:



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application**Section 7 – Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

MB

I certify that all proposed licensees have been listed with the Division of Corporations.

MB

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MB

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

MB

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

MB

As an applicant for a liquor license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 04 and 3 AAC 304, and that I have examined this application, including all accompanying schedules and statements, and to the best of my knowledge and belief find them to be true, correct, and complete.



Signature of licensee

Matthew Barnaby

Printed name

Subscribed and sworn to before me this 3rd day of October, 2016.


Signature of Notary Public

Notary Public in and for the State of AlaskaMy commission expires: 03/28/2018



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram**What is this form?**

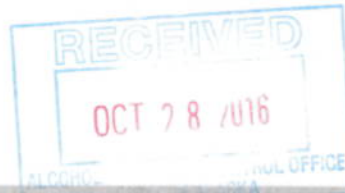
A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, and consumption. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Barnaby Brewing Company LLC	License Number:	
License Type:	Brewery		
Doing Business As:	Barnaby Brewing Company		
Premises Address:	206-1 N. Franklin St		
City:	Juneau	State:	AK
		ZIP:	99801



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

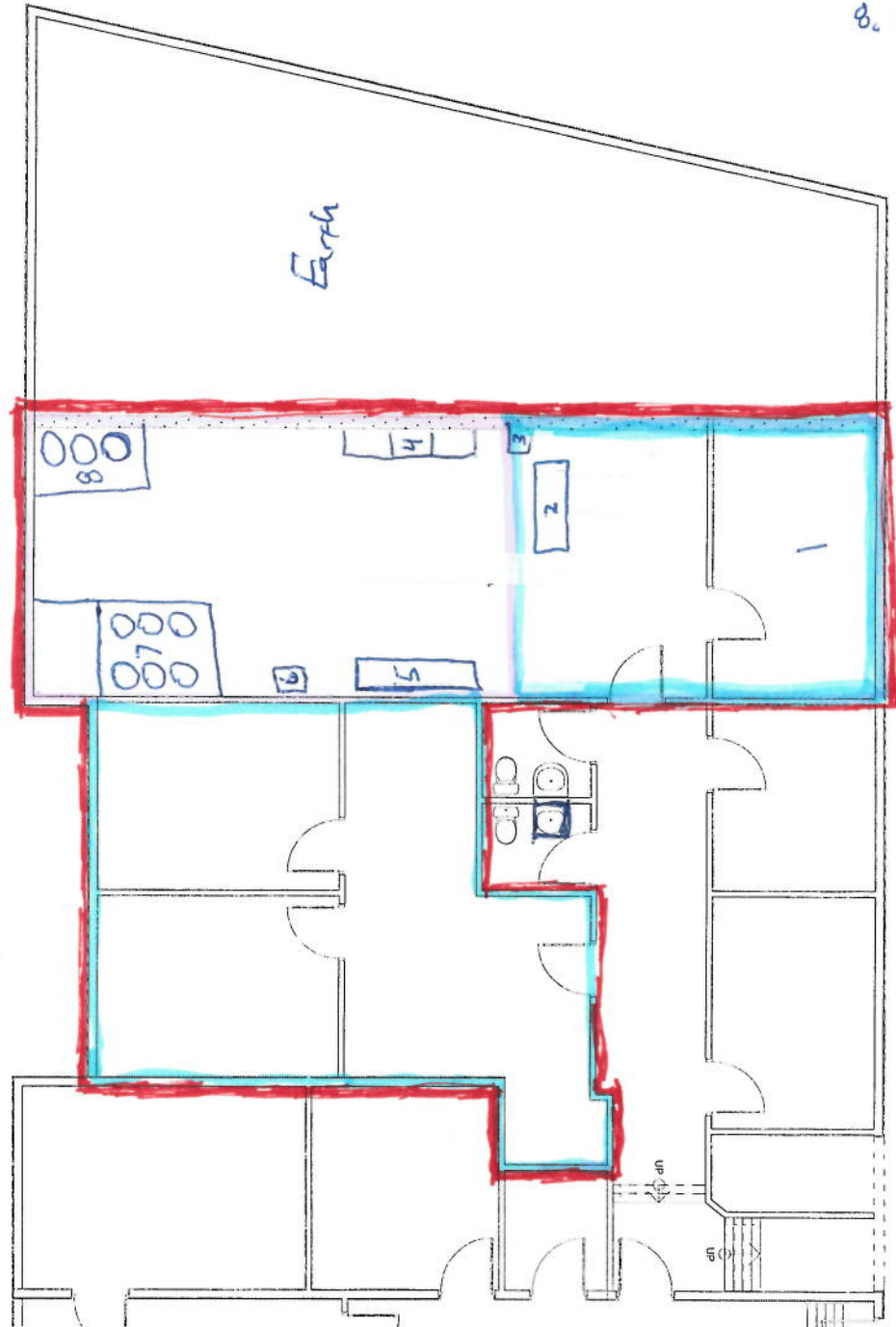
Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, and consumption. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

See Attached



The section highlighted in pink contains unpaid tax beer
 Section in blue will contain tax paid beer

1. Office/Storage
2. Refrigerator
3. Handwashing Sink
4. Three pour sinks
5. Freezer
6. mini frig
7. Fermentors
8. Brew System.



ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

City and Borough of Juneau (CBJ) Code

20.25.025 - Assembly review of license issuance, renewal, transfer, or continued operation. modified

(a) The assembly may protest the issuance, renewal, transfer, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

(1) Failure of the applicant to secure a local permit, or if the applicant is in violation of any applicable local permit;

(2) That the applicant has violated a provision of AS 04 or regulations adopted by the state, or a condition imposed by the alcohol control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;

(3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;

(4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;

(5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;

(6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;

(7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;

(8) The concentration of other marijuana establishment or alcohol licenses in the area;

(9) Any factor identified by state statute or regulation as appropriate grounds for a protest;

(10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002; [Serial No. 2016-22\(am\), § 3, 8-22-2016](#))

State Law reference— Assembly protest, AS 04.11.480.

Alaska Statutes

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510 (b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310 , or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510 (b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510 (b)(3) shall be retained as part of the board's permanent record of its review of the application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510 (b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-36(b)

An Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Domestic Animals.

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

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

Section 2. Amendment of Chapter. Chapter 08.30 Potentially Dangerous and Dangerous Domestic Animals, is amended to read:

...

08.30.020 Classification of domestic animals; notice; restrictions pending appeals.

(a) The director of animal control shall have the authority to determine, based on probable cause, that a domestic animal is potentially dangerous or dangerous. The determination and classification of the domestic animal shall be completed by the director within 15 days of the bite or attack report. In making the classification, the director will consider all of the facts and circumstances of the incident, including the following factors:

- (1) The observed and reported past and present behavior of the domestic animal;
- (2) Whether the incident was accidental in nature;
- (3) The extent of the injury to the person or animal attacked;

(4) The keeper's history of compliance with the City and Borough animal control code provisions ~~pertaining to the domestic animal involved in the incident~~; and

(5) The keeper's history of animal control code violations ~~pertaining to the domestic animal involved in the incident~~.

(b) Written notice of a domestic animal(s classification under subsection (a) of this section shall be served on the keeper of the domestic animal at the keeper's last known address. The notice shall describe the domestic animal, state the grounds for its classification, and state the restrictions and other requirements, including a spay or neuter requirement as the director determines appropriate, applicable to the domestic animal by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the director of animal control within 15 days after completion of service of the notice, a hearing will be conducted by the animal hearing board under section 08.30.030 to review the classification of the domestic animal or any related written administrative orders issued by the director. The right to a hearing shall be deemed waived if not timely requested as set forth on this subsection.

(c) The notice referred to in subsection (b) of this section shall be given either by personal delivery to the person to be notified or by certified mail, return receipt requested, addressed to the person at the person's last known address. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

(d) During the pendency of any hearing on the classification of a potentially dangerous or dangerous domestic animal, the director of animal control may require that the domestic animal be kept securely confined on the premises of the keeper or other location acceptable to the director which may include quarantine time at the animal shelter at the keeper's expense.

...

08.30.050 Off-premises restraint.

A potentially dangerous or dangerous domestic animal may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length.

The leash and domestic animal shall be under the actual physical control of a person ~~18 years of age or older and~~ suitable to control the domestic animal at all times. Such domestic animals shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the domestic animal or interfere with the domestic animal's vision or respiration, but must prevent the domestic animal from biting any person or domestic animal.

...

08.30.070 Signs.

The keeper shall display signs, issued by Animal Control at the owner's expense, in such form as required by the City and Borough on the keeper's premises warning that there is a potentially dangerous or dangerous domestic animal on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the domestic animal.

08.30.080 Liability insurance.

The keeper of a potentially dangerous or dangerous domestic animal shall maintain a liability insurance policy, ~~if reasonably available~~, in an amount of not less than \$100,000.00 covering any damage or injury that may be caused by the domestic animal. The policy shall contain a

1
2 provision requiring that the director of animal control be notified by the insurance company of
3 any cancellation, termination or expiration of the policy.
4

5 **08.30.090 Special license and tag, and microchip.**

6 (a) The keeper of any potentially dangerous or dangerous domestic animal shall obtain from
7 animal control a special license and collar for the domestic animal. The special license will be
8 issued for a term of one year beginning January 1 of the year for which the license was issued.
9

10 (b) An application for a special license shall be made to the director of animal control and
11 shall include the information required by section 08.15.010, proof of the insurance required in
12 section 08.30.080, a picture of the domestic animal, and any other information requested by the
13 director of animal control.

14 (c) Upon completion of all application requirements a special license identification tag will
15 be issued to the keeper of a potentially dangerous or dangerous domestic animal. The keeper
16 shall ensure that the issued tag is securely fastened to the required collar and the tag and
17 collar must be worn by the domestic animal at all times.
18

19 (d) All animals deemed as dangerous or potentially dangerous must be microchipped by a
20 veterinarian, licensed in the State of Alaska, at the expense of the owner within 15 days after
21 the classification of the animal.

22 ...
23

24 **08.30.120 Reclassification of domestic animals.**

25 (a) The keeper of any domestic animal classified as potentially dangerous or dangerous may
apply for reclassification of the domestic animal to non-dangerous. Applications with respect to

domestic animals classified as potentially dangerous will be reviewed and acted upon by the director of animal control. Applications with respect to domestic animals classified as dangerous will be reviewed and acted upon by the animal hearing board. A request for a hearing to review a decision of the director on an application for reclassification must be filed within 15 days after completion of service of the notice. Notice shall be served in the manner set forth in section 08.30.020.

(b) In order to be eligible for reclassification, a canine must have an evaluation, and proof of having completed any recommended training, by a veterinarian licensed in the State of Alaska; a veterinary technician, licensed in the State of Alaska, who specializes in behavior; a certified applied animal behaviorist; or a board certified veterinary behaviorist ~~obtained a certificate of Canine Good Citizenship or its equivalent since its classification as potentially dangerous or dangerous.~~ Other domestic animals will be considered on a case by case basis at the discretion of the animal hearing board. In addition, in deciding whether to approve the reclassification of a dog, the following criteria shall be considered:

- (1) The nature and circumstances of prior occurrences with the dog that resulted in its classification as potentially dangerous or dangerous; and
- (2) Whether the keeper, for a period of at least 36 months, has been in compliance with all requirements of this title concerning the dog since its classification as potentially dangerous or dangerous.

