

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

June 3, 2019 7:00 PM

Assembly Chambers  
Meeting #2019-23

Submitted By:

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Duncan Rorie Watt  
City and Borough Manager

**I. FLAG SALUTE**

**II. ROLL CALL**

**III. SPECIAL ORDER OF BUSINESS**

**IV. APPROVAL OF MINUTES**

A. February 7, 2019 Draft Special Assembly Meeting #2019-07

B. February 11, 2019 Draft Regular Assembly Meeting #2019-08

**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 2018-11(AN) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Partial Funding for the Bartlett Regional Hospital Crisis Stabilization Capital Improvement Project; Grant Funding Provided by the Alaska Department of Health and Social Services.**

This ordinance would appropriate \$500,000 from an Alaska Department of Health and Social Services grant to supplement the FY20 CIP for the Bartlett Regional Hospital Crisis Stabilization Project. The additional \$500,000 will increase the funds in this CIP to \$4,000,000. This appropriation will fund the planning and design of the Crisis Stabilization Project.

This appropriation was approved by the Bartlett Regional Hospital Board on November 5, 2018. The Public Works and Facilities Committee forwarded this appropriation for approval by the Assembly on May 20, 2019.

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

**b. Ordinance 2019-21 An Ordinance Amending Ordinance Serial No. 2012-44 Regarding the Final Series Of General Obligation Bonds Authorized Thereunder.**

This ordinance amends ordinance 2012-44, adopted on December 17, 2012, authorizing the issuance of not to exceed \$25,000,000 of general obligation (GO) bonds. The purpose of the bonds is to fund various voter approved capital projects including the airport terminal. This amendment is necessary to:

1. Amend the definition & form of bond (sections 2 & 6) to include AMT (private activity) bonds in addition to fully tax exempt GO bonds.
2. Update the principal maturity schedule in section 3. The revised schedule allows the issuance of 10 year bonds versus the original plan of 20 year bonds.
3. Amend the tax covenants (section 12) to provide for required public hearing on private activity bonds.

CBJ has already sold, in three separate bond sale transactions, \$19.05 million of 20 year general obligation bonds. The remaining \$5.95 million of authorized bonds are being sold to provide partial funding for the airport north terminal reconstruction project. This ordinance will be discussed at the June 12 Assembly Finance Committee meeting.

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

**c. Ordinance 2019-22 An Ordinance Providing for the Issuance and Sale of Airport Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed \$18,000,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue**

**Revenue Bonds on a Parity with the Bonds Upon Compliance with Certain Conditions.**

This ordinance authorizes the issuance of not to exceed \$18 million of Airport Revenue Bonds. The purpose of the bonds is to partially fund the airport north terminal project. The funding sources to repay the bonds and interest are airport Passenger Facility Charges (PFCs) and Federal Aviation Administration (FAA) Airport Improvement Program grants. The ordinance provides for the issuance of 7 year bonds with no early call provision.

Both governmental purpose (fully tax exempt) and AMT (private activity) bonds will be sold, based on bond counsel guidance. This ordinance will be discussed at the June 12 Assembly Finance Committee meeting.

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

- d. **Ordinance 2019-25 An Ordinance Amending the Land Use Maps of the Comprehensive Plan to Change the Land Use Designation of Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.**

Ordinances 2019-25 and 2019-26 are the result of a property owner's request to rezone three parcels associated with and located adjacent to the Thunder Mountain Mobile Home Park. A rezone is a legislative tool to manage land use development by categorically identifying what types of land uses are allowed and what types are prohibited. A rezone from D5 to D18 would allow more intensive development, like higher density apartments and mobile home parks.

The Planning Commission, in March, recommended rezoning the three parcels from D5 to D18. CBJ code 49.75.120 requires a rezone to be in substantial conformance with the land use maps of the comprehensive plan. The current maps of the comprehensive designate the three parcels as Urban Low Density Residential, which limits density at 6 units per acre. Because D18 allows densities at 18 units per acre, which is in excess of what the comprehensive plan land use maps currently allow, the Planning Commission, in May, considered and recommended amending the comprehensive plan land use map for lots 8479, 8477, 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

The Medium Density Residential designation is more appropriate than the Urban Low Density Residential designation because the Urban Low Density Residential designation was in originally in error because these

three properties have been jointly used with the adjacent mobile home park.

If the Assembly adopts this ordinance, then Ordinance 2019-26 would be in substantial conformity with the Medium Density Residential designation of the maps of the comprehensive plan.

The Planning Commission recommended the Assembly adopt this ordinance at its regular meeting on May 14, 2019.

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

- e. **Ordinance 2019-26 An Ordinance Amending the Official Zoning Maps of the City and Borough to Rezone Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from D-5 to D-18.**

This ordinance would rezone 8479, 8477, and 8476 Thunder Mountain Road from D5 to D18.

The existing land uses include storage, single family home, water well, office, mobile home, empty former retail building, and an empty former laundromat. The site has historically been associated with the Thunder Mountain mobile home park, which is zoned D18. The applicant seeks to expand that zoning district to include these properties to address existing nonconforming uses and introduce higher density development.

The Planning Commission and Assembly are required to base findings off of the Comprehensive Plan's land use maps. Upon adoption of Ordinance 2019-25, the proposed rezone would conform to the land use maps of the Comprehensive Plan. For example, the Medium Density Residential designation allows for residential development at densities between 5 and 20 units per acre. This ordinance would rezone the three lots to D18, which allows for multifamily residential development up to 18 units per acre.

The Planning Commission recommended the Assembly rezone these three parcels at its regular meeting on March 26, 2019.

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

## 2. Resolutions

- a. **Resolution 2856 A Resolution Adopting the 2019-2029 Park & Recreation Master Plan, Repealing Resolution 2433, and Repealing Resolution 1824.**



The new master plan would guide the management and development of CBJ parks and facilities over the next 10 years. This is the first comprehensive update to the department's plan in 23 years.

Parks & Recreation staff worked with a committee of nine citizens for over two years to develop this plan. The recommendations in the plan include the results of a community-wide survey conducted by the McDowell Group, as well as comments received at over 35 meetings with the public, stakeholder groups, and neighborhood associations.

The Parks and Recreation Advisory Committee reviewed this plan on January 8, 2019 and recommended that it be adopted by the Assembly. The Planning Commission reviewed this plan on February 19, 2019 and recommended that it be adopted by the Assembly. The Committee of the Whole reviewed this plan on February 25, 2019 and again on May 20, 2019, and recommended that it be adopted by the Assembly.

**The City Manager recommends the Assembly adopt this resolution.**

- b. **Resolution 2857 A Resolution Authorizing the Manager to Enter into an Amendment to the City and Borough PERS Participation Agreement.**

This resolution would request from the State of Alaska an amendment to the current CBJ PERS Participation Agreement to exclude the job classifications previously associated with Centennial Hall. Additionally, the definition of physicians and casual positions at Bartlett Regional Hospital would be modified. The Bartlett Regional Hospital Board of Directors has supported the changes related to the hospital. There are no additional costs associated with these proposed changes and the changes related to Bartlett Regional Hospital may result in cost savings in the future.

**The City Manager recommends the Assembly adopt this resolution.**

### 3. Liquor License

- a. **New Liquor License for Devil's Club Brewing, LLC License #5801**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

#### **New Liquor License**

License Type: Winery, License #5801

**Devil's Club Brewing, LLC d/b/a Devil's Club Brewing Company**

Location: 100 N. Franklin St., 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 the 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 the above-listed new liquor license application.**

**b. Transfer of Liquor License 5231 Capitol Ventures LLC to Alaska Sustainable Seafoods LLC**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

**Transfer of Owner and Location Liquor License**

License Type: Restaurant/Eating Place, License #5231

**Transfer from: Capitol Ventures LLC d/b/a Neptune**

Location: No Premises

**Transfer To: Alaska Sustainable Seafoods LLC d/b/a Deckhand Dave's**

Location: 127/139 S. Franklin St., 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 the 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 Deputy City Manager recommends the Assembly waive its right to protest the above-listed liquor license transfer application.**

**4. Other Items for consent**

**a. Contract Award - Small Cruise Ship Infrastructure Master Plan**

The increased number of small cruise ships have adversely impacted and strained Docks and Harbors' ability to provide suitable dock space to some industry users. CBJ Docks and Harbors solicited proposals for professional services to develop a master plan for addressing and meeting the unmet needs of the small cruise ship market in Juneau. The study would focus on small commercial passenger vessels less than 275 feet in overall length.

PND Engineers was selected through an RFP process to provide professional services for the Small Cruise Ship Infrastructure Master Plan

project. The proposed fee for this work is \$131,103.00. Funding for the work is from FY2019 Marine Passenger Fees as contained in the approved FY19 City Budget.

The Docks and Harbors Board reviewed this fee proposal at its regular meeting on May 30, 2019.

**The City Manager recommends this contract award be approved.**

## 5. Transfers

- a. **Transfer T-1019 A Transfer of \$802,095 from Existing Capital Transit Projects, including Airport Revolving Capital Improvement Projects including, 'Capital Transit Bus Shelters' CIP D71-053 & from the 'Transit Technology' CIP D71-086 & from the 'Bus Shelters/Interim Valley Improvements' CIP D71-088 to the 'Valley Transit Center' CIP D71-089.**

This request is to transfer a total of \$802,094.61 of funds from existing Capital Transit projects to the Valley Transit Center project. These CIP funds will be used to purchase the property for the Valley Transit Center and Park and Ride facility. The property purchase will serve as in-kind match for FTA grants for the project. The PWFC recommended approval of this transfer at its February 4, 2019 meeting. This transfer was discussed as part of the Committee of the Whole's Valley Transit Center update on May 20, 2019.

**The City Manager recommends this transfer be approved.**

## VIII PUBLIC HEARING

- A. **Ordinance 2018-11(AL) An Ordinance Appropriating to the Manager the Sum of \$1,535,300 as Partial Supplemental Funding for Various Departments' Fiscal Year 2019 Operating Budgets; Funding Provided by General Fund's Fund Balance, Airport Fund's Fund Balance, Docks Fund's Fund Balance, and Lands Fund's Fund Balance.**

The attached ordinance would appropriate \$1,535,300 for increases in FY19 operations among several CBJ departments.

We are requesting a budget supplemental for five organizations. Of the total request, \$950,000 is for CCFR and paid with general government funds. The other four requests are funded from their own operational revenues or fund balances.

### Airport

Airport anticipates exceeding its FY19 Assembly authorized spending authority by \$108,400. Airport staff discussed this at their budget presentation on April 10. Funding will be provided by the Airport Fund's Fund Balance.

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Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of \$950,000 in the FY19 operating budget. This is due to approximately \$250,000 in negotiated IAFF wage and benefits increases and ambulance billing shortfall of approximately \$700,000. The shortfall is a result of: 1) continued decline in billable call volume, 2) over aggressive revenue projections and 3) higher than anticipated bad-debt and contractual write-offs. The anticipated funding for this increase is from General Government Fund.

Docks and Harbors Department

The supplemental request would increase the Docks Enterprise spending authority in FY19 by \$35,000. Funding would be provided by FY19 revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its March 20, 2019 regular board meeting. The Port Director staff discussed this at the budget presentation on April 10.

Lands Division

Lands' projected expenditures are anticipated to exceed their revenue collected by \$201,900 in the current fiscal year. This shortfall is due to a decrease in projected revenues from land sales. The timing of the South Lena subdivision of Lot 1 Block B has pushed the sale of the resulting four lots into FY20. They were originally scheduled for disposal in FY19.

The anticipated funding for this increase is Lands Fund's Fund Balance.

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Human Resources and Risk Management Department

The Human Resources and Risk Management Department anticipates exceeding its FY19 Assembly authorized spending authority by \$240,000. This increase is due to higher than budgeted claims experience for health insurance. Funding will be provided by Health Account fund balance.

**The City Manager recommends this ordinance be adopted.**

- B. Ordinance 2018-11(AM) An Ordinance Appropriating to the Manager the Sum of \$620,700 as Funding for Fleet and Risk Funds; Funding Provided by General Fund's Fund Balance.**

This FY19 supplemental budget ordinance would allocate \$271,200 to add funds to various departments' equipment replacement fund accounts and allocate \$349,500 to the city's self-insured health care account.

Six organizations were requesting FY20 budget increments, totaling \$135,000, to increase contributions to their equipment accounts. The current balance in these

accounts is less than the projected upcoming equipment replacement needs. The requested deposit postpones the need for these increments for two years. Also the projected FY19 draw-down on the self-insured health account is higher than original budget projections. We are requesting \$349,500 go into the health account to help offset the larger than expected draw.

The source of funding for these two requests is the projected \$620,700 reimbursement, from the state Department of Administration, of past PERS Tier IV employer contributions. The funds are being returned for employees who terminated prior to having enough years of service to vest in the employer contributions.

**The City Manager recommends this ordinance be adopted.**

## **IX. UNFINISHED BUSINESS**

### **A. Ordinance 2019-05(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.**

This ordinance establishes the mill rates for property taxes for 2019, which funds a significant portion of the City and Borough of Juneau's FY20 operating budget. The Charter requires the assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY20 Revised Budget as amended by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviewed, amended and recommends to the Assembly, the final mill levies.

For FY20 the AFC recommends an increase of 0.10 mills to the Manager's recommended operating mill rate, and supports the Manager's recommendation to decrease the debt service mill rate by 0.10 mills. This results in a total mill levy that remains unchanged from FY19 at 10.66 mills; the components of which are:

	<b>Change from FY19</b>	
<b><u>Operation Mill Rate by Service Area</u></b>	<b><u>Millage</u></b>	<b><u>Adopted</u></b>
Roaded Service Area	2.45	0.15
Fire Service Area	0.31	(0.05)
Areawide	6.70	-
<b><u>Operating Total</u></b>	<b><u>9.46</u></b>	<b><u>0.10</u></b>
<b><u>Debt Service</u></b>	<b><u>1.20</u></b>	<b><u>(0.10)</u></b>

**Total****10.66****-**

An opportunity for public comment was provided at a Special Assembly meeting on April 24, 2019. The AFC reviewed the mill rate ordinance at its meetings on April 24 and May 15, 2019, referring the amended ordinance to the full Assembly for adoption.

**The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.**

**B. Ordinance 2019-06(b) An Ordinance Appropriating Funds from the Treasury for FY20 City and Borough Operations.**

This ordinance appropriates \$379,491,500 in expenditure authority for the City and Borough of Juneau's FY20 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for \$101,477,400 of the FY20 operating budget. The total appropriated expenditure authorization, net of inter-fund transfers, is \$278,014,100.

This ordinance also recognizes \$373,349,300 of projected revenue and transfers-in and decreases fund balances, across all funds, by \$6,142,200. The revenue and fund balance draw are sufficient to fund the budgeted expenditures.

The original ordinance was introduced at the April 3, 2019, Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. The AFC held six meetings/work sessions on the budget. An opportunity for public comment was provided at a Special Assembly meeting on April 24, 2019. The AFC moved the amended budget ordinance back to the full Assembly at its May 15, 2019, meeting. The AFC changes are reflected in the (b) version of the ordinance, where data being updated or deleted is shown by strikeout, and bold font. The Charter requires adoption of the FY20 operating budget by June 15, 2019.

**The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.**

**C. Resolution 2845(d) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 Through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.**

This resolution adopts the Capital Improvement Program (CIP) for fiscal years 2020 through 2025, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY20. This resolution authorizes

\$37.7 million for CIPs and \$1.0 million for operating budget activities.

The Public Works and Facilities Committee (PWFC) reviewed the preliminary CIP resolution at its meeting on March 18, 2019, and forwarded the plan to the Assembly.

The CIP resolution was introduced at the Assembly meeting on April 3, 2019, and referred to the Assembly Finance Committee (AFC), where it was reviewed during the AFC meetings of April 3, April 10, May 8, and May 15, 2019. A public hearing, as required by charter, was held at the Special Assembly meeting April 24, 2019.

The AFC approved Resolution 2845(d), as amended and referred it to the full Assembly for adoption.

**The City Manager recommends this resolution, as amended by the Assembly Finance Committee, be adopted.**

## **X. NEW BUSINESS**

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

The following listed property owners are requesting that the Assembly authorize the Assessor to consider a late-filed appeal of their property assessment: Sepel, Weimer, Cantell, Lopez, and Nelson. 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.

#### **2019 Hardship Exemptions**

**1) Applicant: Sepel Parcel ID: 4B2601010110**

Physical Address: 10901 Mendenhall Loop Road

Legal Description: USS 2392 TR B LT AA LT B

**2) Applicant: Weimer Parcel ID: 1C030C160040**

Physical Address: 635 W 12th Street

Legal Description: Casey Shattuck BL 216 LT S

#### **2019 Senior Citizen/Disabled Veteran Exemptions**

**1) Applicant: Cantrell Parcel ID: 5B1601170160**

Physical Address: 2211 Muir Street  
 Legal Description: Totem Park BL F LT 16

**2) Applicant: Lopez Parcel ID: 4B2901270010**  
 Physical Address: 1104 Slim Williams Way  
 Legal Description: Brigadoon Estates I BL C LT 1A

**3) Applicant: Nelson Parcel ID: 5B2401440050**  
 Physical Address: 8288 Garnet Street  
 Legal Description: Pleasent Garden BL 2 LT 11

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.

**The City Manager recommends the Assembly act on each of these applications individually.**

## **XI. STAFF REPORTS**

- A. **New City Hall Update**
- B. **Annexation Update**
- C. **Airport North Terminal Project Update**
- D. **333 W. 9th Street Update**

## **XII. ASSEMBLY REPORTS**

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



## **XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

### **XIV.EXECUTIVE SESSION**

### **XV. ADJOURNMENT**

### **XVISUPPLEMENTAL 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](mailto:city.clerk@juneau.org)

**DRAFT**

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

Meeting Minutes - February 7, 2019

**MEETING NO. 2019-07:** The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 6:30 p.m. by Deputy Mayor Maria Gladziszewski.

**I. CALL TO ORDER / ROLL CALL**

**Assembly Members Present:** Loren Jones, Michelle Hale, Wade Bryson, Carole Triem, Maria Gladziszewski, Mary Becker, Rob Edwardson, and Alicia Hughes-Skandjis

**Assembly Absent:** Mayor Beth Weldon

**Eaglecrest Board Members Present:** Mike Satre, Mike Stanley, Bruce Garrison, Jon Dale, Stephanie Hoag, Megan Gregory, Dave Hanna

**Eaglecrest Board Members Absent:** None

A quorum of each group was present.

**Staff Present:** Deputy Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Eaglecrest Ski Manager Dave Scanlan

**II. APPROVAL OF AGENDA**

*The agenda was approved as presented.*

**III. SPECIAL ORDER OF BUSINESS**

**A. Joint Meeting with the Eaglecrest Board**

Eaglecrest Board Chair Bruce Garrison and members of the board gave a recap of the activities over the past year as well as highlighting the successes in recent years.

The new snow making guns have made a big difference in allowing the ski area to be open on more days than they even hoped for. The ski area is currently operating at a 70-75% cost recovery. The Board also is looking at alternative options for attracting revenues.

The Eaglecrest Board and Assemblymembers discussed the following topics:

- The reasons for the denial of the liquor license application and the potential for reapplying if pending litigation makes it through the legislature.
- The new public use cabin(s)/hut(s) in cooperation with the Juneau Community

Foundation.

