

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

September 17, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-29

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. **Proclamation: Teacher Excellence Fund**
- B. **Special Recognition: Project Playground**

IV. APPROVAL OF MINUTES

- A. **August 27, 2018 Special Assembly Meeting No. 2018-26 Minutes**

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(AZ) An Ordinance Appropriating to the Manager the Sum of \$1,248,099 to Fund the City and Borough of Juneau's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$1,248,099 which is the State's FY18

3.01% on-behalf PERS benefit paid for CBJ. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB57 during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

- b. **Ordinance 2017-06(BA) An Ordinance Appropriating to the Manager the Sum of \$1,201,249 to Fund Bartlett Regional Hospital's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$1,201,249 which is the State's FY18 on-behalf rate of 3.01% for each FY18 employer payroll and 25.01% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of House Bill 57 (HB57) during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

- c. **Ordinance 2017-06(BB) An Ordinance Appropriating to the Manager the Sum of \$659,700 as Partial Funding for Various Departments' Fiscal Year 2018 Operating Budgets; Funding Provided by Sales Tax Revenue, and Docks' Revenue.**

The attached ordinance would appropriate \$659,700 for increases in FY18 operations among several CBJ departments. Funding is provided by the sales tax revenues exceeding budget, and Docks' revenues exceeding budget.

Parks & Recreation

Parks & Recreation anticipates exceeding its FY18 Assembly authorized spending authority by \$195,000. The need is due to a shortfall in revenue collected from the Pools & Centennial Hall and Parks/Landscape Maintenance exceeding expenditure authority. Funding will be provided by FY18 sales tax revenues exceeding budget.

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Docks

The supplemental request would increase the Docks Enterprise spending authority in FY18 by \$35,000. Funding will be provided by FY18

revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its August 30, 2018, regular board meeting.

Engineering

The Engineering Department is anticipating a \$15,300 shortfall due to allocating fewer costs to CIPs than projected in the FY18 operating budget. The anticipated funding for this increase is from sales tax revenues exceeding budget.

Community Development

CDD is anticipated to exceed its bottom line budget by \$30,200 in the current fiscal year. This shortfall is due to the \$80,000 less revenues coming in less than was anticipated, and expenditures were more than \$50,000 under the expenditure budget. The anticipated funding for this increase is sales tax revenues exceeding budget.

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Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of \$384,200 in the FY18 operating budget. This is due to ambulance billing shortfalls. The FY18 budgeted revenue was increased by \$330,000 (17%) from FY17 budget while actual billable activity was flat. The anticipated funding for this increase is sales tax revenues exceeding budget.

The Assembly Finance Committee reviewed this ordinance at its meeting on September 5, 2018.

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

- d. **Ordinance 2018-11(I) An Ordinance Appropriating to the Manager the Sum of \$5,000 as Funding for the Larry Carlson Memorial Bench at Overstreet Park; Donation Provided by the Late Larry Carlson's Wife, Shirley Carlson.**

This appropriation of \$5,000 from Mrs. Shirley Carlson to the Manager provides for the fabrication and installation of the Larry Carlson Memorial Bench at Overstreet Park.

The Public Works and Advisory Committee recommended this funding be approved during its meeting on August 6, 2018.

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

- e. **Ordinance 2018-11(K) An Ordinance Appropriating to the Manager the Sum of \$634,735 as Funding for the Juneau International Airport Design/Construct Terminal Reconstruction Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$634,735 to the Design/Construct Terminal Reconstruction Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

Local matching funds, and project elements that are determined to be ineligible for federal funding, will be funded with previously appropriated bond proceeds, sales tax, and Passenger Facility Charges.

This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

The Airport Board approved this action at its September 11, 2018, meeting,

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

- f. **Ordinance 2018-11(L) An Ordinance Appropriating to the Manager the Sum of \$529,688 as Funding for the Juneau International Airport Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.**

This ordinance would appropriate \$529,688 to the Snow Removal Equipment Building (SREB) Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to design the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage building and fueling station. Project funding is 93.75% FAA, 6.25% local. Local match is provided by sales tax previously appropriated to this CIP.

The Airport Board approved this action at its July 10, 2018, meeting,

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This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

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

- g. **Ordinance 2018-11(M) An Ordinance Appropriating to the Manager the Sum of \$9,985,312 as Funding for the Juneau International**

Airport Construct Sand/Chemical Building & Fueling Station Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$9,985,312 to the Construct Sand/Chemical Building & Fueling Station Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to construct the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage building and fueling station. Total project funding is 93.75% FAA, 6.25% local. Local match is provided by Passenger Facility Charges (PFC) recently appropriated to this CIP, as well as Airport CIP revolving funds that will be transferred temporarily until a PFC amendment is approved.

This project was approved by the Public Works and Facilities Committee at its August 6, 2018, meeting. The Airport Board approved this action at its August 14, 2018, meeting.

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

- h. **Ordinance 2018-11(N) An Ordinance Appropriating to the Manager the Sum of \$140,000 as Partial Funding for the Douglas Harbor Pile Anodes Capital Improvement Project; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.**

The Alaska Department of Transportation and Public Facilities has agreed to fund a \$140,000 FY19 Harbor Facilities Grant.

CBJ Docks & Harbors successfully submitted the grant application for installation of zinc anodes on the pilings in Mike Pusich Douglas Harbor which will extend the useful life of the facility. The Harbor Facilities Grant is a 50-50 match program and Docks & Harbors will match \$140,000 from Harbor Fund Balance to complete the project.

The Docks & Harbors Board recommended approval of this action at its August 30, 2018, meeting.

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

- i. **Ordinance 2018-11(O) An Ordinance Transferring \$30,945 of Unexpended FY18 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.**

This ordinance would transfer \$30,945 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY18 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY18 budget but were not fully expended by the end of FY18.

Franklin Dock Enterprises	\$ 8,013
Downtown Business Association	3,000
City Manager	6,120
Capital City Fire Rescue	<u>13,812</u>
Total	\$ 30,945

For accounting purposes, the funds will first be refunded to the Marine Passenger Fee Fund and then be transferred to the Open Space Waterfront Land Acquisition CIP.

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

j. **Ordinance 2018-44 An Ordinance Amending the Penal Code General Provisions Relating to Avoidance of Ignition Interlock Device.**

The CBJ has code provisions that require the use of an ignition interlock device upon a conviction for certain offenses. However, the CBJ does not have a code provision to penalize the failure to use an ignition interlock device when required. This ordinance would amend the penal code by creating a code section relating to avoidance of ignition interlock device, which is consistent with state law (AS 11.76.140 and AS 12.55.102).

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

k. **Ordinance 2018-45 An Ordinance Amending the Traffic Code Relating to Duties and Responsibilities of Drivers and Others.**

This ordinance would amend the traffic code by making the code sections relating to duty of an operator to give information and render assistance consistent with State law (AS 28.35.050 and AS 28.35.060), and by making the penalties to be imposed consistent with State law.

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

2. Resolutions

a. **Resolution 2832 Authorizing the Manager to Execute a Utility Easement with Rainforest Telecom, Inc. across City and Borough Property.**

The Manager received an application requesting a utility easement across a fraction of Lot 1, U.S. Survey 3810 from Rainforest Telecom, Inc. for power and communications cables servicing a communications tower which is located on the adjacent Forest Service property. This utility easement would start across from the Auke Bay Ferry terminal near 13445 Glacier Highway.

The Lands Committee, at its meeting on August 27, 2018, unanimously passed a motion of support for the Assembly to grant this easement. At the June 12, 2018 meeting the Planning Commission recommended that the CBJ Assembly approve the easement.

This easement has a term of 20 years and will automatically terminate on June 30, 2038. Grantee shall have the option to renew the easement for up to one additional ten-year renewal period. An appraisal was complete on July 8, 2018 and Rainforest Telecom has agreed to pay the City and Borough \$500.00 per year. The fee will be adjusted every five years based on the Anchorage Consumer Price Index.

The City Manager recommends this resolution be adopted.

b. **Resolution 2833 A Resolution Celebrating the Installation of Bronze House Posts and Juneau's Multi-Cultural History and Naming of Heritage Square.**

The Sealaska Heritage Institute (SHI) recently installed three bronze house posts at the corner of Front and Seward Streets. The installation continues SHI's progress toward developing Juneau as the center of Pacific Northwest Coast Arts.

The house posts are located in front of SHI's Walter Soboleff Building and across the street from the planned Native arts campus.

The intersection of Front and Seward Streets represents the symbolic center of Juneau's cultural, historical and economic fabric, located near the Capitol, the Sealaska Corporation and Heritage Institute, City Hall, the downtown business district and the cruise ship docks and is on the original shoreline.

After consulting with SHI officials, the Mayor requested that a resolution designating the area as Heritage Square, be drafted and scheduled for Assembly action.

The City Manager recommends this resolution be adopted.

c. **Resolution 2834 A Resolution Approving the Juneau International**

Airport Sustainability Master Plan.

The Juneau International Airport Sustainability Master Plan develops a framework for future airport development based on forecasted aviation demand, while considering environmental and socioeconomic impacts. The draft plan went out for public comment from March through May 2018. The FAA approved the aviation forecast and completed its review in August. This plan reviews, revises and reprioritizes the existing master plan with the added sustainability components for the next 20 years.

Major elements of the plan include:

- Existing Conditions: Current and Historical Activity, Environmental Conditions and Community Demographics
- Sustainability Focus: Economic Viability, Operational Efficiency, Environmental and Social Responsibility
- Forecast of Aviation Demand: Passengers, Aircraft Operations, Mail and Cargo
- Facility Requirements: Terminal and Gates, Hangar Development, Airfield/Runway Capacity and Use, Protection of Airspace, Aircraft Rescue/Fire Fighting and Aviation/Airport Support Services
- FAA Requirements/Criteria (Safety, Runway Incursion Mitigation)
- Airport Layout Plan: Planned Development of the Airport
- Financial Implementation Plan: Capital Improvement Program

The final draft of the plan, which would be adopted by this resolution, may be found at the Airport's website.

The City Manager recommends this resolution be adopted.

d. **Resolution 2835 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.**

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$11 million in harbor grant funding since the program's inception. CBJ was recently notified of a \$140,000 Tier II grant for zinc anode installation at Douglas Harbor.

Docks & Harbors has submitted applications this year for \$2,000,000 for the next phase of Aurora Harbor and \$120,000 for installation of zinc anodes in Harris Harbor. The CBJ and the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage and the City of Angoon have offered to contribute \$7,409,439 in local match funding for FY2020 towards seven harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its special board

meeting on September 10, and has recommended forwarding it to the full Assembly for approval.
The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Docks & Harbors Bid Award**

This project would clean, prepare, and apply new corrosion protecting coating to the steel sheet pile wall adjacent to Marine Park on the water side. Installation of the protective coating will complete a series of projects to protect the steel pilings and sheet pile wall of the downtown docks.

