

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

January 8, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-1

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. **December 18, 2017 Regular Meeting 2017-23**

B. **December 28, 2017 Special Meeting 2017-24**

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 2017-06(Z) An Ordinance Appropriating to the Manager the Sum of \$290,765 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$290,765 to the Construct Snow Removal Equipment Building (SREB) capital improvement project A50-

086. Funding is provided as follows:

Federal Aviation Administration grant: \$290,765

Local matching funds have previously been appropriated.

The Airport Board approved this action at its October 10, 2017, regular meeting.

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

- b. **Ordinance 2017-06(AA) An Ordinance Appropriating to the Manager the Sum of \$131,938 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-Alignment Design Capital Improvement Project; Funding Provided by Sales Tax Revenue.**

This ordinance would appropriate \$131,938 to the Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design capital improvement project A50-090. Funding is provided as follows:

Sales Tax Revenue: \$ 131,938

This funding will be used to match a Federal Aviation Administration grant.

The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

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

- c. **Ordinance 2018-01 An Ordinance Amending the Airport Operations Code Relating to Parking, Standing, and Stopping for the Active Loading and Unloading of Passengers and Providing for a Penalty.**

The Airport Operations Committee determined that vehicles parking and waiting at the curb for passengers to load and unload presents both a public safety problem as well as a security compliance issue. After its meeting on September 29, 2017, the Committee directed staff to consider an amendment to the Airport code to address the issue.

At its meeting on October 10, 2017, the Airport Board considered staff's recommendation to amend the Airport parking code to prohibit the standing or parking of vehicles unless actively engaged in the loading and unloading of passengers and the proposed \$100 fine, and approved moving the issue forward to the Assembly. The relevant minutes from the

October 10 meeting have been included in the agenda packet.

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

2. Bid Award

a. **BID BE18-098 Downtown Street Improvements - Phase II**

Bids were opened on December 12, 2017. The protest period expired on December 15, 2017. Results of the bid opening were as follows:

Responsive Bidders	Total Bid
CBC Construction	\$1,736,902.50
K & E Alaska	\$1,813,429.90
Admiralty Construction	\$1,843,075.00
Arete Construction	\$1,953,924.00
Glacier State Contractors	\$2,307,342.50
Engineer's Estimate	\$1,996,980.00

The City Manager recommends award of the project to CBC Construction for the total amount bid of \$1,736,902.50.

3. Liquor License

a. **Liquor License Renewal #4842 - Up the Creek dba Twisted Fish Beverage Dispensary License**

2018-2019 Renewal

Up the Creek d/b/a Twisted Fish Beverage Dispensary License #4842

Location: 550 S. Franklin Street, Juneau

The above Beverage Dispensary liquor license renewal is before the Assembly for one of the following actions: to protest, waive its right to protest, or refer this matter to the Assembly Human Resources Committee for additional review and recommendation.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed this license for code compliance and recommend the Assembly waive its right to protest this license renewal.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license renewal. The Assembly has until February 4, 2018, to take final action on this liquor license.

The City Manager recommends the Assembly waive its right to protest the renewal of liquor license #4842.

VIIIPUBLIC HEARING

- A. Ordinance 2017-06(X) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.**

This ordinance would appropriate \$250,000 of unrestricted sales tax revenue. The CBJ strongly supports and welcomes cruise ship tourism, and will continue to work cooperatively with the industry to address impacts caused by the visitation of approximately one million visitors to the CBJ per year. At the same time, the CBJ must defend its marine passenger and port development fees against the constitutional challenges raised by the industry in the litigation brought by the Cruise Lines International Association (CLIA).

These funds would be appropriated in FY18 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA. The Assembly Finance Committee took up this matter at its meeting on December 13, 2017.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2017-06(Y) An Ordinance Appropriating to the Manager the Sum of \$400,000 to begin Replacement of the Maier Drive Forcemain Emergency Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Lexington Insurance Company.**

The CBJ has received initial funding from our insurance company for \$400,000 to begin the replacement of the failed Maier Drive sewer forcemain. These funds need to be appropriated into a CIP in order to spend them. The funds will be appropriated into the existing CIP created to begin the planning and design work for the forcemain repair.

The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

The City Manager recommends this ordinance be adopted.

- C. Ordinance 2017-29 An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.**

This ordinance would amend CBJ Title 49 to delete the prohibitions of development near eagle nests and eagle habitat. Existing CBJ code prohibits development within 330 feet of eagle nests on public land and within 50 feet of eagle nests on private land during the nesting period. This ordinance would remove those development prohibitions.

The existing CBJ code related to eagles is difficult to enforce and is unnecessary. The CBJ does not have an inventory of eagle nests nor the capability to determine if a nest is in use or will be used in the future. Although the U.S. Fish and Wildlife Service provided this information to the CBJ in the past, the USFWS has not had the personnel to make those determinations for many years. This ordinance is anticipated to reduce costs of development near eagle nests and habitat without any adverse impact on eagles because the eagle population in Juneau is healthy.

CBJ staff has consulted with the USFWS. The Planning Commission recommends the Assembly adopt this ordinance. The Lands Committee reviewed this ordinance at its meeting on November 20, 2017, and unanimously moved that it go before the full Assembly.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2017-34 An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.

The Lemon Creek Area Plan was reviewed by the Assembly Committee of the Whole at its November 20 and December 4, 2017, meetings. At the latter meeting, the Committee of the Whole voted to send the Plan, as amended, to the full Assembly for adoption as an addendum to the Comprehensive Plan.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2017-36 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

State law requires that if a municipality prescribes a penalty for a violation of a municipal ordinance and there is a comparable state crime under either AS 11 (the state's criminal code) or AS 28 (motor vehicle and driving offenses) with elements that are similar to the municipal ordinance, the municipality may not impose a greater punishment than that imposed for a violation of the state crime. This provision applies to all municipalities, including home rule.

This ordinance would amend CBJ Code to make it consistent with state law, including changes required by SB 54.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Liquor License #2533 - Jack and Arlene Tripp d/b/a Viking Restaurant and Lounge

Staff from the Finance and Engineering/Public Works departments recommend the Assembly file a mid-cycle protest of the Jack and Arlene Tripp dba Viking Restaurant & Lounge Liquor License #2533 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 basis for staff’s recommendation of protest is listed below:

- Sales Tax is recommending protest based on the unfilled July – November 2017 monthly sales tax returns, plus unremitted sales taxes, liquor taxes and associated late filing fees, late payment penalty and interest.
- Utility Billing is also recommending protest due to the account being 2 months delinquent on their utility payments.

CBJ Code 20.25.025 provides the licensee an opportunity for an informal hearing before the Assembly as follows:

“(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.”

Your packet contains copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statutes pertaining to this matter. The Assembly Human Resources Committee also considered this matter at its meeting immediately preceding this Assembly meeting and will provide a recommendation to the Assembly for action.

The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its January 8, 2018, meeting.

B. Eagle Valley Center Ropes Course Lease

Southeast Alaska Independent Living (SAIL) has applied to lease the Ropes Course at the Eagle Valley Center. This facility is located at 24600 Amalga Harbor Road and is managed by the CBJ Parks and Recreation Department. SAIL plans to maintain and upgrade the course to make it more accessible for people with mobility restrictions. Since the Ropes Course was not advertised for general leasing, as stipulated in CBJ§53.09.260 Negotiated sales, leases, and exchanges, the Assembly needs to determine if SAIL’s proposed lease should

proceed by direct negotiation or if Parks should invite other groups to submit proposals to lease the facility. No competing inquiries have been received at this time. Completing this lease will make SAIL eligible for additional grant funding that will help support its mission.

The City Manager recommends that the Assembly adopt the following motion:

The Assembly authorizes the City Manager to commence lease negotiations with Southeast Alaska Independent Living (SAIL) to lease the Eagle Valley Center Ropes Course.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

XVI. SUPPLEMENTAL MATERIALS

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 - December 18, 2017

MEETING NO. 2017-23: 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. FLAG SALUTE**II. ROLL CALL**

Assembly Present: Mary Becker, Rob Edwardson (telephonic), Maria Gladziszewski, Norton Gregory (telephonic), Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon.

Assembly Absent: Loren Jones.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Beth McKibben, Planning Manager; Sherri Layne and Emily Wright, Assistant Attorneys.

III. SPECIAL ORDER OF BUSINESS**A. Recognition of Tom Wagner**

Ms. Mead, joined by Sherri Layne and Emily Wright of the CBJ Law Department; honored Tom Wagner, who is leaving his position as contract attorney for CBJ and has served as a public defender for the past 16 years. In that time he has handled over 11,000 cases for CBJ. She extolled his virtues as a dedicated public servant.

Mr. Wagner said that being a lawyer is an honor and a privilege. The position as a contract public defender for the city has been his favorite job, in that he is working with poor people who are in trouble and he can help them.

IV. APPROVAL OF MINUTES**A. November 27, 2017 Regular Meeting 2017-21**

Hearing no objection, the minutes of the November 27, 2017 Regular Assembly Meeting 2017-21 were approved.

B. December 2, 2017 Assembly Retreat Meeting 2017-22

Hearing no objection, the minutes of the December 2, 2017 Regular Assembly Meeting 2017-22 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said that since the Whale Park and Seawalk are almost complete, he would like to be able to use his pedicab on the seawalk. Regulations say that pedicabs can't cross Egan Drive. The rules should be amended. Another idea he has is to install an amusement park in Juneau, which would bring in revenue, and could be run year-round and include a large Ferris Wheel. A light rail to the Glacier would also be a good idea. He wished the Assembly a "Merry Christmas."

Doug Woodby represents Renewable Juneau, which is a local group providing information, education and advocacy for a clean energy Juneau. He distributed a letter to the Assembly. Supporting the recently drafted Juneau Renewable Energy Strategy will help the city save money. Renewable Juneau sought support from 80 businesses to support an 80% renewable power target goal by 2045 and are now up to almost 100 local businesses in support of this goal. They look forward to working with the Assembly and the community on this issue.

Stuart Cohen spoke for Interfaith Power and Light, which is a group representing religious groups interested in clean energy and that have concerns about climate change. He spoke about the ill effects of climate change and said that Juneau has an ability to effect positive change. The good news is we can address the concerns through the Juneau Renewable Energy Strategy, and this will be a positive economic benefit to the community as well. He spoke about his study to install heat pumps and said he would be providing the Assembly with more information on this study in the near future. He said Juneau needs to take action in a visible way by issuing press releases, providing college internships, and by becoming an innovative community.

Margo Waring said that December 21, 2017 is the last opportunity for CBJ to send in a notice to the RCA to participate in the discussion about the acquisition of the local power company by a Canadian company. She said Juneau needs to ensure equal treatment of Juneau residents along with other power company customers in other states. We need to advocate for the needs of the community and this is the time to do it. The RCA's charge in this does not include concerns of local government. She urged the Assembly to get a seat at the table.

Lin Davis encouraged the Assembly to pursue the Juneau Renewable Energy Strategy. Juneau can show the world what a small group of dedicated citizens can do. Young people in the community can create new economies and the cost of creating renewable energies have declined as fossil fuels become more expensive and have wild price swings. Renewable energy plants show more resilience. 2017 has given us many weird weather reasons to move forward.

VII. 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 objections, the consent agenda was adopted as presented.

1. Ordinances for Introduction

- a. Ordinance 2017-06(X) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.

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These funds would be appropriated in FY18 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA. The Assembly Finance Committee took up this matter at its meeting on December 13, 2017.

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

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to begin the planning and design work for the forcemain repair.

The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

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

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CBJ staff has consulted with the USFWS. The Planning Commission recommends the Assembly adopt this ordinance. The Lands Committee reviewed this ordinance at its meeting on November 20, 2017, and unanimously moved that it go before the full Assembly.

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

- d. Ordinance 2017-34 An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.

The Lemon Creek Area Plan was reviewed by the Assembly Committee of the Whole at its November 20 and December 4, 2017, meetings. At the latter meeting, the Committee of the Whole voted to send the Plan, as amended, to the full Assembly for adoption as an addendum to the Comprehensive Plan.

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

- e. Ordinance 2017-36 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

State law requires that if a municipality prescribes a penalty for a violation of a municipal ordinance and there is a comparable state crime under either AS 11 (the state's criminal code) or AS 28 (motor vehicle and driving offenses) with elements that are similar to the municipal ordinance, the municipality may not impose a greater punishment than that imposed for a violation of the state crime. This provision applies to all municipalities, including home rule.

This ordinance would amend CBJ Code to make it consistent with state law, including changes required by SB 54.

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

2. Resolutions

- a. Resolution 2813 A Resolution in Support of the City and Borough's Application to FEMA for its Cooperative Technical Partner Grant Program.

The Emergency Services Office and the Community Development Department are applying for a Federal Emergency Management Agency (FEMA) Cooperative Technical Partner (CTP) grant to pay for landslide hazard mapping and analysis. This work is intended to inform local decision making in order to reduce future losses from natural hazards. The purpose of this resolution is to communicate to FEMA that the Assembly supports this funding request. There is no match requirement.

At its December 4, 2017, meeting, the Public Works and Facilities Committee voted to forward a resolution in support of the application to the Assembly for its approval.

The City Manager recommends this resolution be adopted.

- b. Resolution 2814 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks & Harbors is a member.

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. In 2015, the CBJ received a \$2 million Tier II grant for Phase II of the Aurora Harbor project. Prior to that, the CBJ has been a beneficiary of approximately \$9 million in harbor grant funding since the program's

inception. The CBJ has submitted an application this year for \$260K for installation of zinc anodes for Harris Harbor and Mike Pusich Douglas Harbor.

The City & Borough of Juneau along with the municipalities of the City of Anchorage, City of Ketchikan, City and Borough of Sitka, City of Whale Pass, and the City of Whittier have offered to contribute \$9,820,141 in local match funding for FY2019 towards eight harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its November 2, 2017, meeting, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

3. Liquor Licenses

- a. Liquor License Transfer - Percy's Liquor Store Package Store License #849

Package Store Liquor License # 849 Transfer of Ownership

FROM: Oke Hui Rodman d/b/a Percy's Liquor Store

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

Location: 214 Front Street, Juneau

The above package store liquor license transfer is before the Assembly for one of the following actions: to protest, waive its right to protest, or refer this matter to the Assembly Human Resources Committee for additional review and recommendation.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed this license for code compliance and recommend the Assembly waive its right to protest this license transfer.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license transfer. The Assembly has until January 28, 2018, to take final action on this liquor license transfer.

The City Manager recommends the Assembly waive its right to protest the transfer of liquor license #849.

- b. Liquor License Renewals 2018/2019

The following 2018/2019 liquor license renewal applications have been received from the Alcohol Beverage Control Board so far for the upcoming license renewal cycle.

Beverage Dispensary Licenses

License # 1166 Triangle Club Inc. d/b/a Triangle Club, Location: 251 Front Street, Juneau

License #728 JD Entertainment, Inc. d/b/a The Island Pub, Location: 1102 2nd Street, Douglas

The above liquor licenses are before the Assembly for one of the following actions: to protest, waive its right to protest, or refer the license to the Assembly Human Resources Committee for additional review and recommendation.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed these licenses for code compliance and recommend the Assembly waive its right to protest these license renewals.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest liquor license renewals. The 60-day local governing body comment period expires as of January 19 for the Triangle Club and January 26 for the Island Pub licenses respectively.

The City Manager recommends the Assembly waive its right to protest the renewal of the above liquor licenses.

4. Other Items for consent

a. New Marijuana Licenses - AMCO #s 13217, 13221, & 13222

Below are three new marijuana licenses before the Assembly for local governing body review. Staff from the Police, Fire, Finance, and Public Works departments have reviewed these applications for compliance with CBJ Code 20.25.025 and recommend the Assembly waive its right to protest the issuance of these licenses. The Community Development Department noted that each of the below licenses received a Conditional Use Permit as of November 3, 2017 but they do not yet have a CBJ license to operate; however CDD staff recommends allowing the applicant to move forward to obtain the state license.