- Other potential summer use options such as a mountain coaster.
- Use of the east side of the mountain for local hiking.
- Possibility of a gondola to take people to the top of the mountain.
- The great staff and ski instructors that are employed on the mountain.
- Discussion on setting policies with respect to gifting passes.
- Concerns regarding the agreements with State DOT/PF decision re: snow plowing and that they are wanting to lower the priority status of the road and/or have CBJ take over the plowing duties.

Mr. Jones encouraged the board to work through the Public Works and Facilities Committee to ensure whatever projects they may wish to work on in the future get lined up in the queue for the CIP plan.

Assemblymembers expressed their appreciation to the Eaglecrest Board for all their work and especially with the increased cost recovery as a result of the new snow gun installation.

#### **IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

*None.*

#### **V. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting adjourned at 7:20 p.m.

Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Signed: \_\_\_\_\_  
Beth A. Weldon, Mayor

**DRAFT****THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - February 11, 2019

The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

**I. FLAG SALUTE****II. ROLL CALL**

**Assemblymembers present:** Mayor Beth Weldon, Mary Becker, Loren Jones, Rob Edwardson, Carole Triem, Michelle Hale, Wade Bryson, Maria Gladziszewski, and Alicia Hughes-Skandijs

**Assemblymembers absent:** None.

**Staff present:** City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Housing/Homelessness Coordinator Irene Gallion; Engineering/Public Works Director Mike Vigue, Port Director Carl Uchtyl, Code Enforcement Officer Nate Watts, Hospital Administrator Chuck Bill

**III. SPECIAL ORDER OF BUSINESS****A. Proclamation - National Engineers Week**

Port Director Carl Uchtyl, and representatives from the Juneau Branch of the American Society of Civil Engineers Mike Story, Erik Antrim, and Ethan Romling came forward and received the proclamation celebrating February 17 - 23, 2019 as National Engineers Week in Juneau from Mayor Beth Weldon.

**IV. APPROVAL OF MINUTES**

**MOTION** by Ms. Becker to approve the minutes of November 5 and November 26, 2018 meetings. Ms. Becker also asked to table approval of the December 17, 2018 minutes until the next meeting to allow additional time for review. Ms. Becker asked for unanimous consent to the motion. *Hearing no objection, the motion passed.*

**A. November 5, 2018 Assembly Meeting #2018-33 Minutes****B. November 26, 2018 Assembly Meeting #2018-34 Minutes****C. December 17, 2018 Assembly Meeting #2018-37 Minutes**

## V. MANAGER'S REQUEST FOR AGENDA CHANGES

## VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle spoke to the Assembly requesting changes to the regulations pertaining to extending the boundaries of pedi-cabs so they can take passengers out to the DIPAC hatchery.

Assemblymembers asked staff about the current boundaries and the safety of the routes. Ms. Cosgrove noted that JPD is looking at the route safety issues but at this time the boundary is 10th street and pedi-cabs are restricted to the downtown core with limited access to Egan Drive. She noted that she can provide them with a copy of the specific map if they would like.

## VII. CONSENT AGENDA

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

*None.*

### B. Assembly Requests for Consent Agenda Changes

*None.*

### C. Assembly Action

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

#### 1. Ordinances for Introduction

- a. 2018-11(AD) An Ordinance Appropriating to the Manager the Sum of \$1,300,000 as Funding for the Bartlett Regional Hospital Pharmacy Cleanroom Renovation Capital Improvement Project; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

This ordinance would appropriate \$1,300,000 from the FY19 Bartlett Regional Hospital (BRH) operational budget to a new Capital Improvement Project (CIP): BRH Pharmacy Cleanroom Renovation. This project will create a pharmacy space to safely handle drugs necessary for the oncology unit. This project is needed to bring BRH into compliance with the requirements of USP<800> Hazardous Drugs- Handling in Healthcare Settings and USP<797> Pharmaceutical Compounding – Sterile Preparations.

BRH must be in compliance with the federal requirements by December 1, 2019.

This was approved by the Public Works and Facilities Committee on February 4, 2019.

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

## 2. Resolutions

- a. Resolution 2847 A Resolution Affirming the City and Borough Support of and Partnership with the 2020 Census.

The U.S. Census Bureau is preparing for Census 2020. The data collected is used to allocate legislative seats, to distribute over \$300 billion of federal dollars annually, and to distribute various sources of state funds. The private sector, likewise, uses the information for many purposes, as does the City and Borough of Juneau.

During Census 2000 and 2010, Alaska had the lowest rate of return of census forms of all fifty states, 67% and 64% respectively. When a form is not returned, the Census Bureau must recruit, hire, train, and send an employee to each household that did not respond to the initial mailing. These efforts are costly.

This resolution expresses support for the work of the U.S. Census Bureau to gain a complete and accurate count within the City and Borough of Juneau, and appeals to local organizations and groups to partner together to achieve an accurate and complete count.

**The City Manager recommends this resolution be adopted.**

## 3. Liquor License

- a. Liquor License Renewals for Licenses: 313, 2766, 5524, 5414 and 4859

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

### **Renewal of Liquor Licenses**

License Type: Beverage Dispensary - Tourism, License #313  
Juneau Hospitality, LLC d/b/a Prospector Hotel/TK Maguires  
Location: 375 Whittier Street, Juneau

License Type: Beverage Dispensary, License #2766  
Alaska Red Dog Saloon LLC d/b/a Red Dog Saloon  
Location: 278 S Franklin Street, Juneau

License Type: Brewery, License #5524  
Barnaby Brewing Company, LLC d/b/a Barnaby Brewing Company  
Location: 206-1 N Franklin Street, Juneau

License Type: Club, License #5414  
BPO Elks Club No. 420 d/b/a Juneau Elks Club No. 420  
Location: 9321 Glacier Hwy, Juneau

License Type: Wholesale – General, License #4859  
Southern Glazer’s Wine and Spirits of Alaska, LLC d/b/a Southern Wine  
& Spirits of Alaska  
Location: 5452 Shaune Drive - Bay 2, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest these applications. Copies of the documents associated with each 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 the above-listed liquor license applications.**

4. Other Items for consent

a. New Marijuana License 15209 Limited Cultivation Facility

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license application:

***Limited Marijuana Cultivation Facility, License #15209, Herb’n Legends LLC., d/b/a Herb’n Legends LLC., located at: 2771 Sherwood Lane Unit D, Juneau***

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

Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

- State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body
- AMCO Marijuana online application forms (redacted)

Copies of all the documents relating to this license are available upon

request from the office of the Municipal Clerk during regular business hours.

In the event the Assembly does protest the issuance of this 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 sixty-day comment period for local governing body action will expire as of Friday, March 8, 2019.

**The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #15209.**

## VIIIPUBLIC HEARING

- A. Ordinance 2018-11(AB) An Ordinance Appropriating to the Manager the Sum of \$1,474,553 as Funding for the New Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

This ordinance would appropriate \$1,474,553, the majority of the proceeds from the recent sale of the Shaune Drive public property, to create a new CIP that will consolidate the Recycleworks program and Household Hazardous Waste program at a central location at the Waste Management owned and operated landfill.

The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.

**The City Manager recommends this ordinance be adopted.**

### Public Comment:

*None.*

### Assembly Action:

**MOTION** by Mr. Bryson to adopt Ordinance 2018-11(AB) and asked for unanimous consent. *Hearing no objection, the motion passed.*

- B. Ordinance 2018-11(AC) An Ordinance Appropriating to the Manager the Sum of \$300,000 as Funding for the Deferred Building Maintenance Capital Improvement Project; Funding Provided by Waste Management Fund's Fund Balance.

This ordinance would appropriate \$300,000, a portion of the proceeds from the recent sale of the Shaune Drive public property, to reimburse the Deferred Maintenance CIP for funding the renovations made to the old Valley Shop at 2520 Barrett Avenue to allow the Water Department to occupy the facility.

The Public Works and Facilities Committee reviewed this topic at its meeting on January 14, 2019, and referred it to the Assembly.



**The City Manager recommends this ordinance be adopted.**

Public Comment:

*None.*

Assembly Action:

**MOTION** by Ms. Hale to adopt Ordinance 2018-11(AC) and asked for unanimous consent.

Ms. Triem asked if the two ordinances put together account for all the proceeds of the sale of the Shaune Drive property. Mr. Watt answered yes, they do.

Mr. Jones noted for clarification purposes that only half the land has been sold and we are still occupying the other half. Mr. Watt noted that these two amounts represent the sale of what was known as the Water Utility Shop, formerly the Public Works Department Shop. It does not account for the sale of the adjacent Household Hazardous Waste facility which will be executed at a later date. The appropriation of the funds from the sale of that facility will happen later as well.

*Hearing no objection, the motion passed.*

**IX. UNFINISHED BUSINESS**

*None.*

**X. NEW BUSINESS**

*None.*

**XI. STAFF REPORTS**

Mr. Watt introduced the City of Ketchikan Assistant Manager Lacey Simpson who was present in the audience. Ms. Simpson was in Juneau attending Southeast Conference meetings and wanted to come in and observe CBJ in action. He welcomed her and others from Ketchikan and they toured the Salmon Creek filtration plant, they had discussions of the cruise ship docks and other municipal issues. He wanted to extend our thanks publicly to their City Council for their show of moral support in the cruise ship litigation. He said while they have that scheduled for executive session and they have made no decisions on next steps, they do appreciate the City of Ketchikan for their strong showing of support.

Mr. Watt said for his second report, there is a junk car report that he wished to give the Assembly. The main points were:

- This fiscal year has been a big year in the number of cars that have been brought into our contractor for junking and it is likely we will reach the end of the fiscal year in need of additional funds so staff will be bringing forward a supplemental appropriation. He said it is important to not give the public an opportunity to lose

their training on what to do with their junk cars.

- JPD is reviewing some of its policies and protocols trying to figure out and streamline the processing of junk and abandoned vehicles. The storage lot is full and that has led to a delay in removal of junk cars from streets and other locations which has been very frustrating for the public.
- CDD has been working on an enforcement case off River Road where a property has been accumulating many junk cars and it has become a significant neighborhood issue. Staff wanted to let the Assembly know that they are pursuing enforcement action. The number of cars on that property has grown to several hundred and is a point of frustration with the neighborhood.

Mr. Watt informed the Assembly that they will be seeing more in the future relating to junk and abandoned vehicles.

For the final staff report, Mr. Watt advised the Assembly that Norwegian Cruise Lines (NCL) extended an invitation to him and the Mayor to participate in the inaugural cruise of the "Joy" from Vancouver, B.C. to Los Angeles, CA in late April. He said he didn't think they would be resolving this issue at this meeting but he wanted to inform the Assembly of the invitation. The "Joy" is a sister ship to the "Bliss" and is a very large ship. NCL reached out to many port communities on the west coast and they would like to make relations with those communities. They also recognized that some bridges need to be built in Southeast Alaska and particularly in Juneau. He said staff has not had a chance to look into the Conflict of Interest code to make sure this is handled properly.

## **XII. ASSEMBLY REPORTS**

### **A. Mayor's Report**

Mayor Weldon reported on the following events she attended since the last Assembly meeting:

- The Alaska Career Firefighters Association and the Alaska Fire Chiefs' Association.
- The emissions session put on by the State of Alaska DEC and hosted by the Juneau Commission on Sustainability (JCOS).
- The state hockey tournament in Wasilla where the Crimson Bears took 3rd place.
- She met with city staff and mayors from Ketchikan and Wrangell.

Mayor Weldon reported on the following upcoming events:

- Southeast Conference mid-session summit will be taking place beginning February 12 at the Elizabeth Peratrovich Hall.
- The Alaska Municipal League and the Innovation Summit will both be meeting during the next week.
- Sister Cities hockey game between Juneau and Whitehorse, YT will be on February 21.

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

Ms. Gladziszewski reported on the topics covered during the February 4 Committee of the Whole including hearing from the Census 2020 representatives. They discussed the request to rename the Willoughby District, the Alaska Mental Health Trust subport property, the Affordable Housing Plan strategy, and possible futures for the sleep off center. The next Assembly COW meeting is scheduled for February 25.

Ms. Gladziszewski also reported that she attended the Territorial Sportsmen's banquet this past weekend and she extended her thanks to all the people who work year round on conservation and special thanks to Ron Somerville who helped organized that banquet.

Ms. Gladziszewski reported that she presided over a joint meeting of the Assembly and Eaglecrest Board since the Mayor had been out of town and participating telephonically. They discussed many projects that board is involved in and heard a great report about the snow-making equipment that the Assembly funded during this past year. Those have enabled Eaglecrest to keep routes open from the top to the bottom of the mountain for a longer period of time.

Ms. Becker reported that the Lands Committee met and discussed the Chicken Yard Park and that issue will be going to the Planning Commission next. They also discussed the Douglas historical cemeteries and there will be additional work and research done with respect to the ownership and title to those cemeteries before they could be purchased by CBJ. That topic will be coming back to Lands for additional discussion.

Ms. Becker reported that Carl Uchytel and Don Etheridge were given the Rotary Community Service Award on behalf of Docks and Harbors Board. Ms. Becker also reported that, by motion, they decided to begin proceedings to impound the Lumberman. In other Docks and Harbors news, the board approved the 2019 and 2020 budgets and those will come to the Assembly by way of the Finance Committee. Mr. Uchytel shared the very positive letter that had been received from Billy Morris regarding the Archipelago project.

Ms. Becker noted that Edward King who is the economist for the Office of Management and Budget (OMB) was the guest speaker at the latest Chamber of Commerce luncheon. He predicted growth with probably change due to cuts from the budget. The decline in revenue from oil is not going away and will likely continue to decline and get worse. The price of oil going back to \$100 is not going to happen anytime soon. The Chamber will be holding its luncheons back at the Hangar at the Wharf at noon each Thursday to make it easy for legislators to attend.

Ms. Becker then reported on the UAS Campus Council which met at UAS Tech Education Center. They received a Career Tech Education update by Peter Traxel who is the Executive Director of the School of Career and Tech Ed. Ms. Becker noted that

they got to see the space that JDHS is using for auto repair.

Mr. Jones reported that the Assembly Finance Committee (AFC) met on February 6. They received a report from the auditors at that meeting with the CBJ, JSD, and BRH audits. They also referred an ordinance to the full Assembly for additional funding in FY19 for the School District which is a combination of state and city money. They also had some information items on utility rates and Marine Passenger Fees which will be brought up during the next AFC meeting on March 13.

Mr. Jones then reported on the work of the Child Care Committee. It met on Friday, February 8. They had a discussion of everything worked on up to this point. They will meet again on February 15 at which they will hear from Best Starts. The next three meetings will be March 1, 15, and 22. His hope is to have come up with approximately 80% of design with some ideas on how best to get some public opinion on it. It would also give some idea to the Assembly as to where it might go following the budget process.

Mr. Jones provided his Juneau School District (JSD) liaison report, and the School Board is continuing its budget discussions. The last meeting was held on February 5 at the DZMS and focused on meeting primarily with principals of all the various schools but also with members of the public. The next JSD Board meeting/work session will be held February 12 at TMHS with the worksession starting at 4:30 p.m. and the regular meeting at 6 p.m.

Mr. Jones reported that the Downtown Business Association (DBA) met on February 5 and received a presentation from Stuart Ashton on the CBJ recycle projects. There was a lot of discussion about services to businesses and how many businesses in Juneau are recycling.

For upcoming dates of note, Mr. Jones reported that May 4 is the Maritime Festival and also the blessing of the fleet. The DBA meetings are now being held at JEDC. In addition to the upcoming S.E. Conference, AML, and Innovation Summit meetings, the Alcohol Beverage Board will be meeting on February 19 and half day on the 20th and then the Marijuana Control Board will be meeting for the second half of the 20th as well as the 21st and 22nd at the APK building and, as such, he will miss out on the Innovation Summit and AML Board meetings.

Mr. Edwardson reported that the Assembly Human Resources Committee (HRC) met just prior to this meeting and was forwarding the following nominations for board appointments. Hearing no objections, the appointments were made as follows by unanimous consent.

**Parks & Recreation Advisory Committee (PRAC)** - Reappointment of Will Muldoon and Edric Carrillo to terms beginning March 1, 2019 and expiring February 28, 2022.

**Sister Cities Committee (SCC)** – Appointment of Allan Alcancia to a term beginning immediately and expiring January 1, 2022.

**Personnel Board** – Reappointment of Kenneth Southerland and Nancy Sutch to terms effective February 1, 2019 and expiring January 31, 2022.

**Sales Tax Board of Appeals** – Reappointment of Mark A. Smith to a term beginning immediately and expiring December 31, 2021.

**Juneau Commission on Aging** – Appointment of Carol Ende to a term beginning immediately and expiring December 31, 2020.

Mr. Edwardson also reported that the HRC discussed the request from the Assembly as to whether or not the Affordable Housing Commission should continue. The HRC discussed this topic at its last two meetings and determined that the commission has completed its mission; therefore, the HRC recommendation to the Assembly is to disestablish the Affordable Housing Commission. The HRC is asking that the appropriate legislation be drafted and brought back to the Assembly for action.

HRC Chair Rob Edwardson also made the following motion regarding the transition for terms and membership of the Aquatics Board and it passed by unanimous consent.

***MOTION** by Mr. Edwardson that the Aquatics Board maintain their seven member basis for quorum purposes until June 30, 2019 and then switch to a nine member basis for quorum purposes effective July 1, 2019 as they transition from a seven member board to a nine member board. He asked for unanimous consent. Hearing no objection, the motion carried.*

Mr. Edwardson concluded his HRC report by asking for consensus on the date on which to hold the meeting of the full Assembly sitting as the Human Resources Committee to interview Docks & Harbors Board applicants. The suggested dates were March 6 or 7. The Assembly set the date for March 6, 2019 at 6:15 p.m. in the City Hall Conference Room #224.

Mr. Edwardson then reported on his liaison assignments. As Ms. Gladziszewski reported, the Assembly recently held a joint meeting with the Eaglecrest Board. The Airport Board will meet on February 12 and the LEPC will hold its next meeting on Wednesday, February 13 at Noon.

Lastly, Mr. Edwardson said he attended the Glory Hall fundraiser held on Saturday at which he saw a number of Assemblymembers in attendance and a good time was had by all.

Mayor Weldon thanked Mr. Edwardson for his reports and noted for anyone interested that there are a number of board seats currently vacant in case they wished to apply to serve on one or more boards.

Ms. Carole Triem reported that the Aquatics Board has not met since the last meeting but they just heard an update from Mr. Edwardson on Aquatics Board matters.

Ms. Triem noted that Travel Juneau has not held a regular board meeting since the last Assembly meeting but they did hold their annual board meeting on February 1 at which they heard the annual report. Ms. Triem noted that Travel Juneau Executive Director Liz Perry will be sending some copies of the report to City Hall tomorrow. She reported that Travel Juneau is working on the first ship celebration on Sunday, April 28. All members are asked to save that date to greet passengers who will be disembarking from the Ruby Princess. Travel Juneau is bidding on the 2020 State Drama/Debate/Forensics Tournament which would bring over 300 students to Juneau. She said the destination marketing manager just returned from the AAA Travel Show in Ohio and reported that Alaska had the busiest section. Two partner members joined the booth booking business on the spot and there was so much traffic that they ran out of materials. She also extended a welcome to Gordon Ramsey to Juneau. She saw him this evening at Amalga Distillery and she heard that he would be in town all week filming which is great news for Juneau's bustling and thriving food industry.