A public bid opening was held on August 30, 2018. The bidders and their total bids were as follows:

Bidders	Total Bid
Purcell P&C LLC	\$260,000.00
Dama Industrial LLC	\$374,074.00
Engineer's Estimate	\$192,000.00

The Docks and Harbors Board reviewed the bids at its regular public board meeting on August 30, 2018 and recommended the Assembly approve the bid from Purcell P&C, LLC.

The City Manager recommends the total bid be awarded to Purcell P&C, LLC in the amount of \$260,000.

4. Liquor License

a. **New Liquor License, Restaurant Eating Place L.L., AMCO License #5706, Canton Asian Bistro, LLC., DBA Canton Asian Bistro, located at: 8585 Old Dairy Road #105, Juneau**

Staff from the Police, Finance, Fire, Public Works (Utilities) and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest this new license application. Copies of the documents associated with this license are in the Assembly's e-packet or available in hard copy upon request to the Clerk's Office.

The City Manager recommends the Assembly waive its right to protest AMCO license 5706 liquor license application.

5. Other Items for consent

a. **AMCO Marijuana License Applications-NEW**

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license applications [Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office]:

- ***Retail Marijuana Store, License #16213, Alaskan Kush Company LLC, DBA Alaskan Kush Company, located at: 159 S. Franklin St., Juneau***
(The 60-day comment period for local governing body action expires Sunday, September 30, 2018.)
- ***Retail Marijuana Store, License #15246, Borealis Mountain, Inc., DBA Thunder Cloud 9 located at: 5310 Commercial Blvd 2B, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)
- ***Standard Marijuana Cultivation Facility, License #15245, North Star Gardens, Inc., DBA North Star Gardens, located at: 5310 Commercial Blvd 2A, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 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 its right to an informal hearing before the Assembly.

As to CDD's recommendations; although Alaskan Kush Company, LLC, does not yet have a local license, CDD recommends allowing the applicant to move forward to obtain their state license and although Borealis Mountain, Inc. dba: Thunder Cloud 9, does not yet have a local license or conditional use permit, CDD recommends allowing the applicant to move forward to obtain their state license. However, neither entity will be allowed to operate in the borough until city requirements are met.

The City Manager recommends the Assembly waive its right to

**protest the issuance of the following AMCO marijuana licenses:
License #16213, License #15246, and License #15245.**

b. AMCO Marijuana License-RENEWALS

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal applications [*Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office*]:

- ***Renewal License, Standard Marijuana Cultivation Facility, License #11605, Always Redeye LLC, DBA Stoned Salmon Farms, located at: 2005 Anka Street, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 13, 2018.)
- ***Renewal License, Retail Marijuana Store, License #13217, ForgetMeNot Enterprises, Inc., DBA Glacier Valley Shop, located at: 8505 Old Dairy Road Suite 1, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #13221, ForgetMeNot Enterprises, Inc., DBA Green Valley Enterprises, located at: 8505 Old Dairy Road Suite 2, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Marijuana Product Manufacturing Facility, License #13222, ForgetMeNot Enterprises, Inc., DBA Southeast Essentials, located at: 8505 Old Dairy Road Suite 3, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #10026, Rainforest Farms LLC., located at: 5763 Glacier Hwy., Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)
- ***Renewal License, Retail Marijuana Store, License #10050, Rainforest Farms LLC, located at: 216 2nd Street, Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development

departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 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 its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the renewal of the following AMCO marijuana licenses: License #11605, License #13217, License #13221, License #13222, License #10026 and License #10050.

6. Transfers

a. **A Transfer Request of \$90,000 from the Cruise Ship Uplands Staging Area Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.**

The request is to transfer \$90,000 to an existing CIP account to allow the completion of a three phased project providing corrosion protection of key components of the downtown dock facilities. Phase III of the project will provide new corrosion protective coatings to the steel sheet pile wall waterside of Marine Park.

The low bid for the project was \$260,000. The existing account (H51-104) currently has \$240,342.71. The requested \$90,000 would cover the bid amount plus engineering services for construction administration and inspection; project contingency; and staff times to manage the project.

If the transfer is approved account H51-104 would have sufficient funds to complete the project and account H51-114 would be closed.

The Docks and Harbors Board recommended the Assembly approve this transfer request at a special Docks and Harbors Board meeting on September 10, 2018. The Chair of the Public Works & Facilities Committee was consulted and concurred with staff recommendation to forgo the PWFC process to expedite the project award.

The City Manager recommends this transfer be approved.

VIII PUBLIC HEARING

A. **Ordinance 2018-11(J) An Ordinance Appropriating to the Manager the Sum of \$1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC);**

Funding Provided by the Sales Tax Fund's Fund Balance, the Tobacco Tax Fund's Fund Balance and the General Fund's Fund Balance.

This funding is to provide match for the Alaska Housing Finance Corporation's FY2019 Special Purpose GOAL Round Notice of Funding Availability (NOFA) for supportive housing, issued May 24, 2018, with applications due on October 5, 2018. This funding opportunity was not anticipated and has a tight timeline for applications. This NOFA will provide grants, zero interest loans, tax credits and rental assistance to successful respondents who will acquire, rehabilitate, construct, or otherwise expand housing opportunities for Alaskans who have few, if any, housing options due to chronic homelessness, disability and/or histories that present barriers to accessing mainstream housing. These populations must require intensive support service delivery needs, though this is not a program to provide treatment or correctional facilities. The original Phase 2 request from Housing First included a \$1.5 million grant and a \$2.7 million loan. Based on experience from the first phase, the Assembly opted to provide a grant.

This ordinance was requested by the Assembly Committee of the Whole at its meeting on August 9, 2018.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2017-06(AY) An Ordinance Appropriating to the Manager the Sum of Up to \$16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).**

The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff to cover the cost of rent to operate the CBJ Cold Weather Emergency Shelter program from Dec. 1, 2017 to April 15, 2018. Total rental costs for this time period were \$16,425 which is the amount covered by the grant.

The City Manager recommends this ordinance be adopted.

- C. Ordinance 2018-11(H) An Ordinance Appropriating to the Manager the Sum of \$74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.**

Various community members and organizations are donating \$74,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to CBJ. These donated funds will be appropriated into the Playground Rebuild Capital Improvement Project, P41-095. The Public Works & Facilities Committee forwarded this request to the full Assembly at its August 6, 2018, regular meeting.

The City Manager recommends this ordinance be adopted.

- D. Ordinance 2018-38(b) An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.**

Alaska Statute 29.35.148(b) was recently amended by SB14 to allow municipalities the ability to require transportation network companies (TNCs) to collect and pay the municipal sales tax on behalf of transportation network company drivers. SB14 was needed due to the low level of compliance by individual drivers in registering with municipal sales tax offices and remitting municipal sales tax. Consistent with SB14, this ordinance would update the CBJ sales tax code so that TNCs are held to the same filing and remittance requirements that the TNC drivers and other sellers are normally held to.

After introduction at the July 23, 2018, Assembly meeting, CBJ staff had multiple discussions with the two TNCs that are currently operating in Juneau. Numerous questions were raised and generally resolved during these discussions. Only one topic resulted in a suggested amendment to the original ordinance.

In version (b) of the ordinance, CBJ staff no longer believes a sentence in CBJ 69.05.070(a), page 5 line 24 through page 6 line 2, is currently necessary. The sentence is now denoted with strikethrough and underlining. The sentence was initially proposed to require a TNC to submit the names and addresses of its drivers to the CBJ. Both TNCs expressed concern that this requirement would pose a direct conflict with their disclosure limitations in the contracts with the TNC drivers but the TNCs are able to require their drivers to register with the CBJ tax office before being eligible to drive for the TNC. Given the self-imposed enforcement assurances and the other amendments in this ordinance, CBJ staff believes the suggested amendment in version (b) deleting a sentence is reasonable. If version (b) is adopted and sales tax compliance with TNC drivers is still low, a subsequent ordinance could be considered that imposes more reporting requirements.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. Request for Reconsideration of Assembly Decision re: Tom Williams vs. Airport Board, Appeal 2018-04

Mr. Williams filed an appeal of an Airport Board vote. On August 13, the Assembly decided not to accept the appeal. At the Special Assembly meeting on August 20, Mr. Williams petitioned the Assembly to reconsider its decision pursuant to the CBJ Appellate Code, 01.50.180. On August 24, the Municipal Clerk formally notified Mr. Williams of the Assembly's August 13 decision and notified Mr. Williams that his petition for reconsideration would be placed on the Assembly's September 17 meeting agenda.

The Assembly may reconsider its August 13 decision. As stated in 01.50.180(a), "Unless granted by an affirmative vote of the appeal agency, the petition for reconsideration is deemed denied."

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

X. NEW BUSINESS

A. Margaret Tharp and David Lendrum's Request to Purchase CBJ Property: Lot 3, Bonnie Subdivision, USS 2392.

The Lands Committee discussed this topic at its meeting on August 6, 2018, and unanimously adopted the following motion:

The Lands Committee recommends that the Assembly work with the original applicants (Margaret Tharp and David Lendrum) to dispose of this CBJ property in a manner that would result in platting a 60-foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

The City Manager requests a motion authorizing him to work with the original proposer.

B. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Applications

The Assessor received the two below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption applications which are being forwarded to the Assembly for consideration. The action required by the Assembly is to determine whether or not the late-filed tax assessment appeal will be heard. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

2018 Senior Citizen/Disabled Veteran Exemptions

- | | | |
|----|----------------------------|--------------------------|
| 1) | Applicant: Evelyn E. Myers | Parcel ID: 5B2101060010 |
| | Physical Address: | 2911 Linda Ave., Juneau |
| | Legal Description: | Green Acres 3 Lt. 13 |
| 2) | Applicant: Jeffery Martin | Parcel ID: 5B1401040061 |
| | Physical Address: | 6907 Sunny Drive, Juneau |
| | Legal Description: | Sunny Way Lt. 4B |

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word “unable” does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner’s control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor’s office.

If the Assembly decides to accept one or more late-filed appeals, those assessment appeals will be referred to the Assessor for review and action.

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

- A. Contract Negotiations

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

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

Meeting Minutes - August 27, 2018

I. CALL TO ORDER / ROLL CALL

MEETING NO. 2018-26: The Special Meeting of the City and Borough of Juneau Assembly, held in Conference Room 224 of the Municipal Building, was called to order at 6:54 p.m. by Mayor Ken Koelsch.