Retail Marijuana Store

AMCO License #13217

ForgetMeNot Enterprises, Inc. d/b/a Glacier Valley Shop

Location: 8505 Old Dairy Road, Suite 1, Juneau

Standard Marijuana Cultivation Facility**AMCO License #13221****ForgetMeNot Enterprises, Inc. d/b/a Green Valley Enterprises**

Location: 8505 Old Dairy Road, Suite 2, Juneau

Marijuana Product Manufacturing Facility**AMCO License #13222****ForgetMeNot Enterprises, Inc. d/b/a Southeast Essentials**

Location: 8505 Old Dairy Road, Suite 3, Juneau

The 60-day local governing body comment period for all three licenses ends on December 30, 2017. Copies of the AMCO notice, the redacted online application and the premises diagrams for these three licenses are included in the public packet. Complete AMCO documents regarding these licenses are available upon request of the Clerk's office during regular business hours.

The City Manager recommends the Assembly waive its right to protest the issuance of the above marijuana licenses.

VIIIPUBLIC HEARING

- A. There are no ordinances set for public hearing at this meeting.

IX. UNFINISHED BUSINESS

- A. Liquor License Transfer Thibodeau's Douglas Depot Package Store License #828

The below liquor license transfer is before the Assembly to either protest or waive its right to protest.

Package Store Liquor License #828 Transfer

From: Thibodeau's Market Inc. d/b/a Thibodeau's Liquor, Location: No Premises

To: Thibodeau's Market Inc. d/b/a Thibodeau's Douglas Depot, Location: 1017 3rd Street, Douglas, AK 99824

The Finance, Police, Fire, and Community Development departments have reviewed the above liquor license and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this 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 sixty-day comment period for local governing body action on this license will expire as of Monday, December 25, 2017.

This license was originally on the November 27 Assembly agenda and was referred to the Assembly Human Resources Committee and Assembly agendas for December 18 for additional opportunity for public hearing and an informal hearing before the Assembly. Copies of the CBJ Code 20.25.025 pertaining to the basis upon which the Assembly may protest a license are included in your packets. The Douglas Advisory Board met on December 13, 2017 and a copy of their letter of recommendation regarding this matter is also included in your packets.

The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its December 18 meeting.

Public Comment:

None.

MOTION, by Gladziszewski, to waive the right to protest the transfer of location of package store liquor license #828 from Thibodeau's Market, Inc. d/b/a Thibodeau's Liquor, no premise, to Thibodeau's Market Inc. d/b/a Thibodeau's Douglas Depot, Location: 1017 3rd St., Douglas, AK 99824. Hearing no objections, it was so ordered.

X. NEW BUSINESS

A. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017 0022

On October 24, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an industrial zone at 2001 Anka Street. On November 22, 2017, a timely appeal of the Planning Commission's decision was filed.

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

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

As this is a quasi-judicial matter, the City Manager makes no recommendation.

MOTION, by Nankervis, to accept the appeal. Hearing no objections, it was so ordered.

MOTION, by Nankervis, to assign this matter to a hearing officer. Hearing no objections, it was so ordered.

B. Authorization to Negotiate Sale of Property to the Alaskan Brewing Company

In accordance with CBJ 53.09.260, the City Manager requests a motion directing him to commence negotiations for the sale of SSG Subdivision Lots 4 & 5 and SSG Subdivision Phase IV Lots 41 & 42 to the Alaskan Brewing Company.

MOTION, by Weldon, to direct the city manager to negotiate a sale of SSG Subdivision Lots 4 & 5 and SSG Subdivision Phase IV Lots 41 & 42 to the Alaskan Brewing Company.

Mr. Kiehl asked the terms of the sale and Ms. Mead said the municipal code requires a sale at fair market value.

Hearing no objections, it was so ordered.

XI. STAFF REPORTS

Mr. Watt said that the Assembly had scheduled a COW with AVISTA and Hydro One tomorrow but an unfortunate event required cancellation of the meeting. In an effort to get the Assembly more information, Mr. Bartholomew and I have been attempting to get a former RCA commissioner, an administrative law judge, to explain the activities of the RCA at a future meeting in January.

Ms. Gladziszewski asked about a December 21 deadline. Mr. Watt said the initial filing from Hydro One was withdrawn and resubmitted. The first comment period expires December 21, but that said, he did not believe CBJ was ready to make substantive comments. CBJ could send a letter to note its interest in a neutral position in a letter to RCA. Ms. Gladziszewski asked how that letter might hold a place. Mr. Watt said he has looked into this, but has been told that RCA will allow CBJ to comment later but as the community affected, the argument is that we tell RCA that we are interested in the subject and we are tracking.

MOTION, by Gladziszewski, to send a letter to RCA to note Juneau's interest in following the matter.

Mr. Kiehl said if this letter keeps the door open, then he supported sending it and hearing from the former commissioner in the near future.

Hearing no objection, it was so ordered.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch reported on events he had attended since the last Assembly meeting and on a successful Assembly retreat. He distributed a copy of the draft Assembly goals and asked Ms. Cosgrove to explain her work on the document. She said that the second page is the modified Assembly goals, including information from the retreat. New concepts were distributed and she received feedback from the Assembly including a poll for the level of support for the concepts. Mayor Koelsch opened the floor for discussion.

Mr. Nankervis said he appreciated a short list of items to accomplish.

MOTION, by Nankervis, to add the first three items to the goals list that were supported by 8 of 9 Assemblymembers:

- *Update the Comprehensive Plan*
- *First Responder Recruitment and Retention*
- *Develop a business case for a new City Hall facility*

Mr. Kiehl said that 7 out of 9 members supported a fourth goal:

- Secure the \$22 million of diverted Juneau Access funds for transportation infrastructure projects for the community.

MOTION, by Weldon, to amend the motion to add the fourth item regarding securing \$22 million in state funding for local projects. Hearing no objection, it was so ordered.

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

Mayor Koelsch said "Look Local First" was a program that was suggested to the Mayor's office, and after discussion with staff he asked Ms. Becker, to work with the JEDC, the Chamber of Commerce and the City Manager to develop guidelines for a "Look Local First" program and identify appropriate funding.

Mr. Nankervis asked if this would be for the FY19 budget or FY18. Mr. Watt recommended the FY19 budget would be appropriate and a report would be made to the Finance Committee in its work on the upcoming budget. There were no objections to this activity.

Mayor Koelsch noticed a Special Assembly meeting to be held on Thursday, December 28 at Noon in the City Hall Mayor's Office to meet with the US Consul General in Vladivostok, Michael Keays.

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

Jerry Nankervis:

The Assembly Public Safety Task Force will hold its next meeting on December 19, at Noon in City Hall Conference Room 224 to line out suggested actions to address issues of concern.

The Assembly Committee of the Whole will hold its next meeting on January 29, with tentative agenda items including the Juneau Renewable Energy Strategy, RecycleWorks, snow storage, a marijuana update, and "essential public facilities." He also noticed a special COW meeting on January 3, 2018 at Noon with a single topic of Annexation. He said the list of topics before the COW was long and he requested cooperation of the Assemblymembers to conduct a few "lunch hour" meetings to get through this list.

The Assembly received additional information from "Salmon without Borders" regarding development of large-scale hard rock mine proposals and operation in British Columbia and potential effects on Alaska's communities and habitats surrounding the transboundary rivers which flow from Canada into Southeast Alaska.

MOTION, by Nankervis, to direct the Mayor to draft a letter to Secretary of State Rex Tillerson, highlighting the Assembly's support for CBJ Resolution 2710, adopted in 2015, which supports the International Joint Commission's involvement in the Alaska and British Columbia transboundary region, and the Assembly's support for a November 13, 2017 letter to Secretary Tillerson, signed by Governor Walker, Lt. Governor Byron Mallott, US Senators Murkowski and Sullivan and US Representative Young. Hearing no objection, it was so ordered.

Mr. Nankervis acknowledged Heather Hardcastle's work on this issue.

Mary Becker:

The Assembly Lands Committee met on December 4 and discussed a cell tower installation, Juneau Youth Services ending its lease of the Cornerstone Home property owned by CBJ, and access to city property through the Aurora Arms condos.

The Alaska Committee will hold its annual meeting on January 20 at 9 am in the Airport Conference Room. The annual legislative welcome reception will be held on January 17 at 5 pm in Centennial Hall and the Hangar on the Wharf will be catering.

The CBJ/JSD Joint Facility Committee met on December School / CBJ facility committee met on December 13 and will continue its work.

Jesse Kiehl:

The Assembly Finance Committee met on December 13 and received an update from the Juneau School District on its budget and deferred a decision on a request to reprogram over \$160,000 from reduced enrollment that can not be accepted from the CBJ in its current form. This topic was set for a future meeting. The Riverview Senior Assisted Living and Memory Care project provided an update and is continuing its work. An update and discussion was held on sales and property tax exemptions and the committee forwarded an ordinance to support additional funding supporting the CLIAA lawsuit. An executive session directed staff on employee negotiations.

The UAS Campus Council met on December 4 and discussed funding shortfalls, tuition increases and actions taken to promote UAS to new students and retain existing students, including partnerships with the Yukon University in Whitehorse.

Mr. Kiehl acknowledged the city museum for being a "Blue Star Museum," which allows free admission for active military and their families to the museum.

Mr. Kiehl said he would not be available on January 3 for the special COW meeting and did not support a move to Noon meetings any more than necessary for those Assemblymembers who were working. It was also difficult for the public to attend Noon meetings.

MOTION, by Kiehl, to direct the city manager to request that the Alaska Mental Health Trust to process an application and do an analysis of the sale of Lot C1 located on the Juneau waterfront next to the old AJ Fuel Dock and to provide the information to the applicants, without taking a CBJ position on the matter as to whether to sell, lease, or decline to act.

Mr. Kiehl said the AMHT had accepted an application fee for conducting this analysis in May of 2017 and had taken no action to date on this matter.

Hearing no objection, it was so ordered.

Mr. Kiehl encouraged people to submit comments to the Parks and Recreation Department on Project Playground.

Mr. Kiehl spoke about events he had attended, including a meeting he attended, held by the DOT/PF, on the "Fred Meyer" Intersection safety and access improvements. He wished all a "Happy Hanukkah."

Maria Gladziszewski:

The Assembly Human Resources Committee met December 18 and hearing no objections, the Assembly accepted the following recommendations of the HRC for committee appointments:

Americans with Disabilities Act Committee:

Appointment of Elizabeth Harrington for a term to expire 8/31/2020.

Youth Activities Board:

Appointment of Mary (MK) MacNaughton to the Juneau Arts and Humanities Council Seat for her term of service with JAHc.

Utilities Advisory Board:

Appointment of Kevin Buckland for a term expiring 5/31/2020.

The Bartlett Board met on November 28 and reviewed its audit, discussed PERS, received a Quality Committee report on patient quality and safety which shows high marks. New officers are Brenda Knapp, President; Dr. Bob Urata, Vice President; and Lance Steven, Secretary. The next meeting is set for December 21.

The Affordable Housing Commission met on December 5 and discussed the accessory apartment program, the community land trust, and how to bring Juneau builders' concerns to the city. The next meeting is set for January 2.

Beth Weldon:

The Aquatics Board met on November 28 and reviewed finances, the status of the pool cover, revenue enhancement ideas and the recent presence at the Juneau Public Market, which was successful. The next meeting was set for December 19.

The Planning Commission met on December 12 and heard a zone change request for property in Auke Bay from D-10 to Light Commercial, which was complicated by the approval of the Auke Bay Plan and the need to affect implementation of the Auke Bay Plan in the code, including definitions of "Traditional Town Center" and "view planes." The PC is working on an amendment to Title 49 regarding variances. The next meeting was set for January 3.

Norton Gregory:

The Eaglecrest Board met on December 7 and reviewed a capital improvement budget through 2024 to be presented to Assembly Finance Committee. The Board is considering changes to the pay scale. The Juneau Community Foundation is leading an effort with the Nordic Ski Club to build a ski cabin for rentals. The Board is reviewing the electrification of the Black Bear chair lift currently running on diesel. The Eaglecrest Foundation has an endowment which generates approximately \$100,000 per year. The Board received an updated of current year sales. The Porcupine chair lift is the only one running now and snowmaking has resumed. Additional snow guns would help keep the ski area open more often and bring in more revenue. The Field House

Board is meeting on December 20. Beer and wine sales will begin during the next ski season.

The Parks and Recreation Advisory Committee met on December 5 and reviewed commercial use fees on CBJ owned trails, which may be undervalued. A specific discussion was held about the use of Treadwell Trails by Alaska Canopy Adventures with significant public comment against the idea.

The Assembly Mining Committee will meet on January 3 at 5:15 pm, location TBA.

Rob Edwardson:

The Docks and Harbors Board met on November 30 and focused discussion on the Urban Design Plan. The result is that the Board approved the plan, forwarded it to the COW, and the Assembly has requested additional information, including more on land exchange/sales/lease, a funding package and paths to execute the deal, public comment process, and a commercial policy on the waterfront. The next meeting is set for December 21.

The Local Emergency Planning Committee (LEPC) met on December 13 and discussed membership, attendance, and the committee is drafting a letter to the Assembly to add a "health" seat to the committee in addition to BRH seat.

C. Presiding Officer Reports

None.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV.EXECUTIVE SESSION

MOTION, by Nankervis, to enter executive session to discuss matters, the immediate knowledge of which may have an adverse effect on the finances of the City and Borough of Juneau, specifically, a personal injury litigation update and the City Manager and City Attorney performance evaluations and compensation packages. Hearing no objection, the Assembly entered executive session at 8:35 pm and returned to regular session at 9:15 p.m.

A. Personal Injury Litigation Update

B. City Attorney and City Manager Performance and Compensation

Upon return to regular session, Mr. Nankervis said that the Assembly received

information and gave direction to the city attorney on a personal injury litigation case.

MOTION, by Weldon, that the annual salary of the Manager of the City and Borough of Juneau increase from \$164,008 to \$171,500, retroactive to July 1, 2017 and that the Manager be paid a one-time bonus payment of \$2000 in lieu of any additional pay increase. Additionally, effective July 1, 2018, the salary of the Manager of the City and Borough of Juneau increase an additional 2.2% from the salary in effect on June 30, 2018.

Mayor Koelsch objected.

Roll call:

Aye: Becker, Edwardson, Gladziszewski, Gregory, Kiehl, Nankervis, Weldon.

Nay: Koelsch

Motion passed, 7 ayes, 1 nay.

MOTION, by Weldon, that the annual salary of the Attorney of the City and Borough of Juneau increase from \$151,985 to \$161,000, retroactive to July 1, 2017. Additionally, that effective July 1, 2018, the salary of the Attorney of the City and Borough of Juneau increase an additional 2.2% from the salary in effect on June 30, 2018.

Hearing no objection, it was so ordered.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:20 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

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

Meeting Minutes - December 28, 2017

I. CALL TO ORDER / ROLL CALL

Mayor Ken Koelsch called the meeting to order at 12:00 p.m. in the Municipal Building, Mayor's Conference Room 211.

Assemblymembers present: Mayor Ken Koelsch, Deputy Mayor Jerry Nankervis, Rob Edwardson, and Norton Gregory.

Assemblymembers absent: Mary Becker, Loren Jones, Maria Gladziszewski, Jesse Kiehl, and Beth Weldon.

Staff Present: Susan Phillips, Executive Assistant

II. AGENDA TOPICS

A. Discussions with US Consul General in Vladivostok Michael Keays

Mayor Koelsch introduced Consul General in Vladivostok, Russia Michael Keays. Mr. Keays described the Russian Far East as a sparsely populated, resource-rich area. He has been posted there since August, 2016 and is there for a 3-year term. He said that he would welcome a delegation from Alaska.

Mr. Keays commented on the tense relationship that the federal governments of the US and Russia have at this time. But, he said, the people of both countries can communicate on levels other than through their federal governments.

He said that he would like to see more Russian students studying in the United States, and more American students studying in the Russian Far East.

He discussed sister city relationships between cities in the Russian Far East and cities in Alaska.

After his introductory remarks, Mr. Keays took questions from the Assembly members.

III. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 1 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

Presented by: The Manager
Introduced:
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(Z)

An Ordinance Appropriating to the Manager the Sum of \$290,765 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

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 \$290,764.65 as Funding for the Juneau International Airport Construct Snow Removal Equipment Building Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration grant: \$290,765

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

Adopted this _____ day of _____, 2017.

Ken Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

FISCAL NOTE

ORDINANCE #: 2017-06(Z)

OPERATIONAL IMPACT	Check No/Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, explain in detail
Explanation of Impact:	Scenario 1:
(Attach Additional Pages as Necessary)	

FINANCIAL IMPACT	Check No/Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (if Yes, complete the following)				
	FY16	FY17	FY18	FY19	FY20
Expenditure Budget					
Airport Operating Expenditures			\$ -	\$ -	\$ -
		-	-	-	-
		-	-	-	-
Total Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Sources:					
Juneau International Airport Fund's Fund Balance			-	-	-
Total Funding Sources	\$ -	\$ -	\$ -	\$ -	\$ -
Personnel					
Full-Time FTE's	-	-	-	-	-
Part-Time FTE's	-	-	-	-	-
Temporary FTE's	-	-	-	-	-

CAPITAL IMPROVEMENT PROJECTS (CIP)				
Project Budget	A50-086			
Direct Project Costs	\$ 21,187,973	\$ -		
		-		
Total Project Budget	\$ 21,187,973	\$ -		
Funding Sources	Original Budget	2017-	New Budget	
FAA AIP	\$ 16,694,036	\$ 290,765	\$ 16,984,801	
ADOT	556,467		556,467	
2013 AK Legis Grant	2,483,494		2,483,494	
Sales Tax	1,000,000		1,000,000	
PFC	163,211	-	163,211	
	-	-	-	
	-	-	-	
Total Funding Sources	\$ 20,897,208	\$ 290,765	\$ 21,187,973	
Total Project Expenses	-			
Available Budget after Ordinance	\$ 21,187,973			
Personnel				
Full-Time FTE's	-	-		
Part-Time FTE's	-	-		
Temporary FTE's	-	-		

Amounts noted at left are 100% of the project total expenses

Project Totals Before Appropriation:

This Appropriation: * 290,765

Total Project: \$ 290,765

Comment: This appropriation is amendments 1 & 2 of AIP grant #67 (3-02-0133-067-2016).

Prepared by: John Coleman

Affected Depts a) Airport

(Dir/Dept): b) Patricia K. Wahto

Finance Dir: Bob Bartholomew

City Manager: Rorie Watt

Date: 11/7/2017

Date: _____

Date: _____

Date: _____

Date: _____

Presented by: The Manager
Introduced:
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(AA)

An Ordinance Appropriating to the Manager the Sum of \$131,938 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design Capital Improvement Project; Funding Provided by Sales Tax Revenue.

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 \$131,938 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design Capital Improvement Project A50-090.

Section 3. Source of Funds

Sales Tax Revenue: \$ 131,938

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

FISCAL NOTE

ORDINANCE #: 2017-06(AA)

OPERATIONAL IMPACT	Check No/Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, explain in detail
Explanation of Impact:	Scenario 1:
(Attach Additional Pages as Necessary)	

FINANCIAL IMPACT	Check No/Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (if Yes, complete the following)															
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FY16	FY17	FY18	FY19	FY20												
Expenditure Budget																
Airport Operating Expenditures	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; background-color: yellow;"></td> <td style="width: 15%;"></td> <td style="width: 15%; text-align: right;">\$ -</td> <td style="width: 15%; text-align: right;">\$ -</td> <td style="width: 15%; text-align: right;">\$ -</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </table>			\$ -	\$ -	\$ -		-	-	-	-		-	-	-	-
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CAPITAL IMPROVEMENT PROJECTS (CIP)																														
Project Budget	A50-090																													
Direct Project Costs	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: right;">\$ 2,142,938</td> <td style="width: 15%; text-align: right;">\$ -</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> </tr> </table>	\$ 2,142,938	\$ -		-																									
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Funding Sources	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Original Budget</th> <th style="width: 20%;">2017-</th> <th style="width: 20%;">New Budget</th> </tr> <tr> <td>FAA AIP</td> <td style="text-align: right;">1,979,062</td> <td style="text-align: right;">1,979,062</td> </tr> <tr> <td>JNU Fund Balance</td> <td style="text-align: right;">31,938</td> <td style="text-align: right;">31,938</td> </tr> <tr> <td>Sales Tax Revenue</td> <td style="text-align: right;">131,938</td> <td style="text-align: right;">131,938</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td>Total Funding Sources</td> <td style="text-align: right;">\$ 2,011,000</td> <td style="text-align: right;">\$ 2,142,938</td> </tr> </table>	Original Budget	2017-	New Budget	FAA AIP	1,979,062	1,979,062	JNU Fund Balance	31,938	31,938	Sales Tax Revenue	131,938	131,938		-	-		-	-		-	-		-	-	Total Funding Sources	\$ 2,011,000	\$ 2,142,938	<div style="border: 1px solid black; padding: 5px;"> Amounts noted at left are 100% of the project total expenses Project Totals Before Appropriation: \$ 2,011,000 This Appropriation: * 131,938 Total Project: \$ 2,142,938 </div>	
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Comment: A50-090 Design Taxiway A Rehabilitation.

Prepared by: John Coleman
 Affected Depts a) Airport
 (Dir/Dept): b) Patricia K. Wahto
 Finance Dir: Bob Bartholomew
 City Manager: Rorie Watt

Date: 12/19/2017
 Date: _____
 Date: _____
 Date: _____
 Date: _____

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-01

An Ordinance Amending the Airport Operations Code Relating to Parking, Standing, and Stopping for the Active Loading and Unloading of Passengers and Providing for a Penalty.

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

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

Section 2. Amendment of Section. CBJ 05.10.050 Motor vehicle rules, is amended by adding a new subsection to read:

05.10.050 Motor vehicle rules.

...

(g) *Parking.*

(1) No person shall park a motor vehicle on the airport except in the areas specifically established for parking and in the manner prescribed by the airport manager.

(2) No person shall abandon any motor vehicle on the airport or park a motor vehicle on the airport for a period in excess of 72 hours unless express approval for such parking is obtained from the airport manager. Unless otherwise approved by the airport manager, a vehicle continuously parked on the airport for longer than 30 days, and unmoved during that period, will be conclusively presumed to have been abandoned.

(3) No person shall park a motor vehicle in any space marked off for the parking of vehicles, in such manner as to occupy part of another marked space.

(4) No person shall park any motor vehicle in excess of the time limit prescribed by the airport manager for the particular parking area, or park any motor vehicle in any restricted or reserved area unless authorized by the airport manager to do so.

(5) No person shall park a motor vehicle in an area requiring payment for parking thereon without paying the required parking fee.

(6) No person shall stand, stop, or park a vehicle in any area adjacent to a yellow curb unless actively engaged in the loading or unloading of passengers. Leaving an unattended vehicle stopped, standing, or parked in an area adjacent to a yellow curb is strictly prohibited.

...

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

03.30.070 Violations; civil fines.

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

CBJ	Type of Violation	Civil Fine
	JUNEAU INTERNATIONAL AIRPORT	
05.10	Airport Operations	
05.10.050(g)(1 – 5)	Airport parking	\$25.00
05.10.050(g)(6)	<u>Standing, stopping, parking in active loading zone</u>	<u>\$100.00</u>
...		

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

Adopted this _____ day of _____, 2018.

Attest: _____
Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

AIRPORT BOARD MEETING

October 10, 2017

Page 5

Balance or 1% Sales Tax to the Ramp LED Lighting Capital Improvement Project. The motion passed by unanimous consent.

D. Airport Improvement Program Grant—Acquire Snow Removal Equipment. The FAA has issued an AIP grant in the amount \$4,823,551 for this project. Local match is \$321,571, which was approved for appropriation from Airport Fund Balance (or 1% Sales Tax) at the August 28, 2017, Finance Committee meeting. *Angela Rodell moved the Board approve the appropriation of an Airport Improvement Program grant award in the amount \$4,823,551, and local match funds in the amount \$321,571 from the Airport Fund Balance or 1% Sales Tax to the Snow Removal Equipment Capital Improvement Project. The motion passed by unanimous consent.*

E. Airport Improvement Program Grant Amendment—Snow Removal Equipment Building (SREB). Staff requested a SREB grant amendment in the amount \$290,764.65 for SECON, F&W, and ECI/Hyer change orders. Approximately \$261,000 has been approved, with the balance to be approved soon—it was split due to the availability of funds across the federal fiscal years. There is sufficient funding for local match in the project. Staff requests approval to appropriate the federal funds upon receipt of the second approval. Match for this amendment will be met with existing appropriated local funds. *Angela Rodell moved the Board approve the appropriation of an Airport Improvement Program grant amendment in the amount \$290,764.65 to the Snow Removal Equipment Building Capital Improvement Project upon receipt of the remaining requested amount from the FAA. The motion passed by unanimous consent.*

F. Front Curb Enforcement. Mrs. Wahto said several meetings have been held and this was referred to the Operations Committee for some suggestions of how to deal with the front curb – patrolling, etc. Deputy Airport Manager Marc Cheatham said an Operations Committee meeting was held on September 29, 2017, to come up with the options for the front curb. It was thought that Community Service Officers (CSOs) could be utilized. This is not a possibility as they are currently overworked. The Operations Committee thought raising the fine will hit home. Most of the time when people get tickets, they rip them up and do not care. The Committee thought \$100 is substantially more. The Airport cannot ride the current ordinance as this is geared toward the entire city. He is currently working with the Law Department to find out how this can be changed. It looks like it would be handled through 05, if the Board decides to go that direction. A couple of other things came from the Committee meeting.

Operations Committee Chair Marty Myers said other possibilities were to put up an L.E.D. traffic sign that says fines will be issued for parking in the “no waiting zone”. This would not have to be done all the time, but could be lit up during the high traffic times. Another suggestion was to increase the social media outreach for letting people know about the problem that it is creating and the fact that it is more than just parking your car on a City street for longer than they are supposed to. It is actually impeding a

AIRPORT BOARD MEETING

October 10, 2017

Page 6

federal regulation on parking and waiting in an area that is subject to people coming in and out and also threats against this airport. The Committee looked into JPD (Juneau Police Department) and considered the possibility of private security to come in at times and have the authority to write those tickets as armed officers. For the most part, he thought the fine was absolutely ridiculous. If they are going to argue with people about the fact that they are there, he thought a higher fine makes it more substantial on someone who disregards the regulation.

Mrs. Wahto said tickets are issued and handled by JPD and their collection system downtown. Because of how the ticket was written and where it was written, the fine comes back to the Airport as revenue. Assembly Member Loren Jones said that the Assembly changed its City ordinance to allow officers to issue tickets to vehicles. This also changed the person who hears protests to the ticket to the Deputy City Manager. These hearings are held once every couple of weeks.

Ms. Rodell said that a concern that has been noted is inconsistent enforcement on the front curb. Part of that has to do with being able to staff and be mindful of what is going on. She asked how the Airport planned to enforce a \$100 versus \$25 fine. Is it possible to use security cameras to get license plate numbers and follow-up if it is not possible to physically police it at all times. Mrs. Wahto said the increased fine was one part of it – which would make the statement that you cannot do this due to federal regulations – but the other part of the discussions focused on how to enforce the rules seven days a week during peak traffic times and random thereafter. Contract security was discussed. Some information was to be gathered and brought back to the Operations Committee probably in December. The consistent enforcement is lacking, but the problem is how to pay for it and support it. JPD is short on officers. Maybe contract security should be visited or maybe in-house enforcement on the curb.

Mr. Harris said they had discussed hiring security services to cover the 9:30 p.m. coverage. The curb turns into a real zoo. It made him appreciate using the area across the street because the front curb was four-wide and packed solid. This needs to be stopped. The Board needs to be willing to set the fines high and hope that the fines would support the extra security, but if not, the Airport will need to eat the cost. He said this is the only way – having someone in uniform and writing a ticket – to get people to pay attention. Unfortunately everyone thinks that they are special and the law does not apply to them. Private security and publicity push telling people the reason it is being done because the Airport is not going to risk federal funding.

Ms. Rodell asked how many tickets have been issued over the last year, month, or a set time frame. Mrs. Wahto said she does not have any of those numbers. People are kicked off the curb more than ticketed as it is the first line of defense. The tickets are written to the most egregious ones who just say, “Ticket me” or “I’m not moving” or the vehicles are completely empty. Those are the ones that are getting tickets.

AIRPORT BOARD MEETING

October 10, 2017

Page 7

Board Member Jerry Godkin asked if one of the Airfield Maintenance staff could be used help educate people. He said Pam is doing well and keeps people moving. If there was the ability to duplicate some of what Pam does – put on an orange vest and keep them moving. He was not asking Airfield to write tickets but just keep them moving. If the Airport could educate some of the time, some of the problem might be alleviated. *Marty Myers moved to approve the increase to the front curb parking violation at the Airport terminal to \$100 per violation and begin the public process to adopt this change in code. The motion passed by unanimous consent.* Chair Epstein said that along with this motion, a public outreach needs to occur so the public is aware that the fines are going up, among other things.

G. Airport Manager's Report:

1. Enhanced TSA Passenger Screening Procedures. Deputy Manager Marc Cheatham said the TSA (Transportation Security Administration) is doing enhanced passenger screening procedures. Any electronic larger than a cell phone must be removed from the bag, as well as encouraging passengers to reduce clutter in the bins for faster vetting. This change may increase wait times, and we strongly encourage passengers to arrive two hours before their scheduled flight. Ms. Rodell said that she cleared TSA at 5:15 a.m. for the 5:20 a.m. flight. She was in the terminal at 4:15 a.m. She said if the recommendation is to come two hours early, people will be at the airport at 3:15 and the facilities are not here for people to stretch out and sleep. She was curious to educate the public about getting people here. Mrs. Wahto replied there is four-hour window between the last arrival and the next flight. TSA will be doing a media outreach.

Ms. Rodell asked about TSA Pre-Check. Mrs. Wahto said this was addressed with the TSA this summer, who expressed concern about the numbers being too low to warrant TSA Pre-Check. However, the enplanements did not warrant an in-line system for baggage screening, nor two in-line systems. She said the Airport will continue pushing this. People aren't going to sign up for it locally because it is not here. Mr. Jones noted that TSA did not open the passenger screening checkpoint until 4:30 a.m. for the 5:20 flight, even though he showed up two hours early.

2. Escalator/Elevator Injury Reporting. Mr. Cheatham said a gentleman riding the escalator up tumbled down. The man was not holding onto the handrails and was quite wobbly. This man reported the fall to the State of Alaska Labor Standards and Safety Division. The Airport did not know there is a reporting necessary for falls/slips on escalators and elevators. From here forward, anytime a person is injured and has to be seen by a doctor, the Airport must report it immediately to the State. If it was a mechanical failure, the equipment has to be shut down completely until the inspector can come through and verify the mechanical reason. Any injuries that have occurred have been reported within the City to the Risk Management group. Video is


MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

DATE: December 29, 2017

FROM: Greg Smith 
Contract Administrator

FILE: 1872

SUBJ: BID RESULTS:
Downtown Street Improvements – Phase II
CBJ Contract No. BE18-098

Bids were opened on the subject project on December 12, 2017. The bid protest period expired at 4:30 p.m. on December 15, 2017. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
CBC Construction	\$1,736,902.50
K & E Alaska	\$1,813,429.90
Admiralty Construction	\$1,843,075.00
Arete Construction	\$1,953,924.00
Glacier State Contractors	\$2,307,342.50
Engineer's Estimate	\$1,996,980.00

Project Manager: Lori Sowa

Project Description: Reconstruction of Front Street from Main to North Franklin and continuation of phase I, North Franklin from Front Street to Second Street; First Street from North Franklin to Gastineau Avenue. The work will incorporate storm drain improvements, replacement of components of water and sewer systems, curb/gutter and sidewalk improvements, new road asphalt and improvements to the street lighting system.