(c) A second classification of a domestic animal as potentially dangerous or dangerous after removal of the classification pursuant to subsection (a) of this section, shall result in the domestic animal being permanently ineligible for removal of the classification under this section.

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: November 28, 2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-20(AX)

An Ordinance Appropriating to the Manager the Sum of \$660,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2016 Operating Budget; Funding Provided by Hospital Revenues.

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 \$660,000 for Bartlett Regional Hospital's fiscal year 2016 operating budget.

Section 3. Source of Funds

Bartlett Regional Hospital FY16 Revenues	\$ 660,000
--	------------

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

Adopted this ___ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/28/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(V)

An Ordinance Transferring \$3,075,566 from the Sales Tax, and the General Fund's Fund Balance to the General Debt Service Fund's Fund Balance.

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. Appropriate. There is appropriated to the Manager the sum of \$3,075,566 for transfer to the General Debt Service Fund.

Section 3. Source of Funds.

- Sales Tax Fund's Fund Balance \$ 289,566
- General Fund's Fund Balance \$ 2,786,000

\$ 3,075,566

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

Adopted this __ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/28/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(W)

An Ordinance Transferring \$696,000 from the CBJ Facility Infrastructure Deferred Maintenance Project, to the General Government Fund's Fund Balance.

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. Appropriate. There is appropriated to the Manager the sum of \$696,000 for transfer to the General Government Fund's Fund Balance.

Section 3. Source of Funds.

- CBJ Facility Infrastructure \$ 696,000
Deferred Maintenance CIP

\$ 696,000

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

Adopted this __ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/28/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(X)

An Ordinance Transferring \$110,434 from the Sales Tax Fund's Fund Balance, to the Roaded Service Area Fund's Fund Balance.

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. Appropriate. There is appropriated to the Manager the sum of \$110,434 for transfer to the Roaded Service Area Fund's Fund Balance.

Section 3. Source of Funds.

- Sales Tax Fund's Fund Balance \$ 110,434
- \$ 110,434**

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

Adopted this ____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/28/2016
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(Y)

An Ordinance Appropriating to the Manager the Sum of \$365,000 as Funding for the Fountain and Whale Related Site Elements that are Part of the Bridge Park Capital Improvement Project; Funding Provided through a Donation from The Whale Project Committee.

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. Appropriate. There is appropriated to the Manager the sum of \$365,000 as partial funding for the Bridge Park Capital Improvement Project.

Section 3. Source of Funds.

Donation from The Whale Project	\$ 365,000
---------------------------------	------------

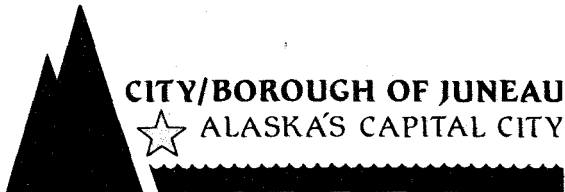
Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this __ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

**OFFICE OF THE MUNICIPAL CLERK****Ph: (907)586-5278 Fax: (907)586-4552****e-mail: Beth.McEwen@juneau.org**

December 8, 2016

Via certified & regular mail

Tides Complex, Inc.

d/b/a Dragon Inn Chinese Cuisine Inc.

Attn: Quy T. Lam & Than H. Nyugen

5000 Glacier Hwy.

Juneau, AK 99801

Re: Restaurant Eating Place Liquor License #4405 Protest

Dear Quy T. Lam & Than H. Nyugen,

CBJ Finance Department has asked that the Assembly protest the continued operation of your liquor license due to the default on your Confession of Judgement (COJ) dated May 27, 2014 in addition to delinquent Sales Taxes owing at this time.

Enclosed with this letter are copies of the following documents pertaining to this matter:

- Dec. 8, 2016 Memo from Revenue Collections Office
 - Attachment A: Balance and Payment History
 - Attachment B: COJ Monthly Statement
 - Attachment C: Default Notices Sent (From CBJ Law Dept. Nov. 23, 2016)

Per the December 8, 2016 memo, the COJ is in default for a 2nd time with 7 missed monthly payments as of November 30, 2016 resulting in a total of \$10,000 in back payments due to bring the COJ current again.

In addition to the COJ delinquency, the Sales Tax office has indicated there is a total amount of \$141.12 to bring your sales tax current. The \$141.12 amount is the sum of two reporting periods: the period ending June 30, 2016 amount of \$88.19 which includes late filing and late payment penalty and interest, and the period ending September 30, 2016 amount of \$52.93 which also includes late payment penalty and interest. These amounts are good through December 2016.

December 8, 2016

Page 2 of 2

Letter to Tides Complex, Inc. d/b/a Dragon Inn Chinese Cuisine Inc. re: Liquor License Protest

Alaska Statutes 04.11.480 provides in part...

"The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application...."

For the reasons listed above, the Finance Department is recommending the Assembly protest the continued operation of this liquor license unless the outstanding delinquencies for both the COJ and Sales Taxes owing are brought current.

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will be considered at the Monday, December 19, 2016 Assembly Human Resources Committee (HRC) meeting at 6 p.m. in the Assembly Chambers and the HRC will then forward a recommendation to the Assembly for action at its regular meeting that same evening at 7 p.m. in the Assembly Chambers. At that meeting will be your opportunity to participate in an informal hearing before the Assembly if you wish to do so.