Assemblymembers Present: Mayor Ken Koelsch, Deputy Mayor Jerry Nankervis, Maria Gladziszewski, Mary Becker, Jesse Kiehl, Loren Jones, and Rob Edwardson

Members Absent: None

Staff Present: Deputy Clerk Diane Cathcart

II. AGENDA TOPICS

A. Board Appointment for the Docks and Harbors Board

The Full Assembly sitting as the Human Resources Committee (HRC) will be interviewing applicants for the Docks & Harbors Board at a meeting immediately preceding this Special Assembly meeting. The HRC will forward its recommendation to the Assembly for appointment to the following seat:

Docks & Harbors Board: One (1) seat for a full term beginning immediately and expiring June 30, 2019.

The City Manager has no recommendation regarding this appointment.

MOTION: by Ms. Gladziszewski for the Assembly to appoint Bernard (Bob) Wostmann to the vacant Docks and Harbors Board seat for a term beginning immediately and ending on June 30, 2019. *Hearing no objections, the motion carries.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 7:02 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

Presented by: The Manager
 Introduced: Sept. 17, 2018
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(AZ)

An Ordinance Appropriating to the Manager the Sum of \$1,248,099 to Fund the City and Borough of Juneau's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of 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 \$1,248,099 to fund the City and Borough of Juneau's fiscal year 2018 Public Employee Retirement System contribution distributed as follows:

General Fund:

Mayor & Assembly	\$ 394
Law	33,697
Manager's Office	29,035
Clerk's Office	6,326
Management Information Systems	36,994
Libraries	46,000
Human Resources	15,080
Community Development	52,487
General Engineering	48,736
Building Maintenance	29,051
Finance	96,610
Arboretum	2,607
Parks and Landscape	<u>7,695</u>
Total General Fund	<u>\$ 404,715</u>

Special Revenue Funds:

Capital Transit	\$ 86,504
Lands and Resources	8,214
Eaglecrest Ski Area	15,163
Streets	50,466
Parks and Recreation	66,400
Police	228,851
Capital City Fire	129,513
Visitor Services	<u>10,537</u>
Total Special Revenue Funds	<u>\$ 595,648</u>

Enterprise Funds:

Airport	\$ 63,824
Bartlett Regional Hospital	123
Harbors	29,740
Docks	27,674
Water	27,738
Wastewater	68,694
Waste Management	<u>4,192</u>
Total Enterprise Funds	<u>\$ 221,985</u>

Internal Service Funds:

Public Works Fleet	\$ 14,142
Self-Insurance	<u>11,612</u>
Total Internal Service Funds	<u>\$ 27,754</u>

Total Appropriation **\$ 1,248,099**

Section 3. Source of Funds

Alaska Department of Administration	\$ 1,248,099
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ____ day of _____ , 2018

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(BA)

An Ordinance Appropriating to the Manager the Sum of \$1,201,249, to Fund Bartlett Regional Hospital's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of 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 \$1,201,249 to fund Bartlett Regional Hospital's fiscal year 2018 Public Employee Retirement System contribution.

Section 3. Source of Funds

Alaska Department of Administration	\$ 1,201,249
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ___ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: Sept. 17, 2018
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(BB)

An Ordinance Appropriating to the Manager the Sum of \$659,700 as Partial Funding for Various Departments' Fiscal Year 2018 Operating Budgets; Funding Provided by Sales Tax Revenue, and Docks' 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 \$659,700 for the following Departments' Fiscal Year 2018 operating budgets:

<u>Department</u>	<u>Amount</u>
Docks	\$35,000
Capital City Fire and Rescue (CCFR)	384,200
Community Development (CDD)	30,200
Engineering	15,300
Parks & Recreation	<u>195,000</u>
Total	\$659,700

Section 3. Source of Funds

<u>Department</u>	<u>Source of Funds</u>	<u>Amount</u>
Docks	FY18 Revenues Exceeding Budget	\$35,000
CCFR	Sales Tax Revenues Exceeding Budget	384,200
CDD	Sales Tax Revenues Exceeding Budget	30,200
Engineering	Sales Tax Revenues Exceeding Budget	15,300
Parks & Recreation	Sales Tax Revenues Exceeding Budget	<u>195,000</u>
Total		\$659,700

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(I)

An Ordinance Appropriating to the Manager the Sum of \$5,000 as Funding for the Larry Carlson Memorial Bench at Overstreet Park; Donation Provided by the Late Larry Carlson's Wife, Shirley Carlson.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$5,000 for the fabrication and installation of the new Larry Carlson Memorial Bench at Overstreet Park.

Section 3. Source of Funds

Donation from Shirley Carlson : \$5,000

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: September 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(K)

An Ordinance Appropriating to the Manager the Sum of \$634,735 as Funding for the Juneau International Airport Design/Construct Terminal Reconstruction 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 \$634,735 as Funding for the Juneau International Airport Design/Construct Terminal Reconstruction Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration: \$ 634,735

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: September 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(L)

An Ordinance Appropriating to the Manager the Sum of \$529,688 as Funding for the Juneau International Airport 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 \$529,688 as Funding for the Juneau International Airport Snow Removal Equipment Building Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration: \$529,688

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: September 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(M)

An Ordinance Appropriating to the Manager the Sum of \$9,985,312 as Funding for the Juneau International Airport Construct Sand/Chemical Building & Fueling Station 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 \$9,985,312 as Funding for the Juneau International Airport Construct Sand/Chemical Building & Fueling Station Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration: \$ 9,985,312

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: September 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(N)

An Ordinance Appropriating to the Manager the Sum of \$140,000 as Partial Funding for the Douglas Harbor Pile Anodes Capital Improvement Project; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$140,000 as Grant Funding for the Douglas Harbor Pile Anodes Capital Improvement Project.

Section 3. Source of Funds

State of Alaska, Dept. of Transportation & Public Facilities: \$ 140,000

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(O)

An Ordinance Transferring \$30,945 of Unexpended FY18 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

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 \$30,945 as Funding for the Open Space Waterfront Land Acquisition Capital Improvement Project.

Section 3. Source of Funds. Unexpended Marine Passenger Fee funds that were transferred to:

General Fund	\$30,945
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-44

An Ordinance Amending the Penal Code General Provisions Relating to Avoidance of Ignition Interlock Device.

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

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

Section 2. Amendment of Chapter. Chapter 42.05 General Provisions, is amended by adding a new section to read:

42.05.120 Avoidance of ignition interlock device.

(a) A person commits the crime of avoidance of ignition interlock device if the person knowingly

(1) circumvents or tampers with an ignition interlock device in a manner intended to allow a person on probation under section 01.40.070, with a condition of sentence under section 01.40.070 or another section, or who has an ignition interlock limited license to avoid using the device;

(2) rents a motor vehicle to a person and with criminal negligence disregards the fact that the person is on probation under section 01.40.070, has a condition of sentence under

section 01.40.070 or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in section 01.40.070; or

(3) loans a motor vehicle to a person and knowingly disregards the fact that the person is on probation under section 01.40.070, has a condition of sentence under section 01.40.070 or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in section 01.40.070.

(b) Avoidance of ignition interlock device

(1) under (a)(1) of this section is a class A misdemeanor;

(2) under (a)(2) or (3) of this section is a class B misdemeanor and is punishable by a term of imprisonment of not more than 30 days and a fine of not more than \$500.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-45

An Ordinance Amending the Traffic Code Relating to Duties and Responsibilities of Drivers and Others.

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 72.10.030 Duty of operator to give information and render assistance, is amended to read:

72.10.030 Duty of operator to give information and render assistance.

(a) The operator of a vehicle involved in an accident resulting in injury to or death of a person or damage to a vehicle that is driven or attended by a person shall give the operator's name, address and vehicle license number to the person struck or injured, or the operator or occupant, or the person attending, and the vehicle collided with and shall render to any person injured reasonable assistance, including making of arrangements for attendance upon the person by a physician and transportation, in a manner that will not cause further injury, to a hospital for medical treatment if it is apparent that treatment is desirable. Under no circumstances is the giving of assistance or other compliance with the provisions of this subsection evidence of the liability of an operator for the accident.

1
2 (b) The operator of a vehicle involved in an accident resulting only in damage to a vehicle that is
3 unattended shall immediately stop at the scene of the accident and undertake reasonable means
4 and efforts to locate and notify the operator or owner of the damaged unattended vehicle of the
5 name and address of the operator and owner of the vehicle striking the unattended vehicle. If the
6 operator or owner of the unattended vehicle cannot be located then the operator shall leave in a
7 conspicuous place in or upon the unattended vehicle, a writing stating the name and address of
8 the operator and of the owner of the vehicle that struck the unattended vehicle and setting forth a
9 statement of the circumstances of the accident.
10

11
12 ~~(b)(c) Except as provided in subsection (c) of this section, a~~ A person who fails to comply with
13 any of the requirements of this section is, upon conviction, punishable by imprisonment for not
14 more than one year or by a fine of not more than \$500.00, or both. This provision does not apply
15 to a person incapacitated by the accident to the extent that the person is physically incapable of
16 complying with the requirement.

17 ~~(c) — A person who fails to comply with a requirement of this section regarding assisting an~~
18 ~~injured person is, upon conviction, punishable by imprisonment for not more than ten years or~~
19 ~~by a fine of not more than \$10,000.00, or both. This provision does not apply to a person~~
20 ~~incapacitated by the accident to the extent that the person is physically incapable of complying~~
21 ~~with the requirement.~~
22
23
24
25

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2832

**A Resolution Authorizing the Manager to Execute a Utility Easement
with Rainforest Telecom, Inc. across City and Borough Property.**

WHEREAS, the Manager received an application from Rainforest Telecom, Inc. requesting a utility easement across a fraction of Lot 1, U.S. Survey 3810, for power and communications cables servicing a communications tower which is located on the adjacent U.S. Forest Service property; and

WHEREAS, Rainforest Telecom, Inc. has applied for and received an easement from the U.S. Forest Service for the power and communications cable through their adjacent property for a twenty-year term; and

WHEREAS, Rainforest Telecom, Inc. owns and operates a communications tower on U.S. Forest Service property which is currently using solar and propane powered generators; and

WHEREAS, at its June 12, 2018 meeting the Planning Commission recommended that the Assembly approve the easement to locate a power and communication cable across City and Borough property described as a fraction of Lot 1, U.S. Survey 3810; and

WHEREAS, the Lands Committee, at its meeting on August 27, 2018, unanimously passed a motion of support for the Assembly to grant this easement across City and Borough property; and

WHEREAS, an appraisal was completed on July 8, 2018, and Rainforest Telecom, Inc. has agreed to pay the City and Borough \$500.00 per year with the fee to be adjusted every five years based on the Anchorage Consumer Price Index.