Funding Source: Water Fund; Marine Passenger Fees, Area Wide Sales Tax

Total Project Funds: \$2,370,810

CIP No. R72-116

Construction Encumbrance: \$1,736,902.50

Construction Contingency: \$173,690

Contract Administration/Inspection: \$138,952

CBJ Administrative costs: \$52,107

Staff recommends award of this project to CBC Construction for the total amount bid of \$1,736,902.50.

Approved: _____
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval: _____

c: CBJ Purchasing





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

December 6, 2017

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	4842
Licensee:	Up the Creek, Inc.		
Doing Business As:	Twisted Fish Company		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

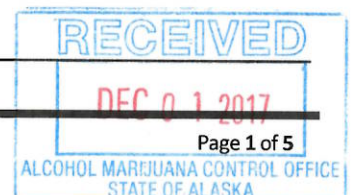
Licensee:	Up The Creek, Inc.	License #:	4842
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Twisted Fish Company		
Premises Address:	550 S Franklin Street		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	#2 MARINE WAY STE 100				
City:	JUNEAU	State:	ALASKA	ZIP:	99801

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	REELIA WILSON		
Contact Phone:	907.724.4658	Business Phone:	907.586.5018
Contact Email:	REELIA@GMAIL.COM		

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





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application**Section 2 – 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:

ROBERT SANFORD, SHAREHOLDER AND DIRECTOR OF OPERATIONS**Section 3 – Sole Proprietor Ownership Information**This section must be completed by any sole proprietorship who is applying for license renewal. 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:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	# 656142
-----------------------	----------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.



This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- 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 Name:	UP THE CREEK, INC DBA TWISTED FISH CO. REELIA WILSON				
Title(s):	PRESIDENT	Phone:	907.723.4658	% Owned:	51
Mailing Address:	#2 MARINE WAY STE 106				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official Name:	UP THE CREEK, INC DBA TWISTED FISH CO. RONALD BUZNS				
Title(s):	VICE PRESIDENT	Phone:	907.723.7754	% Owned:	30
Mailing Address:	10609 HORIZON DR.				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official Name:	UP THE CREEK, INC DBA TWISTED FISH CO. ROBERT SANFORD				
Title(s):	SEC / TREAS.	Phone:	907.723-6991	% Owned:	19
Mailing Address:	3100 NOWELL AVE.				
City:	JUNEAU	State:	AK	ZIP:	99801





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2016 2017

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☐ ☐

The license was regularly operated during a specific season.

NEW QUESTION →

☒ ☒

The license was only operated to meet the minimum requirement. If this box is checked, a complete copy of Form AB-30: Proof of documentation must be provided with this application.

☐ ☐

The license was not operated at all or was not operated for 8 hours each day, during one or both of the calendar years. If this box is checked, a complete copy of Form AB-29: Waiver must be submitted with this application for each calendar year of minimum requirement.

☐ ☐

WE HAVE A
YEAR-ROUND BPL
BUT OPERATE
MAY - SEPT
+
ENTERED EVENTS
OFF-SEASON

Section 6 – Violations

Applicant violations and convictions in calendar years 2016 or 2017:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?

☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 8.

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.



Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 8 – Certifications

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

Initials

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

[Initials]

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

[Initials]

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

[Initials]

I certify on behalf of myself or of the organized entity 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.

[Initials]

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

[Signature]

Signature of licensee

[Signature]

Signature of Notary Public

Rebecca Wilson

Printed name of licensee

Notary Public in and for the State of *Alaska*

My commission expires: *10-17-2021*

Subscribed and sworn to before me this *22nd* day of *November*, 20 *17*.



License Fee:	\$ 2500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional
Licensing

State of Alaska > Commerce > Corporations, Business, & Professional Licensing > Search & Database Download > Corp. > Corporation Details

NAME(S)

Type	Name
Legal Name	UP THE CREEK, INC.

ENTITY DETAILS

Entity Type: Business Corporation
Entity #: 65614D
Status: Good Standing
AK Formed Date: 12/22/1998
Duration/Expiration: Perpetual
Home State: ALASKA
Next Biennial Report Due: 1/2/2020
Entity Mailing Address: #2 MARINE WAY, SUITE 206, JUNEAU, AK 99801
Entity Physical Address: 550 S FRANKLIN ST, JUNEAU, AK 99801

REGISTERED AGENT

Agent Name: REECIA WILSON
Registered Mailing Address: 2 MARINE WAY SUITE 106, JUNEAU, AK 99801
Registered Physical Address: 2 MARINE WAY SUITE 106, JUNEAU, AK 99801

OFFICIALS

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former
			Owned
	Reecia R Wilson	Director, President, Shareholder	51
	Robert K. Sanford	Director, Secretary, Treasurer, Shareholder	19
	Ronald M. Burns	Director, Shareholder, Vice President	30

FILED DOCUMENTS

Date Filed	Type	Filing	Certificate
12/22/1998	Creation Filing		
1/12/1999	Biennial Report		
1/05/2001	Biennial Report	Click to View	
1/31/2002	Biennial Report	Click to View	
12/05/2003	Biennial Report	Click to View	
1/13/2005	Restated (NO AMENDMENT)	Click to View	Click to View
12/30/2005	Biennial Report	Click to View	
1/27/2009	Biennial Report	Click to View	
12/29/2009	Biennial Report	Click to View	
5/30/2012	Biennial Report	Click to View	
12/15/2013	Biennial Report	Click to View	
12/17/2013	Agent Change	Click to View	
11/20/2015	Biennial Report	Click to View	

Presented by: The Manager
Introduced: 12/18/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(X)

An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax 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 \$250,000 for the Manager's Office Operating Budget.

Section 3. Source of Funds.

Sales Tax Fund's Fund Balance	\$ 250,000
-------------------------------	------------

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: 12/18/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(Y)

An Ordinance Appropriating to the Manager the Sum of \$400,000 to begin Replacement of the Maier Drive Forcemain Emergency Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Lexington Insurance Company.

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 \$400,000 as Funding for the Maier Drive Forcemain Emergency Repair Capital Improvement Project.

Section 3. Source of Funds:

Insurance Settlement – Lexington Insurance Co. \$400,000

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. 2017-29

An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.

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 49.15.320(f)(9) Allowable use permit, is amended to read:

49.15.320 Allowable use permit.

...

(f) *Conditions on approval; allowable uses.* The commission may condition an allowable use permit upon one or more of the following:

...

(9) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) ~~Developments within 330 feet of an eagle nest located on private land;~~
~~and~~

(B)——Developments in wetlands and intertidal areas, including freshwater marshes, saltwater marshes and intertidal flats.

...

Section 3. Amendment of Section. CBJ 49.15.330(g)(10) Conditional use permit, is amended to read:

49.15.330 Conditional use permit.

...

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

...

(10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) ~~Developments within 330 feet of an eagle's nest located on private land; and~~

(B) Developments in wetlands and intertidal areas.

...

Section 4. Amendment of Section. CBJ 49.60.200 Sensitive areas, is amended to read:

49.60.200 Sensitive areas.

A development in ~~eagle nesting areas~~, stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

- (1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
- (2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and
- (3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

Section 5. Amendment of Section. CBJ 49.70.310 Habitat, is amended to read:
49.70.310 Habitat.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Ssteller sea lion habitat;
- ~~(2) Within 330 feet of an eagle nest on public land;~~
- ~~(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;~~
- (2) ~~(4)~~ Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (3) ~~(5)~~ Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

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

- (1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk



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

DATE: August 1, 2017

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: AME2016 0019

PROPOSAL: Deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers

APPLICANT: City and Borough of Juneau

LOCATION: Borough wide

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment 1	Existing Code, CBJ 49.70.300
Attachment 2	Proposed Ordinance Deletion
Attachment 3	Draft Brochure, Bald Eagle Best Management Practices

INTRODUCTION AND BACKGROUND

Revision of the CBJ Code, Eagle Nest Buffers, Section 49.70.310(a)(2 and 3) has been on the Assembly and Planning Commission's priority list for several years because of challenges with implementation and enforcement of the ordinance and because of the high number of variances. The Community Development Department (CDD) now proposes deletion of the ordinance, rather than revision.

The Planning Commission's Title 49 Committee reviewed eagle nest buffer ordinance drafts at the August 3, 2016 and September 21, 2016 regular meetings. Review included consultation with Mr. Steve Lewis, raptor biologist with the U.S. Fish and Wildlife Service (USFWS). CDD staff followed these meetings with extensive consultation with the CBJ Law Department, additional meetings with USFWS, and research on past variance applications.

Planning Commission
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At the June 27, 2017 Planning Commission Committee of the Whole meeting, the Commission recommended deletion of the ordinance because of challenges with revising and enforcing the ordinance. The Commission also noted the importance of eagles to the community and suggested developing an informational pamphlet to promote voluntary eagle protection measures.

CDD has developed a conceptual draft of a Bald Eagle Best Management Practices brochure, included here as Attachment 3. The USFWS reviewed the draft and provided helpful revisions. The document will be available on-line and at the CBJ Permit Center when it is finalized and will also be distributed at public events as warranted.

DISCUSSION

Implementation of the ordinance has been problematic because CDD has always relied heavily on the USFWS to determine the location of nests and also if a nest has actively nesting eagles, a key component of the regulation. In addition, CDD research shows that of 42 eagle nest buffer variances noted in the CBJ database, all 42 were approved. The current ordinance also uses the code definition of development, which has many elements that are irrelevant to impacts to eagle nests and are unnecessarily restrictive.

As discussed at the June 27, 2017 Planning Commission Committee of the Whole meeting, CDD has evaluated many options for revising the ordinance, rather than deleting it. However each option has had unresolvable legal problems. CDD must have a rational basis for all requirements and be internally consistent. However defining the key activities that are most disruptive to eagles and require regulation is difficult, and eagles have been habituated within urban areas. Even if a legally defensible ordinance could somehow be developed, CDD does not have the capacity to identify and track eagle nest locations, and the USFWS has not been able to provide this service for many years. Bald eagles have never been endangered or threatened in the State of Alaska, and evidence indicates that the local population is increasing.

Finally, the USFWS has an optional federal permit, titled an Eagle Take Permit, which allows applicants to disturb an eagle and avoid violating the Federal Bald Eagle Protection Act, often with mitigation conditions attached to minimize harm. In other words, the federal permit serves as a liability shield. Project Managers for all large-scale developments, especially the Alaska Department of Transportation and Public Facilities, have applied for and received this permit, and this permit has often been used as justification for approval of CBJ variances.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2013 Juneau Comprehensive Plan contains a number of policies regarding eagle nests, listed below:

POLICY 7.14. TO PROTECT AREAS SURROUNDING IDENTIFIED EAGLE NESTS FROM CONFLICTING LAND USES.

Standard Operating Procedures

7.14 - SOP1 Mature trees that, typically, are suitable for eagle nests should be retained within 1/8th of a mile of the coast.

7.14 - SOP2 In situations where lands are proposed for private platting next to CBJ-owned lands, and if the private party is willing, the CBJ government will consider exchanging land of equal value for those lands within 330 feet of the eagle nest tree and retain it as an eagle management area.

7.14 - SOP3 Prohibit the cutting of trees near shoreline areas for the purpose of eradicating nesting eagles or of preventing eagles from nesting therein.

Development Guideline

7.14 - DG1 Private land within the eagle management radius should be left undeveloped or subdivided into large lots, the largest of which should contain the nest tree. Roads should be located as far from the nest as possible, preferably landward from the nest tree. Low density residential or open space/natural areas uses should be located within the eagle management radius.

Implementing Actions

7.14 - IA1 Amend the Land Use Code to include variance criteria that apply specifically to requests to allow development within the buffer area around a bald eagle nest. Developing these criteria is of crucial importance in order to allow responsible development within 330 feet of eagle nests, especially those nests that post-date adjacent development. It may be appropriate to adopt regulations for development near eagle nests based on the level of tolerance of the subject eagles to human activity.

7.14 - IA2 Work with the United States Fish and Wildlife Service (USFWS) on an as-needed basis to identify eagle nest locations and best practices.

7.14 - IA3 Consider designating as Natural Areas or other low impact land use categories areas where eagles tend to nest in concentrations.

7.14 - IA4 Request that the USFWS evaluate the Bald Eagle in the Urban Service Area in terms of population, behavior and tolerance of human presence and activity. Consider any new suggestions from the USFWS for enhancing the presence and health of eagles in the urban area.

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7.14 - IA5 Support the efforts of a local non-profit eagle rehabilitation facility to rescue, heal and return to the wild, injured or vulnerable eagles and to educate the public as to the health and well-being of the species.

The Comprehensive Plan includes an explanation of the USFWS Eagle Take Permit on pages 92-93. The Plan specifically states,

It may be appropriate to revise this ordinance, in light of changes to federal policy regarding disturbance of eagles.

The Plan further states,

There is a generally held perception that the local population of bald eagles is increasing which, if true, may be attributable to an increase in fish in the area and/or a higher than expected tolerance of these birds to human presence. In any case, the eagles are still subject to special protection by law and enjoy considerable local affection.

The Comprehensive Plan explicitly says that the existing eagle ordinance may need to be amended in light of the 2011 changes to federal law (i.e. availability of take permits). Deletion of the ordinance is consistent with the Comprehensive Plan because a federal permit exists that addresses eagle protection and development and because local eagle populations appear to be increasing with the protections offered by other code requirements and policies. CDD's proposed Bald Eagle Best Management Practices document will also promote public education regarding potential impacts to eagles.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The proposed change is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Eagle Nest Buffer ordinance

CBJ Code 49.70.310(a)(2 and 3) states:

(a) Development in the following areas is prohibited:

(2) Within 330 feet of an eagle nest on public land;

(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;

The Code definition of development (49.80.120) states:

Development means any of the following:

(1) Construction, reconstruction or enlargement of a structure involving more than 120 square feet;

(2) A subdivision;

(3) Conduct of a home occupation;

(4) Change in use of a lot, including any structure thereon;

(5) Installation or emplacement of a mobile or modular home;

(6) Removal of substantial vegetative cover;

(7) Excavation, dredge or fill activity;

(8) Installation of a sign;

(9) For the purposes of Chapter 49.65, Article I, the work performed in relation to a deposit, subsequent to exploration but prior to extraction of commercial quantities of a mineral commodity, aimed at, but not limited to, preparing the site for mining, defining an ore deposit, conducting pilot plant operations, and construction of roads or ancillary facilities;

(10) Any site work in preparation or anticipation of the above.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-47 PC v. 1

An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests.

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 49.60.200 Sensitive areas, is amended to read:

49.60.200 - Sensitive areas.

A development in ~~eagle nesting areas~~, stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

- (1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
- (2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and
- (3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

Section 3. Amendment of Section. CBJ 49.70.310 Habitat, is amended to read:

49.70.310 Habitat.

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the steller sea lion habitat;

~~(2) Within 330 feet of an eagle nest on public land;~~

~~(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;~~

~~(2) (4)~~ Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

~~(3) (5)~~ Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

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

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

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

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



Alaska and Canada have the largest populations of breeding Bald Eagles in North America. Breeding bald eagles occupy "territories," areas they defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests maintained but not used for nesting in a given year). Bald eagles generally nest near coastlines, rivers, or lakes that provide a food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; and sometimes on structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Eagle nests are usually about 4-6 feet in diameter and 3 feet deep.



Best Management Practices

Protecting Nesting Eagles in Juneau



City & Borough of Juneau

City & Borough of Juneau

155 S. Seward Street
Juneau, AK 99801
<http://www.juneau.org/>

Tel: 907 586 0770

Juneau Cares about Eagles

Are you planning any development? If your property is near an eagle nest this fact sheet will provide you with important information about protecting these birds and enhancing enjoyment of your property.

Until recently the CBJ had regulations that prohibited development within 50 feet of an eagle nest on private property and 330 feet during March 1 to August 31. But because Bald Eagles are protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, because of the challenge in identifying eagle nests, and because many of Juneau's eagles are habituated to human activity, the CBJ regulations were repealed.