Ms. Alicia Hughes-Skandijs reported that she met with the Affordable Housing Commission last week. They had a good conversation about the status of the commission and both the City Manager and Chief Housing Officer were present for the discussion which she felt was very informative. She said that the Juneau Commission on Aging (JCOA) has not yet met since she was appointed as the liaison but they are meeting tomorrow so she'll be able to attend her first meeting with the JCOA. She did have an opportunity to meet with the Chamber of Commerce and find out more about what they do and meet face to face with them.

Ms. Michelle Hale reported that the Public Works and Facilities Committee (PWFC) met on February 4 and that was her first opportunity to preside and it was fun. They discussed the Bartlett Hospital oncology appropriation and also discussed the Valley Transit Center fund transfers. That will be going to the Planning Commission next. She met earlier with Mike Vigue and John Bohan and they gave her an excellent overview of the Capital Improvement Program (CIP) process. They received an introduction of the CIP list at the PWFC meeting and that will be coming forward to the Assembly eventually.

Ms. Hale reported that she attended a meeting of the Juneau Commission on Sustainability (JCOS). They discussed VW funding through Alaska Energy Authority (AEA). It is only \$125,000 but it looks like we have an opportunity to apply for those funds and it would support electric vehicle charging. That is a work in progress with numerous parties.

Ms. Hale noted that she will be attending Hospital Governance conference in mid-April. She thanked Chuck Bill for suggesting that and sponsoring her attendance. She noted that

several board members will also be attending that conference. She will also be attending S.E. Conference over the next few days. She attended the DOT Riverside Drive open house and the JCOS air workshop run by DEC.

Mr. Wade Bryson reported that he met with Glory Hall representatives Mariya Lovishchuk and Bruce Denton who are requesting an additional \$150,000 from the Assembly. They want to begin discussions about the possibility of moving the Glory Hall.

Mr. Bryson provided a liaison report from the February 5 PRAC meeting at which Jorden Nigro gave a presentation about a potential day care setting. They also received a report on when the Brotherhood Bridge trail repairs are scheduled to be done and how that will go. They also informed the committee that they are out of qualified dirt in the community. They didn't have enough qualified dirt to cover the ball fields. He said that the Amalga Meadows Cabin has received its funding and that will be built this year.

Mr. Bryson said he attended the AEYC open house. They have tons of tools for child care and for healthy families. He also attended the Riverside/Stephen Richards meetings and they have decided on going with the 4 way controlled light intersection. Lastly, he reported that he attended the Territorial Sportsman and Alaska Outdoor Council annual fundraiser and they raised quite a bit of money at that event.

Ms. Gladziszewski said she attended the high school play "Bye Bye Birdie" which was held this past weekend and will be held again in the coming weekend. The students did a fantastic job.

#### C. Presiding Officer Reports

*None.*

### **XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Mr. William Quayle addressed the Assembly about the safety of the use of pedicabs to go to DIPAC and how that compares to operating a pedi-cab in the downtown Juneau area. He sent the Assembly a real time video in the last month on how safe it can be.

### **XIV.EXECUTIVE SESSION**

**MOTION** by Ms. Triem for the Assembly to adjourn into Executive Session to discuss matters the immediate knowledge of which could have a detrimental affect on the finances of the city, specifically regarding CLIAA litigation strategy update and Siddon vs. BRH litigation strategy and asked for unanimous consent.

Mayor Weldon asked for any public comment or objection for going into Executive Session. Hearing none, Mayor Weldon recessed the meeting at 7:49 p.m.

The Assembly came out of executive session at 9:37 p.m.

Ms. Triem reported, “The Assembly heard updates on two litigation topics and discussed legal strategy.”

A. CLIAA Litigation Strategy Update

B. Siddon v. BRH Litigation Strategy

## **XV. ADJOURNMENT**

There being no further business to come before the body, Mayor Weldon adjourned the meeting at 9:38 p.m.

Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Signed: \_\_\_\_\_  
Beth A. Weldon, Mayor



Presented by: The Manager  
Introduced: June 3, 2019  
Drafted by: Finance

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2018-11(AN)**

**An Ordinance Appropriating to the Manager the Sum of \$500,000 as Partial Funding for the Bartlett Regional Hospital Crises Stabilization Capital Improvement Project; Grant Funding Provided by the Alaska Department of Health and Social Services.**

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 \$500,000 for the BRH Crises Stabilization CIP.

**Section 3. Source of Grant Funds**

Alaska Department of Health and Social Services	\$500,000
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**Section 4. Effective Date.** This ordinance shall become effective upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**GENERAL OBLIGATION BOND**

**Serial No. 2019-21**

AN ORDINANCE AMENDING ORDINANCE SERIAL  
NO. 2012-44 REGARDING THE FINAL SERIES OF GENERAL  
OBLIGATION BONDS AUTHORIZED THEREUNDER.

Approved: June 24, 2019

Prepared by:

K&L GATES LLP  
Seattle, Washington

**City and Borough of Juneau, Alaska**  
**Ordinance Serial No. 2019-21**  
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\* This Table of Contents and the cover page are provided for convenience only and are not a part of this ordinance.

Presented by: The Manager  
Introduced: 06/03/19  
Drafted by: Bond Counsel

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-21**

### **An Ordinance Amending Ordinance Serial No. 2012-44 Regarding the Final Series of General Obligation Bonds Authorized Thereunder.**

WHEREAS, the Assembly of the City and Borough of Juneau (the “City and Borough”) adopted Ordinance Serial No. 2012-44 (the “Ordinance”), authorizing the issuance of not to exceed \$25,000,000 of general obligation bonds on December 17, 2012; and

WHEREAS, pursuant to the Ordinance, the City and Borough issued its General Obligation Bond, 2013 (the “2013 Bond”) under date of March 12, 2013 in the principal amount of \$2,600,000 to provide funds for a portion of the Projects (as such term is defined in the Ordinance); and

WHEREAS, pursuant to the Ordinance, the City and Borough issued its General Obligation Bond, 2014 (the “2014 Bond”) under date of October 30, 2014 in the principal amount of \$11,210,000 to provide funds for a portion of the Projects (as such term is defined in the Ordinance); and

WHEREAS, pursuant to the Ordinance, the City and Borough issued its General Obligation Bond, 2016 (the “2016 Bond”) under date of November 3, 2016 in the principal amount of \$2,635,000 to provide funds for a portion of the Projects (as such term is defined in the Ordinance); and

WHEREAS, the City and Borough expects to issue its final series of bonds under the Ordinance to provide funds for a portion of the Projects (as such term is defined in the Ordinance); and

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

WHEREAS, the Assembly intends to amend the Ordinance to provide the parameters relating to the remaining bonds authorized thereunder;

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. Amendment of Section 2.** The definition of Bonds in Section 2 is hereby amended to read as follows (additions are underscored, and deletions are shown with the text stricken through):

***Bonds*** means the City and Borough of Juneau, Alaska General Obligation Bonds, 20[13/14/15/16/17/18/19 ~~[(Non-AMT/AMT)]~~] authorized to be issued pursuant to this ordinance in one or more series.

**Section 3. Amendment of Section 3.** Section 3 of Ordinance Serial No. 2012-44 is hereby amended to read as follows (additions are underscored, and deletions are shown with the text stricken through):

**Section 3. Authorization of Bonds.** For the purpose of financing the Projects as authorized by Ordinance Serial No. 2012-33(b) and paying the costs of issuance of such bonds, the City and Borough shall issue its general obligation bonds in the aggregate principal amount of not to exceed \$25,000,000 but in any event providing no more than \$25,000,000 in net proceeds (principal amount plus premium, if any, less costs of issuance) (the “Bonds”). The Bonds shall be dated as of the date established pursuant to Section 13, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates and rates set forth in the respective approved Loan Agreement, and shall come due on the dates set forth in the Loan Agreement of the following years in the following estimated aggregate principal installments:

<u>Maturity</u> <u>Year</u>	<u>Principal</u> <u>Amount*</u>
2014	\$ <u>95,000</u> <del>905,000</del>
2015	<u>480,000</u> <del>765,000</del>
2016	<u>485,000</u> <del>795,000</del>
2017	<u>715,000</u> <del>830,000</del>
2018	<u>745,000</u> <del>840,000</del>
2019	<u>775,000</u> <del>875,000</del>
2020	<u>1,260,000</u> <del>920,000</del>
2021	<u>1,310,000</u> <del>965,000</del>
2022	<u>1,365,000</u> <del>1,010,000</del>
2023	<u>1,430,000</u> <del>1,065,000</del>
2024	<u>1,490,000</u> <del>1,115,000</del>
2025	<u>1,560,000</u> <del>1,170,000</del>
2026	<u>1,640,000</u> <del>1,220,000</del>
2027	<u>1,385,000</u> <del>1,265,000</del>
2028	<u>1,455,000</u> <del>1,315,000</del>
2029	<u>1,525,000</u> <del>1,370,000</del>
2030	<u>935,000</u> <del>1,440,000</del>
2031	<u>980,000</u> <del>1,510,000</del>
2032	<u>1,030,000</u> <del>1,585,000</del>
2033	<u>1,085,000</u> <del>1,665,000</del>

Total: \$21,745,000~~22,625,000~~\*

\* Principal maturities do not add to \$25,000,000, in anticipation of selling Bonds with original issue premium, generating not more than \$25,000,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts in any year are increased or decreased by no more than 15%, and *provided, further*, in the aggregate, the Bonds shall be issued in principal amounts that provide no more than \$25,000,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or \$25,000,000 in principal amount, whichever is less.

**Section 4. Amendment of Section 6.** Section 6 of Ordinance Serial No. 2012-44 is hereby amended to read as follows (additions are underscored, and deletions are shown with the text stricken through):

**Section 6. Form of Bonds.** The Bonds shall be in substantially the following form:

NO. \_\_\_\_\_ UNITED STATES OF AMERICA \$ \_\_\_\_\_  
STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU  
GENERAL OBLIGATION BOND, 20[13/14/15/16/17/18/19 [(Non-  
AMT/AMT)]]

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER: ALASKA MUNICIPAL BOND BANK

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the “City and Borough”), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from \_\_\_\_\_, 20\_\_, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on \_\_\_\_\_ 1, 20\_\_ and semiannually thereafter on the first day of each \_\_\_\_\_ and \_\_\_\_\_.

Year of Principal Installment Payment (_____ 1)	Principal Installment Amount	Interest Rate
	\$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15<sup>th</sup> day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the “Bond Registrar”).

This bond is a general obligation bond of the Borough and is issued pursuant to an election authorizing the same for the purpose of making capital improvements to facilities of the City and Borough.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under Ordinance Serial No. 2012-44 of the City and Borough (the “Bond Ordinance”) until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar. Capitalized terms used in this bond and not otherwise defined herein have the meanings given such terms in the Bond Ordinance.

This bond is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Alaska and ordinances duly adopted by the Assembly, including the Bond Ordinance.

This bond is subject to prepayment as stated in the Loan Agreement.



The City and Borough has obligated and bound itself to make annual levies of ad valorem taxes upon all the taxable property within the City and Borough, without limitation as to rate or amount, in amounts sufficient, together with such other moneys of the City and Borough available for such purposes as the Assembly of the City and Borough may, from time to time, appropriate and make available to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the levy of such taxes and the prompt payment of such principal and interest. The pledge of tax levies for payment of principal of and interest on the bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bond is/is not a “private activity bond” as such term is defined in the Internal Revenue Code of 1986, as amended (the “Code”). The City and Borough has not designated the bond as a “qualified tax-exempt obligation” under Section 265(b) of the Code for investment by banks, thrift institutions and other financial institutions.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Alaska to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City and Borough may incur.

IN WITNESS WHEREOF, the City and Borough of Juneau, Alaska has caused this bond to be executed by the manual or facsimile signature of its City Manager or his/her designee and attested by the manual or facsimile of the Clerk, and the official seal of the City and Borough to be impressed, imprinted or otherwise reproduced hereon, as of this \_\_\_\_ day of \_\_\_\_\_, 20[13/14/15/16/17/18/19 [(Non-AMT/AMT)]].

CITY AND BOROUGH OF JUNEAU, ALASKA

By \_\_\_\_\_ /s/ manual or facsimile  
City Manager or Designee

ATTEST:

\_\_\_\_\_  
/s/ manual or facsimile  
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

### CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the General Obligation Bond, 20[13/14/15/16/17/18/19 [(Non-AMT/AMT)]] of the City and Borough of Juneau, Alaska, dated \_\_\_\_\_, 20[13/14/15/16/17/18/19 [(Non-AMT/AMT)]], and described in the within-mentioned Bond Ordinance.

Finance Director, City and Borough of  
Juneau, Alaska, as Bond Registrar

By \_\_\_\_\_  
Authorized Signer

**Section 5. Amendment of Section 12.** Section 12 of Ordinance Serial No. 2012-44 is hereby amended to read as follows (additions are underscored, and deletions are shown with the text stricken through):

**Section 12. Tax Covenants.** The Finance Director is an officer of the City and Borough whose duties include the holding of such hearings as may be required under the United States Internal Revenue Code of 1986, as amended (the “Code”) in order to assure the tax-exempt status of the Bonds. The Finance Director will hold a public hearing on the issuance of any Bonds for private activity components of the airport, pursuant to published notice on the City and Borough’s website or in a newspaper of general circulation in the City and Borough. The City and Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on any such Bonds under Section 103 of the Code as set forth in the federal tax certificate(s) that will be executed at the closing for any such Bonds. The covenants of this section shall be applicable to any Bonds issued as tax-exempt obligations or Bonds that are required to observe the applicable rules and regulations under the Code for tax-exempt bonds.

(a) *Arbitrage Covenant.* The City and Borough hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City and Borough which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code and the applicable regulations thereunder which, if such use had been reasonably expected on the dates of delivery of the Bonds to the initial purchasers thereof, would have caused such Bonds to be “arbitrage bonds” within the meaning of said section and said regulations. The City and Borough will comply with the requirements of

Section 148 of the Code and the applicable regulations thereunder throughout the term of the Bonds.

(b) *Private Person Use Limitation for Bonds.* The City and Borough covenants that for as long as the Bonds that are issued as tax-exempt governmental bonds, ~~are~~ outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Bonds that are issued as tax-exempt governmental bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Bonds that are issued as tax-exempt governmental bonds in a Bond Year to be directly or indirectly (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City and Borough further covenants that, if:

(3) More than five percent of the Net Proceeds of the Bonds that are issued as tax-exempt governmental bonds is to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Bonds that are issued as tax-exempt governmental bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the projects described in subsection (3) hereof or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects funded by the Bonds that are issued as tax-exempt governmental bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Bonds used for the state or local governmental use portion of the project to which the Private Person Use of such portion of the project relates. The City and Borough further covenants that it will comply with any limitations on the use of the projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax status of the Bonds that are issued as tax-exempt governmental bonds. The covenants of this section are specified solely to assure the continued

exemption from regular income taxation of the interest on the Bonds that are issued as tax-exempt governmental bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City and Borough's bond counsel that such modification or elimination will not adversely affect the tax status of the Bonds that are issued as tax-exempt governmental bonds.

**Section 6. Ratification of Ordinance.** As amended by this ordinance, the Ordinance is hereby ratified approved and confirmed.

**Section 7. Effective Date.** This ordinance shall become effective thirty days after adoption.

ADOPTED this 24th day of June, 2019.

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Beth Weldon, Mayor

ATTEST:

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Beth McEwen, Clerk

## **CERTIFICATE**

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the “City and Borough”), Do HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance Serial No. 2019-21 (the “Ordinance”) of the City and Borough as finally passed at a regular meeting of the Assembly of the City and Borough (the “Assembly”) held on the 24th day of June, 2019, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such special meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of June, 2019.

---

Beth McEwen, Clerk  
City and Borough of Juneau

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

### Serial No. 2012-44

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO PROVIDE NET PROCEEDS NOT TO EXCEED \$25,000,000; AND PROVIDING FOR THE FORM AND TERMS OF THE BONDS AND FOR UNLIMITED TAX LEVIES TO PAY THE BONDS.

WHEREAS, at the regular municipal election held on October 2, 2012, pursuant to Ordinance Serial No. 2012-33(b), the Home Rule Charter of the City and Borough, and other resolutions and ordinances of the City and Borough, the qualified electors approved the issuance of general obligation bonds in the principal amount of not to exceed \$25,000,000 (the "Bond Authorization"); and

WHEREAS, it is deemed necessary and advisable and in the best interests of the City and Borough and its inhabitants that the City and Borough issue the Bond Authorization in one or more series in the principal amount of not to exceed \$25,000,000; and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds herein authorized to the Alaska Municipal Bond Bank (the "Bond Bank") on the terms and conditions set forth herein and in the loan agreements between the City and Borough and the Bond Bank, as authorized by this ordinance;

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

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

**Section 2. Definitions.** As used in this ordinance, the following words shall have the following meanings:

**Assembly** means the Assembly of the City and Borough of Juneau, Alaska as the same shall be duly and regularly constituted from time to time or any successor body.

**Bond Authorization** means the \$25,000,000 principal amount of bonds authorized to be issued by the City and Borough pursuant to Ordinance Serial No. 2012-33(b).

**Bond Bank** means the Alaska Municipal Bond Bank, a public corporation, and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended. Packet Page 43 of 223

**Bond Bank Bonds** means bonds to be issued by the Bond Bank to provide funds to be loaned to the City and Borough pursuant to the Loan Agreement.

**Bond Fund** means the "Debt Service Fund" of the City and Borough maintained pursuant to this ordinance.

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

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

**Bonds** means the City and Borough of Juneau, Alaska General Obligation Bonds, 20[13/14] authorized to be issued pursuant to this ordinance in one or more series.

**Bond Year** means each one-year period that ends on the date selected by the City and Borough. The first and last Bond Years may be a shorter period. If no day is selected by the City and Borough before the earlier of the final maturity date of the Bonds or the date that is five years after the date of issuance of the Bonds, Bond Years end on each anniversary of the date of issue and on the final maturity date of the Bonds.

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

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

**Code** means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

**Construction Funds** means the funds maintained pursuant to Section 10 of this ordinance, into which shall be deposited the Bond proceeds, other than accrued interest.

**Finance Director** means the director or interim director of the finance department of the City and Borough.

(a) Cash (United States currency or demand deposits insured at all times by the Federal Deposit Insurance Corporation or otherwise collateralized with obligations described in subparagraph (b)), or

(b) Noncallable indirect obligations of (including obligations issued or held in book-entry form on the books of) the Department of the Treasury of the United States of America, the payment of which is guaranteed by the United States of America.

**Loan Agreement** means the Loan Agreement for each Bond by and between the City and Borough and the Bond Bank authorized to be entered into pursuant to Section 13 of this ordinance.

**Net Proceeds**, when used with reference to the Bonds, means the principal amount of the Bonds, plus accrued interest and original issue premium, if any, and less original issue discount.

**Private Person** means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

**Private Person Use** means the use of property in a trade or business by a Private Person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the Private Person as well as other arrangements that transfer to the Private Person the actual or beneficial use of the property (such as a lease, management or incentive payment contract or other special arrangement) in such a manner as to set the Private Person apart from the general public. Use of property as a member of the general public includes attendance by the Private Person at municipal meetings or business rental of property to the Private Person on a day-to-day basis if the rental paid by such Private Person is the same as the rental paid by any Private Person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a de minimis fee to cover custodial expenses.