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

Section 1. Authorization. The Manager is authorized to negotiate and execute a utility easement substantially similar to Exhibit A. The easement shall be subject to the essential terms and conditions outlined in Section 2 below.

Section 2. Terms and Conditions.

- 1) The grant of the easement is solely for power and communications purposes serving the communications tower located on U.S. Forest Service property.
- 2) This easement has a term of twenty years and will automatically terminate on June 30, 2038. Grantee shall have the option to renew the easement for up to one additional ten-year renewal period.
- 3) The easement is not exclusive, and the City and Borough reserves the right of public pedestrian access along the easement.
- 4) Rainforest Telecom, Inc. (Grantee) is responsible for any necessary construction and is responsible for any and all maintenance within the easement area.
- 5) The Grantee shall provide the City and Borough with as-built drawings showing the final location of the easement within 60 days of installation being completed.
- 6) The fair market value of the easement is \$500.00 per year with the fee to be adjusted every five years based on the Anchorage Consumer Price Index.
- 7) The Manager may include other terms and conditions deemed to be in the public interest.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Rainforest Telecom, Inc. Utility Easement

PART I. PARTIES. This Easement is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska, hereafter “CBJ,” and Rainforest Telecom, Inc., a business corporation in the State of Alaska, hereafter “Grantee”.

PART II. ADMINISTRATION. All communications about this easement shall be directed as follows, and any reliance on a communication with a person other than that listed below is at the party’s own risk.

Grantor (CBJ): City and Borough of Juneau Attn: Lands and Resources Manager 155 S. Seward Street Juneau, Alaska 99801 Phone: (907) 586-5252; Fax: (907) 586-5385 Email: Lands_Office@juneau.org	Grantee: Rainforest Telecom, Inc. Attn: Wade McKeown, President Address: 3031 Clinton Dr., Suite 102 Juneau, AK 99801 Phone: (907) 523-2410 Email: wade@rainforesttelecom.com
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PART III. DESCRIPTION. This easement is identified as the Rainforest Telecom, Inc. Utility Easement. The following appendices are attached and are considered a part of this agreement as well as anything incorporated by reference or attached to those appendices.
Appendix A: Easement Description & Additional Easement Provisions

PART IV. EXECUTION. The CBJ and Grantee agree and sign below. This is not effective until signed by the CBJ.

Grantor:
CITY AND BOROUGH OF JUNEAU

Date: _____
By: _____
Duncan Rorie Watt, Manager
City and Borough of Juneau

Approved as to content, Lands & Resources	By: _____
Approved as to form, Law Department	By: _____

CITY AND BOROUGH OF JUNEAU ACKNOWLEDGEMENT	
STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)
<p>THIS IS TO CERTIFY that on the ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared DUNCAN RORIE WATT to me known to be the identical individual described in and who executed the foregoing instrument as the City and Borough Manager of the CITY AND BOROUGH OF JUNEAU, ALASKA, a municipal corporation which executed the above and foregoing instrument; who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.</p> <p>WITNESS my hand and official seal the day and year in the certificate first above written.</p> <div><div>(Seal)</div><div><div>_____ Notary Public for the State of Alaska My Commission Expires: _____</div></div></div>	

Grantee: RAINFOREST TELECOM, INC.

Date: _____
By: _____
Wade McKeown, President
Rainforest Telecom, Inc.

GRANTEE ACKNOWLEDGEMENT	
STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)
<p>THIS IS TO CERTIFY that on the ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared WADE MCKEOWN to me known to be the identical individual described in and who executed the foregoing instrument as the President of RAINFOREST TELECOM, INC., a business corporation which executed the above and foregoing instrument; who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.</p> <p>WITNESS my hand and official seal the day and year in the certificate first above written.</p> <div><div>(Seal)</div><div>_____ Notary Public for the State of Alaska My Commission Expires: _____</div></div>	

APPENDIX A: EASEMENT DESCRIPTION & SPECIFIC EASEMENT PROVISIONS

For the consideration herein, the parties agree to the following easement terms and conditions:

I. EASEMENT LOCATION

Grantor (CBJ) hereby conveys, subject to existing rights, a non-exclusive power and communications cable easement appurtenant across a fraction of Lot 1, U.S. Survey 3810, Juneau Recording District, First Judicial District, State of Alaska. The easement is generally depicted in Attachment 1. The Grantee shall provide the City and Borough with an as-built survey showing the final location of the easement within 60 days of installation being completed.

II. AUTHORITY

This easement is entered into pursuant to the authority of the City and Borough of Juneau Code section 53.09.300 and Resolution No. 2832.

III. TERM

This easement has a term of 20 years and will automatically terminate on June 30, 2038. Grantee shall have the option to renew the easement for up to one additional ten-year renewal period.

IV. PAYMENT

Grantee shall make payment annually in advance. Payment is due at signing and annually thereafter on or before June 30th for the upcoming fiscal year. During the term and all renewal periods, the payment will be adjusted every five years based on the Anchorage Consumer Price Index.

For the first five-year period, the annual payment is \$500.00.

V. REVOCATION

The easement is revocable if the Grantee, or its successors and assigns, use the easement for purposes other than described in this instrument or if the Grantee, or its successors and assigns, abandons the easement for a period of more than five years. The CBJ shall provide Grantee written notice of revocation 30 days prior.

VI. AUTHORIZED USE

The easement is for the sole purpose of constructing, using, and maintaining a power and communications cable through the CBJ property to serve the communication tower located on the adjacent U.S. Forest Service Property. Upon termination of the easement, Grantee shall remove all related improvements associated with this easement.

VII. ADDITIONAL PROVISIONS

(a) **Non-Exclusivity.** This easement is not exclusive. The CBJ may grant other overlapping easements or uses.

(b) **Construction and Maintenance.** Grantee is solely responsible for any necessary construction and is responsible for any and all related maintenance within the easement area.

(c) **Pedestrian Access.** The CBJ reserves for the benefit of the public pedestrian access through, along, and across the easement.

(d) **Permitting.** The Grantee shall obtain all authorizations and permits required, if any.

(e) **Indemnification.** The Grantee—its heirs, beneficiaries, successors, and assigns— agrees to defend, indemnify, and hold harmless CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to this easement, without limitation as to the amount of fees, and without limitation as to any damages, cost or expense resulting from settlement, judgment, or verdict, and includes the award of any attorneys' fees even if in excess of Alaska Civil Rule 82. This indemnification agreement applies to the fullest extent permitted by law and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against CBJ relating to this easement. The obligations of Grantee arise immediately upon actual or constructive notice of any action, claim, or lawsuit. CBJ shall notify Grantee in a timely manner of the need for indemnification, but such notice is not a condition precedent to Grantee's obligations and is waived where the Grantee has actual notice.

(g) **Governing Law.** The laws of the State of Alaska shall govern this agreement. The venue for any proceedings brought by either party to enforce the terms of this agreement shall be in the First Judicial District at Juneau, Alaska.

(h) **Integration and Modification.** This agreement, including all appendices, exhibits, and references, constitutes the entire agreement between parties. Any modification, amendment, or waiver of any provisions of this agreement shall not be effective, unless it is mutually agreed to in writing and signed by both parties.



Attachment 1

Presented by: The Manager
Introduced:
Drafted by: The Manager

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2833

A Resolution Celebrating the Installation of Bronze House Posts and Juneau's Multi-Cultural History and Naming of Heritage Square.

WHEREAS, the Tlingit, Haida, and Tsimshian people were the first inhabitants of Southeast Alaska; and

WHEREAS, the Tlingit people were instrumental in the founding of the city of Juneau; and

WHEREAS, the intersection of Front Street and Seward Street is bounded on its northwest corner by the Sealaska Corporation's building; and

WHEREAS, the Sealaska Corporation is the regional Alaska Native corporation for Southeast Alaska; and

WHEREAS, the intersection of Front Street and Seward Street is bounded on its northeast corner by the Walter Soboleff Building, home to the Sealaska Heritage Institute (SHI); and

WHEREAS, the Sealaska Heritage Institute is a private, nonprofit organization, founded in 1980 to perpetuate and enhance Tlingit, Haida, and Tsimshian cultures of Southeast Alaska. Its goal is to promote cultural diversity and cross-cultural understanding through public services and events. The Sealaska Heritage Institute also conducts social, scientific and public policy research that promotes Alaska Native arts, cultures, history, and education statewide. The Institute is governed by a Board of Trustees and guided by a Council of Traditional Scholars, a Native Artist Committee, and a Southeast Regional Language Committee; and

WHEREAS, SHI recently permanently installed three bronze house posts created by Tlingit artist Stephen Jackson, Haida artist TJ Young, and Tsimshian artist David R. Boxley on the corner of Front and Seward Streets in August, 2018; and

WHEREAS, the house posts, crafted by emerging master artists, were carved in the traditional material of wood and then cast in a contemporary material (bronze). They demonstrate that the Tlingit, Haida, and Tsimshian cultures and art are alive, thriving, and evolving through younger generations; and

WHEREAS, the intersection of Front and Seward Streets represents the symbolic center of Juneau's cultural, historical and economic fabric, located near the Capitol, the Sealaska Corporation and Heritage Institute, City Hall, the downtown business district and the cruise ship docks and is on Juneau's original shoreline.

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

Section 1. The intersection of Seward Street and Front Street in downtown Juneau shall henceforth and forever be known as "Heritage Square" in honor of the many economic, civic, and cultural contributions of all people in Juneau.

Section 2. The City Manager shall provide appropriate signs to mark the location of Heritage Square, and shall ensure that CBJ maps and other printed materials note its existence to the same extent as they note similar features.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2834

A Resolution Approving the Juneau International Airport Sustainability Master Plan.

WHEREAS, pursuant to CBJ 05.01.050, the Airport Board has, upon public notice and with public participation, prepared the Juneau International Airport (JIA) Sustainability Master Plan; and

WHEREAS, at its meeting on September 11, 2018, the Airport Board unanimously passed a motion of support for the JIA Sustainability Master Plan; and

WHEREAS, the Assembly has reviewed the JIA Sustainability Master Plan and supports the policy and direction contained therein.