In the meantime, I would urge you to work with CBJ Finance staff to try to resolve all outstanding balances owing on your accounts. They can be reached at 586-5268.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth McEwen", with a stylized flourish at the end.

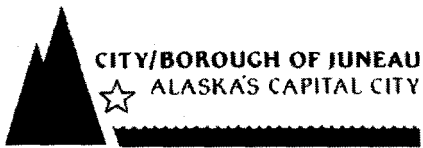
Beth McEwen
Deputy Clerk

Enclosures

cc: CBJ Assembly

Finance Department Staff

Law Department Staff



Revenue Collections Office
155 South Seward Street,
Juneau, Alaska 99801
(907) 586-5268 Ph
collections@juneau.org

December 8, 2016

MEMO

SUBJECT: DRAGON INN LIQUOR LICENSE PROTEST
ACCOUNT: COJUB2027
COJ CASE: 1JU-14-00677CI

The Dragon Inn Chinese Cuisine, Inc., owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, entered into a Confession of Judgment, 1JU-14-00677CI, for back billing of water/sewer as a result of water meter tampering. The key COJ terms were as follows:

- Judgment was signed on June 13, 2014
- Original principal balance was \$ 38,240.94 plus post judgment interest accruing @ 3.75% per annum
- Minimum payments of \$ 500 per month beginning June 01, 2014 continuing to December 01, 2014
- Minimum payments increased to \$1,500.00 per month beginning January 01, 2015 which continue until the judgment is paid in full

Attachment A - Balance and Payment History. The attachment shows the running balance, scheduled payments, actual payments received, and default notices sent. It also shows that 12 monthly payments were missed when the liquor license was protested in January 2016. As a result of that protest, \$10,500.00 in back payments were required to bring the COJ current. A payment of \$10,500.00 was made on February 29, 2016 and the COJ was brought current. **The COJ is now in default for a 2nd time with 7 missed monthly payments as of November 30, 2016. As a result, \$10,000.00 in back payments are required to bring the COJ current again.** Note that December's payment is also due 12/01/16. The current balance due on the COJ as of 11/30/16 is \$12,804.84.

Attachment B – COJ Monthly Statement. Statements are sent monthly for all COJs. The attachment shows an example of one for Dragon Inn. COJ payments are due the 1st of each month.

Attachment C – Default Notices Sent. Notice of CBJ Intent to Execute on Judgment, with its attachments, issued by the CBJ Law Department on November 23, 2016.

Nicole A Tragis
Revenue Collector

ATTACHMENT A
BALANCE AND PAYMENT HISTORY

DRAGON INN COJ COJUB2027
ANNUAL INTEREST RATE 3.75%
BEGINNING BALANCE \$ 38,240.94

			PAYMENT	PAYMENT		MNTHLY
	BALANCE	REQUIRED	MADE	PAY DATE	STMT	SENT
June 13, 2014	\$ 37,740.94	\$ 500.00	\$ 500.00	06/02/14	YES	
July 31, 2014	\$ 37,429.94	\$ 500.00	\$ 500.00	07/08/14	YES	
August 31, 2014	\$ 37,548.86	\$ 500.00	\$ -		YES	
September 30, 2014	\$ 36,663.29	\$ 500.00	\$ 1,000.00	09/22/14	YES	
October 31, 2014	\$ 36,779.95	\$ 500.00	\$ -		YES	
November 30, 2014	\$ 36,892.85	\$ 500.00	\$ -		YES	
December 29, 2014	Default of Payment Plan letter sent					
December 31, 2014	\$ 37,009.51	\$ 500.00	\$ -		YES	
January 31, 2015	\$ 35,623.35	\$ 1,500.00	\$ 1,500.00	01/07/15	YES	
February 28, 2015	\$ 34,222.87	\$ 1,500.00	\$ 1,500.00	02/10/15	YES	
March 31, 2015	\$ 34,331.65	\$ 1,500.00	\$ -		YES	
April 30, 2015	\$ 34,436.93	\$ 1,500.00	\$ -		YES	
May 31, 2015	\$ 34,545.71	\$ 1,500.00	\$ -		YES	
June 1, 2015	Default of Payment Plan letter sent					
June 30, 2015	\$ 31,650.72	\$ 1,500.00	\$ 3,000.00	06/30/15	YES	
July 31, 2015	\$ 31,751.51	\$ 1,500.00	\$ -		YES	
August 31, 2015	\$ 31,852.30	\$ 1,500.00	\$ -		YES	
September 30, 2015	\$ 31,949.39	\$ 1,500.00	\$ -		YES	
October 31, 2015	\$ 32,050.64	\$ 1,500.00	\$ -		YES	
November 20, 2015	Notice of CBJ Intent to Execute on Judgment sent					
November 30, 2015	\$ 32,148.19	\$ 1,500.00	\$ -		YES	
December 31, 2015	\$ 29,247.99	\$ 1,500.00	\$ 3,000.00	12/28/15	YES	
January 31, 2016	\$ 27,840.96	\$ 1,500.00	\$ 1,500.00	01/31/16	YES	
Liquor License Protested for 1st time						
February 29, 2016	\$ 27,921.04	\$ 1,500.00	\$ 1,500.00	02/29/16	YES	
February 29, 2016	\$ 15,921.04	\$ -	\$ 10,500.00	02/29/16	YES	
March 31, 2016	\$ 15,973.37	\$ 1,500.00	\$ -		YES	
April 30, 2016	\$ 14,020.07	\$ 1,500.00	\$ 2,000.00	04/19/16	YES	
May 31, 2016	\$ 14,064.67	\$ 1,500.00	\$ -		YES	
June 30, 2016	\$ 12,606.82	\$ 1,500.00	\$ 1,500.00	06/24/16	YES	
July 31, 2016	\$ 12,646.94	\$ 1,500.00	\$ -		YES	
August 31, 2016	\$ 12,687.06	\$ 1,500.00	\$ -		YES	
September 30, 2016	\$ 12,725.89	\$ 1,500.00	\$ -		YES	
October 31, 2016	\$ 12,766.01	\$ 1,500.00	\$ -		YES	
November 23, 2016	Notice of CBJ Intent to Execute on Judgment sent					
November 30, 2016	\$ 12,804.84	\$ 1,500.00	\$ -		YES	
		\$ 38,000.00	\$ 28,000.00			