Eagles are not endangered or threatened in Alaska, but they remain an important, legally protected symbol, and valuable member of the Juneau ecosystem. With some thoughtful consideration, bald eagles will continue to nest in Juneau neighborhoods. In Southeast Alaska, the active nesting season is March 1 through August 31. Eaglets typically hatch from mid-May through early June, and fledge (leave the nest) in August. Both are sensitive periods for young eagles. Newly hatched chicks cannot maintain their body temperature without the warming shelter provided by their brooding mother, who may be flushed from the nest by loud, obtrusive activity. As nestlings approach fledging in August, they become more active, stretching their developing wings and hopping among the branches of their nest tree. If frightened by tree clearing, construction, or other highly visible or noisy activity, they may jump or fall from the tree before they are able to fly, exposing them to injury or death. Human actions that cause loss of eagles, their nests, or eggs, are prohibited by Federal law, unless allowed by permit.

These guidelines are intended to provide developers and landowners with tools to minimize impacts to bald eagles. For more information on habitat needs and ways to minimize impacts, go to the 2007 Federal Bald Eagle Management

Guidelines at:

https://www.fws.gov/alaska/eaglepermit/pdf/national_guidelines.pdf

✓ Maintain a 330-foot buffer from eagle nests for all vegetation removal and construction activity. If you can't, try to follow these additional guidelines:

✓ Retain as many trees as possible, removing only what is necessary when eagles are not nesting (September 1 through February 28).

✓ Avoid noisy, obtrusive construction, blasting, clearing and similar activities during the March 1 to August 31 nesting season, especially within the critical hatching and fledging periods from May 15 to June 15 and from August 1 to 31.

✓ Eagles vary in their tolerance of human activity near their nests. Most eagles nesting near people will not be disturbed by less-obtrusive projects like interior construction, or building fences, sheds, or other small structures. Eagle pairs that nest near long-established, ongoing human activity often tolerate greater disturbance. Eagles nesting far from humans are typically more sensitive, so extra effort to avoid seasonal disturbance may be necessary when developing a remote property.

✓ If you can avoid loud, visible disturbances within 330 feet of an active nest during the nesting season, eagles will likely continue to nest successfully nearby. If you can't follow these guidelines, and are concerned that your activities could disturb eagles, you may qualify for a permit from the U.S. Fish & Wildlife Service, which would allow disturbance, or in some cases removal, of an eagle nest. The U.S. Fish and Wildlife Service office in Juneau can be reached at 907-780-1160.

www.fws.gov/alaska/fisheries/fieldoffice/juneau/directory.htm





Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: August 17, 2017

File No.: AME2016 0019

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding Deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers.

Property Address: Borough Wide

Hearing Date: August 8, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 1, 2017, and recommended that the City and Borough Assembly adopt staff's recommendation for deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers.

Attachments: August 1, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2016 0019.

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

Project Planner:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

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August 17, 2017
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Filed With City Clerk

August 21, 2017

Date

cc: Plan Review

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

MINUTES
Planning Commission
REGULAR MEETING
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
August 8, 2017

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:04 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Miller, Kirsten Shelton, Carl Greene

Commissioners absent: Dan Hickok, Michael LeVine

Staff present: Rob Steedle, CDD Director;
Beth McKibben, Planning Manager;
Teri Camery, Senior Planner; Tim Felstead, Planner II;
Allison Eddins, Planner II;
Robert Palmer, Assistant Municipal Attorney;
Dan Bleidorn, Deputy Land Manager

Assembly members: Debbie White, Loren Jones

II. APPROVAL OF MINUTES

July 11, 2017 Regular Planning Commission meeting minutes

MOTION: *by Mr. Dye, to approve the July 11, 2017, regular Planning Commission meeting minutes with any small changes by Commission member or staff.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Murray Walsh noted that four weeks ago he represented an applicant for a cell phone tower approval. The experience was more challenging than it needed to be, said Mr. Walsh. He said there were a lot of features in the wireless cell tower code that needed attention. Mr. Walsh said he would appreciate the opportunity in the future to meet with the Commission and discuss what could be done to ameliorate the situation. In essence, said Mr. Walsh, the code is antagonistic to applicants. The applicant is asked to make analysis which could be performed by the CDD staff, said Mr. Walsh. The applicant is expected to submit information that could only be understood by a radio frequency engineer. Mr. Walsh said he felt the Commission was asking for too much upfront information.

Commission Comments and Questions

Mr. Voelckers said he felt it would be appropriate to schedule this issue for a Title 49 discussion.

IV. PLANNING COMMISSION LIAISON REPORT

Assembly liaison to the Planning Commission Debbie White reported that the Assembly adopted a resolution naming a portion of the whale park after former Mayor Bill Overstreet. The Assembly did accept the appeal on the application for the marijuana facility in the industrial area, she said. Ms. White said this is because the Law Department presented no options making it possible for the Assembly to turn it down. A proposed two percent increase on the bed tax was proposed for the ballot, said Ms. White. It is currently seven percent, but in addition to that there is a sales tax of five percent, said Ms. White. That will go to the Finance Committee on August 9, (2017) she said. On August 10, (2017) there will be a Committee of the Whole meeting of the Assembly where they will receive a verbal update from Hecla Greens Creek and Kensington mines. They are also going to discuss the Meander Way LID. They will also receive an update on Pederson Hill and a legislative update from CBJ's lobbyist, said Ms. White. They will also discuss the annexation issue, she noted. They are talking about potential expansion of the boundaries which would include Funter Bay, and Horse and Cove islands, she reported.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

USE2017 0014: Conditional Use Permit for Suzy's Caribbean Kitchen - a mobile restaurant in the Industrial zone.

Applicant: Susan Perry
Location: 5321 Commercial Blvd.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit to allow the development of a food trailer in an Industrial zone with the following conditions:

1. The on-site storage of food or waste overnight is prohibited.
2. A mobile restroom (port-a-potty) will be on-site and will be serviced regularly.
3. Gray water shall be disposed in an approved location as offered by CBJ Wastewater.
4. The applicant shall place the generator inside a box to minimize the noise level.
5. The applicant shall provide a copy of an approved DEC permit prior to the building permit final inspection.

Advisory Conditions

1. The applicant should make sure there are no seams in the metal shed that a bear could pull apart.
2. The grill and any grease traps should be thoroughly cleaned every evening in order to keep food scents down.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with any minor corrections by Commission member or by staff.*

The motion passed with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None**IX. REGULAR AGENDA**

AME2016 0019: Deletion of CBJ code 49.70.310 (a) (2 and 3), Eagle Nest Buffers.

Applicant: City & Borough of Juneau

Location: Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Ms. Camery reported that the ordinance proposed for deletion states that development is prohibited within 330 feet of an eagle nest on public land and within 50 feet of an eagle nest on private land. The Title 49 committee reviewed eagle nest buffer ordinance drafts at several of its meetings a year ago. The review included consultation with the US Fish and Wildlife Service and CDD staff. CDD staff followed these meetings with extensive consultation with the CBJ Law Department, and performed research on past variance applications, said Ms. Camery.

For many years now, since the Fish and Wildlife Service has experienced staffing cuts, the City has not been able to enforce the existing eagle ordinance, said Ms. Camery. There is not staff available to enforce the ordinance, she said.

The 2013 Juneau Comprehensive Plan contains a number of policies regarding eagle nests, said Ms. Camery. The Comprehensive Plan explicitly says that the existing eagle ordinance may need to be amended in light of the 2011 changes to federal law, she said. Deletion of the ordinance is consistent with the Comprehensive Plan because a federal permit exists that addresses eagle protection and development, and because local eagle populations appear to be increasing with the protections offered by other code requirements and policies, said Ms. Camery.

Even though this ordinance is being considered for deletion, said Ms. Camery, this does not mean that the City is giving up eagle protection, she said. The Comprehensive Plan policies will remain in place, she said. Many of these policies can still be addressed through the development review process and by other departments, she noted.

MOTION: *by Mr. Voelckers, to accept staff's findings, analysis and recommendations, and to approve AME2016 0019, deletion of CBJ code 49.70.310 (a) (2 and 3) of eagle nest buffers.*

The motion passed by unanimous consent

CSP2017 0013: A consistency review for reconstruction of Egan Drive between Tenth St. & Main St.

Applicant: State of Alaska

Location: Egan Drive between Tenth St. & Main Street

Mr. Voelckers said he wanted to clarify for the Commission in case it viewed this work as a conflict that he had assisted with some planning level and site utilization studies with the District Heating project, which are one of the lots fronted by this project. He also participated in some ongoing sketching, including some with the City and with private development options and with City land. He stated none of this is under contract currently.

The Commission voiced no objection.**Staff Recommendation**

Staff recommends that the Planning Commission adopt the below analysis and findings, and **APPROVE** the reconstruction of Egan Drive between Tenth Street and Seward Street subject to the following conditions:

Bike improvements

1. DOT&PF shall continue to allow the option to cycle on sidewalk on the seaward side of the Egan Drive remain. This is identified as a shared use path in the Juneau Non-Motorized Transportation Plan.
2. DOT&PF shall stripe non-buffered bike lanes sections with a 6-inch line as per the Juneau Non-Motorized Transportation Plan.
3. DOT&PF shall provide a cycle-only turn lane for bicyclists turning from Egan Drive onto the bridge in accordance with MUTCD standards if ROW width allows. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.
4. DOT&PF shall provide a bicycle lane be added on the Casey-Shattuck leg of W. Tenth Street. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.

5. DOT&PF shall provide dashed bike lane striping with a bicycle symbol across the Willoughby Avenue and Whittier Street intersections in accordance with the NACTO guidance for intersection treatment for bicyclists. Provision of a bike lane running the length of Egan Drive between Tenth Street and Main Street is a requirement of the Juneau Non-Motorized Transportation Plan.
6. DOT&PF shall place appropriate cycle route directional signage in the project area for the Cross-Juneau Bikeway described in the 2009 Juneau Non-Motorized Transportation Plan. They should work with CBJ to determine the placement.
7. DOT&PF shall provide 'sharrows' markings on the seaward traffic lane at the end of the project. Use of sharrows where bikes and motor vehicles share the road is a requirement of the Juneau Non-Motorized Transportation Plan

Pedestrian improvements

8. DOT&PF shall use continental/ladder style striping at all intersections where allowed under current design standards, particularly those crossing side streets. Where current adopted design standards do not allow this, but future standards do, future striping should be changed to meet this recommendation. Continental/ladder style crosswalks was required as part of the Juneau Non-Motorized Transportation Plan.
9. DOT&PF shall provide crosswalk markings using continental/ladder style striping across Willoughby Avenue. Crosswalk markings at this intersection are listed as priorities in the Juneau Non-Motorized Transportation Plan.
10. DOT&PF shall retain the existing crosswalk at Seward Street. This would meet the Waterfront Masterplan recommendation that pedestrian pathways to downtown be provided.
11. DOT&PF shall add conduit for an additional pedestrian crossing on the Bridge side of Egan Drive at Whittier Street. This crossing is identified in the Willoughby Plan and will provide for increased pedestrian use of this intersection as the subport area is sold and developed.

Vegetative treatment of median

12. DOT&PF shall provide a vegetated median that is planted and maintained with grass. This includes all areas currently covered with grass including either side of Gold Creek Bridge. DOT&PF shall work with CBJ to provide a suitable planting environment if it is determined the trees can survive in this location. This will provide vegetation in the

median as shown in both the Willoughby District Plan and the Waterfront Master Plan.

13. DOT&PF shall provide alternative pavement colors and/or textures other than traditional asphalt or concrete where the central median cannot be vegetated. This treatment is recommended in the Waterfront Plan.
14. It is recommended as a condition of approval that DOT&PF work with CBJ to develop and implement a plan for more attractive treatment of the raised median islands at the Willoughby intersection including at the new crossing.

Right-of-Way acquisition plats

15. DOT&PF submit the necessary ROW acquisition plat following conclusion of negotiations regarding all easements and land sales along the project length.

Recommendations for consideration by DOT&PF

While not explicitly supported by any of the adopted plans reviewed, the following recommendations have been made for DOT&PF to consider incorporating into their proposal.

Lighting

1. It is recommended the DOT&PF lighting plan prevents light trespass and follow lighting recommendation of the AMA.
2. It is recommended the DOT&PF lighting plan provide lighting should be immediately adjacent to all pedestrian crossings.

Operation of buses at the Downtown Transportation Center

1. It is recommended that DOT&PF continue to observe the operation of the DTC exit and develop an appropriate plan to ensure that exiting buses are not adversely delayed by the reconfigured Right of Way. If the changes negatively impact bus service some form of Transit priority should be explored.

Bike improvements

2. It is recommended that DOT&PF stripe the buffered bike lane according to the standards of the NACTO Urban Bikeway Design Guide.

3. It is recommended that DOT&PF implement bike boxes at all signalized intersections as part of their striping plan to better facilitate left turns by cyclists and to reduce the chance of right turn collisions.
4. It is recommended that DOT&PF provide ramped access onto the outbound cycle lane from shared use path connecting to Egan Drive adjacent to the Prospector Hotel.

Pedestrian improvements

5. It is recommended that a new pedestrian crossing should be added by DOT&PF when the next phase of the Sea walk is completed (anticipated after 2020) where the shared use path connects to Egan Drive between The Prospector Hotel and Foodland. DOT&PF may wish to plan for any necessary conduit under the ROW at this location for the future pedestrian crosswalk.
6. It is recommended that DOT&PF post a 30 mph speed limit prior to the Glacier Avenue intersection for inbound traffic.
7. It is recommended that DOT&PF should retain the raised medians as shown in the plans at Glacier Avenue and Willoughby intersections. Striped refuges should not be used.
8. It is recommended that DOT&PF work with CBJ to construct the CBJ preferred design of the Seward Street intersection. To understand the impacts on the Main Street intersection immediate traffic/pedestrian counts should occur at the intersection for use in modelling peak season traffic, and a temporary closure the left turn could be considered.
9. It is recommended that the pedestrian crossing at Whittier be a 2 stage crossing with a pedestrian refuge median.

Traffic control during construction

10. It is recommended that DOT&PF provide the Juneau School District an opportunity to review and comment on temporary traffic controls proposed to mitigate the increased traffic volume during construction within the school zones. DOT&PF should formally provide notice to the impacted neighborhoods of the increased traffic volumes during the construction project.

11. It is recommended that DOT&PF and their contractor should work with CBJ Capital Transit to ensure bus operations are not adversely impacted during the reconstruction.

RECOMMENDATION – PROVISION OF EASEMENT ON CBJ PROPERTY

Staff recommends that the Planning Commission forward the proposed easements and/or land purchase to the Assembly with a **recommendation of approval** with the following recommended conditions applied:

1. DOT&PF shall work with CBJ on the design of any reconstruction of this in the area of the JACC and Centennial Hall and coordinate the timing of work in this area with planned events at both venues including temporary access arrangements if needed.
2. It is recommended that the easement or sale of the CBJ parcel across Egan Drive from Centennial Hall to DOT&PF allows for its use to provide a CBJ parking information sign.

Mr. Felstead told the Commission the project area runs from the bridge to Seward Street. The project will involve:

- ✓ Repaving of Egan drive, repairing existing surface ruts, and drainage improvement
- ✓ Replacement of existing streetlights with more energy efficient LED's
- ✓ Upgrade the existing signals at 10th Street, Whittier Street, and Main Street to provide linked traffic signal network to improve flow of traffic
- ✓ Reduced traffic lanes in both directions between Willoughby Avenue and Seward Street from two lanes to one lane in each direction, and reduction of motor vehicle traffic lane width from 12.5 to 11 feet
- ✓ Addition of dedicated bike lanes at the same grade with vehicle travel-way along the entire length of project in both directions
- ✓ Widening of pedestrian sidewalks where existing as new ROW (Right-of-Way) width allows or existing ROW can be reallocated
- ✓ Addition of unsignalized pedestrian crossings with central median refuge at Glacier Avenue and Willoughby Avenue
- ✓ Removal of existing unsignalized pedestrian crossing at Seward Street
- ✓ Removal of some existing landscaped strips on the seaward side of Egan Drive and parts of the central median
- ✓ No additional crosswalk at Whittier Street intersection
- ✓ Widening of ROW through easements or land purchase of private, CBJ and state lands

A recommendation for this project is required to be forwarded to the Assembly, noted Mr.