**Projects** means the capital improvements which are specified in Section 3 of Ordinance Serial No. 2012-33(b) of the City and Borough.

**Registered Owner** means the person in whose name ownership of a Bond is identified in the Bond Register.

**Rule** means the SEC's Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

**SEC** means the United States Securities and Exchange Commission.



(a) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(c) All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this ordinance; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to this ordinance as a whole and not to any particular Article, Section or subdivision hereof.

**Section 3. Authorization of Bonds.** For the purpose of financing the Projects as authorized by Ordinance Serial No. 2012-33(b) and paying the costs of issuance of such bonds, the City and Borough shall issue its general obligation bonds in the aggregate principal amount of not to exceed \$25,000,000 but in any event providing no more than \$25,000,000 in net proceeds (principal amount plus premium, if any, less costs of issuance) (the "Bonds"). The Bonds shall be dated as of the date established pursuant to Section 13, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates and rates set forth in the respective approved Loan Agreement, and shall come due on the dates set forth in the Loan Agreement of the following years in the following estimated aggregate principal installments:

<u>Maturity Year</u>	<u>Principal Amount*</u>
2014	\$ 905,000
2015	765,000
2016	795,000
2017	830,000
2018	840,000
2019	875,000
2020	920,000
2021	965,000
2022	1,010,000
2023	1,065,000
2024	1,115,000
2025	1,170,000
2026	1,220,000
2027	1,265,000
2028	1,315,000
2029	1,370,000
2030	1,440,000
2031	1,510,000
2032	1,585,000
2033	1,665,000

Total: \$22,625,000\*

\* Principal maturities do not add to \$25,000,000, in anticipation of selling Bonds with original issue premium, generating not more than \$25,000,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts in any year are increased or decreased by no more than 15%, and *provided, further*, in the aggregate, the Bonds shall be issued in principal amounts that provide no more than \$25,000,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or \$25,000,000 in principal amount, whichever is less.

**Section 4. Registration, Exchange and Payments.** The Finance Director shall act as authenticating agent, paying agent and registrar for the Bonds (collectively, the "Bond Registrar"). Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the office of the

Bond Registrar. Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of the Bonds, payments of principal of and interest on the Bonds shall be made to the Bond Bank in accordance with the Loan Agreement. Packet Page 47 of 223

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bonds of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rates and maturities. Such transfer or exchange shall be without cost to the Registered Owner or transferee.

The City and Borough may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bond and for any and all other purposes whatsoever.

**Section 5. Prepayment.** Provisions for the optional prepayment of some or all principal installments of the Bonds may be established pursuant to Section 13 of this ordinance and shall be set forth in the Loan Agreement.

So long as the Bond Bank is the owner of the Bonds, notice of prepayment shall be given according to the terms of the Loan Agreement. If the Bond Bank is not the owner of the Bonds, notice of prepayment shall be given not less than 20 nor more than 60 days prior to the date fixed for prepayment by first class mail, postage prepaid, to the Registered Owners of the Bonds at the addresses appearing on the Bond Register. The requirements of this section shall be deemed complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owners of the Bonds.

Each official notice of prepayment shall be dated and shall state: (i) the prepayment date, (ii) the prepayment price or prepayment premium, if any, payable upon such prepayment; (iii) if less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of \$5,000); (iv) that the interest on the Bonds, or on the principal amount thereof to be prepaid, designated for prepayment in such notice, shall cease to accrue from and after such prepayment date; and (v) that on such date there will become due and payable on the Bonds the principal amount thereof to be prepaid and the interest accrued on such principal amount to the prepayment date.

**Section 6. Form of Bonds.** The Bonds shall be in substantially the following form: Packet Page 48 of 223

UNITED STATES OF AMERICA

NO. \_\_\_\_\_ \$ \_\_\_\_\_

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU  
GENERAL OBLIGATION BOND, 20[13/14]

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER: ALASKA MUNICIPAL BOND BANK

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the "City and Borough"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from \_\_\_\_\_, 20\_\_, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on \_\_\_\_\_ 1, 20\_\_ and semiannually thereafter on the first day of each \_\_\_\_\_ and \_\_\_\_\_.

Year of Principal Installment Payment (_____ 1)	Principal Installment Amount	Interest Rate
	\$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15<sup>th</sup> day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the "Bond Registrar").

This bond is a general obligation bond of the Borough and is issued pursuant to an election authorizing the same for the purpose of making capital improvements to facilities of the City and Borough.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under Ordinance Serial No. 2012-44 of the City and Borough (the "Bond Ordinance") until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar. Capitalized terms used in this bond and not otherwise defined herein have the meanings given such terms in the Bond Ordinance.

This bond is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Alaska and ordinances duly adopted by the Assembly, including the Bond Ordinance.

This bond is subject to prepayment as stated in the Loan Agreement.

The City and Borough has obligated and bound itself to make annual levies of ad valorem taxes upon all the taxable property within the City and Borough, without limitation as to rate or amount, in amounts sufficient, together with such other moneys of the City and Borough available for such purposes as the Assembly of the City and Borough may, from time to time, appropriate and make available to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the levy of such taxes and the prompt payment of such principal and interest. The pledge of tax levies for payment of principal of and interest on the bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bond is not a "private activity bond" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The City and Borough has not designated the bond as a "qualified tax-exempt obligation" under Section 265(b) of the Code for investment by banks, thrift institutions and other financial institutions.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Alaska to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City and Borough may incur.

IN WITNESS WHEREOF, the City and Borough of Juneau, Alaska has caused this bond to be executed by the manual or facsimile signature of its City Manager or his/her designee and attested by the manual or facsimile of the Clerk, and the official seal of the City and Borough to be impressed, imprinted or otherwise reproduced hereon, as of this \_\_\_\_ day of \_\_\_\_\_, 20[13/14].

CITY AND BOROUGH OF  
JUNEAU, ALASKA

By \_\_\_\_\_ /s/ manual or facsimile  
City Manager or Designee

ATTEST:

\_\_\_\_\_/s/ manual or facsimile  
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the General Obligation Bond, 20[13/14] of the City and Borough of Juneau, Alaska, dated \_\_\_\_\_, 20[13/14], and described in the within-mentioned Bond Ordinance.

Finance Director, City and Borough of Juneau,  
Alaska, as Bond Registrar

By \_\_\_\_\_  
Authorized Signer

**Section 7. Execution of Bonds.** The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or his/her designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. Any Bond may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bonds the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

**Section 8. Lost, Stolen, Destroyed or Mutilated Bonds.** In case any Bonds shall at any time become mutilated or be lost, stolen or destroyed, the City and Borough in the case of such mutilated Bonds shall, and in the case of such lost, stolen or destroyed Bonds in its discretion may, execute and deliver a new Bond of like tenor and effect in exchange or substitution for and upon the surrender and cancellation of such mutilated Bonds, or in lieu of or in substitution for such destroyed, stolen or lost Bonds, or if such stolen, destroyed or lost Bonds shall have matured, instead of issuing a substitute therefor, the City and Borough at its option pay the same without the surrender thereof. Except in the case where a mutilated Bonds is surrendered, the applicant for the issuance of a substitute Bond shall furnish to the City and Borough evidence satisfactory to it of the theft, destruction, or loss of the original Bonds, and of the ownership thereof, and also such security and indemnity as may be required by the City and Borough, and no such substitute Bond shall be issued unless the applicant for the issuance thereof shall reimburse the City and Borough for the expenses incurred by the City and Borough in connection with the preparation, execution, issuance, and delivery of the substitute Bonds, and any such substitute Bond shall be equally and proportionately entitled to the security of this ordinance with all other bonds issued hereunder, whether or not the Bonds alleged to have been lost, stolen or destroyed shall be found at any time or be enforceable by anyone.

**Section 9. Pledge of Taxes and Credit.** The City and Borough hereby irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City and Borough subject to taxation in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest. There is maintained in the office of the Finance Director a special fund of the City and Borough known as the "Debt Service Fund" (the "Bond Fund"), for the sole purpose of paying the principal of and interest on the Bonds and all other general obligation bonds of the City and Borough. Accrued interest, if any, received at the time of delivery of the Bonds shall be paid into the Bond Fund.

The City and Borough hereby irrevocably covenants and pledges for as long as the Bonds are outstanding that it will make provision for the payment of the principal of and interest on the Bonds in its annual budgets and further covenants that it will make annual levies of ad valorem taxes, for payment into the Bond Fund, upon all the property within the City and Borough subject

to taxation, without limitation as to rate or amount, in amounts sufficient, with such other moneys available for such purposes as the Assembly from time to time may appropriate and order transferred to the Bond Fund, to pay the principal of and interest on the Bonds as the same shall be come due and payable. Packet Page 92 of 223

**Section 10. Construction Funds for Proceeds of the Bonds.** There has heretofore been created in the office of the Finance Director of the City and Borough certain funds and accounts (the "Construction Funds"), into which shall be paid the proceeds of the Bonds (other than accrued interest which shall be deposited in the Bond Fund), and any and all other moneys which the City and Borough may now or later have on hand which are necessary and legally available to pay the costs authorized by Ordinance Serial No. 2012-33(b) and paying the costs of issuance of the Bonds. The Finance Director shall maintain records sufficient to account for the investment and expenditure of the Bond Authorization.

Said funds shall be drawn upon for paying the costs authorized by Ordinance Serial No. 2012-33(b), for repaying any other funds or accounts of the City and Borough that may have advanced moneys for such purposes and for paying all expenses incidental to such purposes and the expenses incidental to the issuance of the Bonds. Bond proceeds in the Construction Funds may be invested in any legal investment for City and Borough funds and the proceeds thereof and earnings thereon shall be deposited in the Construction Funds or at the option of the Finance Director in the Bond Fund. In the event there are any proceeds of the Bonds left remaining in the Construction Funds after the payment of all of such costs and expenses, the same may be used for any purpose permitted under Ordinance Serial No. 2012-33(b) or may be transferred to the Bond Fund or may be used for any purpose permitted under Section 10.10 of the Home Rule Charter of the City and Borough.

**Section 11. Defeasance.** In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the owner at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with their terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the certain Bonds so provided for and such Bonds shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the funds so set aside and pledged and to receive notices of early redemption, if any, and such Bonds shall no longer be deemed to be outstanding hereunder, or under any ordinance or resolution authorizing the issuance of bonds or other indebtedness of the City and Borough.

**Section 12. Tax Covenants.**

(a) *Arbitrage Covenant.* The City and Borough hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City and Borough which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code and the applicable regulations thereunder which, if such use had been reasonably expected on the dates of delivery of the Bonds to the initial purchasers thereof, would have caused such Bonds to be



“arbitrage bonds” within the meaning of said section and said regulations. The City and Borough will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Bonds. Packet Page 53 of 223

(b) *Private Person Use Limitation for Bonds.* The City and Borough covenants that for as long as the Bonds is outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Bonds in a Bond Year to be directly or indirectly (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City and Borough further covenants that, if:

(3) More than five percent of the Net Proceeds of the Bonds is to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the projects described in subsection (3) hereof or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects funded by the Bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Bonds used for the state or local governmental use portion of the project to which the Private Person Use of such portion of the project relates. The City and Borough further covenants that it will comply with any limitations on the use of the projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax status of the Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City and Borough’s bond counsel that such modification or elimination will not adversely affect the tax status of the Bonds.

**Section 13. Sale of Bonds.** The City Manager or his/her designee is authorized to negotiate and complete the sale of the Bonds to the Bond Bank on terms and conditions

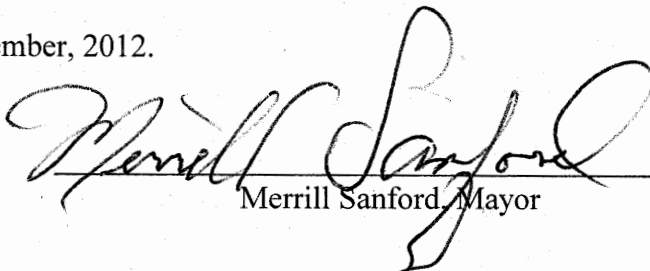
consistent with this ordinance and the Loan Agreement for the Bonds. Such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates, payment dates and prepayment provisions, all as provided for in this ordinance, shall be set forth in the Loan Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly. Packet Page 54 of 223

**Section 14. Undertaking to Provide Ongoing Disclosure.** The City and Borough will execute a certificate for ongoing disclosure in form and substance satisfactory to the purchaser of the Bonds, and the City Manager or his/her designee is hereby authorized and directed to execute such certificate.

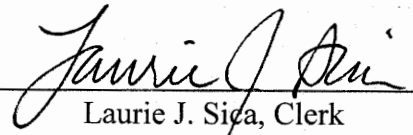
**Section 15. Severability.** If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

**Section 16. Effective Date.** This ordinance shall become effective thirty days after adoption.

ADOPTED this 17th day of December, 2012.

  
Merrill Sanford, Mayor

ATTEST:

  
Laurie J. Sica, Clerk

## CERTIFICATE

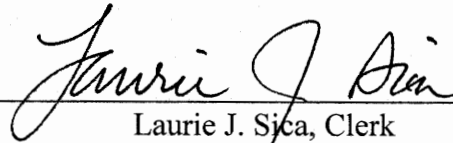
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I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the "City and Borough"), Do HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance Serial No. 2012-44 (the "Ordinance") of the City and Borough as finally passed at a regular meeting of the Assembly of the City and Borough (the "Assembly") held on the 17th day of December, 2012, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such special meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of December, 2012.

A handwritten signature in cursive script, appearing to read "Laurie J. Sica", is written over a horizontal line.

Laurie J. Sica, Clerk  
City and Borough of Juneau

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**AIRPORT REVENUE BONDS**

**Serial No. 2019-22**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF AIRPORT REVENUE BONDS IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$18,000,000; PROVIDING FOR THE FORM AND TERMS OF THE BONDS; PROVIDING A METHOD OF PAYMENT THEREFOR; AND RESERVING THE RIGHT TO ISSUE REVENUE BONDS ON A PARITY WITH THE BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Approved: June 24, 2019

Prepared By:

K&L GATES LLP  
Seattle, Washington

**City and Borough of Juneau, Alaska  
Ordinance Serial No. 2019-22  
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\* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Presented by: The Manager  
Introduced: 06/03/19  
Drafted by: Bond Counsel

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-22**

**An Ordinance Providing for the Issuance and Sale of Airport Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed \$18,000,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.**

WHEREAS, the City and Borough of Juneau, Alaska (the “City and Borough”) owns and operates an international airport facility (the “Airport”); and

WHEREAS, the Airport is in need of expansion, renovation and improvement (the “Projects”); and

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

WHEREAS, the bonds herein authorized will be payable from certain revenue sources available to the Airport and identified herein; and

WHEREAS, the City and Borough is authorized by the Aviation Safety and Capacity Expansion Act of 1990, as amended (the “PFC Act”) to impose and collect passenger facility charges for the purpose of financing capital improvements at the Airport; and

WHEREAS, the City and Borough receives Airport entitlement and discretionary federal grants from the Federal Aviation Administration under the Airport Improvement Program (AIP); and

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

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds herein authorized in one or more series to the Alaska Municipal Bond Bank (the “Bond Bank”) on the terms and conditions set forth herein and in loan agreement(s) between the City and Borough and the Bond Bank, as authorized by this ordinance;

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

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

**Section 2. Definitions.** As used in this ordinance, unless a different meaning clearly appears from the context:

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

***Additional Pledged Revenue*** means any income, receipt or revenue of the Airport (other than PFC Revenue and AIP Revenues) legally available to the payment of the principal of and interest on Bonds, each to the extent pledged under the terms of the loan agreement between the Bond Bank and the City and Borough with respect to the Bonds.

***Adjusted Costs*** means costs of Projects paid or legally obligated to be paid from PFC Revenue or AIP Revenue to date, **minus** Projected Aggregate Debt Service with respect to Bonds, **minus** amounts then on deposit in the funds and accounts created under this ordinance and available for the payment of debt service on Bonds and **minus** costs of Projects paid from the proceeds of Bonds.

***AIP Revenue*** means all Airport Improvement Program entitlement grants and AIP discretionary grants, specifically including AIP Grant Number 3-02-0133-078-2018.

***Airport*** means the international airport facility owned by the City and Borough.

***Annual Debt Service*** means the total amount of Debt Service for any Parity Bond or series of Parity Bonds or other evidences of indebtedness payable from Pledged Revenue in any fiscal year or Base Period.

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

***Balloon Maturity Bonds*** means any evidences of indebtedness of the City and Borough payable from Pledged Revenue which are so designated in the proceedings pursuant to which such indebtedness is incurred.

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

***Bonds*** means the not to exceed \$18,000,000 par value City and Borough of Juneau, Alaska, Airport Revenue Bond, 20\_\_[A/B]([AMT/Non-AMT]) authorized to be issued in one or more series pursuant to this ordinance; provided, however, that the term ***Bonds*** shall mean and include Future Parity Bonds when used in the context of the Sufficiency Covenant, the Reserve

Account Requirement and the Parity Requirement and the requirement for a City and Borough Representative's Certificate or a Consultant's Certificate.

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

***Bond Bank Bonds*** means bonds to be issued by the Bond Bank to provide funds to be loaned to the City and Borough pursuant to the Loan Agreement.

***Bond Bank Reserve Agreement*** means the Reserve Depositary Agreement, between the Bond Bank Trustee and the City and Borough.

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

***Bond Fund*** means the "Airport Revenue Bond Debt Service Fund" maintained in the office of the Finance Director pursuant to this ordinance.

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

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

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

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

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

***City and Borough Representative's Certificate*** means a certificate dated no earlier than 30 days earlier than the delivery of the Future Parity Bonds, executed by a City and Borough Representative and stating that



(a) the Sufficiency Covenant will be met upon the issuance of the Future Parity Bonds; and

(b) Pledged Revenue received during the Base Period (as shown in the audited or unaudited financial statements of the City and Borough) was not less than 150% of Maximum Annual Debt Service on all Parity Bonds that will be Outstanding upon the issuance of such Future Parity Bonds;

*provided, however*, that in preparing such certificate, the City and Borough Representative

(1) shall take into account any Forecast PFC Rate Adjustment as if such new rate had been in effect during the entire Base Period and any Forecast AIP Revenue if such Forecast AIP Revenue has been appropriated, and

(2) may take into account any Additional Pledged Revenue.

*Provided further*, that the requirements for the City and Borough Representative's Certificate may be modified as approved by the Designated Representative by agreement with the Bond Bank.

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

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

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

**Consultant's Certificate** means a certificate dated no earlier than 30 days earlier than the delivery of the Future Parity Bonds, executed by a Consultant and stating that

(a) the Sufficiency Covenant is estimated to be met upon the issuance of the Future Parity Bonds; and

(b) in each of the first five full calendar years (commencing with the first such year following the date of issuance of the Future Parity Bonds) following the date of issuance of the Future Parity Bonds, the amount of Pledged Revenue to be collected in each such year is estimated to be not less than 150% of Maximum Annual Debt Service on all Parity Bonds to be Outstanding after the issuance of the proposed Future Parity Bonds;

*provided, however*, that in computing the amount of Pledged Revenue, the Consultant:

(1) shall take into account any Forecast PFC Rate Adjustment on the assumption that such Forecast PFC Rate Adjustment will be in effect during the full five-year period;

(2) may take into account any Projected Additional Pledged Revenue estimated to be received during the full five-year period; and

(3) reasonable projections of PFC Revenue and AIP Revenue, based upon the methodology set forth in the certificate taking into account any projected change in the number of enplanements during the five-year period following the issuance of the Future Parity Bonds and the status of approval and funding of AIP Revenue;

provided, however, that the requirements for the Consultant's Certificate may be modified as approved by the City and Borough Representative by agreement with the Bond Bank.