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

Section 1. Pursuant to CBJ 05.01.050 the Assembly approves the Juneau International Airport Sustainability Master Plan, dated August, 2018.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2835

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

WHEREAS, a majority of the public boat harbors in Alaska were constructed by the State during the 1960s and 1970s; and

WHEREAS, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these harbor facilities are ports of refuge and areas for protection of oceangoing vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

WHEREAS, over the past 30 years, the State of Alaska has transferred ownership of most of these state-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, the municipalities accepted ownership from the State of Alaska despite knowing that the harbor facilities were in poor condition at the time of transfer due to the State's failure to keep up with deferred maintenance; and

WHEREAS, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Harbor Facility Grant Program, AS 29.60.800; and

WHEREAS, the Department of Transportation and Public Facilities administers this program by reviewing, scoring, and ranking applicants seeking the limited state funds; and

WHEREAS, for each harbor facility grant application, the municipalities have committed to invest 100 percent of the design and permitting costs and 50 percent of the construction cost; and

WHEREAS, the City and Borough of Juneau along with the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage, and the City of Angoon have offered to contribute \$7,409,439 in local match funding for FY2020 towards eight harbor projects of significant local importance, as required by the Municipal Harbor Facility Grant Program; and

WHEREAS, completion of these harbor facility projects is dependent on the 50 percent match from the State of Alaska's Municipal Harbor Facility Grant Program; and

WHEREAS, during the last ten years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

WHEREAS, during the last ten years the backlog of projects necessary to repair and replace these former state-owned harbors has increased to over \$100,000,000.

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

Section 1. The Assembly of the City and Borough of Juneau urges full funding in the amount of \$7,409,439 by the Governor and the Alaska Legislature for the State of Alaska's Harbor Facility Grant Program in the FY2020 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

DOCKS AND HARBORS CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

FAXED MEMORANDUM

TO: Bidders Date: August 30, 2018

FROM: *Carl J. Uchytel*
Carl Uchytel
Port Director

SUBJ: POSTING NOTICE OF BIDS
Downtown Waterfront Sheet Pile Wall Coatings
Contract No. DH19-001

This memo is to post a notice of the results of the bid opening on August 30, 2018, for the subject project. The bidders and their total bids are as follows:

Bidders	Total bid
PURCELL P&C, LLC	\$260,000.00
DAMA INDUSTRIAL, LLC	\$374,074.00
<i>Engineer's Estimate</i>	\$192,000.00

The apparent low bidder is Purcell P&C, LLC. The CBJ intends to award the Total Bid in the amount of \$260,000.00. Award will be forwarded to the August 30, 2018, Docks and Harbors Board meeting for approval. Recommendation to award the Total Bid in the amount of \$260,000.00 will be forwarded to the CBJ Assembly for approval at the Regular Assembly Meeting on September 17, 2018.

This notice begins the protest period per Purchasing Code 53.50.062. Protests will be executed in accordance with CBJ Ordinance 53.50.062 "Protests", and 53.50.080 "Administration of Protest." The CBJ Purchasing Code is available online at: <http://www.juneau.org/law> or from the CBJ Purchasing Division at (907) 586-5258.

The apparent low bidder has until **4:30 p.m. on September 7, 2018**, to submit Section 00360 - Subcontractor Report and Section 00370 - Contractor's Financial Responsibility to the Engineering Department Contracts Office. The Subcontractor Report must be submitted even if there are no subcontractors planned for the job.

c. Erich Schaal, Port Engineer





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

August 9, 2018

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

License Type:	Restaurant/Eating Place	License Number:	5706
Licensee:	Canton Asian Bistro, LLC		
Doing Business As:	Canton Asian Bistro		

☒ **New Application**

☐ **Transfer of Location Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Controlling Interest Application**

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

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

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

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

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

Alcohol & Marijuana Control Office

Initiating License Application

12/18/2017 7:29:28 AM

License Number: 16213**License Status:** New**License Type:** Retail Marijuana Store**Doing Business As:** ALASKAN KUSH COMPANY**Business License Number:** 1063457**Designated Licensee:** Casey Wilkins**Email Address:** alaskankushco@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.300385, -134.404935**Physical Address:** 159 S Franklin St
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10073707**Alaska Entity Name:** Alaskan Kush Company LLC**Phone Number:** 503-936-0901**Email Address:** alaskankushco@gmail.com**Mailing Address:** 412 Gastineau Ave #14
Juneau, AK 99801
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Casey Wilkins
[REDACTED]
[REDACTED]**Phone Number:** 907-957-3877**Email Address:** cjwalaska@gmail.com**Mailing Address:** PO Box 240588
Douglas, AK 99824
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Herb Smyth
[REDACTED]
[REDACTED]**Phone Number:** 801-709-9394**Email Address:** hsmythjr@gmail.com**Mailing Address:** 4448 Mountain Side Dr
Juneau, AK 99801
UNITED STATES**Affiliate #1****Type:** Individual**Name:** Herb Smyth
[REDACTED]
[REDACTED]**Phone Number:** 801-709-9394**Email Address:** hsmythjr@gmail.com**Mailing Address:** 4448 Mountain Side Dr
Juneau, AK 99801
UNITED STATES**Affiliate #2****Type:** Individual**Name:** Casey Wilkins
[REDACTED]
[REDACTED]**Phone Number:** 907-957-3877**Email Address:** cjwalaska@gmail.com**Mailing Address:** PO Box 240588
Douglas, AK 99824
UNITED STATES

Alcohol & Marijuana Control Office

Initiating License Application

10/9/2017 3:47:56 PM

License Number: 15246**License Status:** New**License Type:** Retail Marijuana Store**Doing Business As:** THUNDER CLOUD 9**Business License Number:** 1060209**Designated Licensee:** Jamie Letterman**Email Address:** lettermanj@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.212700, -134.290000**Physical Address:** 5310 COMMERCIAL BLVD
2B
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10068571**Alaska Entity Name:** Borealis Mountain, Inc.**Phone Number:** 907-723-7234**Email Address:** lettermanj@gmail.com**Mailing Address:** 5310 COMMERCIAL BLVD
2B
Juneau, AK 99801
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Robert Lonsdale**Phone Number:** 907-723-7234**Email Address:** lonsalaska@gmail.com**Mailing Address:** 8117 Pinewood Dr
Juneau, AK 99801
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Jamie Letterman**Phone Number:** 907-723-7234**Email Address:** lettermanj@gmail.com**Mailing Address:** 8513 Mendenhall Loop
Juneau, AK 99801
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

10/9/2017 3:44:11 PM

License Number: 15245**License Status:** New**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** NORTH STAR GARDENS**Business License Number:** 1060210**Designated Licensee:** Jamie Letterman**Email Address:** lettermanj@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.212700, -134.290000**Physical Address:** 5310 COMMERCIAL BLVD
2A
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10068572**Alaska Entity Name:** North Star Gardens, Inc.**Phone Number:** 907-723-7234**Email Address:** lettermanj@gmail.com**Mailing Address:** 5310 COMMERCIAL BLVD
2A
Juneau, AK 99801
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Robert Lonsdale
[REDACTED]
[REDACTED]**Phone Number:** 907-723-7234**Email Address:** lonsalaska@gmail.com**Mailing Address:** 8117 Pinewood Dr
Juneau, AK 99801
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Jamie Letterman
[REDACTED]
[REDACTED]**Phone Number:** 907-723-7234**Email Address:** lettermanj@gmail.com**Mailing Address:** 8513 Mendenhall Loop
Juneau, AK 99801
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

6/29/2018 11:20:38 AM

License Number: 11605**License Status:** Active-Operating**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** ALWAYS REDEYE LLC**Business License Number:** 1033668**Designated Licensee:** Casey Wilkins**Email Address:** alwaysredeyellc@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.359943, -134.485117**Physical Address:** 2005 Anka Street
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10036410**Alaska Entity Name:** Always Redeye LLC**Phone Number:** 907-957-3877**Email Address:** alwaysredeyellc@gmail.com**Mailing Address:** PO BOX 240122
Douglas, AK 99824
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Casey Wilkins
[REDACTED]
[REDACTED]**Phone Number:** 907-957-3877**Email Address:** alwaysredeyellc@gmail.com**Mailing Address:** PO BOX 240122
Douglas, AK 99824
UNITED STATES**Affiliate #1****Type:** Individual**Name:** Casey Wilkins
[REDACTED]
[REDACTED]**Phone Number:** 907-957-3877**Email Address:** alwaysredeyellc@gmail.com**Mailing Address:** PO BOX 240122
Douglas, AK 99824
UNITED STATES



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-13: Business Name Change

What is this form?

This business name change form is required for a marijuana establishment licensee who is seeking Marijuana Control Board approval of a change in the establishment's business name, under 3 AAC 306.100(c). **The required \$250 business name change fee may be made by check, cashier's check, or money order.**

This form must be completed and submitted to AMCO's main office prior to changing any business name. A new State of Alaska business license must be obtained prior to completing this form. Forms and contact information may be found on the Corporations, Business & Professional Licensing website at <https://www.commerce.alaska.gov/web/cbpl/BusinessLicensing.aspx>.

Please note that licensees seeking approval of a business name change for more than one marijuana establishment license must submit a separate completed copy of this form and pay a separate fee for each license.

Section 1 – Establishment Information

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

Licensee:	Always Redeye LLC	License Number:	11605		
License Type:	Standard Marijuana Cultivation Facility				
Current DBA:	Always Redeye LLC				
Premises Address:	2005 Anka Street				
City:	Juneau	State:	Alaska	ZIP:	99801

Section 2 – New Business Name

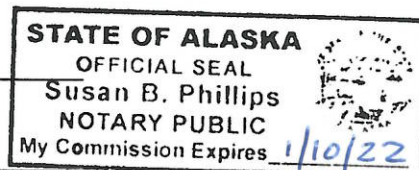
Enter information for the **new** State of Alaska business license and name.

Business License #:	1067405
Doing Business As:	Stoned Salmon Farms

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Carley Wilkins
Signature of licensee

Carley Wilkins
Printed name of licensee



Susan B. Phillips
Notary Public in and for the State of Alaska

My commission expires: *1/10/22*

Subscribed and sworn to before me this *26th* day of *July*, 20 *18*.

approved - Erika McConnell 8/2/18



Alaska Business License #

1067405

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

STONED SALMON FARMS

PO BOX 240588 DOUGLAS AK 99824

owned by

ALWAYS REDEYE LLC

is licensed by the department to conduct business for the period

February 20, 2018 through December 31, 2018

for the following line of business:

42 - Trade

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Mike Navarre



Alcohol & Marijuana Control Office

Initiating License Application

6/5/2018 10:45:23 AM

License Number: 13217**License Status:** Active-Operating**License Type:** Retail Marijuana Store**Doing Business As:** GLACIER VALLEY SHOP**Business License Number:** 1047535**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Road
Suite 1
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

6/5/2018 10:46:27 AM

License Number: 13221**License Status:** Active-Operating**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** GREEN VALLEY ENTERPRISES**Business License Number:** 1047533**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Road
Suite 2
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

6/5/2018 10:46:46 AM

License Number: 13222**License Status:** Active-Operating**License Type:** Marijuana Product Manufacturing Facility**Doing Business As:** SOUTHEAST ESSENTIALS**Business License Number:** 1047537**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Rd
Suite 3
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

6/12/2018 3:46:39 PM

License Number: 10026**License Status:** Active-Operating**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** RAINFOREST FARMS, LLC**Business License Number:** 1032787**Designated Licensee:** James Barrett**Email Address:** rainforestjames@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.356750, -134.500043**Physical Address:** 5763 Glacier Highway
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10025351**Alaska Entity Name:** Rainforest Farms, LLC**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #1****Type:** Individual**Name:** James Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Michael Healy
[REDACTED]
[REDACTED]**Phone Number:** 907-973-2337**Email Address:** michealrhealy@gmail.com**Mailing Address:** PO Box 946
Skagway, AK 99840
UNITED STATES**Entity Official #3****Type:** Individual**Name:** Giono Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-209-5310**Email Address:** rainforestgiono@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Note:** No affiliates entered for this license.