TREASURER'S OFFICE
155 South Seward St
Juneau, AK 99801

DRAGON INN CHINESE CUISINE INC
QUY LAM; THAN H NYUGEN
5000 GLACIER HWY
JUNEAU AK 99801

STATEMENT

Reflects Payments Received Thru :	12/05/2016
Customer Number :	COJUB2027
Total Due :	\$12,804.84
Total Remitted :	

REMIT THIS PORTION TO ENSURE PROPER APPLICATION

FOLD HERE AND DETACH

Barcode 200126137

DRAGON INN CHINESE CUISINE INC
QUY LAM; THAN H NYUGEN
CUSTOMER NUMBER: COJUB2027
BARCODE: 200126137

Statement of Activity for 12/01/2016 - 12/05/2016

<u>INVOICE</u> <u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTAL</u> <u>OUTSTANDING</u>
	BALANCE FORWARD		\$12,804.84

Ending Principal Balance \$12,597.76

Ending Accrued Interest Balance \$207.08

1JU-14-00677CI - Judgment signed 06/13/14. Original principal balance = \$38,240.94 @ 3.75%. Minimum monthly pmts of \$500.00 due on the 1st of each month beginning 06/01/14; increasing to minimum monthly pmts of \$1,500.00 beginning 01/01/15.

Total Due \$12,804.84

Failure to make the required scheduled payments will result in the publishing of the outstanding balance of the judgement in the Juneau Empire. Cost of publication will be at the expense of the debtor. In addition, your case may be forwarded to the CBJ Law Dept for execution of the judgement.

Credit Card Option: To pay by credit card, call Official Payments Corporation at (800) 272-9829 or visit www.officialpayments.com (use Jurisdiction Code 1202). Official Payments Corporation charges a fee for this service.

Make check payable to:
CITY & BOROUGH OF JUNEAU
All returned checks are subject to a \$30 return check fee.

Payment Locations: Payments may be made by mail or in person at the Treasury Office located on the ground floor of the Municipal Building, 155 South Seward Street. Payments can also be made at any one of our three drop boxes: the Payment Centers at Super Bear, IGA, or outside the main entrance to the Municipal Building.

City and Borough of Juneau
Treasury Division

Please retain this portion for your records

Billing Inquiries: (907)586-5268
Business Hours: 8:00 a.m. to 4:30 p.m.
Monday through Friday

Amy G. Mead
Municipal Attorney

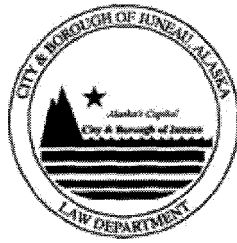
Jane E. Sebens
Deputy Municipal Attorney

Trinidad R. Contreras
Assistant Municipal Attorney

Robyn L. Carlisle
Assistant Municipal Attorney

Sherri Layne
Assistant Municipal Attorney

Robert H. Palmer III
Assistant Municipal Attorney



Law Department City & Borough of Juneau

Debbie L. Senn
Office Manager

Leo Helmar
Litigation and Support
Assistant-Criminal

Audrey Dean
Litigation and Support
Assistant-Criminal

Samantha L. Sanbei
Litigation and Support
Assistant-Civil

Jesse G. Peterson
Litigation and Support
Assistant-Civil

November 23, 2016

USPS Certified and First Class Mail

Dragon Inn Chinese Cuisine, Inc.
Than Nguyen and Quy Lam
5000 Glacier Hwy.
Juneau, AK 99801

Re: Notice of CBJ Intent to Execute on Judgment

Dear Mr. Nguyen and Mr. Lam:

This letter is to notify you that the CBJ Law Department has determined that you are no longer complying with the stipulation to pay your past utility debt which you agreed to in May 29, 2014. This means the CBJ can immediately execute to obtain the outstanding amount of \$12,794.48.

If you have an attorney, he or she should contact me as soon as possible.

CBJ Collections' records indicate you have not paid the agreed to amount of \$1,500 per month for the months of May, July, August, September, October and November 2016; therefore you have not made six monthly payments in 2016 of \$1,500 for a total of \$9,000 owed to the CBJ per agreement.

This delinquency is in violation of the stipulation agreed to and entered into by the parties in May 2014. **By being in violation of the stipulation, the CBJ can legally execute the May 2014 judgment to obtain the outstanding balance of \$12,794.48.**

On May 30, 2014, the parties agreed to and signed a confession of judgment and a stipulation to postpone execution of judgment. The confession of judgment was in the amount of \$38,240.94. Judge Levy entered an order in the amount of \$38,240.94 on June 16, 2014.