Felstead. Mr. Felstead reported that this proposal has been reviewed against the 2013 Comprehensive Plan of the City and Borough of Juneau, and a number of other plans that have been adopted or referred to in the Comprehensive Plan including:

1. Area-wide Transportation Plan
2. Juneau Non-Motorized Transportation Plan
3. Willoughby District Land Use Plan
4. Long Range Waterfront Master Plan for the CBJ
5. Downtown Parking Management Plan

A condition of approval has been suggested where a clear requirement is identified in the review plans, said Mr. Felstead.

A new crosswalk will be added to Glacier Avenue, said Mr. Felstead, showing the Commission a map of the project. There will be some LED lights as part of the project which may become an issue for residential buildings and hotels, noted Mr. Felstead.

The plans indicate a 40 miles an hour speed limit at the location of the Glacier Avenue crosswalk on the seaward side, and 30 miles per hour on the outbound section, said Mr. Felstead. The CBJ Engineering Department has suggested that 30 miles per hour may be appropriate for both the inbound and outbound sections of that road, he said.

There may be a pedestrian activated light at that segment, but DOT will wait and see if it is required, said Mr. Felstead.

Commission Comments and Questions

Mr. Miller asked which agency would ascertain if that safety light was required.

Mr. Felstead said that DOT will be assessing the situation once construction is completed, and see if there appears to be a need for the light.

At the 10th Street intersection a new cycle lane is proposed, as well as one over the bridge, said Mr. Felstead. The staff has proposed as a condition that an additional bike lane be added at the left turn going over the bridge, he said. DOT's preferred option would be to have cyclists dismount and use the crosswalks to get to the other side of the bridge, said Mr. Felstead. Other options have been suggested in the staff report including bike boxes which are allowed if the state applies to the Federal Highway Administration, said Mr. Felstead. Mr. Felstead said he does not think any of these of bike boxes have yet been implemented within the state.

At the 10th Street intersection it is proposed that a cycle lane be identified to make that portion

of the street safer for cyclists, said Mr. Felstead. Additionally, signage is required along the length of the project. Therefore, it has been recommended that DOT be instructed to erect suitable signage along the project. DOT would like to direct any cyclists headed towards the Valley onto Glacier Highway as soon as possible, he said. They do not want the bicyclists proceeding past the 10th Street intersection on their way out of town, he said.

Looking at the project from 10th Street to Whittier, there will be a reduction in the traffic lanes from 12.5 feet to 11 feet, which will include an extra wide striped bicycle lane, said Mr. Felstead. Wider sidewalks will also be installed, he added. The Non-Motorized Transportation plan calls for six-inch-wide lines to be used for the bicycle striping, said Mr. Felstead. The current proposal is for four inch lines so a condition has been recommended to increase that striping to six inches, he said.

The sidewalks all meet the required width of five feet, said Mr. Felstead. There is a vegetative strip on the seaward side which will be removed, but there will be some sort of buffer between passing traffic and pedestrians, he said. The pedestrian environment as well as that for cyclists will improve as a result of this project, said Mr. Felstead.

Near the Parkshore Condominiums, there will only be expansion of the sidewalk to 5 ½ feet, noted Mr. Felstead. Some of the central median is being identified as turf in the proposed plans, and there are some locations in the proposed project where the existing median will be paved, noted Mr. Felstead. CBJ would like a vegetative cover for this median and trees have also been suggested in some of the plans, said Mr. Felstead.

It has been suggested that trees would have a difficult time surviving within the median, said Mr. Felstead. It has been recommended as a condition that DOT at least turf the existing portions of the median which currently house plantings, he said. They've also recommend that the possibility of trees in this area be explored, he said.

Commission Comments and Questions

Mr. Voelckers said there have been split opinions within the City itself on the viability of trees.

Mr. Felstead said that the Parks and Recreation department has stated that some trees may work in the median, and that it also may depend upon snow removal methods. They have been identified in past plans and the use of trees will be explored, he said. The Parks and Recreation Department will no longer be planting the flowers in the medians as it has in the past, said Mr. Felstead. They can no longer afford the additional labor for that work, he said. They have said they will be able to maintain a turf strip within the median, he said.

There are a number of easements requested by DOT which will be permanent, said Mr.

Felstead. They will be used for the sidewalk or for additional fill material to support the expansion of the sidewalk, he noted. There also will be a number of temporary construction easements, he said, during the time of construction.

It has been recommended as a condition of approval that DOT submit plat or right-of-way map to show where it has been relocated onto all CBJ and private property, said Mr. Felstead. Along the Whittier Street to Willoughby section of the road there will be a number of temporary construction easements, said Mr. Felstead.

The CBJ Engineering Department has recommended that DOT provide a conduit for pedestrians as to allow for extra pedestrians because of development of the subport area, said Mr. Felstead. It has been recommended that DOT provide a two-stage crossing across Egan. It has also been recommended as a condition that the DOT work with the CBJ to develop attractive median coverage where there will be no turf coverage. There is also a new crossing which will be located at the Four-Point hotel, said Mr. Felstead. It is a two-stage crossing with a refuge island in the middle, he said.

While DOT is requesting construction easements along the Juneau Arts and Humanities Council building and Centennial Hall, they probably will not need to use them, said Mr. Felstead. There is a very small triangular portion of land across the street from Centennial Hall which DOT is interested in purchasing, said Mr. Felstead. The Downtown Parking Management Plan suggests a parking guidance sign be placed on the approach to downtown and that location would be suitable, he said. This has been recommended as a condition of the sale, he said.

The two lane portion of the road close to town will be reduced to one lane with a turning Lane at the Seadrome building, said Mr. Felstead. There has been some concern from Capital Transit that the buses coming out of the transit center will struggle to make that turn, he said, as they head out of town. The buses currently have to wait for both lanes to be free to make their turn, he noted.

The project will also involve reconstruction of the retaining wall at Merchants Wharf, said Mr. Felstead. From Whittier proceeding into town the cycle lanes will be reduced to 4 ½ feet in width, said Mr. Felstead. Some sort of signage needs to be placed notifying cyclists that they can also share the pedestrian path for their transport, he said. The Non-Motorized Transportation Plan suggests using the sharrows markings to notify cyclists and motorists the cycle lane has ended and they should now share the road, said Mr. Felstead. This is to notify motorists that cyclists will begin merging into the traffic, he said.

DOT has indicated that are ready to begin construction in the fall of this year concluding construction the fall of 2018, said Mr. Felstead. They plan on leaving one Lane open in both

directions during construction, said Mr. Felstead.

There is also some concern from the schools in town that traffic may divert itself to Glacier Highway, thus increasing the traffic around the schools, said Mr. Felstead.

Most noise from heavy machinery will occur during the day, said Mr. Felstead. Noise permits will be required for any construction occurring at night, he said. An Army Corps of Engineers permit will be required for any additional fill for the project, said Mr. Felstead. A storm water pollution prevention plan will also be required for the project, said Mr. Felstead.

In terms of easements and land sale, the provision of the easement or the land sales are to facilitate the construction of the proposed project. They substantially conform to the locally adopted plans, said Mr. Felstead, subject to the recommendations that have been provided, he said.

In addition, the proposed reconstruction plan, with the recommended conditions, substantially conforms to Title 49 and locally adopted plans, said Mr. Felstead.

Mr. Felstead recommends that the Planning Commission forward the issue of easements and land sale to the Assembly for approval with two conditions:

1. DOT shall work with the JAHC and Centennial Hall to ensure that any events are not disrupted by construction
2. The CBJ land parcel across from Centennial Hall have posted a parking information sign in the area not being used for a sidewalk

It was also recommended that the Planning Commission approve the proposed reconstruction with the recommended conditions contained in the staff report.

There have been two small adjustments in the existing conditions, said Mr. Felstead. Instead of requiring a cycle turn lane for condition three, appropriate signage may be able to be used instead, said Mr. Felstead, to facilitate the transport of bikes through the 10th Street intersection, he explained. Condition seven has been modified to state that sharrows may not be appropriate, and that some other form of signage that directs cyclists may be used, he said.

Commission Comments and Questions

Ms. Shelton asked if the Commission has any authority regarding recommendations for conditions of approval. She asked if it has to be something found in the plans or if the

Commission can move something over.

Mr. Felstead responded that his understanding is that if there is not direct connection with the plans or the code, it is difficult to say something is a requirement of the local community.

Department of Transportation and Public Facilities (DOT)

Kirk Miller, Design Group Chief of DOT, told the Commission Chuck Tripp, the project manager for this project, could not be at the meeting. He said he was available for questions from the Commission.

Mr. Voelckers asked how the maintenance of the project would be handled once it was complete. Mr. Miller said DOT is looking for every avenue that they can to minimize maintenance responsibilities.

Mr. Miller said he has discussed with Mr. Felstead that they discuss each median regarding its maintenance and who would maintain them. He said it has not really been decided yet who would maintain the turf portion of the medians.

Mr. Voelckers said he is an advocate of green medians and would like to explore the possibility of some trees in median locations.

Mr. Miller said that trees will probably be frowned upon, due to concerns of roots growing under the streets and disrupting the pavement. He said that salt and snow plows would also not be favorable to trees within the medians.

Mr. Voelckers said that trees have been within the studies all along and that they indicate that trees are a strong calming force for traffic patterns.

Mr. Dye asked if there has been a projected increase in travel times due to the reduction of two lanes to one lane from Main Street to Whittier Street.

Mr. Miller said they do not think the traffic pattern they are proposing is going to be detrimental to the through traffic. Traffic times may even be better with dedicated turn lanes, said Mr. Miller. He said the one area they cannot improve at all is the area of 10th Street because of the traffic going to Douglas and across the bridge.

Ms. Shelton asked for more information on the DOT's plans to divert traffic during construction

near the Glacier Avenue schools.

Mr. Miller said what is being conveyed is during certain times of construction traffic will be diverted from 10th Street going into town to Glacier Highway.

Mr. Felstead said that traffic would naturally divert itself as needed. He said from his conversations with the CBJ Engineering Department that there is not much they can do to prevent traffic from diverting itself when road construction along Egan causes traffic to back up.

Ms. Shelton said she had concerns with the additional traffic going by the schools affecting the drop-off and pick-up of the students and of the general safety in the area with additional traffic.

Mr. Voelckers asked if the right-of-way itself widens or if they are merely obtaining easements across City property.

Mr. Felstead said he believed the intention was for a perpetual easement on the CBJ property, except for the small triangular portion of land located across the street from Centennial Hall that would be purchased by DOT. The perpetual easements do meet the definition of right-of-way within Title 49, he added.

Mr. Voelckers asked if there are any issues in terms of liability between DOT and the City should there be a traffic accident, for example. He asked if that would be considered to have occurred on City land or state land.

Mr. Bleidorn said the DOT has not yet submitted their final bid package to the CBJ for the easements. They will be purchasing these easements at fair market value, he said. As part of the agreement they will have full rights to that property, he noted. There are existing easements within the area, but these additional easements will be for the widening of the right-of-way, he said.

If it is for full market value, said Mr. Voelckers, why not just make it a clean sale to the state.

Mr. Bleidorn said he thought that would be more difficult to execute. That would involve numerous subdivisions for all of the individual lots along the street, he said. By granting easements, if the City ever wanted to put up a sign or some item related to the sea walk, they would have retained those rights, he said.

In answer to a question from Mr. Voelckers, Mr. Bleidorn said that DOT is also working on easements with the private property owners as needed.

Chairman Haight said he remembered discussion over this project several years ago which involved the issue of water being sprayed up from the road onto pedestrians. He said after a period of time, the road will wear and obtain ruts resulting in more road spray going onto pedestrians. He asked if with the narrowing of the roadway and deletion of some of the greenery in the medians if DOT is considering some form of alleviation for the road spray problems. Chairman Haight said he considers this a safety issue for pedestrians.

Mr. Miller said he has noticed personally that pedestrians get sprayed by water due to ruts and also there are also some drainage issues due to settlement and faulty construction. He said the construction will be close and that over time there probably would be ruts creating water spray on pedestrians. He added that he did think that traffic would be a little further away from the sidewalks than it is currently. He said improved drainage with the new construction should help as well.

Chairman Haight asked how snow plowing would be handled with the new construction, since currently snow gets piled up onto the sidewalks.

Mr. Miller responded that it would probably be plowed the same way as it is now. Mr. Miller said he would talk to his maintenance foreman and provide a written explanation on the DOT snow removal plan for downtown.

Chairman Haight asked if the LED lighting plan for the project would be curtailed to where it is currently.

Mr. Miller said they are going to go back and speak with their consultant and have that question addressed. He said his gut feeling is that the lights will be replaced according to their current placement.

He asked Chairman Haight if he felt the LED lighting would be more obtrusive if it was placed in the existing locations.

Chairman Haight said his experience is that the light dispersal between the types of lights would essentially be the same, but that LEDs actually have a sharper cut-off than the existing lights.

Chairman Haight asked if they would be reducing light levels at certain times during the

evening.

Mr. Felstead said this has not been a proposal of DOT.

Chairman Haight asked if this would be something that DOT could possibly implement.

Mr. Miller said he thought that they could.

Chairman Haight said he would expect that the lights would be kept full at the intersections throughout the night.

Chairman Haight said he would like DOT to keep in mind that as greenery and items were added to medians that they not interfere with the vision of the drivers.

Chairman Haight said he found the pedestrian signals at Main Street to be very dangerous. He said a pedestrian pushing a button could initiate the walk sign while a car in the turn lane was making a left hand turn. He asked if that problem could be remedied with this project.

Mr. Miller responded they are planning on re-doing the entire signal at Main Street, and that they recognize there are many difficulties with that intersection. They will also be synchronizing it with the 10th Street signal, he said.

Chairman Haight asked if the proposed bicycle turn lanes would have an impact on the DOT design.

They do not have room to implement the proposed “bike boxes”, said Mr. Miller. They also think they do not have the bicycle traffic to warrant their implementation, he added.

Chairman Haight noted that he did not think the buses would have any more difficulty making their turns with the newly designed streets than they do currently.

Mr. Felstead noted that with the addition of the bike lane the buses may actually have more of an effective turning lane width with the newly constructed road.

Mr. Voelckers asked if Mr. Miller was reasonably comfortable with the City’s proposal for Seward Street.

They were concerned that prohibiting a left turn at Seward Street would then force people to go back to Main Street and then come all the way back around South Franklin. They have been asked to analyze how many left turns are coming out of Seward Street and if those left turns were prohibited, they would need to assume that traffic would be proceeding to Main Street, said Mr. Miller.

Mr. Voelckers said they could also do an improved pedestrian crossing.

Mr. Miller asked when the City was planning on instituting those street changes. He said he felt they needed to meet further with the City and that perhaps DOT “dropped the ball”. They will do whatever it takes, he said.

Mr. Dye said he would like to know what the DOT traffic study indicated regarding the traffic on Main Street by removing the left-hand turn onto Seward Street. That is key for the downtown circulation to find parking, he noted. He also asked if it would be possible to implement a park and ride for City and State employees at a Valley location to alleviate the need for traffic congestion during construction.

Mr. Miller said he did not know why they could not implement that suggestion. He said federal aid does fund things like that.

Mr. Voelckers said the staff report mentioned allowing a conduit for a pedestrian crossing that is closer to the bridge at the Whittier intersection. He said he felt that would be a useful item to work into the plan at the very beginning. He said currently it is difficult to take a left turn on the bridge often because of the pedestrian crossings.

Mr. Miller said their thought there was a sufficient crossing at the existing signalized intersection and there would be little purpose adding a crossing across an additional leg. He said it may not be impossible but that they have not fully analyzed it yet.

Mr. Voelckers said he felt there were enough vehicle and pedestrian conflicts at that location to warrant the additional crossing.

Public Comment

Angie Mendbayar of the District Heating project said they have several crossings on this project. They would like to know how they can collaborate with the City and DOT and install some pipes during the construction phase of the road.

Chairman Haight said they will connect her with Mr. Miller of DOT so that they can collaborate to make this happen.

Lee Kadinger with the Sealaska Heritage Institute said they have provided written comments on this project. They have an interest in ensuring that the Seward Street crosswalk is maintained, he said. They notice that it is heavily used daily. They felt the elimination of the left-hand turn was a positive safety improvement for the pedestrian crossing, he said.