Alcohol & Marijuana Control Office

Initiating License Application

6/20/2018 3:40:37 PM

License Number: 10050**License Status:** Active-Operating**License Type:** Retail Marijuana Store**Doing Business As:** RAINFOREST FARMS, LLC**Business License Number:** 1032787**Designated Licensee:** James Barrett**Email Address:** rainforestjames@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.301300, -134.407000**Physical Address:** 216 2nd Street
Juneau , AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10025351**Alaska Entity Name:** Rainforest Farms, LLC**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Michael Healy
[REDACTED]
[REDACTED]**Phone Number:** 907-973-2337**Email Address:** michealrhealy@gmail.com**Mailing Address:** PO Box 946
Skagway, AK 99840
UNITED STATES**Entity Official #2****Type:** Individual**Name:** James Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #3****Type:** Individual**Name:** Giono Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-209-5310**Email Address:** rainforestgiono@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Note:** No affiliates entered for this license.

Presented by: The Manager
Introduced: 9/17/2018
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1005

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$90,000 be transferred:

From: CIP

H51-114	Cruise Ship Uplands Staging Area	\$90,000
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To: CIP

H51-104	Dock Cathodic Protection	\$90,000
---------	--------------------------	----------

The \$90,000 consists of:

Marine Passenger Fees	\$90,000
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Moved and Approved this _____ day of _____, 2018.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: 8/20/2018
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(J)

An Ordinance Appropriating to the Manager the Sum of \$1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC); Funding Provided by the Sales Tax Fund's Fund Balance, the Tobacco Tax Fund's Fund Balance and the General Fund's Fund Balance.

WHEREAS, the Assembly adopted Ordinance 2015-20(Z), and Ordinance 2016-09(AM), providing total funding of \$2,700,000 to Juneau Housing First Collaborative (JHFC) Capital Project – Phase 1; and

WHEREAS, it is the intent of the Assembly to provide funding to Juneau Housing First Collaborative (JHFC) for Phase 2, in the amount of \$1,800,000, contingent upon JHFC securing \$2,800,000 in funding from the Alaska Housing Finance Corporation for Phase 2. An agreement would be developed to document the parties' commitment to the Assembly's intent language.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$1,800,000 for the Juneau Housing First Collaborative Project-Phase 2.

Section 3. Source of Funds

Sales Tax Fund's Fund Balance	\$1,200,000
Tobacco Tax Fund's Fund Balance	\$ 400,000
General Fund's Fund Balance	<u>\$ 200,000</u>
Grand Total	\$1,800,000

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: August 13, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(AY)

An Ordinance Appropriating to the Manager the Sum of Up to \$16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).

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 up to \$16,425 as partial funding for the Cold Weather Emergency Shelter (FY18).

Section 3. Source of Funds

Alaska Mental Health Trust Authority (The Trust) Grant \$16,425

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 8/13/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(H)

An Ordinance Appropriating to the Manager the Sum of \$74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.

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 \$74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project.

Section 3. Source of Funds:

Juneau Community Foundation	\$74,000
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-38(b)

An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.

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 69.05.010 Definitions, is amended by the addition of the following definition to be incorporated in alphabetical order:

Digital network has the same meaning as in AS 28.23.180: any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

Transportation network company has the same meaning as in AS 28.23.180: a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides; a transportation network company may not be considered to control, direct, or manage the personal vehicles or transportation network company drivers that

connect to the transportation network company's digital network, except where agreed to by written contract.

Transportation network company driver has the same meaning as in AS 28.23.180: an individual who:

- (A) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
- (B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

Section 3. Amendment of Section. CBJ 69.05.030 Collection, is amended to read:

69.05.030 Collection.

(a) Unless authorized by the manager under subsection (b) of this section to include the tax in the selling price, sellers, and transportation network companies on behalf of transportation network company drivers, shall add the tax levied in this chapter to the selling price, rent or service charge in accordance with a schedule promulgated by the manager, on file in the sales tax office.

...

Section 4. Amendment of Section. CBJ 69.05.060 Seller to add tax to selling price, is amended to read:

69.05.060 Seller to add tax to selling price.

Every seller and transportation network company collecting and remitting sales tax on behalf of transportation network company drivers shall add the amount of the tax levied by this chapter to the total selling price, and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account of other tangible evidence of sale unless the sales tax is permitted to be included in the selling price under subsection 69.05.030(b).

Section 5. Amendment of Section. CBJ 69.05.062 Monthly remittance of estimated sales tax, is amended to read:

69.05.062 Monthly remittance of estimated sales tax.

(a) *Monthly deposit report.* Every person making sales, rentals, or performing services within the City and Borough, and transportation network companies on behalf of transportation network company drivers, who incurs sales tax liability or a combined sales tax and hotel-motel tax liability, as levied under chapter 69.05 or chapter 69.07, of \$1,000.00 or more in the month shall, on or before the 15th day of the month following the month in which the tax liability was incurred, complete a monthly deposit report declaring estimated sales tax liability and, if applicable, hotel-motel tax liability, for the month and transmit the report to the City and Borough. If the 15th day is a Saturday, Sunday, or federal, state or

City and Borough holiday, the due date will be extended until the next business day. The United States Postal Service postmark shall determine the date of filing for mailed reports.

(b) *Amount of monthly remittance.* At the time of transmitting the monthly deposit report, the seller or transportation network company on behalf of a transportation network company driver shall remit to the City and Borough the total estimated amount of sales tax and, if applicable, hotel-motel tax, due for the month for which the deposit report is filed.

(c) *Penalties.* A late filing penalty of \$25.00 shall be added to all late-filed monthly deposit reports. In addition, late payment penalties will be assessed on monthly tax deposits when the seller or the transportation network company responsible for collecting and remitting sales tax on behalf of a transportation network company driver fails to remit at least 80 percent of the total monthly sales tax and hotel-motel tax deposit due on or before the 15th day of the month following the month for which the deposit is required. The late payment penalty will be equal to one percent per month or fraction thereof of the total delinquent monthly deposit balance due. The delinquent amount shall be the difference between the total tax deposit due for the month and the amount of the deposit remitted by the seller or transportation network company on behalf of a transportation network company driver. The delinquent monthly payment penalty will be assessed on the 16th day of each month or fraction of a month from the date of delinquency to the date of total payment or the due date of the sales tax return covering the monthly payment period, whichever is earlier.

(d) *Filing period adjustments.* In addition to the monthly deposit and reporting requirements set forth in subsections (a) and (b) of this section, sellers or transportation network companies on behalf of a transportation network company driver are required to file

period returns and remit the remaining unpaid sales tax due as required in subsection 69.05.070(a) or subsection 69.05.100(c). If the sales tax due and payable by the seller or transportation network company on behalf of a transportation network company driver, as required in section 69.05.070, is less than the total amount of the monthly sales tax deposits remitted to the City and Borough during that filing period, the excess balance will be applied to the seller's next monthly sales tax deposit, unless the seller elects in writing to have the balance refunded.

Section 6. Amendment of Section. CBJ 69.05.070 Periodic returns, penalties and interest for delinquency, is amended to read:

69.05.070 Periodic returns, penalties, and interest for delinquency.

(a) Every person making sales, rentals or performing services within the City and Borough, and transportation network companies on behalf of transportation network company drivers, shall on or before the last day of the month, unless the last day of the month is a Saturday, Sunday, or federal, state or City and Borough holiday in which case the due date will be extended until the next business day, immediately following the end of each filing period complete a return for the required filing period setting forth the total amount of all sales, rentals and services, regardless of whether such transactions are taxable or nontaxable, the amount of sales tax due, and such other information as the City and Borough may require, and sign and deliver or mail the return to the City and Borough manager. ~~In addition to the information required above, transportation network companies shall submit the name and address of all transportation network drivers who provided rideshare services~~

1
2 ~~through the transportation network company for the filing period.~~ Periodic returns shall be
3 filed for the calendar quarters ending on March 31, June 30, September 30, and December
4 31, unless the seller or transportation network company on behalf of a transportation
5 network company driver is allowed or directed by the City and Borough manager to file for a
6 different time period as authorized in this section and section 69.05.100. A seller, other than
7 a governmental agency, making only exempt sales may be allowed, upon written request to
8 the City and Borough treasurer or the manager, to file returns for periods which vary from
9 the standard calendar quarter and which cover time periods up to one year.
10

11 (b) The tax levied under this chapter, whether or not collected from the buyer, except for
12 credit transactions covered in subsection (c) of this section, must be remitted by the seller or
13 transportation network company on behalf of a transportation network company driver to
14 the City and Borough at the time of transmitting the return, and if not so remitted or if the
15 return is not timely filed, such tax is delinquent. A late filing penalty of \$25.00 shall be
16 added to all late returns. The postmark shall determine the date of filing mailed returns. In
17 addition, a late payment penalty of five percent per month or any fraction thereof, until a
18 total late payment penalty of 25 percent has accrued shall be added to all returns until such
19 tax, penalty and interest thereon have been paid. Such penalty shall be assessed and
20 collected in the same manner as the tax is assessed and collected. In addition to these
21 penalties, interest on the delinquent tax from the due date until paid shall accrue and be
22 collected in the same manner the delinquent tax is collected. The annual interest rate on
23 delinquent tax shall be five percent per year above the Wall Street Journal Prime Rate, or
24 similar published rate, on January 2nd each year, rounded to the nearest full percentage
25

point, as determined by the Finance Director; provided, however, that if such calculated rate would fall below ten percent per year, the interest rate shall be ten percent per year, and if the calculated rate would exceed 15 percent per year, the interest rate shall be 15 percent per year.