The parties' stipulation to postpone execution as to judgment stated:

... defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2014, defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing

Dragon Inn Chinese Cuisine, Inc.
 Than Nguyen and Quy Lam
 5000 Glacier Hwy.
 Juneau, AK 99801

November 23, 2016
 Page 2

June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2015, defendant guarantees a minimum payment of \$1500 per month, inclusive of principal and interest, to the CBJ and will then make payments on the 1st day of each succeeding month until the judgment is paid in full.

Therefore, if you paid \$1,500 each month until the debt owed was paid in full, you were acting consistent with the stipulation. Not paying the amount for eight months means you are not complying with the terms of this agreement.

Regarding payments and failure to comply with the stipulation's terms, the stipulation then states:

10. Provided defendant is in compliance with the terms of this Stipulation, plaintiff shall refrain from taking further collection action on the judgment entered in the case. In the event of a violation by defendant of any condition of this Stipulation, the balance of the judgment plus post judgment interest will immediately become due and payable.

Therefore, under the signed agreement, if you fail to comply with the stipulation and – for example – make timely payments, the amount owed becomes immediately due and the CBJ may entered collection efforts consistent with the judgment issued by Judge Levy on June 16, 2014.

As noted above, you have not paid the stipulated amount of \$1,500 over the last six months; resulting in a total delinquency of \$9,000. You are not in compliance with the stipulation entered into between the parties in May 2014.

CBJ Law Department is providing this notice to allow you one last chance to return to compliance as to the stipulation and confession of judgment. **From the date of this notice, CBJ Law will provide you 30 days to comply with the stipulation; meaning 30 days from November 23, 2016, you will have paid the \$9,000 or made substantial efforts to comply and pay the amount by agreement with the CBJ Collections Office.** If you do not undertake such efforts and comply with the May 2014 stipulation, the CBJ Law Department will undertake various collection efforts to satisfy the outstanding debt.

Please contact the CBJ Revenue Collections Office by December 23, 2016, and pay the delinquent amount of \$9,000. Their phone number is listed below. If you fail to remedy your delinquency by December 23, 2016, the CBJ will simply commence collection efforts to obtain the outstanding balance.

This letter and the additional time being provided is a courtesy only.

Dragon Inn Chinese Cuisine, Inc.
Than Nguyen and Quy Lam
5000 Glacier Hwy.
Juneau, AK 99801

November 23, 2016
Page 3

Sincerely,

Trinidad R. Contreras
Assistant City and Borough Attorney
(907) 586-0273

Enclosures:

May 2014 confession of judgment and stipulation
Spreadsheet Outlining Payment History since June 2014

cc: CBJ Public Works (907) 586-0917
CBJ Collections (907) 586-5268

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,)

Plaintiff,)

v.)

DRAGON INN CHINESE,)
CUISINE, INC.,)

Defendant.)

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts
By W Deputy

CASE NO.: 1JU-14-677CI

**CONFESSION OF JUDGMENT WITHOUT ACTION AND ASSENT BY
PLAINTIFF**

The undersigned defendant Dragon Inn Chinese Cuisine, Inc. owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, hereby acknowledges, confesses, and authorizes judgment to be entered against them in accordance with the stipulations and recitals set forth below.

1. Acknowledgement of Water Utilities Owed

Defendant acknowledges that the City and Borough of Juneau has Water Utilities ordinances, codified as CBJ 75.01.010 through 220 inclusive, incorporated by reference herein, and that under these provisions the City and Borough of Juneau can seek payment for water use when a meter does not register or has been tampered with based on estimated use per CBJ 75.01.100(d).

2. Confession of Judgment

Defendant used water from August 2009 to July 2012 which was not registered by a meter and do hereby confess and authorize judgment to be entered in favor of the City

City & Borough Attorney
City & Borough of Juneau
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147


and Borough of Juneau in connection with the aforesaid business, for past water use, interest, and penalties in the amount of \$37,950.94, filing fees in the amount of \$90.00 and attorneys' fees in the amount of \$200.00, for a total of \$38,240.94. Post Judgment interest shall be 3.75% per annum.

3. Just Debt

The total judgment is \$38,240.94. This amount is a just debt owed by Dragon Inn Chinese Cuisine, Inc. to the City and Borough of Juneau.

DEFENDANT:

I, QUY LAM, ON BEHALF OF DRAGON INN CHINESE CUISINE, INC., DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALASKA, THAT I HAVE READ THE ABOVE CONFESSION OF JUDGMENT AND I VERIFY THE ABOVE TO BE TRUE AND CORRECT.

By: 
Quy Lam d.b.a. Dragon Inn Chinese
Cuisine, Inc.

Dated: 5/27/14

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 27 day of May, 2014, personally appeared before me Quy Lam, President of Dragon Inn Chinese Cuisine, Inc., to me known to be the person who executed the foregoing Confession of Judgment Prior To Action, freely and voluntarily, for and on behalf of Dragon Inn Chinese Cuisine, Inc., for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Robert S. [Signature]
Notary Public, State of Alaska

My commission expires: 7-16-16

DEFENDANT:

I, THAN H. NGUYEN, ON BEHALF OF DRAGON INN CHINESE CUISINE, INC., DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALASKA, THAT I HAVE READ THE ABOVE CONFESSION OF JUDGMENT AND I VERIFY THE ABOVE TO BE TRUE AND CORRECT.

By: [Signature]
Than H. Nguyen d.b.a. Dragon Inn
Chinese Cuisine, Inc.