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

***Debt Service*** means, for any period of time,

(1) with respect to any outstanding Capital Appreciation Bonds which are not designated as Balloon Maturity Bonds in the proceedings authorizing their issuance, the principal amount thereof shall be equal to the Accreted Value thereof maturing or scheduled for redemption in such period, and the interest payable during such period;

(2) with respect to any outstanding Fixed Rate Bonds, an amount equal to (A) the principal amount of such Fixed Rate Bonds due or subject to mandatory redemption during such period and for which no sinking fund installments have been established, (B) the amount of any payments required to be made during such period into any sinking fund established for the payment of any such Fixed Rate Bonds, plus (C) all interest payable during such period on any such outstanding Fixed Rate Bonds and with respect to Fixed Rate Bonds with mandatory sinking fund requirements, calculated on the assumption that mandatory sinking fund installments will be applied to the redemption or retirement of such Fixed Rate Bonds on the date specified in the proceedings authorizing such Fixed Rate Bonds; and

(3) with respect to all other series of Parity Bonds, other than Fixed Rate Bonds, Capital Appreciation Bonds, specifically including but not limited to Balloon Maturity Bonds and Parity Bonds bearing variable rates of interest, an amount for any period equal to the amount which would have been payable for principal and interest on such Parity Bonds during such period computed on the assumption that the amount of Parity Bonds as of the date of such computation would be amortized (i) in accordance with the mandatory redemption provisions, if any, set forth in the proceedings authorizing the issuance of such Parity Bonds, or if mandatory redemption provisions are not provided, during a period commencing on the date of computation and ending on the date 30 years after the date of issuance (ii) at an interest rate equal to the yield to maturity set forth in the 40-Bond Index published in the edition of *The Bond Buyer* (or comparable publication or such other similar index selected by the City and Borough) and published within ten days prior to the date of calculation or, if such calculation is being made in

connection with the certificate required by Section 15 hereof, then within ten days of such certificate, (iii) to provide for essentially level annual debt service of principal and interest over such period. Debt Service shall be net of any interest funded out of Bond proceeds. Debt Service shall include reimbursement obligations to providers of Credit Facilities to the extent authorized by ordinance or resolution.

***Federal Tax Certificate*** means the certificate(s) executed on behalf of the City and Borough upon the issuance of the Bonds and including certain representations regarding the use and application of the Bond proceeds and the payment of rebatable arbitrage, if any, with respect to the Bonds.

***Finance Director*** means the director of the finance department or interim director of the finance department of the City and Borough.

***Fitch*** means Fitch Ratings, Inc., organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***Fitch*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

***Fixed Rate Bonds*** means those Parity Bonds other than Capital Appreciation Bonds or Balloon Maturity Bonds issued under an ordinance in which the rate of interest on such Parity Bonds is fixed and determinable through their final maturity or for a specified period of time. If so provided in the proceedings authorizing their issuance, Parity Bonds may be deemed to be Fixed Rate Bonds for only a portion of their term.

***Forecast PFC Rate Adjustment*** means (i) any required reduction in the rate of the levy of PFCs that constitute PFC Revenue or (ii) any increase in the rate of the levy of PFCs if the Port has taken all actions and has received all approvals required to impose such PFCs and if legislation has been enacted to permit such increase in the rate of levy of PFCs.

***Forecast AIP Revenue*** means additional approved AIP Revenue under the Airport Improvement Program.

***Future Parity Bonds*** means any revenue bonds which the City and Borough may hereafter issue having a lien upon the Pledged Revenue for the payment of the principal thereof and interest thereon equal to the lien of the Bonds upon the Pledged Revenue.

***Governmental Components*** means the portions of the Projects identified as ***Governmental Components*** in the Federal Tax Certificate with respect to Bonds.

***Governmental Project Fund*** means the fund or account into which certain net proceeds of the Bonds issued for the Governmental Components shall be deposited.

***Government Obligations*** means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

***Loan Agreement*** means the Loan Agreement(s) for the Bonds by and between the City and Borough and the Bond Bank authorized to be entered into pursuant to Section 9 of this ordinance.

***Maximum Annual Debt Service*** means highest dollar amount of Annual Debt Service in any fiscal year or Base Period for all outstanding Parity Bonds and/or for all subordinate lien evidences of indebtedness secured by Pledged Revenue, as the context requires.

***Monthly Debt Service Deposit*** means an approximately equal amount to be deposited monthly in the Principal and Interest Account, such that the amount projected to be on hand in the Principal and Interest Account on the next succeeding debt service payment date shall be sufficient to pay the principal of and interest on Bonds then coming due, on the assumption that the deposit with respect to interest and with respect to principal shall be made in each month commencing with the month following the date of issuance of Bonds or the date following which capitalized debt service is no longer available for deposit in the Principal and Interest Account.

***Moody's*** means Moody's Investors Service, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***Moody's*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

***Parity Bonds*** means the Bonds and any Future Parity Bonds.

***PFC*** means passenger facility charges authorized from time to time under the PFC Act.

***PFC Act*** means the Aviation Safety and Capacity Expansion Act of 1990, Pub. L. 101-508, Title IX, Subtitle B, §§ 9110 and 9111, recodified as 49 U.S. § 40117, as amended or replaced from time to time.

***PFC Authority*** means the Record of Decision dated October 3, 2017, as amended on August 31, 2018 and April 10, 2019, as the same may be amended from time to time, and any other record of decision (and amendments) relating to PFCs imposed or to be imposed by the City and Borough at the Airport.

***PFC Capital Fund*** means the fund of that name created pursuant to Section 2(b) of this ordinance.

***PFC Regulations*** means Part 158 of the Federal Aviation Regulations (14 CFR Part 158), as amended from time to time, and any other regulation issued with respect to the PFC Act.

**PFC Revenue** means all revenue received by the City and Borough from time to time from PFCs pursuant to PFC Authority imposed by the City and Borough at the Airport pursuant to the PFC Act and PFC Regulations including any investment income with respect thereto including proceeds thereof and gains from sales of investments after such revenue has been remitted to the City and Borough as provided in the PFC Regulations, all of which are pledged to the Bonds.

**Pledged Revenue** means PFC Revenue, AIP Revenue and Additional Pledged Revenue, if any, that has been pledged to the Bonds, and interest earnings on the Reserve Account to the extent that such earnings are available for transfer to the Principal and Interest Account.

**Principal and Interest Account** means the subaccount of that name created within the Bond Fund pursuant to Section 8 of this ordinance.

**Private Activity Components** means the portions of the Projects identified as **Private Activity Components** in the Federal Tax Certificate with respect to Bonds.

**Private Activity Project Fund** means the fund or account into which certain net proceeds of the Bonds issued for the Private Activity Components shall be deposited.

**Projected Additional Pledged Revenue** means anticipated receipts of Additional Pledged Revenue.

**Projected Aggregate Debt Service** means the aggregate amount of Annual Debt Service through the scheduled maturity(ies) of one or more series of Bonds or through any optional redemption date together with premium, if any, applicable to such one or more series of Parity Bonds, in each case calculated with the goal of minimizing the aggregate dollar amount necessary to pay and redeem such series of Future Parity Bonds whether at maturity or redemption prior to stated maturity.

**Projected Costs** means costs of Projects minus Projected Aggregate Debt Service.

**Projects** means, collectively, the Governmental Components and the Private Activity Components.

**Projected Costs** means costs of Projects minus Projected Aggregate Debt Service.

**Qualified Insurance** means any non-cancelable municipal bond insurance policy or surety bond issued by any insurance company licensed to conduct an insurance business in any state of the United States (or by a service corporation acting on behalf of one or more such insurance companies) which insurance company or companies, as of the time of issuance of such policy or surety bond, are currently rated in one of the two highest Rating Categories by two of the Rating Agencies.

**Qualified Letter of Credit** means any irrevocable letter of credit issued by a financial institution for the account of the City and Borough on behalf of registered owners of the Bonds,

which institution maintains an office, agency or branch in the United States and as of the time of issuance of such letter of credit, is currently rated in one of the two highest Rating Categories by a Rating Agency.

***Rating Agency*** means Moody's or S&P or Fitch.

***Rating Category*** means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

***Registered Owner*** means the person named as the registered owner of a Bond in the Bond Register.

***Reserve Account*** means the Reserve Account created in the Bond Fund pursuant to Section 8 of this ordinance.

***Reserve Requirement*** means, with respect to Parity Bonds outstanding, the lesser of (a) 125% of Average Annual Debt Service, (b) 10% of the net proceeds of each series of Parity Bonds secured by the Reserve Account, or (c) Maximum Annual Debt Service.

***Revenue Fund*** means the revenue funds or accounts into which Pledged Revenue are deposited.

***S&P*** means S&P Global Ratings, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***S&P*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

***State*** means the State of Alaska.

***Sufficiency Covenant*** means the requirement that (i) Unspent PFC Authority **plus** (ii) approved and appropriated AIP Revenue **plus** (iii) Projected Additional Pledged Revenue is at least equal to 105% of Projected Aggregate Debt Service with respect to all outstanding Bonds; provided, however, that the Sufficiency Covenant may be modified as approved by the City and Borough Representative by agreement with the Bond Bank.

***Unspent PFC Authority*** means the aggregate dollar amount of PFCs authorized to be collected by the City and Borough under PFC Authority **minus** the dollar amount of Adjusted Costs.

**Rules of Interpretation.** In this ordinance, unless the context otherwise requires:

- (a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this ordinance;
- (b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;
- (c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;
- (d) Any headings preceding the text of the several sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect;
- (e) Notwithstanding the foregoing definitions, the Finance Director may maintain such separate funds and accounts in such names and under such additional designations as shall be required or advisable to comply with the accounting standards and conventions followed by the City and Borough. The use of the term “Fund” is intended to meet legal requirements and is not intended to be defined as prescribed by generally accepted accounting principles;
- (f) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof; and
- (g) Words importing the singular number include the plural number and vice versa.

**Section 3. The Projects.** This Assembly hereby ratifies and approves the completion of the terminal reconstruction project phase 2, including the Private Activity Components and the Governmental Components (collectively, the “Projects”). The Projects have and will be undertaken in accordance with specifications and contracts for acquisition and construction approved by the Assembly from time to time.

It is hereby provided that said Projects shall be subject to such changes as to details of design or any other details of said Projects as may be authorized by the Assembly either prior to or during the actual course of construction.

The City and Borough may proceed with the construction and installation of the Projects as herein authorized, either alone or in conjunction with the construction of other facilities, and in whole, or in successive parts or units from time to time as may be found advisable.

**Section 4. Costs of the Projects.** The estimated cost of the Projects is hereby declared to be, as near as may be, the sum of up to \$24,000,000 which is expected to be paid from Airport revenues, PFC Revenue, AIP Revenue, state grants, general obligation bonds of the City and Borough, and other revenues dedicated by the City and Borough in addition to the proceeds of the Bonds.

**Section 5. Authorization of Bonds.**

(a) *Authorization.* The City and Borough shall issue and sell not to exceed \$18,000,000 of its airport revenue bonds (the “Bonds”) in one or more series for the purpose of providing permanent financing for the undertaking of the Projects, funding the Reserve Requirement and paying the costs of issuance of the Bonds.

(b) *Bond Details.* The Bonds shall be designated as the “City and Borough of Juneau, Alaska Airport Revenue Bond, 20\_\_[A/B] [(AMT/Non-AMT)],” shall be dated as of the date established pursuant to Section 9, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates set forth in each respective approved Loan Agreement, and shall come due on the dates set forth in the approved Loan Agreement of the following years in the following estimated aggregate principal installments:

Maturity Year	Principal Amount*
2020	\$ 2,090,000
2021	2,150,000
2022	2,215,000
2023	2,300,000
2024	2,390,000
2025	2,490,000
2026	2,615,000

Total: \$16,250,000\*

\* Principal maturities do not add to \$18,000,000, in anticipation of selling Bonds with original issue premium, generating not more than \$18,000,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts may increase or decrease in any year by 25%, and *provided, further*, in the aggregate, the Bonds shall be issued in principal amounts that provide no more than \$18,000,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or \$18,000,000 in principal amount, whichever is less.

**Section 6. Registration, Exchange and Payments.** The Finance Director shall act as authenticating agent, paying agent and registrar for the Bonds (collectively, the “Bond



Registrar"). The principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the office of the Bond Registrar. Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of the Bonds, payments of principal of and interest on the Bonds shall be made to the Bond Bank in accordance with each Loan Agreement.

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like series, principal amount, maturity and interest rates shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Bond Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount and of the same series, interest rates and maturities. Such transfer or exchange shall be without cost to the Registered Owner or transferee.

The City and Borough may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bond and for any and all other purposes whatsoever.

#### **Section 7. Priority of Payments from Pledged Revenue and Capital Fund.**

(a) *Revenue Fund.* There shall be maintained a special revenue fund of the City and Borough herein referred to as the "Revenue Fund" into which all AIP Revenue, PFC Revenue and Additional Pledged Revenue shall be deposited. The Revenue Fund may be maintained under different fund or account designations at the option of the Finance Director in order to comply with the accounting procedures of the City and Borough.

(b) *Flow of Funds.* The Port's PFC Revenue, AIP Revenue and Additional Pledged Revenue, if pledged to Bonds, shall be deposited in the Revenue Fund as collected. The PFC Revenue Fund shall be held separate and apart from all other funds and accounts of the City and Borough, and the Pledged Revenue deposited therein shall be used only for the following purposes and in the following order of priority on or before the 25th day of each month following the date of adoption of this resolution and until so applied shall be pledged to the payment of and subject to a lien and charge in favor of the Bond Bank:

First, to make the Monthly Debt Service Deposit, if required by the Bond Bank or otherwise at times and in amounts as set forth in a Loan Agreement, into the Principal and Interest Account (but only to the extent that such Monthly Service Deposit is not made from amounts held as capitalized interest);

Second, to make all payments required to be made into the Reserve Account to maintain the required balance therein; and

Third, to the Capital Fund, or at the option of the City and Borough to the prior redemption of Bonds.

(c) *Capital Fund.* There is hereby authorized to be created and maintained a separate fund of the City and Borough to be designated as the “Capital Fund.” Money in the Capital Fund may be used and disbursed (i) to pay the costs of Projects, respectively authorized to be paid either from PFC Revenue or AIP Revenue, as permitted by law; or (ii) be transferred to the Revenue Fund; or (iii) to make necessary additions, betterments, improvements and repairs to or extension and replacements of the Projects if permitted by law, including PFC Regulations, or to the extent permitted by law, including PFC Regulations, for any other lawful Airport purposes; or (iv) to pay debt service on any other obligation incurred by the City and Borough to pay costs of Projects and, until so applied, shall be pledged to the payment of and subject to a lien and charge in favor of the Bond Bank. Money on hand in the Capital Fund may be invested in any legal investment for funds of the City and Borough.

**Section 8. Bond Fund.** A special account of the City and Borough designated as the “Airport Revenue Bond Debt Service Fund” (the “Bond Fund”) has heretofore been created in the office of the Finance Director for the purpose of paying and securing the payment of the Bonds and all Parity Bonds. The Bond Fund shall be held separate and apart from all other accounts of the City and Borough and shall be a trust account for the owner of Parity Bonds. The Bond Fund shall be divided into two separate accounts: a Principal and Interest Account for the payment of the principal of and interest on Parity Bonds and the payment of redemption premium, if any, whether due at maturity or redemption prior to maturity and a Reserve Account for the purpose of additionally securing the repayment of Parity Bonds.

(a) *Payments Into Principal and Interest Account.* The Finance Director may direct all or a portion of the original issue premium to be deposited in the Principal and Interest Account. Payments to the Principal and Interest Account shall be made monthly as provided in Section 7(b) of this ordinance. Furthermore, as long as any Parity Bonds remain outstanding, the City and Borough hereby irrevocably obligates and binds itself to set aside and pay from the Bond Fund into the Principal and Interest Account those amounts necessary, together with such other funds as are on hand and available in the Principal and Interest Account, to pay the interest or principal and interest next coming due on outstanding Parity Bonds. Such payments from the Revenue Fund shall be made on or prior to the due date for such installment of principal and interest.

(b) *Priority of Lien of Payments into Principal and Interest Account.* Said amounts so pledged to be paid into the Bond Fund with respect to the Bonds are hereby declared to be a prior lien and charge upon the Pledged Revenue superior to all other charges of any kind or nature whatsoever, except that the amounts so pledged are of equal lien to the lien and charge thereon of any Future Parity Bonds.

(c) *Reserve Account.* A Reserve Account (the “Reserve Account”) is hereby authorized to be created in the Bond Fund for the purpose of securing the payment of the principal of and interest on all Parity Bonds. The City and Borough hereby covenants to deposit into the Reserve Account on the date of issuance of the Bonds from Bond proceeds and/or from funds of the City and Borough legally available therefor an amount equal to the Reserve Requirement with respect to the Bonds.

The City and Borough further covenants and agrees that when said required deposits have been made into the Reserve Account, it will at all times maintain therein an amount at least equal to the Reserve Requirement with respect to all outstanding Parity Bonds. Whenever there is an insufficient amount in the Bond Fund, including the Reserve Account and the Principal and Interest Account to pay the principal of and interest on all outstanding Parity Bonds when due, the money in the Reserve Account may be used to pay such principal and interest. Money in the Reserve Account may be withdrawn to redeem and retire, and to pay the interest due to such date of redemption on any outstanding Bonds, so long as the money left remaining on deposit in the Reserve Account is equal to the Reserve Requirement with respect to all outstanding Parity Bonds.

The City and Borough may satisfy the Reserve Requirement, in whole or in part with a Qualified Letter of Credit or Qualified Insurance. In making the payments and credits to the Reserve Account required by this subsection (c), to the extent that the City and Borough has obtained Qualified Insurance or a Qualified Letter of Credit for specific amounts required pursuant to this section to be paid out of the Reserve Account, such amounts so covered by Qualified Insurance or a Qualified Letter of Credit shall be credited against the amounts required to be maintained in the Reserve Account by this subsection (c) to the extent that such payments and credits to be made are insured by an insurance company, or guaranteed by a letter of credit from a financial institution. A Qualified Letter of Credit shall not be cancelable on less than 30 days’ notice to the City and Borough, and Qualified Insurance shall be noncancellable. In the event of any cancellation of a Qualified Letter of Credit, the Reserve Account shall be funded in accordance with the third paragraph of this subsection (c) as if the Parity Bonds for whose benefit the Qualified Letter of Credit was issued which then remain outstanding had been issued on the date of such notice of cancellation.

In the event that the City and Borough elects to meet the Reserve Requirement through the use of a Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device, the City and Borough may contract with the entity providing such Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device that the City and Borough’s reimbursement obligation, if any, to such entity shall be made from Pledged Revenue available after the payments described in Paragraphs First through Third in Section 7 hereof have been made.