Mr. Voelckers asked if there has been discussion about closing Seward Street. Mr. Kadinger said they have discussed the closing of Seward Street, especially for special events.

Mr. Voelckers asked about the projected timeline for the construction.

Mr. Miller said they have had several meetings with the Juneau Heating District. They encouraged them to hire an engineer which they did, he said. They said they would work with them so that the crossings can be accomplished. They have encouraged him to install the crossing before DOT does the road, he said. DOT does not want to be responsible for installing the crossing, he said. It is complicated, and has to do with federal aid, he added.

Mr. Voelckers asked Mr. Miller when he expected the physical construction to commence. In the best case scenario, they can advertise this project this September or October, said Mr. Miller. They could probably expect to start some work in March, 2018, said Mr. Miller. They will need the next spring season, putting them into June, 2019, he said.

In response to a question by Chairman Haight, Mr. Miller said they are aware of the installation of an electrical conduit as well.

MOTION: *by Mr. Miller, to approve CSP2017 0013 and accept staff's most excellent findings, analysis and recommendations.*

Mr. Dye asked to make a friendly amendment to look into partnering with the CBJ in the attempt to provide a park and ride solution during construction.

Mr. Miller accepted Mr. Dye's friendly amendment.

Speaking in favor of the amendment, Mr. Voelckers said he felt that item 12 which is under the Vegetative Treatment of the Median is very important. He said he supported Mr. Felstead's

research and noted that the vegetative and trees strip is shown both in the Willoughby District plan and in the long range waterfront master plan. Mr. Voelckers said there have been studies indicating that trees have a calming influence on traffic and make the neighborhood safer and more accommodating. They also establish a threshold into the community, he noted. Mr. Voelckers said he also liked the recommendation to reduce the traffic to 30 miles per hour at the Gold Street Bridge. That will go well with the new pedestrian crossing, said Mr. Voelckers.

The motion including the friendly amendment passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Mr. Dye said at their last meeting that Mr. LeVine made a motion which was tabled. He said he would like to reopen that item for the purpose of tabling it once again until their next meeting when Mr. LeVine would be present. This was a comprehensive map change to amend the district upon which the Catholic diocese resides from Mixed-Use Residential to Traditional Town Center.

That item was tabled with no objection.

XII. DIRECTOR'S REPORT

Mr. Steedle said there is currently no Planning Commission meeting scheduled for August 22.

The Lemon Creek Area Plan will be scheduled if possible on September 12, at a COW meeting.

Also on September 12, there will be a rezone on the Front Street area in Douglas, said Mr. Steedle.

There is a Title 49 meeting on August 16, said Ms. McKibben.

There is also a Subdivision Review Committee meeting on August 23, she said. Ms. Boyce will poll members as to a time for the Subdivision Review Committee meeting.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said he felt the staff did a great job with their reports this evening.

Mr. Voelckers said the presentation on the DOT road reconstruction project was a very well researched and well delivered presentation.

In response to Mr. Walsh's comments about the cell tower ordinance earlier this evening, Chairman Haight said he felt it may be time to go back and review the ordinance. Mr. Steedle said they will add this to the staff's list of priorities and that they could review with the Commission the items the staff has before them and prioritize them.

Mr. Voelckers said while Mr. Walsh had deemed this a hostile ordinance, that only one has come back to the Commission and that he did not have the feeling it had been a real problem.

Mr. Steedle said it is only when a new tower is being erected that it needs to come before the Commission. The cell tower request presented by Mr. Walsh is the first time this type of request has come before the Commission, said Mr. Steedle. He said he thought it would be a good idea to review the ordinance.

Mr. Dye asked if it would be possible to see statistics on shared access properties in subdivisions under 13 lots.

Mr. Steedle said they would be happy to provide that information.

XV. ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-34

An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.

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 49.05.200 Comprehensive plan, is amended to read:

49.05.200 Comprehensive plan.

(a) The City and Borough comprehensive plan is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks and other public requirements.

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is

a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

(1) *Plan adopted.* There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, 2013 Update, including the following additions:

- (A) The Juneau Coastal Management Program, Volumes 1 and 2, dated February, 2008;
- (B) The Downtown Historic District Development Plan, dated December 1981; provided that the proposed district boundaries shall be those established by the assembly under a separate ordinance;
- (C) The Long Range Waterfront Plan for the City and Borough of Juneau, dated January 22, 2004, as amended;
- (D) The Last Chance Basin Land Management Plan, dated May 1978, updated November 1994;
- (E) Watershed Control Program - Salmon Creek Source, dated April 1992;
- (F) Watershed Control and Wellhead Protection Program - Gold Creek Source, dated November 1994;
- (G) Chapter 6 and Plate 1 of the West Douglas Conceptual Plan, dated May 1997;
- (H) Juneau Non-Motorized Transportation Plan, dated November 2009;
- (I) 2010 Downtown Parking Management Plan;
- (J) Chapter 5 of the Willoughby District Land Use Plan, dated March 2012;
- (K) Municipal Drinking Water Supply Plan, dated June 5, 2012;
- (L) Wireless Telecommunication Master Plan, dated May 2014;

- (M) Juneau Economic Development Plan, dated January 28, 2015; ~~and~~
- (N) Auke Bay Area Plan, dated March 16, 2015; and -
- (O) Lemon Creek Area Plan, dated December 18, 2017.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



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

DATE: December 7, 2017

TO: City and Borough of Juneau Assembly

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

RE: ***Lemon Creek Area Plan***
www.juneau.org/lemoncreekplan

A handwritten signature in cursive script, reading 'Jill Maclean', is positioned to the right of the 'FROM:' field.

BACKGROUND

On October 24, 2017, the Planning Commission at its regularly scheduled public meeting adopted the analysis and findings listed in the Community Development Department's staff report dated October 12, 2017, and recommended approval to the City and Borough Assembly for a text amendment to adopt the Lemon Creek Area Plan as part of the CBJ Comprehensive Plan (see attached memo dated November 6, 2017).

On November 20, 2017 and December 4, 2017, the Assembly Committee of the Whole held public meetings to review and discuss the Plan. The Committee of the Whole voted to send the Plan to the full Assembly for adoption with the following conditions (see attached memos dated November 6 and November 30, 2017):

1. Adopt the revisions recommended by the Planning Commission;
2. Adopt the staff recommendations 2 and 3, but not recommendation 1, in the memo dated November 30, 2017;
3. Add the following language to Chapter 8 Implementation, paragraph 2, "...or where the Lemon Creek Area Plan is more specific, the Lemon Creek Area Plan supersedes the Comprehensive Plan, *as it pertains to the Lemon Creek planning area.*"; and
4. Delete Goal 2 Action 10 in Chapter 7, Economic Development.

It is noted that grammatical and formatting errors will be resolved prior to the final printing of the Plan.

ACTION TAKEN

The Committee of the Whole voted to send the Lemon Creek Area Plan to the full Assembly for a public hearing to adopt the Lemon Creek Area Plan as an addendum to the Comprehensive Plan with the revisions stated above and included in the attachments.



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

DATE: November 30, 2017

TO: City and Borough Assembly Committee of the Whole

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department *Jill Maclean*

RE: ***Lemon Creek Area Plan*** draft – Additional Information
www.juneau.org/lemoncreekplan

COMMITTEE OF THE WHOLE DISCUSSION

The Lemon Creek Area Plan was discussed by the Committee of the Whole (COW) on November 20, 2017. From that public meeting, the following information was requested:

1. Provide further information on Chapter 7 Economic Development, Goal 2, Action 10, *"Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector"*;
2. Provide further information on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, *"Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision"*;
3. Provide further information on the Lemon Creek Area Plan and its relationship to the Comprehensive Plan.

1. Chapter 7 Economic Development, Goal 2, Action 10, *"Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector"*.

For the purposes the Lemon Creek Area Plan, organic waste disposal site is defined as a *"site that is used to dispose of organic debris resulting from development that is unsuitable for reuse, such as tree stumps, sands, and other natural materials. An organic waste disposal site is not a landfill"*.

After much discussion at the May 22, 2017 Steering Committee meeting, the Steering Committee reached consensus that *"a narrative paragraph that talks about coupling the haul to and from Lemon Creek (gravel and organic waste), to recognize that these activities lower the cost of site construction, to put in some narrative indicating a desire that the backhaul site not turn into another dump, aesthetically, and to encourage public use and access to these resources"*.

In response to this motion, language was included in Lemon Creek Area Plan Chapter 7, Economic Development p. 65. Additionally, the Steering Committee reached consensus and voted to include the

suggested language on organic waste disposal, which is addressed in Chapter 7 Goal 2 “*Create Thriving Commercial and Industrial Areas That Support Industry and Neighborhood Business*”:

- *Action: Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector (p. 71 of Lemon Creek Area Plan).*

During discussions at the COW meeting on November 6, 2017, Assembly Member Gladziszewski suggested revising the language of the Action to read:

“Consider pursuing ~~Pursue~~ making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector”.

Recommendation:

Based upon the discussion by the Assembly members at the COW, staff recommends adopting Assembly Member Gladziszewski’s recommendation, with a minor edit to the wording:

“Consider ~~pursuing Pursue~~ making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector”.

2. Provide further information on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, “*Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision*”.

Area 3 of the *Switzer Lands Residential Development Study* is located north of the Pinewood Park Subdivision at the ends of Mountain Avenue. For reference, see map on p. 35 of Lemon Creek Area Plan.

The Steering Committee held four public meetings to discuss neighborhoods and housing. Ultimately, the Committee felt strongly that the Lemon Creek area deserved the same consideration that other areas are given when creating housing and designating zoning districts for undeveloped lands that are located adjacent to established neighborhoods.

Pinewood Park Subdivision is zoned D5, yet the majority of lots exceed the minimum lot size of 7,000 square feet, required by this zoning district. The lots in Pinewood Park Subdivision have an average lot size of 12,000 square feet, which is more similar to a D3 zoning district. The Steering Committee strongly expressed that the established neighborhood and its characteristics should be considered when the CBJ pursues future development of Area 3. Attention to the “transition” from an established large lot single-family neighborhood to a denser multi-family development should be considered. The Steering Committee and the public generally supported housing, especially workforce and senior housing, provided it was created in a thoughtful manner with a “buffer” from the existing single-family neighborhood to multi-family housing. One method of creating the desired transition, or buffer, is to recognize the D5 zoning district (Pinewood Park Subdivision), and then creating a zoning district directly adjacent to it that is of a slightly higher density, such as D10SF, and then next to that zoning district, creating an even higher density zoning district such as D10 or D15. This will still maximize density while providing for a more gradual transition from the large lot single-family neighborhood to a denser multi-family neighborhood, while at the same time providing opportunities for a wider variety of housing types.

After extensive discussions, the Steering Committee reached consensus on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, *“Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision”* (p. 38).

Recommendation:

Based on the Steering Committee’s work, input from the public at multiple meetings/workshop, and review of CBJ adopted plans and studies, including the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2016 Housing Action Plan, staff recommends keeping the Action as stated in Lemon Creek Area Plan (see p.38).

3. Provide further information on the Lemon Creek Area Plan and its relationship to the Comprehensive Plan.

The Comprehensive Plan identifies the need for area plans, including the Lemon Creek, Switzer Creek and Salmon Creek area (p. 182). The *Lemon Creek Area Plan* is a step in the borough’s strategy for influencing change in this area. It is a consensus based plan, built through extensive input from residents, local business and property owners, local non-profit groups, and other interested parties.

Per the Comprehensive Plan Chapter 11 - Subarea 5, Guidelines and Considerations states:

1. *Conduct a neighborhood plan for the Lemon Creek and Switzer Creek areas to (1) address livability concerns for residential areas, (2) accommodate the land use and transportation needs of commercial and industrial uses, (3) address recreational and natural/conservation area needs, (4) identify transportation improvements, especially pedestrian- and bicyclist-related safety improvements, and (5) reduce incompatible uses and minimize or mitigate adverse impacts of such incompatible uses related to air quality (noise, dust, fumes, odors), public safety and natural resource protection.*

Generally, the purpose of an area plan is to tailor and refine the comprehensive plan and implement its vision in a manner that is compatible with a particular area of the borough. For example, the Comprehensive Plan, Economic Development Element Policy 5.1 (p. 44) states:

“To Develop and Sustain a Diverse Economy, Providing Opportunities for Employment for All Residents”.

This policy and its implementing actions, provide a broad, high-level vision of how the borough should encourage and support economic growth. In order to best implement this policy, it should be focused and made area specific. For example, economic development will look different depending on the locale:

- Downtown Juneau: federal, state and city employment, the tourism industry, and the smaller boutique shops and eateries;
- Downtown Douglas: small locally owned shops, balanced with maintaining marine-related businesses;
- Mendenhall Valley: medium sized retail, i.e. grocery stores, shopping centers, gyms;
- Lemon Creek: greater mixture of industrial and commercial uses, big box stores, with some smaller retail mixed in.

Developing an area plan provides the opportunity to work with the community and determine best fits for an area based upon the needs of the community at large while balancing the quality of life for those living in that particular area. Areas plans take the vision from the Comprehensive Plan and clarify and refine that vision in order to best implement the vision at an area level.

Given that the vision from the Comprehensive Plan is broad-based at the borough level, a situation may occur in which it appears that an area plan is competing with the Comprehensive Plan. In these instances, the area plan should supersede the Comprehensive Plan, as it is the more focused, clarifying document, with much input and feedback from the residents, businesses, and property owners.

For example, Chapter 11 of the Comprehensive Plan (p. 183) covers Subarea 5: Switzer Creek, Lemon Creek, & Salmon Creek. Under the Guidelines and Considerations, there is a guideline that may not completely align with the Lemon Creek Area Plan:

10. Identify sufficient land to accommodate commercial and industrial uses. Adjust the boundary between commercial and industrial lands in the Vanderbilt-to-Lemon Creek area to account for current conditions and market demands. Provide additional buildable land for heavy industry and prohibit higher intensity uses, such as retail, office and residential uses, within the heavy industrial areas.

The Lemon Creek Area Plan, Chapter 3, Land Use (p. 20), identifies the Grant's Plaza area as an opportunity to promote mixed-use development to redevelop underutilized sites, while providing a buffer between commercial and industrial uses and residential uses along Vanderbilt Hill Road. While this is not in direct conflict, the Lemon Creek Area Plan, Chapter 3, Goal 1, Action 1 should take precedence as the more clarifying action:

"Promote mixed-use zoning as a business and neighborhood development tool for underutilized sites i.e. the former Walmart location and Grant's Plaza".

Recommendation:

Based upon the Steering Committee's work, input from the public at multiple meetings/workshop, and review of CBJ adopted plans and studies, including the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2016 Housing Action Plan staff recommends maintaining the language in the Lemon Creek Area Plan (p. 73):

"The Comprehensive Plan (chapter 11) identifies the need to conduct a neighborhood plan for the Lemon Creek and Switzer Creek areas. The Lemon Creek Area Plan is adopted as an addendum to the Comprehensive Plan. The Lemon Creek Area Plan provides a 20-year vision to guide growth, protect natural resources, and enhance and maintain amenities for livability. Where the Lemon Creek Area Plan and the Comprehensive Plan conflict, or where the Lemon Creek Area Plan is more specific, the Lemon Creek Area Plan supersedes the Comprehensive Plan).

Recommendation

Staff recommends that the Assembly approve the recommendations in this memo as part of the Lemon Creek Area Plan, in conjunction with the recommendation by the Planning Commission to adopt the Lemon Creek Area Plan as an addendum to the Comprehensive Plan with the revisions stated in the attachment.



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

DATE: November 6, 2017

TO: City and Borough Assembly Committee of the Whole

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

RE: ***Lemon Creek Area Plan*** (draft)
www.juneau.org/lemoncreekplan

BACKGROUND

The Comprehensive Plan identifies the need for area plans for Lemon Creek, Switzer Creek and Salmon Creek (see *Compliance with the Comprehensive Plan* section below. The *Lemon Creek Area Plan* is a step in the borough's strategy for influencing change in this area and forms the basis for defining the vision and projects for the Lemon Creek area. It is a consensus based plan, built through input from residents, local business and property owners, local non-profit groups, and other interested parties.