Dated: 5-27-14

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 27 day of May, 2014, personally appeared before me Than H. Nguyen, of Dragon Inn Chinese Cuisine, Inc., to me known to be the person who executed the foregoing Confession of Judgment Prior To Action, freely and voluntarily, for and on behalf of Dragon Inn Chinese Cuisine, Inc., for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Robert S. [Signature]
Notary Public, State of Alaska

My commission expires: 7-16-16

ASSENT BY PLAINTIFF

The City and Borough of Juneau hereby assents to the foregoing Confession of Judgment Without Action.

CITY AND BOROUGH OF JUNEAU

By: _____

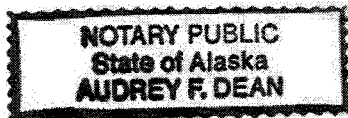
Randy L. Wiley
Treasurer

ACKNOWLEDGMENT

STATE OF ALASKA)
First Judicial District) ss.
CITY AND BOROUGH OF JUNEAU)

THIS CERTIFIES that on the 29th day of May, 2014, before me a Notary Public in and for the State of Alaska, personally appeared, Randy L. Wiley, to me known and known to me and ~~she~~ acknowledged to me that ~~she~~ is authorized to assent on behalf of the City and Borough of Juneau and that ~~she~~ executed the above on behalf of the City and Borough of Juneau.

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



Notary Public for the State of Alaska

My commission expires: 11/18/2014

THIS MATTER IS FORMALLY
ASSIGNED TO
KEITH LEVY
DISTRICT COURT JUDGE

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,)
)
Plaintiff,)
)
v.)
)
DRAGON INN CHINESE,)
CUISINE, INC.,)
)
Defendant.)

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts

By Deputy

CASE NO.: 1JU-14- 677 CI

STIPULATION TO POSTPONE EXECUTION OF JUDGMENT

WHEREAS, Dragon Inn Chinese Cuisine, Inc., Defendant herein, owned and operated by Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn, has confessed judgment in favor of plaintiff City and Borough of Juneau in the amount of \$-38,240.94 owed for past utilities owed, filing and court costs, and attorneys' fees; and

WHEREAS, the City and Borough of Juneau provides a water utilities service and there are costs associated with the service as codified in CBJ 72.01.010 through .220, incorporated by reference herein; and

WHEREAS, defendant acknowledge that water utilities must be paid for water use, including back bills for water used and reasonably determined based upon CBJ 72.01.010 through .220; and

WHEREAS, defendant's water utility meter, for a variety of reasons, did not properly register CBJ water use for the property from August 2009 to July 2012. When a lock box

City & Borough Attorney
City & Borough of Juneau
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147

was installed on the meter on March 29, 2013, the CBJ estimated the amount of water used from August 2009 to July 2012 in a net cost of \$37,950.94¹; and

WHEREAS, in consideration of the City and Borough of Juneau postponing further collection proceedings, defendant has agreed to make periodic payments toward the satisfaction of judgment; and

WHEREAS, defendant acknowledges receipt of executed copies of the Confession of Judgment Without Action and the Stipulation to Postpone Execution of Judgment;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. In addition to staying current with the filing and paying of all obligations to the CBJ incurred after the execution of this stipulation, defendant guarantees a minimum payment of \$500 per month, inclusive of principal and interest, to the CBJ commencing June 1, 2014, and continuing to December 1, 2014. Starting in January 1, 2015, defendant guarantees a minimum payment of \$1500 per month, inclusive of principal and interest, to the CBJ and will then make payments on the 1st day of each succeeding month until the judgment is paid in full. Defendant may, at its option, make payments in excess of the scheduled amounts at any time and may pay off the indebtedness at its option at any time prior to the scheduled times of payments.

2. Defendant shall pay the aforesaid judgment, plus accrued interest post judgment at 3.75% per annum, in full prior to the sale, assignment, transfer, conveyance, lease, forfeiture, or abandonment of its business to another person, including a creditor or secured party.

¹ This amount does not include the \$90 filing fee or attorney's fees of \$200.

3. Defendant agrees to provide the CBJ with its current physical and mailing addresses and telephone numbers and to update the same within TEN (10) days should this information change.
4. Defendant agrees to provide the CBJ notice if it changes the name of the corporation within TEN (10) days of making such a change. Defendant agrees that changing the name of the corporation does not extinguish the utility debt owed and further agrees that should the corporation change its name, this debt will remain.
5. Consistent with the CBJ Assembly's vote on March 24, 2014, Defendant agrees that their current liquor license will contain a condition requiring compliance with these stipulations and making the payments contained herein to maintain the liquor license.
6. Defendant agrees if they fail to remain current with its payments for the utilities owed as outlined above, the CBJ may contest the Defendant's liquor license consistent with CBJ 20.25.25(b)(3) at the next scheduled hearing for contesting the license.
7. Defendant shall keep current on all other business obligations to the CBJ, including but not limited to water and sewer service accounts (and all bills therein such as for example current water bills), real and personal property taxes, CBJ sales taxes, and similar obligations to the CBJ.
8. This judgment shall not supersede the requirements for obtaining a liquor license renewal, certificate of convenience or for bidding on CBJ contracts. Defendant understands that neither the Confession of Judgment nor this Stipulation puts their business in good standing with the City and Borough of Juneau Finance Department for purposes of,

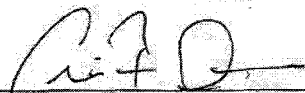
certificate of convenience or bidding on CBJ contracts. Furthermore, Defendant acknowledges until paid in full, the CBJ will request a condition on their liquor license requiring payment of the amount owed.

9. Upon payment in full of the judgment entered in this case, plaintiff shall execute a satisfaction and release of judgment.