In the event a deficiency in the Principal and Interest Account shall occur, the deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom for that purpose and by the sale or redemption of obligations held in the Reserve Account, if necessary, in such amounts as will provide cash in the Reserve Account sufficient to make up any such deficiency, and if a deficiency still exists immediately prior to an interest payment date and after the

withdrawal of cash, the City and Borough shall then draw from any Qualified Letter of Credit, Qualified Insurance, or other equivalent credit facility that secures the Parity Bonds in sufficient amount to make up the deficiency. Such draw shall be made at such times and under such conditions as the agreement for such Qualified Letter of Credit or such Qualified Insurance shall provide. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up within one year of the date of withdrawal from Pledged Revenue after making necessary provision for making the payments described in Paragraphs First and Second in Section 7(b) hereof.

(d) *Application and Investment of Moneys in the Bond Fund.* Money in the Principal and Interest Account not needed to pay the interest or principal installment and interest next coming due on Parity Bonds may be used to prepay Parity Bonds. Money in the Bond Fund therein may be invested in any legal investment for the funds of the City and Borough. All interest earned and income derived by virtue of such investments shall remain in the Bond Fund (or respective account therein) and be used to meet the required deposits into any account therein.

**Section 9. Sale of Bonds.** The City Manager or his/her designee is authorized to negotiate and complete the sale of the Bonds in one or more series to the Bond Bank on terms and conditions consistent with this ordinance and the respective Loan Agreement for the Bonds. Following the sale of the Bond Bank Bonds for a series of Bonds, such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates, payment dates and prepayment provisions, all as provided for in this ordinance, shall be set forth in a Loan Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

**Section 10. Undertaking to Provide Ongoing Disclosure.** The City and Borough will execute a certificate for ongoing disclosure in form and substance satisfactory to the purchaser of the Bonds, and the City Manager or his/her designee is hereby authorized and directed to execute such certificate.

**Section 11. Insurance.** The Bond Bank may, with the consent of the City and Borough and on terms and conditions acceptable to the City and Borough, obtain a policy of municipal bond insurance guaranteeing the payment when due of the principal of and interest on a series of the Bond Bank's Bonds issued to provide funds for the loan to the City and Borough pursuant to a Loan Agreement. By the Loan Agreement, the City Manager or his/her designee may approve any such policy of municipal bond insurance and authorize all other officers, agents, attorneys, and employees of the City and Borough to cooperate with the bond insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City and Borough, consistent with this ordinance, as shall be necessary or advisable in providing for such policy of municipal bond insurance.

The City Manager or his/her designee also may obtain a surety policy in order to satisfy the Reserve Requirement on the condition that the surety policy meets the requirements of Qualified Insurance on terms and conditions determined to be acceptable to the City Manager or

his/her designee. The City Manager or his/her designee may execute such additional agreements or certificates and provide such documentation to the issuer of such surety policy as shall be necessary or advisable in providing for such surety policy.

In connection with the initial issuance and sale of the Bonds to the Bond Bank, and notwithstanding the provisions of Section 19 of this ordinance to the contrary, the Assembly may by resolution modify any of the covenants or other provisions of this ordinance as may be required by a provider of bond insurance or a surety policy for the Bond Bank's Bonds.

**Section 12. Disposition of Proceeds of the Bonds.** The Finance Director may direct that all or a portion of the original issue premium also be deposited in the Principal and Interest Account. Unless the Reserve Requirement is satisfied with a Credit Facility or other Airport revenues, a portion of the Bond proceeds in the amount designated by the Finance Director shall be deposited in the Reserve Account in order to meet the Reserve Requirement. The City and Borough shall maintain a fund or account for the Governmental Components (the "Governmental Project Fund") and a fund or account for the Private Activity Components (the "Private Activity Project Fund"). The balance of the proceeds of sale of the Bonds of a series shall be deposited in the Governmental Project Fund or the Private Activity Project Fund, as applicable, or a subaccount therein and shall be expended solely to pay the cost of issuing and selling that series of Bonds and, together with other available moneys of the City and Borough, shall be used to reimburse the City and Borough for funds already distributed for the costs of the Governmental Components or the Private Activity Components, respectively, and to pay the costs of completing the Governmental Components or the Private Activity Components, as the case may be. Money in the Governmental Project Fund and the Private Activity Project Fund shall be invested by the Finance Director, pending disbursement, in any legal investment for City and Borough funds, and interest earnings shall be deposited in the respective Project Fund.

**Section 13. Defeasance.** In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

**Section 14. Specific Covenants.** The City and Borough hereby covenants and agrees with the owners of the Bonds that for as long as the Bonds remain outstanding as follows:

(a) *Sufficiency Covenant.* The City and Borough will at all times establish, maintain and collect PFC Revenue and apply for committed AIP Revenue which, together with Projected Additional Pledged Revenue, will be sufficient to meet the Sufficiency Covenant and undertake to measure compliance with the Sufficiency Covenant as of the end of each fiscal year.

If the Sufficiency Covenant is not met, the City and Borough shall:

- (1) redeem or defease Bonds in amounts sufficient to permit the City and Borough to comply with the Sufficiency Covenant; and/or
- (2) identify Additional Pledged Revenue sufficient to permit a Consultant to certify compliance with the Sufficiency Covenant; and/or
- (3) endeavor to obtain committed and appropriated AIP Revenue and obtain an amendment to existing PFC Authority or new PFC Authority and/or
- (4) identify and agree to use other legally available funds of the City and Borough to pay Projected Costs not already paid, in an amount sufficient (together with amounts realized as a result of the other options identified hereinabove) to meet the Sufficiency Covenant.

If the Sufficiency Covenant is not met, and the steps in (1) through (4) have not been taken, the City and Borough shall not spend any money on deposit in the Capital Fund except to pay debt service on the Bonds or to make deposits to the Reserve Account.

The failure of the City and Borough to meet the Sufficiency Covenant shall not constitute a default on the Bonds unless, prior to curing such failure, the City and Borough fails to take one of the actions described in (1) through (4) above and, while such failure continues, the City and Borough disburses money from the Capital Fund for purposes other than the payment of debt service on Bonds or required deposits to the Reserve Account.

(b) *Airport Maintenance.* The City and Borough will at all times maintain and keep the Airport in good repair, working order and condition, and also will at all times operate such facilities and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) *Books and Records.* The City and Borough will, while the Bonds remain outstanding, keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the Airport, and it will furnish the original purchaser or purchasers of the Bonds or any subsequent owner or owners thereof, at the written request of such owner or owners, complete operating and income statements of the Airport in reasonable detail covering any fiscal year, showing the financial condition of the Airport and compliance with the terms and conditions of this ordinance, not more than 120 days after the close of such fiscal year, and it will grant any owner or owners of at least 25% of the outstanding Bonds the right at all reasonable times to inspect the entire Airport and all records, accounts and data of the City and Borough relating thereto. Upon request of any owner of any of said Bonds, it will also furnish to such owner a copy of the most recently completed audit of the City and Borough's accounts.

(d) *Ordinance a Contract.* This ordinance shall constitute a contract with the registered owners of the Bonds, and upon any default hereunder, said owner shall have the right

to institute a mandamus action in any court of competent jurisdiction to compel performance by the City and Borough in accordance with the terms of this ordinance.

(e) *Tax Covenants.* The Finance Director is an officer of the City and Borough whose duties include the holding of such hearings as may be required under the Code in order to assure the tax-exempt status of the Bonds. The Finance Director will hold a public hearing on the issuance of the Bonds for the Private Activity Components, pursuant to published notice on the City and Borough's website or in a newspaper of general circulation in the City and Borough. The City and Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Federal Tax Certificate(s) that will be executed at the closing for the Bonds.

The City and Borough has not designated the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

(f) *Compliance with Law.* The City and Borough will comply with all provisions of the PFC Act, ANCA, the PFC Authority and the PFC Regulations applicable to the City and Borough and all provisions thereof, and will not take any action or omit to take any action with respect to PFC Revenue, the Projects, the Airport or otherwise if such action or omission would, pursuant to the PFC Regulations, cause the termination or reduction of the City and Borough's authority to impose passenger facility charges or prevent the collection and use of the PFC Revenue as contemplated by this resolution. The City and Borough covenants that all money in the PFC Revenue Fund and the PFC Capital Fund will be used in compliance with all provisions of the PFC Act and the PFC Regulations applicable to the City and Borough and all provisions of the PFC Authority. Without limiting the generality of the foregoing, the City and Borough covenants that, to the extent necessary to comply with the foregoing covenant:

(1) The City and Borough will diligently seek approval to use PFC Revenue for the Projects within the time periods set forth in the PFC Regulations and will begin implementation of the Projects within the time periods set forth in the PFC Regulations;

(2) The City and Borough (A) will impose PFCs to the full extent such imposition has been authorized and approved by the FAA in the FAA's Record of Decision, dated October 3, 2017, as amended on August 31, 2018 and April 10, 2019, and as may be further amended in the future, and (B) will not unilaterally decrease the level of the passenger facility charge to be collected from any passenger;

(3) The City and Borough will not impose any noise or access restriction at the Airport not in compliance with ANCA;

(4) The City and Borough will take all action reasonably necessary to cause all collecting airline carriers to collect and remit to the City and Borough all PFCs at the Airport required by the PFC Regulations to be so collected and remitted; and

(5) The City and Borough will contest any attempt by the FAA to terminate, reduce or suspend the City and Borough's authority to impose, receive or use PFC at the Airport prior to the charge expiration date or the date total approved passenger facility charge revenue has been collected.

### **Section 15. Future Parity Bonds.**

(a) *Conditions upon the Issuance of Future Parity Bonds.* As long as the Bonds remain outstanding, the City and Borough hereby further covenants and agrees that it will not issue any obligations having a lien on the Pledged Revenue prior to the lien thereon of the Bonds and further that it will not issue any Future Parity Bonds except in accordance with the conditions of this Section 15. The City and Borough hereby reserves the right to issue additional revenue obligations, which shall constitute a charge and lien upon the Pledged Revenue equal to the lien thereon of the Bonds. Except as provided in subsection (b) below, the City and Borough shall not issue any series of Future Parity Bonds or incur any additional indebtedness with a parity lien or charge on Pledged Revenue (*i.e.*, on a parity of lien with Parity Bonds at the time outstanding) unless:

(1) the City and Borough shall not have been in default of its Sufficiency Covenant for the immediately preceding fiscal year;

(2) The ordinance authorizing the issuance of such Future Parity Bonds shall provide that the Reserve Requirement shall be funded no later than the date of delivery of the Future Parity Bonds and shall include the covenants set forth in Section 14 of this ordinance (including the tax covenant, to the extent applicable); and

(3) there shall have been filed either a City and Borough's Representative Certificate or a Consultant's Certificate.

(b) *No Certificate Required.* The certificate described in the foregoing subsection (a)(3) shall not be required as a condition to the issuance of Future Parity Bonds:

(1) if the Future Parity Bonds being issued are for the purpose of refunding outstanding Parity Bonds and the annual debt service requirements for each year in which Parity Bonds are then outstanding are not increased as a result of the refunding; or

(2) if the Future Parity Bonds are being issued to pay costs of construction of facilities of the Airport for which Parity Bonds have been issued previously and the principal amount of such Future Parity Bonds being issued for completion purposes does not exceed an amount equal to an aggregate of 15% of the principal amount of Parity Bonds theretofore issued for such facilities and reasonably allocable to the facilities to be completed as shown in a written certificate of the City and Borough Representative, and there is delivered a Consultant's certificate stating that the nature and purpose of such facilities has not materially changed.

(e) *Subordinate Lien Obligations.* Nothing herein contained shall prevent the City and Borough from issuing revenue bonds or other obligations which are a charge upon the



Pledged Revenue junior or inferior to the payments required by this ordinance to be made out of such Pledged Revenue to pay and secure the payment of any outstanding Parity Bonds.

(f) *Refunding Obligations.* Nothing herein contained shall prevent the City and Borough from issuing revenue bonds to refund maturing Parity Bonds for the payment of which moneys are not otherwise available.

**Section 16. Lost, Stolen or Destroyed Bonds.** In case a Bond shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond of like amount, date and tenor to the owner thereof upon the owner's paying the expenses and charges of the Bond Registrar and the City and Borough in connection therewith and upon his filing with the Bond Registrar and the City and Borough evidence satisfactory to both that such Bond was actually lost, stolen or destroyed and of his ownership thereof, and upon furnishing the City and Borough and the Bond Registrar with indemnity satisfactory to both.

**Section 17. Form of Bonds and Registration Certificate.** The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. \_\_\_\_\_ \$ \_\_\_\_\_

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU  
AIRPORT REVENUE BOND, 20\_\_[A/B] [(AMT/Non-AMT)]

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER: ALASKA MUNICIPAL BOND BANK

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the "City and Borough"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, but solely from Pledged Revenue, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from \_\_\_\_\_, 20\_\_, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on \_\_\_\_\_ 1, 20\_\_ and semiannually thereafter on the first day of each \_\_\_\_\_ and \_\_\_\_\_.

Year of Principal Installment Payment (_____ 1)	Principal Installment Amount	Interest Rate
	\$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15<sup>th</sup> day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the “Bond Registrar”). Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of this bond, payments of principal of and interest on the Bond shall be made to the Bond Bank in accordance with the Loan Agreement.

This bond is an airport revenue bond of the Borough and is issued pursuant to Ordinance Serial No. 2019-22 (the “Bond Ordinance”) for the purpose of making certain improvements to the Airport.

The bond is subject to prepayment as described in the Loan Agreement.

The City and Borough hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and the Bond Ordinance.

The City and Borough does hereby pledge and bind itself to set aside from Pledged Revenue, and to pay into said Bond Fund the various amounts required by the Bond Ordinance to be paid into and maintained in said Fund, all within the times provided by said Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Revenue Fund out of the Pledged Revenue into the Bond Fund and the accounts therein shall be a lien and charge thereon equal in rank to the lien and charge upon said Pledged Revenue of the amounts required to pay and secure the payment of any airport revenue bonds of the City and Borough hereafter issued on a parity with the bonds of this issue and superior to all other liens and charges of any kind or nature.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

[This bond [is][is not] a “private activity bond” as such term is defined in the Internal Revenue Cod of 1986, as amended (the “Code”). ]This bond is not a “qualified tax-exempt obligation” under Section 265(b) of the Code for banks, thrift institutions and other financial institutions.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and ordinances of the City and Borough, including the Bond Ordinance, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, City and Borough of Juneau, Alaska has caused this Bond to be executed by the manual or facsimile signature of the City Manager or his/her designee and authenticated by the manual or facsimile signature of Clerk of the City and Borough as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY AND BOROUGH OF  
JUNEAU, ALASKA

By \_\_\_\_\_ /s/ manual or facsimile  
City Manager or Designee

ATTEST:

\_\_\_\_\_/s/ manual or facsimile  
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

#### CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the Airport Revenue Bond, 20\_\_[A/B] [(AMT/Non-AMT)] of the City and Borough of Juneau, Alaska, dated \_\_\_\_\_, 20\_\_, and described in the within-mentioned Bond Ordinance.

CITY AND BOROUGH OF JUNEAU, ALASKA  
FINANCE DIRECTOR, as Bond Registrar

By \_\_\_\_\_  
Finance Director

**Section 18. Execution of Bonds.** The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or the Finance Director or his/her respective designee, shall be attested by the manual or facsimile signature of the City

and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. The Bonds may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bond the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

#### **Section 19. Supplements and Amendments.**

(a) *Without Consent of Owner.* The City and Borough from time to time and at any time may adopt an ordinance or ordinances supplemental hereof, which ordinance or ordinances thereafter shall become a part of this ordinance, for one or more or all of the following purposes:

(1) To add to the covenants and agreements of the City and Borough in this ordinance contained and other covenants and agreements thereafter to be observed, which shall not adversely affect the interests of the owners of the Bonds, or to surrender any rights or power herein reserved to or conferred upon the City and Borough.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance in regard to matters or questions arising under the ordinance as the Assembly may deem necessary or desirable and not inconsistent with the ordinance and which shall not adversely affect the interest of the owner of Parity Bonds.

Any such supplemental ordinance of the Assembly may be adopted without the consent of the owner of the Bonds at any time outstanding, notwithstanding any of the provisions of this section.

(b) *With Owner's Consent.* With the consent of the owners of Parity Bonds, the Assembly of the City and Borough may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall extend the fixed maturity of the Bonds, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the

amount of the principal thereof, or reduce any premium payable on the redemption thereof without the consent of the owner of each Parity Bond so affected.

It shall not be necessary for the consent of the owner under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

(c) *Effective Date of Modification.* Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City and Borough under this ordinance shall thereafter be determined, exercised and enforced thereunder, subject in all respect to such modification and amendments, and all the terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes. A copy of each supplemental ordinance shall be provided to the owners of the Bonds.

**Section 20. Severability.** If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

**Section 21. Effective Date.** This ordinance shall become effective thirty days after adoption.

ADOPTED this 24th day of June, 2019.

---

Beth Weldon, Mayor

ATTEST:

---

Beth McEwen, Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the “City and Borough”), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance Serial No. 2019-22 (the “Ordinance”) of the City and Borough as finally passed at a regular meeting of the Assembly of the City and Borough (the “Assembly”) held on the 24th day of June, 2019, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Assembly was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of June, 2019.

---

Beth McEwen, Clerk  
City and Borough of Juneau

Presented by: The Manager  
Introduced: 06/03/2019  
Drafted by: Robert Palmer III

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-25**

### **An Ordinance Amending the Land Use Maps of the Comprehensive Plan to Change the Land Use Designation of Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.**

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

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

WHEREAS, the Land Use Maps of the Comprehensive Plan designate Thunder Mountain Lots 10, 12, and a Fraction of 11 as Urban Low Density Residential (ULDR); and

WHEREAS, the ULDR designation is not appropriate for the subject parcels because they have been historically used in conjunction with the abutting Medium Density Residential (MDR) designated parcels; and

WHEREAS, the property adjacent to the subject parcels is designated in the Land Use Maps as MDR, which is described as appropriate for multifamily dwelling units at densities of 5 - 20 units per acre; and

WHEREAS, the MDR designation that is adjacent to the subject parcels is more appropriate than the current ULDR designation due to the availability of public sewer, public water, publically maintained streets, and surrounding MDR land use designations.

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

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

**Section 2. Amendment to Comprehensive Plan Land Use Map.** The Land Use Maps of the Comprehensive Plan of the City and Borough are amended to change the land use designation

of Thunder Mountain Lots 10, 12, and a Fraction of 11 from Urban Low Density Residential (ULDR) to Medium Density Residential (MDR).