In 2015, the Assembly tasked the Community Development Department (CDD) with undertaking the *Lemon Creek Area Plan*. CDD conducted an open house on March 10, 2016, to solicit interest from the community, provide information on the planning process, and request applications from interested people to serve on the Steering Committee. On April 12, 2016, the Planning Commission appointed the Steering Committee, which included residents, property owners, and business owners. Throughout the month of June 2016, CDD conducted six focus group meetings including: infrastructure and transportation, natural resources and recreation, business and economic development, human services, history and cultural resources, and city departments.

In September 2016, the Steering Committee began holding regularly-scheduled public meetings. The Steering Committee was presented with background information on the Comprehensive Plan and other relevant CBJ plans, zoning and land use, housing needs, and feedback received from the open house and focus groups. This information, combined with the chapters drafted by CDD planners and other relevant CBJ staff, allowed the Steering Committee to formulate informed goals and actions for each chapter of the plan. The following chapters were seen as relevant to Lemon Creek: History and Community Character, Land Use, Neighborhoods and Housing, Transportation and Infrastructure, Economic Development, and

Natural Resources and Recreation. Public testimony was also taken at each Steering Committee meeting and considered as decisions were voted upon. The Steering Committee approved each goal and action through a consensus building process resulting in a majority vote of the committee.

On February 4, 2017, a public design workshop was held to seek input from community members primarily on recreation and bike/ped connectivity throughout Lemon Creek. MRV Architects worked with CDD and Engineering staff to conduct the workshop and led the public through this design process, which ultimately resulted in an overarching design concept – *Area Plan Design Goals* (see *Lemon Creek Area Plan* Appendix A: Public Participation). *The Area Plan Design Goals* illustrates the community’s vision of how the area should develop over the next twenty years. Features include preservation of the Switzer Creek area, multi-modal paths connecting Lemon Creek to Downtown and the Mendenhall Valley, trails connecting to the Mendenhall State Game Refuge, and potential new streets in the commercial and industrial areas.

The culmination of this community planning process is the draft *Lemon Creek Area Plan*, which was distributed for a two-week public comment period from July 17 through July 30, 2017. CDD staff compiled the comments received and made recommendations to the Steering Committee. At their August 7, 2017, public meeting, the Steering Committee reviewed the public comments and considered whether or not to amend the Plan in response (see *Lemon Creek Area Plan* Appendix B: Public Comments). The Steering Committee also voted to recommend the final draft *Lemon Creek Area Plan* to the Planning Commission for consideration and favorable recommendation to the Assembly.

On September 26, 2017, the Planning Commission’s Committee of the Whole held a public meeting to discuss the draft Plan. No significant changes were recommended, and the Committee voted unanimously to forward the draft Plan to the Planning Commission for a public hearing.

On October 24, 2017, the Planning Commission held a public hearing. Public testimony was taken, and all who spoke were in favor of the Plan. The Planning Commission did not make any significant changes to the draft Plan - see page 3 for a table listing the recommended revisions.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan (Chapter 11) identifies the need to produce a neighborhood plan for the Lemon Creek and Switzer Creek areas. The draft *Lemon Creek Area Plan* complies with the Comprehensive Plan and specifically with Chapter 11, Land Use Maps G and H. The draft *Lemon Creek Area Plan* complies with the Juneau Economic Development Plan and the Housing Action Plan.

If adopted, the *Lemon Creek Area Plan* would be an addendum to the Comprehensive Plan. The *Lemon Creek Area Plan* provides a 20-year vision to guide growth, protect natural resources, and enhance and maintain amenities for livability. Where the *Lemon Creek Area Plan* and the

Comprehensive Plan conflict, or where the *Lemon Creek Area Plan* is more specific, the *Lemon Creek Area Plan* supersedes the Comprehensive Plan.

RECOMMENDATION

At its October 24, 2017 regular meeting, the Planning Commission recommended that the Assembly review and adopt the Lemon Creek Area Plan with revisions as an addendum to the Comprehensive Plan.

Chapter	Comments	Page	Goal & Action May also be Found in Chapter 8 Implementation
Chapter 3 Land Use			
	Goal 1 Action 1 Change "zoning" to "development"	20	76
	Goal 3 Action 4 Delete entire action (regarding housing stock)	21	77
Chapter 4 Housing and Neighborhoods			
	Update info regarding Housing First in the narrative: <i>The Juneau Housing First Collaborative Forget-Me-Not Manor permanent supportive housing project opened in September 2017. It was an \$8.3 million dollar project that combines 32 units of permanent supportive housing and, on-site, the JAMHI Health & Wellness, Inc. Community Health Center that offers healthcare, behavioral health, dental, and pharmacy services for the residents and the community at-large.</i> <i>The permanent supportive housing is staffed 24hours, 7-days a week and includes a facility director, benefits coordinator (2), housing specialist (2), a driver, and front desk personnel (5). Studio apartment residences are located on the 2nd and 3rd floors with dining room, kitchen, conference room, meeting rooms, and office space on the ground level. Forget-Me-Not Manor shares a parking lot with the headquarters for the Tlingit-Haida Regional Housing Authority. (per S. Ciambor, Chief Housing Officer)</i>	25	N/A
	Identify zoning in each neighborhood listed in the narrative	23 - 29	N/A
Chapter 5 Transportation and Infrastructure			
	Goal 4 Action 2 Change Responsible Party from CDD, PC, JPD to JPD only	47	82
Chapter 6 Natural Resources and Recreation			
	Goal 2 Action 2 Change wording to: "Provide greater scrutiny to compliance of water standards and erosion controls."	59	84
	Goal 2 Action 3 add JPD	59	84
Chapter 8 Implementation			
	Add a list of Acronyms/Abbreviations for Departments, Agencies, Organizations at the beginning of Ch. 8	73	73

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-36

An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

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 01.40.010 Violations penalty, is amended to read:

01.40.010 Violations penalty.

...

(b) Penalty classifications.

...

~~(v) Conviction is for a violation of CBJ 42.20.110(a)(5) for an offense comparable to AS 11.61.118(a)(2).~~

...

Section 3. Amendment of Section. CBJ 42.05.110 Violation of conditions of release, is amended to read:

42.05.110 Violation of conditions of release.

- (a) A person commits the crime ~~offense~~ of violation of conditions of release if the person
- (1) has been charged with a crime or convicted of a crime;
 - (2) has been released under AS 12.30; and
 - (3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.
- (b) Violation of condition of release is a Class B misdemeanor ~~violation punishable by a fine of up to \$1,000.~~

Section 4. Amendment of Section. CBJ 42.15.020 Larceny of money or property, is amended to read:

42.15.020 Larceny of money or property.

...

- (b) Larceny of money or property is a:
- (1) Class A misdemeanor if:
 - (A) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or
 - (B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another

jurisdiction of ~~an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property,~~ or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) ~~Fifteen~~ Five days of ~~active suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, ~~AS 11.46.360—11.46.365,~~ or a law or ordinance of this or another jurisdiction with substantially similar elements;~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of

an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,
or a law or ordinance of this or another jurisdiction with substantially similar
elements.

Section 5. Amendment of Section. CBJ 42.15.025 Theft by failure to make required disposition of funds received or held, is amended to read:

42.15.025 Theft by failure to make required disposition of funds received or held.

...

(c) Theft by failure to make required disposition of funds received or held is a ~~Class A~~ **misdemeanor**:

(1) Class A misdemeanor if:

(A) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the funds received or held is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 6. Amendment of Section. CBJ 42.15.030 Buying, receiving, concealing, or disposing of stolen property, is amended to read:

42.15.030 Buying, receiving, concealing, or disposing of stolen property.

...

(d) Buying, receiving, concealing, or disposing of stolen property is a:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or

(B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—

~~42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 7. Amendment of Section. CBJ 42.15.040 Concealment of merchandise, is amended to read:

42.15.040 Concealment of merchandise.

...

(c) Concealment of merchandise is a:

(1) Class A misdemeanor if:

...

(B) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~ or

(C) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying,

~~receiving, concealing, or disposing of stolen property,~~ or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,

or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 8. Amendment of Section. CBJ 42.15.050 Retention of lost property, is amended to read:

CBJ 42.15.050 Retention of lost property.

...

(c) Retention of lost property is a ~~Class A misdemeanor~~:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ

42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 9. Amendment of Section. CBJ 42.15.060 Bad checks, is amended to read:

...

(d) Issuing a bad check is a:

(1) Class A misdemeanor if: ~~the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$1,000.00;~~

(A) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another

jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,

or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 10. Amendment of Section. CBJ 42.15.070 Theft of services, is amended to read:

42.15.070 Theft of services.

...

(c) Theft of service is a:

(1) Class A misdemeanor if

(A) The value of the service, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or

(B) The value of the service, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) ~~Fifteen~~ Five days of ~~active suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 11. Amendment of Section. CBJ 42.15.080 Theft by deception, is amended to read:

42.15.080 Theft by deception.

...

(c) Theft by deception is a: ~~Class A misdemeanor.~~

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00.

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ

42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or
 (C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 12. Amendment of Section. CBJ 42.15.085 Fraudulent use of an access device, is amended to read:

42.15.085 Fraudulent use of an access device.

...

(b) Fraudulent use of an access device is a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than \$750.00 ~~\$1,000.00~~.

Section 13. Amendment of Section. CBJ 72.10.015 Reckless driving, is amended to read:

72.10.015 Reckless driving.

(a) A person who drives a motor vehicle in the City and Borough in a manner which creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless driving, punishable by a fine of not more than \$1000.00 or by imprisonment for not more than

~~one year or by both, as a Class B misdemeanor.~~ A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

(b) In addition to the penalties set forth in subsection ~~(a) -01.40.010(b)~~, the sentence for a conviction of reckless driving may include immediate revocation of a driver's license in accordance with AS 28.15.181(a)(6).

(c) Lawfully conducted automobile, snowmobile, motorcycle, or other motor vehicle racing or exhibition events are not subject to the provisions of this section.

Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

CBJ Code	Charge	Classification ¹	A misdo or B misdo with qualifying priors. ² (See fns 1 and 2 below!) max penalty	B misdo max penalty 2 + priors	B misdo max penalty 1 prior	B misdo max penalty 0 priors
42.15.020	Larceny	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.025	Theft by failure to make required disposition of funds	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.030	Theft by receiving	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.040	Concealment of merchandise	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.050	Theft of lost/mislaid property	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.060	Bad check	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.070	Theft of services	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.080	Theft by deception	A: \$750 B: \$250	30 days	15 days	10 days	5 days
42.15.085	Fraudulent use of access device	A: \$750 B: \$250	30 days	15 days	10 days	5 days

¹ Under SB 54, there is a new statutory provision that allows a larceny related B misdo to be bumped to an A if the person has been convicted and sentenced on three or more priors. CBJ code only requires two prior convictions to bump up from a B to an A.

² Unless the prior was an A or Unclassified felony, the conviction must be no more than four years old (five or more years old and it doesn't count.)

CBJ Code	Charge	Classification	Max penalty
42.15.110	Criminal mischief	A: \$750 B: \$250	No change
42.05.110	VCOR ³	B misdo	Max penalty 5 days
72.10.065(d)(2)	DWOL ⁴	Infraction (for all)	Except for being expired less than one year (no change to \$75 fine) Penalty is up to \$300 MCA

³ JPD cannot charge VCOR under CBJ code until the code is amended. Please feel free to continue current remand practice and we'll take care of charging.

⁴ JPD can charge under CBJ DWOL but note that you can only charge as an infraction!

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

December 29, 2017

Via certified & regular mail
Jack D. and Arlene D. Tripp
216 Front Street
Juneau AK 99801

Re: Beverage Dispensary Liquor License Mid-Cycle Protest
Jack D. and Arlene D. Tripp d/b/a Viking Restaurant & Lounge License #2533

Dear Mr. and Ms. Tripp,

At its meeting of March 6, 2017, the CBJ Assembly waived its right to protest the renewal of your above liquor license for the 2017/2018 biennial cycle. The City and Borough of Juneau is currently in the process of our annual review of liquor license businesses within the community for compliance with CBJ Code for the continued operations of all liquor licenses. Alaska Statute section 04.11.480 provides the following with respect to protesting the continued operation of a liquor license during the second year of the biennial license period (*emphasis added*):

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.

As is our practice in these matters, the staff from the Fire, Finance, Police, Public Works, and Community Development Departments review each establishment to ensure compliance with city code. Both the Finance/Sales Tax Office and Public Works Utility Billing offices are recommending protest of the continued operation of this license due to unfiled sales tax returns for the periods July – November 2017 and the associated sales tax, penalties and interest owing,

December 29, 2017

Page 2 of 2

Letter to Jack & Arlene Tripp d/b/a Viking Restaurant & Lounge re: Mid-Cycle Liquor License Protest

as well as the amounts due associated with the utility accounts which are currently two months in arrears.

Please note that while payment plans are available and encouraged if you are unable to pay the full amounts due, entering into a payment plan, ie: Confession of Judgment and Stipulation, will not put the business in good standing with the CBJ for purposes of liquor license protest. Only when the all returns are filed and full payment of the outstanding balance, interest, and penalties are received, will the staff withdraw its recommendation to protest the license.

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will initially be considered at the Monday, January 8, 2018 Assembly Human Resources Committee (HRC) meeting at 6:00 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 7:00 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.

Copies of the CBJ Code and Alaska Statutes pertaining to the protest process are enclosed for your reference.

In the meantime, I would urge you to work with CBJ Sales Tax and Utility Billing staff to try to resolve the outstanding balances owing on your account. Sales Tax Administrator Clinton Singletary can be reached at 586-5265 and Utility Accounting Technician Suzanne Crabtree can be reached at 586-0898.

Sincerely,

Beth McEwen
Deputy Clerk

Enclosures

cc via email:

Assembly Human Resources Committee & Assembly
Liquor License Staff Reviewers

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).

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg_Chaney@ci.juneau.ak.us

TO: Assembly

FROM: Greg Chaney
Lands and Resources Manager 

SUBJECT: *Southeast Alaska Independent Living* request to lease the Eagle Valley Center Ropes Course, 24600 Amalga Harbor Road

DATE: December 28 2017

Authorization to Negotiate Leases

CBJ 53.09.260 Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, ... a ...business entity, may submit a written proposal to lease, ... City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, **whether by direct negotiation with the original proposer** or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land. (emphasis added)

Background

Tristan Knutson-Lombardo, Deputy Director of *Southeast Alaska Independent Living* (SAIL), has applied to lease the Ropes Course at the Eagle Valley Center which is a facility managed by the CBJ Parks and Recreation Department. (Attachment 1). The Eagle Valley Center is located at 24600 Amalga Harbor Road. For many years the facility was leased by the Southeast Alaska Guidance Association (SAGA) however since SAGA has left the site, the Ropes Course has not been regularly used and is in need of maintenance and upgrades. SAIL has requested an exclusive lease of the ropes course and plans to fund maintenance, upgrades including making the course more accessible for people with mobility restrictions.

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Since the Ropes Course was not advertised for general leasing, in order for SAIL to lease the property, the Assembly needs to determine if the proposed lease should be further considered by direct negotiation with the original proposer (SAIL) or seek invitations for additional proposals to lease the facility.

Parks and Recreation is planning to lease the Ropes Course for fair market value at a standard commercial rate that Parks uses to lease other similar facilities. No competing inquiries to lease the Ropes Course have been received by the Parks Department or Lands Division at this time.

Typically a proposal of this nature would have first been reviewed by the Lands Committee however due to the Lands Committee schedule, taking this topic to the Lands Committee would add at least a month to the review time. Considering that the decision to lease this facility is relatively straightforward, it was considered appropriate in this case to expedite the process and bring it directly to the Assembly. Completing this lease will make SAIL eligible for additional grant funding that will help support its mission.

Staff Recommendation:

The Assembly adopt a motion similar to the following:

The Assembly, authorizes staff to commence lease negotiations with *Southeast Alaska Independent Living* to lease the Eagle Valley Center Ropes Course.