10. Provided defendant is in compliance with the terms of this Stipulation, plaintiff shall refrain from taking further collection action on the judgment entered in the case. In the event of a violation by defendant of any condition of this Stipulation, the balance of the judgment plus post judgment interest will immediately become due and payable.


11. This Stipulation contains the entire agreement between the parties. There are no oral promises, representations or warranties between the parties regarding the matters or things connected with or related to the matters or things which are subject to this agreement.

PLAINTIFF: CITY AND BOROUGH OF JUNEAU:

By: 
Christopher F. Orman (AK Bar 1011099)
Assistant City-Borough Attorney

Dated: May 29, 2014

DEFENDANT:

By: 
Quy Lam, d.b.a. Dragon Inn Chinese
Cuisine, Inc.

Dated: 5/27/14

Date of Birth: 4/17/64

Social Security Number: _____

Stipulation to Postpone Execution of Judgment

1JU-14-1077 CI
Page 4 of 5


Personal Mailing Address:

5000 Glacier Hwy
Juneau AK 99801

Personal Physical Address:

Same as

DEFENDANT:

By: 
Than H. Nguyen, d.b.a. Dragon Inn
Chinese Cuisine, Inc.

Dated: 5-27-14

Date of Birth:

02-02-1962

Social Security Number:

Personal Mailing Address:

6007 Lagoon St
Juneau, AK 99801

Personal Physical Address:

Same

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

COPY
Original Received

MAY 30 2014

S clerk of the Trial Courts

By Deputy

CASE NO.: 1JU-14-677CI

CITY AND BOROUGH OF JUNEAU,)

Plaintiff,)

v.)

DRAGON INN CHINESE,)
CUISINE, INC.,)

Defendant.)

JUDGMENT ON CONFESSION OF JUDGMENT

WHEREAS, defendant Dragon Inn Chinese Cuisine, Inc., owned and operated by
Quy Lam and Than H. Nyugen, a business which includes Tides Motel and Dragon Inn,
have executed a Confession of Judgment for water and sewer utilities owed, penalties,
and interest, dated the ____ day of ____, 2014, in favor of plaintiff City and
Borough of Juneau in the amount of \$37,950.94 for filing fees in the amount of \$90.00
and attorneys' fees in the amount of \$200.00, for a total of \$38,240.94;

WHEREAS, the defendant used CBJ water and sewer utilities and did not pay for
that service;

WHEREAS, Defendant has consented to entry of judgment and acknowledged
before an officer authorized by law to administer oaths its confession of judgment and
verified the same to be true; and

1 WHEREAS the Plaintiff has acknowledged its assent to the confession of
2 judgment.

3
4 NOW, THEREFORE, IT IS ORDERED that judgment shall enter against
5 defendant Dragon Inn Chinese Cuisine, Inc., owned and operated by Quy Lam and Than
6 H. Nyugen, a business which includes Tides Motel and Dragon Inn in the amount of
7 \$38,240.94 plus post judgment interest accruing at the rate of 3.75% per annum.
8

9 Dated this _____ day of _____ 2014.

10
11 _____
12 District Court Judge

13 **CERTIFICATION:**

14 Copies Distributed:

15 Date: _____

16 To: Christopher F. Orman via court box
17 _____
18

City & Borough Attorney
City & Borough of Juneau, Alaska 99801
155 South Seward Street, Juneau, Alaska 99801
voice: 907-586-5242 fax: 907-586-1147

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY AND BOROUGH OF JUNEAU,

Plaintiff,

v.

DRAGON INN CHINESE,
CUISINE, INC.,

Defendant.

COPY
Original Received

MAY 30 2014

Clerk of the Trial Courts

By

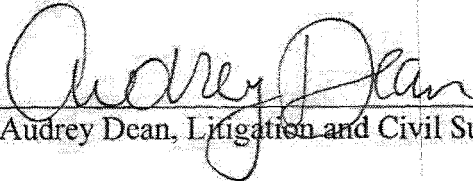
CASE NO.: 1JU-14-677 CI Deputy

CERTIFICATE OF SERVICE

I, Audrey Dean, certify that on the 30th day of May, 2014, a true and correct copy of the CONFESSION OF JUDGMENT WITHOUT ACTION AND ASSENT BY PLAINTIFF, STIPULATION TO POSTPONE EXECUTION OF JUDGMENT and proposed JUDGMENT ON CONFESSION OF JUDGMENT were served via first class mail, postage pre-paid to:

Robert S. Spitzfaden
Gruening & Spitzfaden
217 Second Street, Ste. 204
Juneau, AK 99801

DATED this 30th day of May, 2014.



Audrey Dean, Litigation and Civil Support Assistant

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

City and Borough of Juneau (CBJ) Code

20.25.025 - Assembly review of license issuance, renewal, transfer, or continued operation. modified

(a) The assembly may protest the issuance, renewal, transfer, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

(1) Failure of the applicant to secure a local permit, or if the applicant is in violation of any applicable local permit;

(2) That the applicant has violated a provision of AS 04 or regulations adopted by the state, or a condition imposed by the alcohol control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;

(3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;

(4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;

(5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;

(6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;

(7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;

(8) The concentration of other marijuana establishment or alcohol licenses in the area;

(9) Any factor identified by state statute or regulation as appropriate grounds for a protest;

(10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002; [Serial No. 2016-22\(am\), § 3, 8-22-2016](#))

State Law reference— Assembly protest, AS 04.11.480.

Alaska Statutes

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510 (b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310 , or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510 (b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510 (b)(3) shall be retained as part of the board's permanent record of its review of the application.

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510 (b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).