The described amendment is shown on the attached Exhibit A.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

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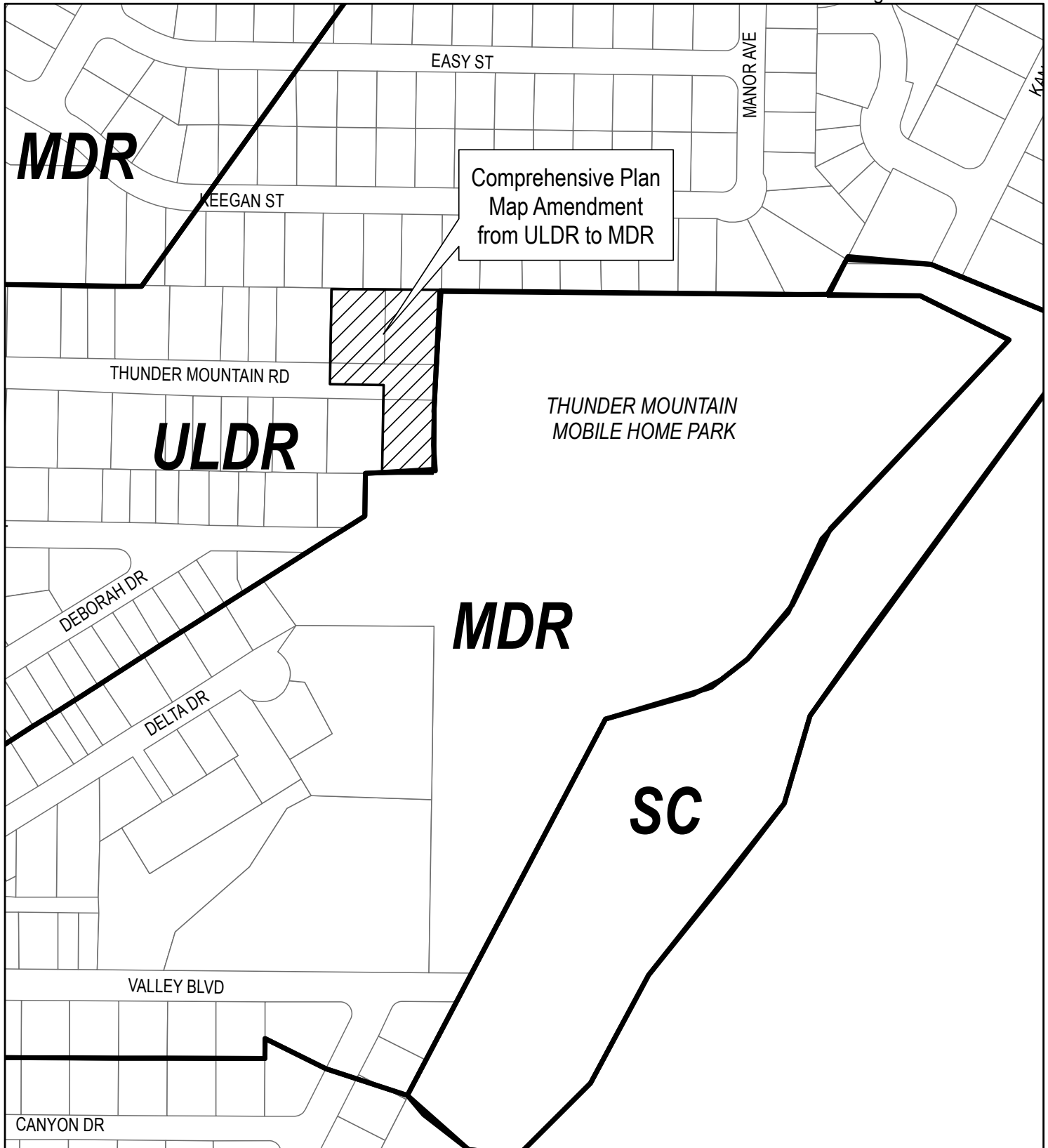
Beth A. Weldon, Mayor

Attest:

---

Elizabeth J. McEwen, Municipal Clerk





# **EXHIBIT A - Ord. No. 2019-25**

Land Use Change for  
THUNDER MOUNTAIN LOTS 10, 11FR, & 12  
from ULDR to MDR

0 125 250 500 Feet



Presented by: The Manager  
Introduced: 06/03/2019  
Drafted by: R. Palmer III

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-26**

### **An Ordinance Amending the Official Zoning Maps of the City and Borough to Rezone Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from D-5 to D-18.**

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

WHEREAS, Thunder Mountain Lots 10, 12, and a Fraction of 11 have been historically used in conjunction with the adjacent mobile home park that is zoned D18; and

WHEREAS, the area of the proposed rezone is immediately adjacent to D-18 zoned property; and

WHEREAS, the D-18 zoning district provides up to 18 units per acre; and

WHEREAS, rezoning the parcel from D-5 to D-18 substantially conforms to the land use maps of the Comprehensive Plan; and

WHEREAS, the rezone change application meets the criteria set forth in CBJ 49.75.120.

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

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

**Section 2. Amendment to the Official Zoning Map.** The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to rezone Thunder Mountain Lots 10, 12, and a Fraction of 11 from D-5 to D-18.

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

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

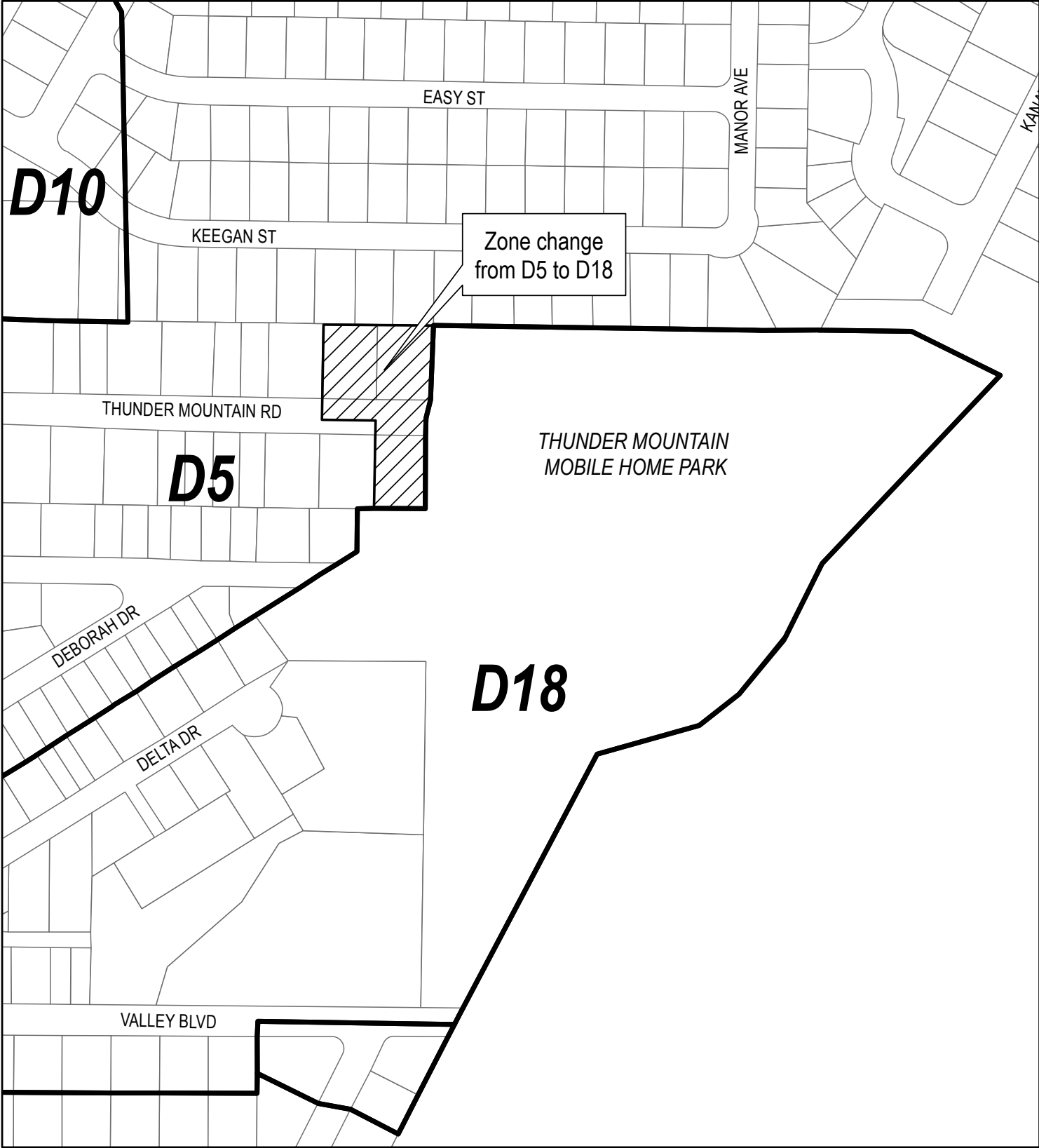
---

Beth A. Weldon, Mayor

Attest:

---

Elizabeth J. McEwen, Municipal Clerk



**EXHIBIT A - Ord. No. 2019-26**

Zone Change for  
THUNDER MOUNTAIN LOTS 10, 11FR, & 12  
from D5 to D18

0 125 250 500 Feet



Presented by: The Manager  
Introduced: 6/3/2019  
Drafted by: R. Palmer III

## **RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2856**

### **A Resolution Adopting the 2019-2029 Park & Recreation Master Plan, Repealing Resolution 2433, and Repealing Resolution 1824.**

WHEREAS, parks and recreation facilities and programs contribute greatly to the community's quality of life, improve the health and wellness of residents by supporting healthy lifestyles, and support a vibrant local economy by making Juneau a desirable place to live and work, and

WHEREAS, in 1996 the Assembly adopted Resolution 1824 adopting a new comprehensive plan for the development and operation of the parks and recreation facilities in the city and borough, and

WHEREAS, in the 23 years since adoption of that plan, the number and type of parks and recreation facilities in the city and borough has changed significantly, and

WHEREAS, the number of senior citizens living in Juneau is expected to increase by over 60% by 2030, and

WHEREAS, the Parks and Recreation Department conducted five public meetings throughout the municipality and conducted a survey of 516 adults in 2016, and

WHEREAS, a special committee of the Parks and Recreation Advisory Committee worked with Department staff for over two years to consider all available evidence and opinions to develop a draft plan that will guide the management and development of Juneau's park system for the next 10 years, and

WHEREAS, the draft master plan has been reviewed by the Parks and Recreation Advisory Committee, the Planning Commission, and the Assembly Committee of the Whole;

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

**Section 1. Adoption of Master Plan.** The document identified as Parks and Recreation Master Plan (2019-2029) prepared by the Department of Parks and Recreation is approved and adopted as a general guide for the development and operation of the parks and recreation facilities in the City and Borough of Juneau, Alaska. The 2019-2029 Master Plan may also be referred to as the 2019-2029 Parks and Recreation Comprehensive Plan.

**Section 2. Repeal of Prior Comprehensive Plan and Chapters.** Resolution 2433 and Resolution 1824 are repealed.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
Introduced: 6/3/2019  
Drafted by: R. Palmer

## **RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2857**

### **A Resolution Authorizing the Manager to Enter into an Amendment to the City and Borough PERS Participation Agreement.**

WHEREAS, the City and Borough PERS Plan, a contract between the CBJ and the State of Alaska Public Employees' Retirement System, permits amendments to add or delete positions from the Plan; and

WHEREAS, the Assembly previously approved the elimination of job classifications associated with Centennial Hall; and

WHEREAS, the Bartlett Regional Hospital Board of Directors approved the modification of the definition of casual positions and physicians; and

WHEREAS, the proposed amendments would reflect the benefit status of the workforce at Bartlett Regional Hospital, and in doing so will make future PERS audits easier.

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

**Section 1. Amendment Request.** Pursuant to AS 39.35, the City and Borough of Juneau hereby requests permission from the State of Alaska, Department of Administration, to amend the CBJ PERS Plan to specifically eliminate the job classifications previously associated with Centennial Hall and modify the definitions of casual and physician positions.

**Section 2. Authorization.** The City and Borough Manager is hereby authorized to take the appropriate steps necessary to exclude the job classifications previously associated with Centennial Hall and change the definitions of casual and physician positions. See Exhibit A (proposed Participation Agreement Amendment No. 14).

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

Adopted this \_\_ day of \_\_\_\_, 2019.

---

Beth Weldon, Mayor

Attest:

---

Beth McEwen, Municipal Clerk





THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

April 25, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: [beth.mcewen@juneau.org](mailto:beth.mcewen@juneau.org)

Cc: [City.Clerk@juneau.org](mailto:City.Clerk@juneau.org)

<b>License Type:</b>	Winery	<b>License Number:</b>	5801
<b>Licensee:</b>	Devil's Club Brewing, LLC		
<b>Doing Business As:</b>	Devil's Club Brewing Company		
<b>Premises Address:</b>	100 N. Franklin St.		

☒ **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*

Erika McConnell, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



Alaska Alcoholic Beverage Control Board

## Form AB-00: New License Application

### What is this form?

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

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

### Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Devil's Club Brewing, LLC				
License Type:	Winery	Statutory Reference:	AS 04.11.140		
Doing Business As:	Devil's Club Brewing Company				
Premises Address:	100 N. Franklin St.				
City:	Juneau	State:	AK	ZIP:	99801
Local Governing Body:	City and Borough of Juneau				
Community Council:					

Mailing Address:	100 N. Franklin St.				
City:	Juneau	State:	AK	ZIP:	99801

Designated Licensee:	Evan Wood				
Contact Phone:	9072098451	Business Phone:	9072098451		
Contact Email:	evan@devilclubbrewing.com				

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

OFFICE USE ONLY					
Complete Date:	4/19/19	License Years:	19/20	License #:	5801
Board Meeting Date:	7/8/19	Transaction #:	1046112		
Issue Date:		BRE:	RECEIVED CDC		





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

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

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

--

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

--

Section 3 – Sole Proprietor Ownership Information

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

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

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

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

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

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

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

Entity Official:	Evan Wood				
Title(s):	Member, Manager	Phone:	9072098451	% Owned:	25.93%
Address:	18005 Point Stephens Rd.				
City:	Juneau	State:	AK	ZIP:	99801

Entity Official:	Ryan Lindsay				
Title(s):	Member, Manager	Phone:	9073212243	% Owned:	25.93%
Address:	504 Kennedy St.				
City:	Juneau	State:	AK	ZIP:	99801

Entity Official:	Jacob Ridle				
Title(s):	Member, Manager	Phone:	9073210084	% Owned:	25.93%
Address:	4432 Julep St.				
City:	Juneau	State:	AK	ZIP:	99801

Entity Official:	Margaret Cowan				
Title(s):	Member	Phone:	9074198450	% Owned:	10%
Address:	18005 Point Stephens Rd.				
City:	Juneau	State:	AK	ZIP:	99801



## Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

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

DOC Entity #:	10021634	AK Formed Date:	7/9/2014	Home State:	Alaska
Registered Agent:	Evan Wood	Agent's Phone:	9072098451		
Agent's Mailing Address:	18005 Point Stephens Rd.				
City:	Juneau	State:	AK	ZIP:	99801

Residency of Agent:

Yes No

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

☒ ☐**Section 5 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

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

☒ ☐

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

Devil's Club Brewing Company; Brewery License 5517

**Section 6 – Authorization**

Communication with AMCO staff:

Yes No

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

☐ ☒

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





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

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

Initials

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

hw

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

hw

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

hw

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

hw

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

hw

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Evan Wood

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of Alaska

STATE OF ALASKA

OFFICIAL SEAL

Dustin Roberts

NOTARY PUBLIC

My Commission Expires

2/1/20

My commission expires: 8/1/2020

Subscribed and sworn to before me this 26 day of February, 2019.



## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

### What is this form?

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

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

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

Yes No

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



### Section 1 – Establishment Information

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

Licensee:	Devil's Club Brewing, LLC	License Number:	
License Type:	Winery		
Doing Business As:	Devil's Club Brewing Company		
Premises Address:	100 N. Franklin St.		
City:	Juneau	State:	AK
		ZIP:	99801

**Craig, Carrie D (CED)**

---

**From:** Evan Wood <evan@devilsclubbrewing.com>  
**Sent:** Friday, April 19, 2019 11:46 AM  
**To:** Alcohol Licensing, CED ABC (CED sponsored)  
**Subject:** RE: #5801 dba Devil's Club Brewing Company License Application  
**Attachments:** AB-01amended.pdf  
  
**Categories:** Carrie

---

Ah, thanks for clearing that up! Here's the amended AB-01! You are correct, the winery and the brewery will share the exact same premises.

Happy weekend!!

Thanks,

**Evan Wood**  
Devil's Club Brewing Company  
100 N. Franklin St.  
Juneau, AK 99801  
(c) (907) 209-8451  
[www.devilsclubbrewing.com](http://www.devilsclubbrewing.com)

**From:** [Alcohol Licensing, CED ABC \(CED sponsored\)](#)  
**Sent:** Friday, April 19, 2019 9:14 AM  
**To:** [Evan Wood](#)  
**Cc:** [Alcohol Licensing, CED ABC \(CED sponsored\)](#)  
**Subject:** RE: #5801 dba Devil's Club Brewing Company License Application

Good morning,

Received, thank you. I will review and be in touch either later today or possibly Monday. Regarding the "AB-01", that was a typo on my end – I apologize. It should be AB-00.

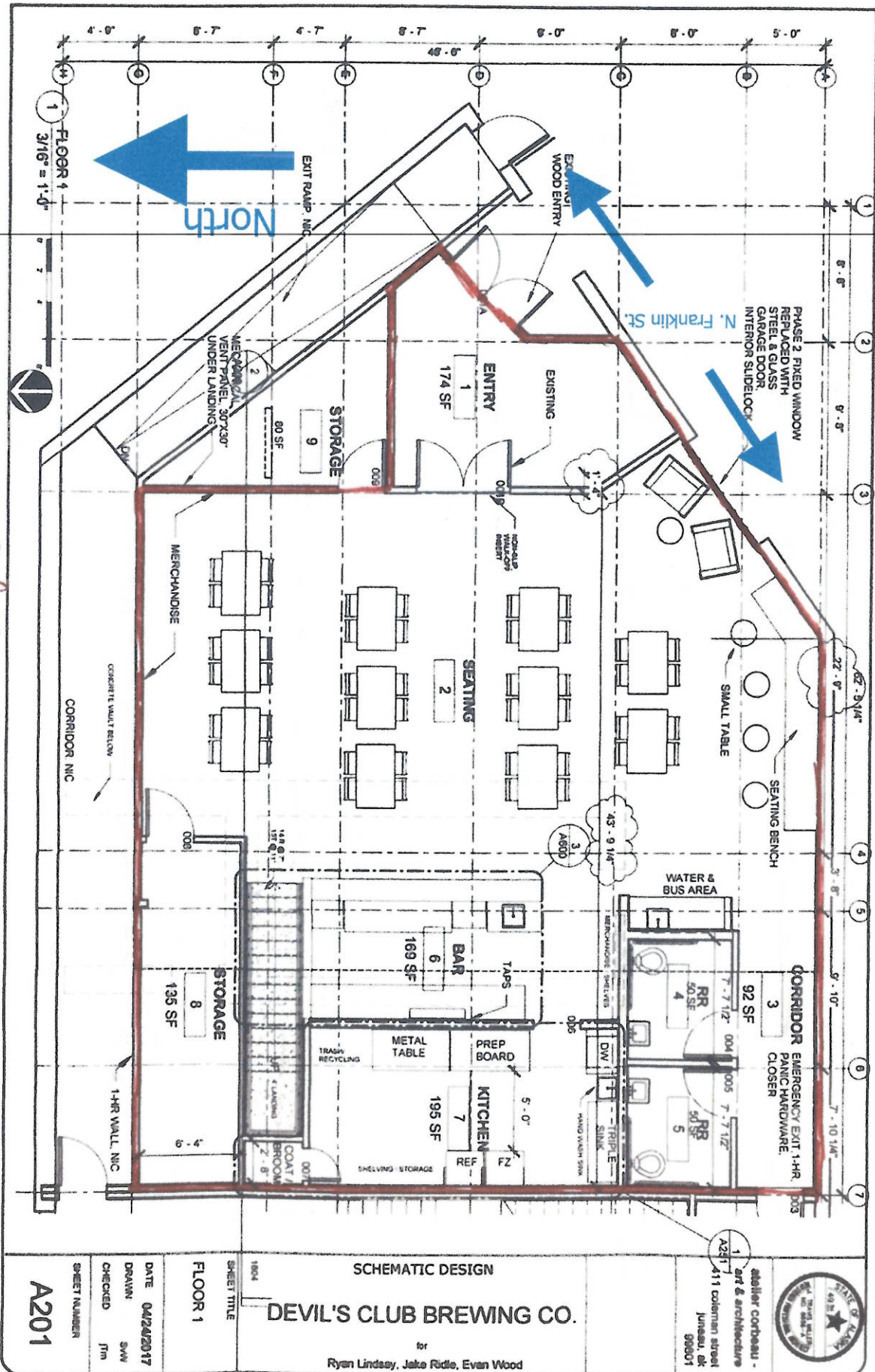
Is the winery in a separate area from the brewery or is your desire to have both licenses share the exact same premises? I only ask because this diagram looks like the same diagram that was included with the AB-14 for brewery license last year.