(c) The seller or transportation network company on behalf of a transportation network company driver shall report and remit sales tax to the City and Borough on the same basis, cash or accrual, the seller or transportation network company uses for reporting federal income tax. A seller reporting on the accrual basis shall be allowed a tax credit for sales tax previously paid by the seller on any sale, service or rental made on credit to the extent the seller declares such debt to be uncollectible and a bad debt for federal income tax purposes. Such bad debt credit must be claimed on a timely filed quarterly sales tax report within two years from the date of sale in which the bad debt arose.

(d) Except as otherwise provided herein, all returns, reports and information required to be filed with the City and Borough under this chapter, and all information deductible from such filed returns, reports and information, shall be kept confidential and are not subject to public inspection. Except upon court order, such returns, reports and information shall be made available only to employees of the City and Borough whose job responsibilities are directly related to such returns, reports and information; to the person supplying such returns, reports, and information; and to persons authorized in writing by the person supplying such returns, reports, and information. The following information shall be made available to the public: the name and address of sellers and transportation network companies collecting and remitting sales tax on behalf of transportation network company

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2 drivers; whether or not a business, including a transportation network company, or
3 transportation network company driver is registered to collect sales tax in the City and
4 Borough; whether or not a business transportation network company or transportation
5 network company driver is current in filing sales tax returns and in remitting sales tax, the
6 amount of sales tax due, and the number of returns not filed; and the names and exemption
7 number of nonprofit agencies which have received a nonprofit exemption number from the
8 manager. The manager may, from time to time, publish the names of sellers and
9 transportation network companies collecting and remitting sales tax on behalf of
10 transportation network company drivers delinquent in remitting sales taxes and the amount
11 thereof including the "doing business as" name under which the seller or transportation
12 network company is doing business when the sales tax delinquency being published arises
13 from that business; provided that the names of sellers or transportation network companies
14 who have signed a confession of judgment for the delinquent sales taxes, penalties, and
15 interest, and a stipulation to postpone execution on the judgment, and who are current in
16 their sales tax payments under such stipulation as of the date on which the names are
17 submitted to the publisher, will not be published. Information may also be made available to
18 the public in the form of statistical reports if the identity of particular sellers or
19 transportation network companies is not revealed by the reports.
20
21

22 (e) The City and Borough may permit the proper officer of the United States, of a state,
23 or other municipality to inspect tax returns or reports filed under this title, or may furnish to
24 the officer a copy of the tax return, if the other jurisdiction grants substantially similar
25 privileges to the City and Borough, and if the City and Borough determines that other

jurisdiction provides adequate safeguards for the confidentiality of the returns and reports, and that the returns and reports will be used for tax purposes only.

Section 7. Amendment of Section. CBJ 69.05.080 Sellers' compensatory collection discount, is amended to read:

69.05.080 Sellers' compensatory collection discount.

All sellers and persons rendering sales tax returns to the City and Borough, including transportation network companies collecting and remitting tax on behalf of transportation network drivers, shall be allowed to compensate themselves for costs incurred in the collection, recordkeeping, remittance and accounting for the tax imposed by taking the greater of \$10.00 or one percent of the tax due as a tax collection discount to reduce the tax to be remitted on any period return that is timely filed with a remittance of all sales tax due, provided, however, that the tax collection discount may reduce the tax to zero but shall not result in a credit. The deduction may not exceed \$50.00 for any monthly filing period or \$100.00 for any calendar quarter or longer filing period, and may not be taken if any sales tax, penalty or interest is due for any previous filing period.

Section 8. Amendment of Section. CBJ 69.05.090 Assessment limitation periods; recordkeeping, is amended to read:

69.05.090 Assessment limitation periods; recordkeeping.

(a) A seller's tax liability, or the liability of a transportation network company collecting and remitting sales tax for a transportation network company driver, under this chapter may be

determined and assessed for a period of three years after the date the return was filed with the City and Borough manager. No civil action for the collection of such tax may be commenced after the expiration of the three-year period except an action for taxes, penalties and interest due for those filing periods that are the subject of a written demand or assessment made under section 69.05.100 within the three-year period, unless the seller or transportation network company waives the protection of this section.

(b) In order to facilitate the administration and enforcement of the provisions of this chapter, each seller or person otherwise engaged in business within the City and Borough, including transportation network companies collecting and remitting sales tax on behalf of transportation network company drivers, shall maintain and keep for a period of three years after the date of filing all of the period sales tax reports, forms and supporting records and other records prescribed by the manager. The failure to maintain adequate records to allow documentation of the taxability of each transaction will result in the loss of any tax exemption, deduction or credit for that particular transaction. Upon the request of the City and Borough manager, a seller or transportation network company collecting and remitting sales tax on behalf of transportation network company drivers shall make available for examination in the City and Borough the books, records and other documents of the seller or transportation network company unless the manager authorizes the examination to be conducted at a different location.

Section 9. Amendment of Section. CBJ 69.05.100 Delinquency; failure to submit return or to remit taxes; assessments, is amended to read:

69.05.100 Delinquency; failure to submit return or to remit taxes; assessments.

(a) Whenever the manager reasonably believes a return contains inaccurate reporting or whenever any seller or transportation network company has become delinquent in the submission of the required filing period return or in remitting sales taxes, the City and Borough manager shall mail to the delinquent seller's or transportation network company's last known address a written demand by certified mail, return receipt requested, for submission of the corrected or required sales tax return and remittance within ten days. In the event of noncompliance with such demand, the City and Borough manager may make a sales tax assessment against the delinquent seller or transportation network company, the assessment to be based on an estimate of the gross taxable revenue received by the seller or the transportation network company on behalf of the transportation network company driver during the filing period in question. A copy of the assessment shall be sent to the seller or transportation network company at the seller's or transportation network company's last known address by certified mail, return receipt requested. The seller or transportation network company shall have a right to a hearing before the manager at which time the seller or transportation network company shall make available for examination the books, papers, records and other documents pertaining to the sales and revenue for the period involved in the assessment. The seller or transportation network company may exercise the ~~seller's~~ right to a hearing by delivering to the manager, within 15 days of the date the notice was mailed, a written request for a hearing. The manager shall establish a date and time for a hearing to be held within ten days of receipt of the request unless a later time is mutually agreeable. The hearing officer conducting the hearing shall issue an amended assessment upon a

determination that an amendment should be made. The amended assessment, or the original assessment if no amendment is made within five days of the hearing, shall be the final assessment for the purpose of determining the seller's liability to the City and Borough. If no timely request for a hearing is made, the original assessment shall be the final assessment 30 days after the mailing of the notice of the original assessment unless the seller or transportation network company has submitted an accurate return within the 30 days.

(b) The City and Borough may file a civil action for collection of any taxes, penalty or interest due before or after making a demand or assessment under subsection (a) of this section.

(c) Whenever any seller or transportation network company fails to submit the required filing period return or remit taxes after notice given as provided in subsection (a) of this section, the City and Borough manager may require such seller or transportation network company to submit returns and remit taxes on a monthly or more frequent basis.

Section 10. Amendment of Section. CBJ 69.05.104 Protest of tax; is amended to read:

69.05.104 Protest of tax.

(a) A buyer who protests the payment of the tax levied under this chapter shall pay the tax and shall provide the seller, any transportation network company collecting the sales tax on behalf of a transportation network company driver, and the sales tax administrator with a written statement of protest within five working days of the sale that identifies the sale, rental or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, telephone number and the basis for the protest.

(b) If the seller or a transportation network company that has collected or remitted sales tax on behalf of a transportation network company driver protests liability for sales tax, penalties, or interest, the seller or transportation network company shall pay the tax, penalties and interest under a written protest filed before or with the payment and setting forth the basis for the protest. No appeal from the sales tax board of appeals nor any action for a refund may be filed or maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid under protest as provided in this subsection. A protest accompanying a payment shall be deemed waived unless the protestor files an appeal under this chapter pursuant to and within 90 days of the protest.

(c) An appeal from the sales tax board of appeals or an action for a refund may be filed, maintained, or both without the payment under protest otherwise required by subsection (b) of this section:

(1) Upon a finding by the director of finance that:

(A) The seller or the transportation network company on behalf of the transportation network company driver has registered for the sales tax and filed returns according to the schedule specified in this chapter;

(B) The contested liability arises from an audit finding;

(C) The contested liability is not of a kind regularly remitted by similarly situated sellers; and

(2) Subject to the requirement that if the appeal or action for refund is denied, interest, but not penalty, shall be charged notwithstanding relief under this subsection.

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2 **Section 11. Amendment of Section.** CBJ 69.05.130 Sale of business; final tax
3 return; liability of purchaser. is amended to read:

4
5 **69.05.130 Sale of business; final tax return; liability of purchaser.**

6 (a) If any seller or transportation network company collecting and remitting sales tax on
7 behalf of transportation network company drivers sells, assigns, transfers, conveys, leases,
8 forfeits or abandons the business to another person, the seller or transportation network
9 company shall make a final sales tax return within 15 days after the date of selling,
10 assigning, transferring, conveying, leasing, forfeiting or abandoning the business showing
11 that all tax obligations imposed by this chapter have been paid. The purchaser, successor,
12 transferee, lessee, assignee, creditor or secured party shall withhold a sufficient portion of
13 the purchase money to pay the amount of such sales taxes, penalties and interest as may be
14 due and unpaid to the City and Borough. If the purchaser, assignee, transferee, lessee,
15 successor, creditor or secured party fails to withhold from the purchase money, or fails to
16 otherwise provide for or make the payment of the taxes, interest and penalties owed by the
17 business as provided in this chapter, the purchaser, assignee, transferee, lessee, successor,
18 creditor or secured party shall be personally liable for the payment of the taxes, penalties
19 and interest accruing and unpaid to the City and Borough on account of the operation of the
20 business of any former owner, owners, operators or assigns.

21
22 (b) Before the sale, lease, assignment, transfer, or other disposition of the business is
23 completed, the seller or transportation network company shall file with the City and Borough
24 manager an informational notice identifying the name and address of each person or entity
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involved in the transaction, the nature of the transaction, and the effective date of the transaction.

Section 12. Amendment of Section. CBJ 69.05.140 Lien for tax, interest and penalty, is amended to read:

69.05.140 Lien for tax, interest and penalty.

(a) The tax, interest and penalty imposed under this chapter in addition to the lien filing fee under subsection (b) of this section shall constitute a lien in favor of the City and Borough upon the assets, including all real and personal property, of every person making taxable sales or of a transportation network company responsible for collecting and remitting sales tax on behalf of transportation network company drivers within the City and Borough. The lien arises upon delinquency and continues until liability for the amount is satisfied or the property of the delinquent person is sold at foreclosure sales. The lien is not valid as against a prior mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is filed in the office of the recorder for the City and Borough recording district in the manner provided for federal tax liens in AS 40.19.

(b) Fees for the filing and releasing of liens shall be as follows:

- (1) Filing of liens, \$25.00 plus the recorder's office filing fee;
- (2) Release of liens, \$25.00 plus the recorder's office filing fee.

The rates in this subsection may be changed by the manager from time to time to reflect the costs of providing municipal services generally.

Section 13. Amendment of Section. CBJ 69.05.145 Collected taxes, is amended to read:

69.05.145 Collected taxes.

Taxes collected under this chapter by a seller or transportation network company on behalf of transportation network company drivers shall belong to the City and Borough and shall be held by the seller or transportation network company in trust for the City and Borough until paid over as provided in this chapter.

Section 14. Amendment of Section. CBJ 69.05.170 Registration, is amended to read:

69.05.170 Registration.

A person, firm, copartnership, corporation, or other business entity shall register with the manager before making retail sales, rendering services or making rentals within the City and Borough, or, in the case of a transportation network company responsible for collecting and remitting sales tax on behalf of a transportation network company drivers, before allowing any of its transportation network drivers to render services within the City and Borough.

Section 15. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

THOMAS C. WILLIAMS
3170 FRITZ COVE ROAD
JUNEAU, AK 99801
(907) 789-3170

August 20, 2018

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

Re: CBJ Appeal 2018-04

Dear Mayor Koelsch and CBJ Assembly Members;

I request the Assembly reconsider its decision to not accept Appeal 2018-04, reversing its prior decision and grant acceptance of that appeal.

At its August 13, 2018 meeting the Assembly declined to accept Appeal 2018-04 based the CBJ Attorney's verbal advice that the Airport Board's decision was not appealable. The CBJ Attorney did not offer a written justification of her advice to the Assembly or the public at that meeting.

CBJ Code 01.50.020(a)(1) states, "The provisions of this chapter shall apply to the following administrative and quasi-judicial proceedings in which legal rights, duties and privileges or penalties of persons are to be determined:

- (1) The appeal to the assembly of the decision of any board or commission under Section 3.16(b) of the Charter;"

Section 3.16(b) of the Charter states in part, ".... Board decisions may be appealed to the assembly by any party affected by the proceedings, by a member of the assembly, or by a municipal officer or employee."

As a member of the traveling public and a taxpayer whose tax payments have in part provided funds for the Airport project under appeal, I am and will be affected by the Airport Board's decision.

CBJ Code 01.50.020(b) states, "An appeal shall be filed only from a final agency decision. Decisions which are not appealable include, but are not limited to, decisions to recommend, advise or request an action, even if the recommendation, advice or request is procedurally required as a prerequisite to some other decision, which latter decision is dispositive of the matter."

CBJ Assembly
August 20, 2018
Page 2

While funding of the terminal project remains a work in progress, the Airport Board's decision with regard to the plan they accepted was final. Furthermore, the Airport's Board decision to allow the Airport Manager to specifically offer lease lots adjacent to the Airport Terminal North Wing was also a final decision. It does not require any further action on the part of the Airport Board or the Assembly. So the decision clearly meets the "final decision" criteria.

Before accepting the appeal on July 30, 2018, the City Clerk transmitted the appeal to the CBJ Law Department asking if the action was an appealable decision. After 10 or 15 minutes the CBJ Law Department advised the City Clerk to accept the appeal as well as my \$500 appeal fee. So it would appear that the Department of Law initially considered it an appealable decision, only for some reason to change its mind without clearly identifying any flaws in the appeal.

Finally, in her verbal testimony the CBJ Attorney appeared to dismiss the appeal by referring to it as only a disagreement with a policy decision. But clearly a significant policy decision, as identified in the appeal, is and must be appealable. For example, Planning Commission policy decisions have historically been appealed. If such decisions are not, then the Assembly has irrevocably delegated its authority and responsibilities to members of appointed but un-elected enterprise and other boards.

Accordingly I request the Assembly reverse its August 13, 2018 decision and accept Appeal 2018-04.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas C. Williams". The signature is fluid and cursive, with a large initial "T" and "C".

Thomas C. Williams

cc: *Robert Palmer, Acting CBJ Attorney*
Rorie Watt, CBJ Manager



OFFICE OF THE MUNICIPAL CLERK/ ELECTION OFFICIAL

155 S. Seward St., Room 202
Phone: (907)586-0203 Fax: (907)586-4552
email: Beth.McEwen@juneau.org

August 24, 2018

via USPS and email
Thomas C. Williams
3170 Fritz Cove Road
Juneau, AK 99801
tcw-ak@gci.net

Subject: Notice of Decision on Appeal #2018-04 Williams. vs. CBJ Airport Board

Dear Mr. Williams,

Pursuant to CBJ Code 01.50.030 (d) and (e)¹, the appeal you filed on July 30, 2018 was submitted to the Assembly for consideration. At that meeting, the Assembly decided not to hear the appeal for the reasons stated in that meeting. A copy of the draft minutes of the August 13, 2018 regular Assembly meeting are attached. Please note, these are still draft minutes and not yet reviewed or approved by the Assembly.

In accordance with CBJ 01.50.160(a)², and with the mailing of this notice as of August 24, 2018, the effective date of this decision would be effective as of Monday, September 24, 2018.

At the August 20, 2018 Special Assembly meeting, you verbally requested the Assembly reconsider its decision to not accept the appeal and submitted the attached letter requesting

1 (d) *Action by municipal clerk upon receiving a notice of appeal.* The municipal clerk shall deliver copies of the notice of appeal to the City and Borough manager, the City and Borough attorney, the agency whose action is challenged, other parties to the agency action challenged, and to the presiding officer of the appeal agency.

(e) *Action by appeal agency upon receipt of a notice of appeal.*

(1) Within 30 days of the first regular meeting after receipt of a notice of appeal by the municipal clerk, the appeal agency shall notify the appellant of the acceptance or rejection of the appeal and, if rejected, the reasons for the rejection.

(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant. The appeal agency may reject the appeal for failure to comply with these rules or if the notice of appeal does not state grounds upon which any of the relief requested may be granted. ...

2 01.50.160 - *Effective date of decision.*

(a) A decision becomes effective 30 days after it is delivered or mailed to the parties or their representatives unless:

(1) A reconsideration is ordered within that time;

(2) The appeal agency orders that the decision become effective sooner; or

(3) A stay of execution is granted for a particular purpose and not to postpone judicial review.

August 24, 2018 Notice of Decision Appeal 2018-04 Williams vs. Airport Board

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reconsideration to the Assembly. (*copy attached*)

In light of that request and in accordance with CBJ Code 01.50.180³, we are placing the request for reconsideration on the Assembly agenda for its next regular meeting scheduled for Monday, September 17, 2018 at 7:00p.m. in the Assembly Chambers.

As this continues to be a matter subject to the Assembly sitting in its quasi-judicial capacity, please continue to direct all correspondence relating to this matter through the Municipal Clerk's office.

Sincerely,



Beth McEwen, MMC
Municipal Clerk

Attachments:

- 1) Notice of Appeal received July 30, 2018
- 2) CBJ Appeal Code 01.50
- 3) August 13, 2018 Regular Assembly Meeting – Draft Minutes
- 4) August 20, 2018 Letter from Tom Williams requesting reconsideration of decision of Appeal 2018-04

cc: Mayor and Borough Assemblymembers
Robert Palmer, Acting City Attorney
Rorie Watt, City Manager
Patty Wahto, Airport Manager

3 01.50.180 - Reconsideration.

(a) The appeal agency may, within 30 days after the delivery or mailing of a decision to the parties, order a reconsideration of all or part of the appeal on its own motion or on petition of a party. To be considered by the appeal agency, a petition for reconsideration must be filed with the agency within 15 days after delivery or mailing of the decision. A petition for reconsideration filed by a party will be placed before the appeal agency at the first regular meeting at which the matter may be scheduled or at a special meeting called for that purpose. Unless granted by an affirmative vote of the appeal agency, the petition for reconsideration is deemed denied.

(b) An appeal may be reconsidered by the appeal agency on all the pertinent parts of the record and the additional evidence and argument that are permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer is subject to the procedure provided in section 01.50.140. If oral evidence is introduced before the appeal agency, an appeal agency member may participate in the decision only if the appeal agency member has heard the evidence in person at the initial hearing and the hearing on reconsideration.

(Serial No. 92-36, § 2, 1992)

State Law reference— Reconsideration, AS 44.62.540.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands Manager *Daniel Bleidorn*

SUBJECT: Dave Lendrum request to Purchase City Property

DATE: July 18, 2018

Earlier this year Lands staff met with Dave Lendrum regarding a request to purchase City property Lot 3, Bonnie Subdivision adjacent to the property that he and his wife Maragaret Tharp own located at 11029 Mendenhall Loop Road (Lot 2, Bonnie Subdivision). Dave and Maragaret currently own and operate Landscape Alaska from their property at this location.

Previously Dave submitted a request to lease this City property (Lot 3) but has since requested to purchase this property from the City. The lease application, submitted in 2013, was never brought before the Planning Commission or Assembly because of a lengthy appeal of a Conditional Use permit for Landscape Alaska to operate on Lot 2 owned by the applicant at 11029 Mendenhall Loop Road. In June 2017, the Alaska Supreme Court affirmed the Superior Court decision and the Conditional Use permit was finalized.

The CBJ lot (Lot 3) is located adjacent to the applicant's lot at 11031 Mendenhall Loop Road and contains 1.09 acres. Lot 3, Bonnie Subdivision was purchased by the CBJ in 2007 to increase options for accessing large tracts of City property on Pederson Hill. Development of this region is a long term goal and the lot is not anticipated to be utilized for access in the near term.

As part of the proposed purchase of City parcel Lot 3, the applicant has offered to grant the CBJ a 30 foot wide easement though their property, Lot 2. This combined with an easement though the property currently owned by the City (Lot 3), will allow for a 60 foot wide access easement that would provide access to large tracts of City owed property uphill from these lots. By creating a 60 foot wide access and utility easement though these lots, the City will accomplish the goals and intentions of the original 2007 purchase of this property.

Prior to disposal, as required by CBJ§53.260(a) the Assembly will be asked if it would be desirable to sell the property and, if so, whether it is appropriate to negotiate directly with the original applicant or to seek further proposals through a competitive process. If the Assembly makes a motion determining selling the lot is in the best interest of the City, the Planning Commission will review the proposal and provide a recommendation to the Assembly. Once the Planning Commission makes a recommendation, the disposal will then go before the full Assembly for consideration by Ordinance.

Staff recommends that the Lands Committee pass a motion of support to the Assembly to work with the original applicant and dispose of this CBJ property in a manner that would result in platting a 60 foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