Have a great weekend!

**Carrie Craig**  
Occupational Licensing Examiner  
State of Alaska DCCED  
Alcohol & Marijuana Control Office  
550 W 7<sup>th</sup> Ave, Ste. 1600  
Anchorage, AK 99501



2nd Floor



Red denotes licensed premises and area of service + consumption

AMCO

APR - 8 2019

<p>SCHEMATIC DESIGN</p> <p><b>DEVIL'S CLUB BREWING CO.</b></p> <p>for Ryan Lindsey, Jake Riddle, Even Wood</p>		<p>1004</p> <p>SHEET TITLE</p> <p>FLOOR 1</p>	<p>DATE 04/24/2017</p> <p>DRAWN SWW</p> <p>CHECKED JTM</p> <p>SHEET NUMBER</p> <p><b>A201</b></p>
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1004

SHEET TITLE

FLOOR 1

DATE 04/24/2017

DRAWN SWW

CHECKED JTM

SHEET NUMBER

**A201**

1004

SHEET TITLE

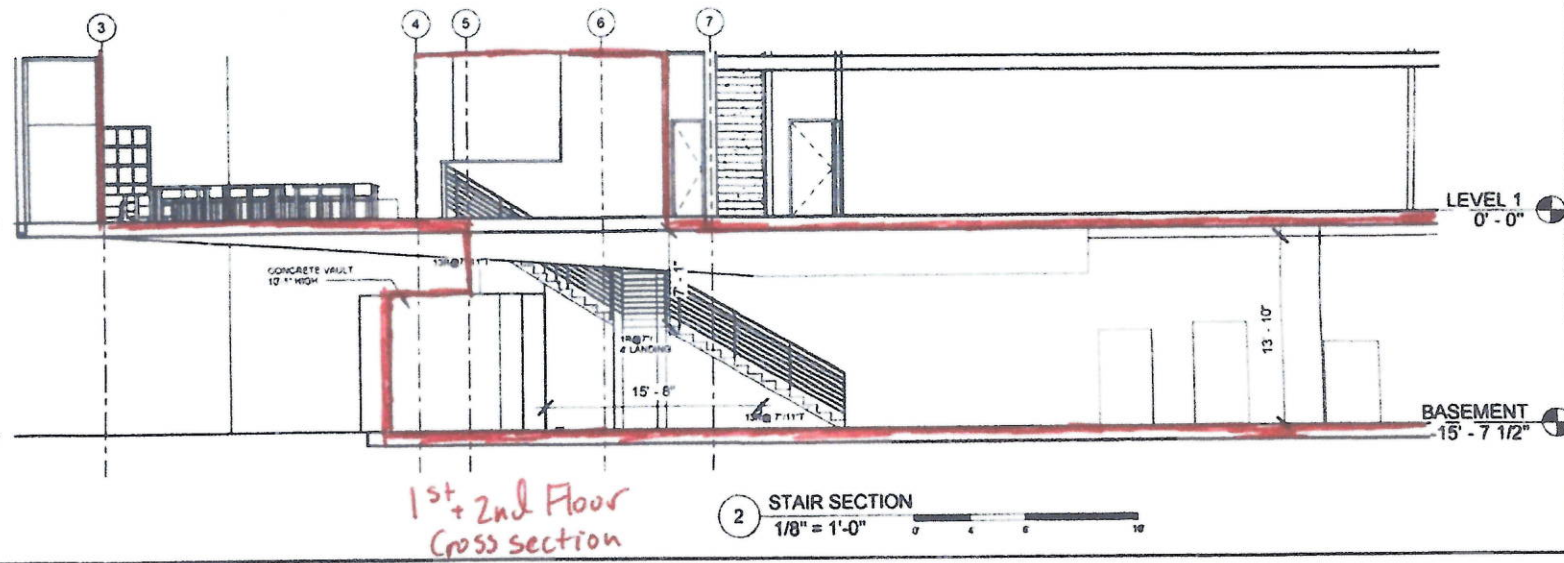
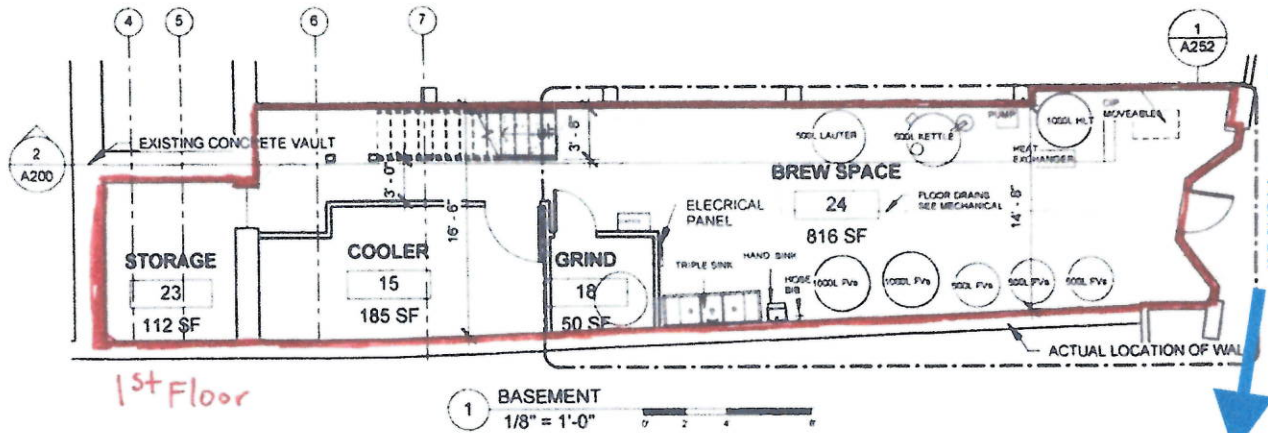
FLOOR 1

1004

SHEET TITLE

FLOOR 1

Red denotes licensed premises and area of service and consumption.



atelier corbeu -  
art & architecture  
411 coleman street  
Juneau, ak  
99801

SCHEMATIC DESIGN  
DEVIL'S CLUB BREWING CO.

for  
Ryan Lindsay, Jake Rude, Evan Wood

1604  
SHEET TITLE  
BREW FLOOR

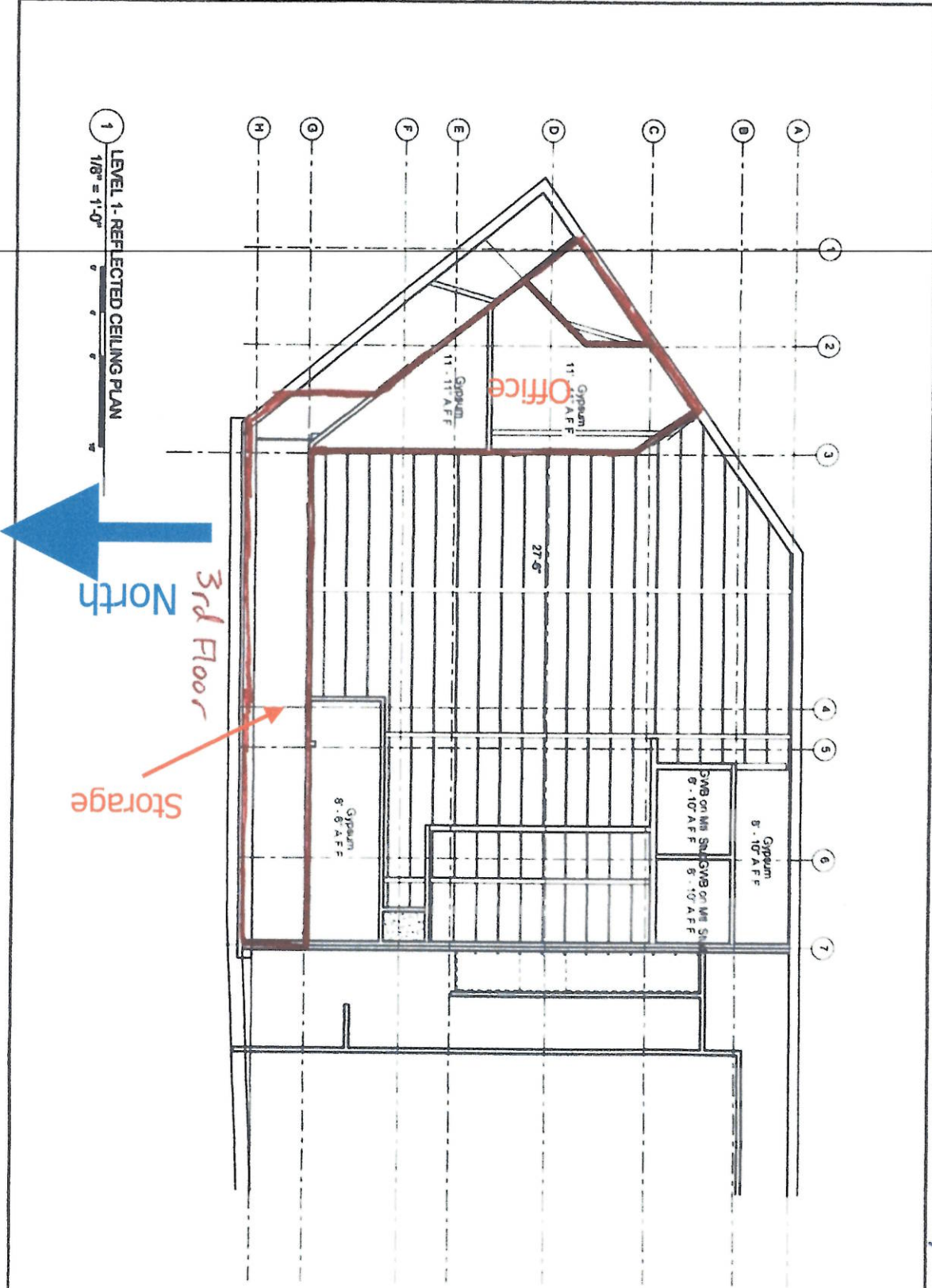
DATE 04/24/2017  
DRAWN SWW  
CHECKED Jrm

SHEET NUMBER  
A200




APR - 8 2019

AMCO



Red denotes licensed premises and area of service and consumption

	stiller corbeau - art & architecture 411 cadman street juneau ak 99801	SCHEMATIC DESIGN	
		DEVIL'S CLUB BREWING CO.	
Ryan Lindsay, Jake Riddle, Evan Wood		1004	
RCP-1		SHEET TITLE	
DATE 06/24/2017		DRAWN SWW	
CHECKED JTM		SHEET NUMBER	
A901			



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

May 13, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: [beth.mcewen@juneau.org](mailto:beth.mcewen@juneau.org)

Cc: [City.Clerk@juneau.org](mailto:City.Clerk@juneau.org)

<b>License Type:</b>	Restaurant or Eating Place	<b>License Number:</b>	5231
<b>Licensee:</b>	Alaska Sustainable Seafoods LLC		
<b>Doing Business As:</b>	Deckhand Dave's		
<b>Premises Address:</b>	127/132 S Franklin		

☐ 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](mailto:amco.localgovernmentonly@alaska.gov)



## Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application****What is this form?**

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **detailed floor plan** of the proposed designated and undesignated areas of the licensed business and a **menu** or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

**Section 1 – Establishment Information**

Enter information for licensed establishment.

Licensee:	ALASKA SUSTAINABLE SEAFOODS LLC				
License Type:	Restaurant/Eating Place	License Number:	5231		
Doing Business As:	Deckhand Dave's				
Premises Address:	127/139 S Franklin				
City:	Juneau	State:	AK	ZIP:	99824
Contact Name:	David McAsland	Contact Phone:	907-957-2212		

**Section 2 – Type of Designation Requested**

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☐ Dining after standard closing hours: AS 04.16.010(c)
- ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- ☒ Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY					
Issue Date:		Transaction #:	1046152	BRE:	cd





Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 3 – Additional Information**

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

11am - 8pm 7 days a week

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises?

Yes ☐ No ☒

If "Yes", describe the entertainment offered or available:

Food and beverage service offered or anticipated is:

☐ table service ☐ buffet service ☒ counter service ☐ other

If "other", describe the manner of food and beverage service offered or anticipated:

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours?

Yes ☒ No ☐

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

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

Yes ☒ No ☐

Raw n way / TP Building

one entrance  
one exit

Tight To building

7 Fence

ON 21-11-21

Clavier  
smoother  
(see? shop)

1/2

Land

to 6000

Darkwood  
Doves 36

Beck's

Tresh storage	Copp. Ice cream
---------------	-----------------

Signature for No Alcohol

Cape  
escape  
(No se-bing)

↑ NO contraction  
injure to heart

rechnerisch

On 10/10/2019, 4' Retaining wall  
Blasting Backside of prop 4  
- 10' (cannot pass through)

Rockwell Building

11. Alkal  
Store 3  
Have 3  
Served

RECEIVED  
MAY 8 2015  
ALCOA  
STATE OF ALASKA  
OFFICE

RECEIVED  
MAY 13 2019  
ALCOHOL, MARIJUANA CONTROL OFFICE  
STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

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

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram.

DM

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.

DM

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

DM

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

*David McCasland*

Signature of licensee

David McCasland

Printed name of licensee

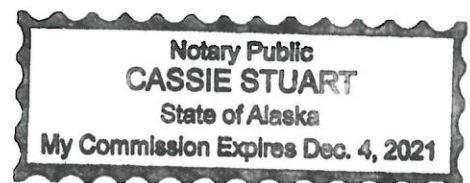
*Cassie Stuart*

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12/04/2021

Subscribed and sworn to before me this 20<sup>th</sup> day of March, 20 19.



Local Government Review (to be completed by an appropriate local government official):

Approved Disapproved

☐☐

Signature of local government official

Date

Printed name of local government official

Title





Alcohol and Marijuana Control Office  
5100 Alyeska Road, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**AMCO Enforcement Review:**

\_\_\_\_\_  
Signature of AMCO Enforcement Supervisor

\_\_\_\_\_  
Printed name of AMCO Enforcement Supervisor

**Enforcement Recommendations:**

**AMCO Director Review:**

Approved      Disapproved

☐☐

\_\_\_\_\_  
Signature of AMCO Director

\_\_\_\_\_  
Printed name of AMCO Director

\_\_\_\_\_  
Date

**Limitations:**

APR - 8 2019

## Starters n' Sides!

**Halibut Cake**    **3<sup>99</sup>**  
*Think crab-cake but halibut*

**Salmon-Tots**  **6<sup>99</sup>**  
*Tater-tots minus tater plus salmon*

**Jus' Fries**  **4<sup>99</sup>**  
*Beer battered fries. The best.*

**Extra Tarter** **75¢**  
*We make it here. It's the best.*



## Wild Alaskan Fish Tacos!

*With red cabbage slaw, pico de gallo, crema and cilantro  
Baja style, served on a **soft-four-inch** corn tortilla*

*You gotta pick:*  **SPICY** Avocado Crema   
or Mild Avocado Crema

**3 Tacos**      **Single Taco**



**3 Beer-Battered Fish of the Day Tacos** **11<sup>99</sup>**  
*Battered with Alaskan Amber beer batter*

**4<sup>99</sup>**

**3 Blackened**  **Fish of the Day Tacos** **11<sup>99</sup>**  
*Spiced with a little kick on the grill*


**4<sup>99</sup>**

**3 Beer-Battered Halibut Tacos** **17<sup>99</sup>**  
*Battered with Alaskan Amber beer batter*

**6<sup>99</sup>**

**3 Breaded Salmon Tacos** **12<sup>99</sup>**  
*Panko breaded salmon tenders*

**5<sup>99</sup>**

**The Fish Sampler Tacos** **14<sup>99</sup>**  
*Can't decide? 1 each beer battered halibut,  
blackened  Fish of the Day and  
breaded salmon*

**Fish n' Chips!**    
*4 oz. of fried fish over fries with our famous tartar*

**Fish of the Day n' Chips** **15<sup>99</sup>**

**Halibut n' Chips** **19<sup>99</sup>**  
*Beer-battered in Alaskan Amber*

**Salmon n' Chips** **16<sup>99</sup>**  
*Panko-breaded, seasonal fish*

**The ULTIMATE!** **24<sup>99</sup>**  
*2 pieces of each above, 6 oz. total!*

### Captain's Platter!!


*Ring the bell, feed the family!!*

#### Starters:

3x Halibut Cakes  
1x Fries



#### One Order each:

3 Blackened  Lingcod  
Tacos 3 Beer-Battered Halibut  
Tacos 3 Breaded Salmon Tacos  
Fish of the Day n' Chips  
Halibut n' Chips  
Salmon n' Chips **\$99<sup>99</sup>**

\*  = Spicy

Locally owned and operated by a former commercial fisherman.  
Our dishes utilize wild, locally sourced fish.  
We make everything fresh, in-truck.

AMCO

APR - 8 2019



## Alaska Food Code 2019 Establishment Permit

Division of Environmental Health  
Food Safety & Sanitation Program

Permit Number: 3150  
Issued to: David McCasland  
For: Deckhand Dave's  
For Operation of: FN-3 Mobile Food Service - self contained  
Located at: 127-139 S Franklin ST Juneau, AK 99801

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:  
December 31, 2019

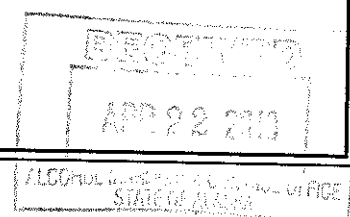
Program Manager:

A handwritten signature in black ink, appearing to read "Kimberly 881", is written over the printed name of the Program Manager.

**If you have questions or concerns regarding  
safe food handling practices call toll free:**

# 1-87-SAFE-FOOD

**(in Anchorage call 334-2560)**





Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

### What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

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

### Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	capitol ventures llc		License #:	5231	
License Type:	Restaurant/Eating Place		Statutory Reference:	04.11.100	
Doing Business As:	Neptune				
Premises Address:	no premises				
City:	Juneau	State:	AK	ZIP:	99801
Local Governing Body:	City and Borough of Juneau				

### Transfer Type:

- ☒ Regular transfer  
☐ Transfer with security interest  
☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	1046182
Board Meeting Date:		License Years:	19/20
Issue Date:		BRE:	CDC







Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

### Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	ALASKA SUSTAINABLE SEAFOODS LLC				
Doing Business As:	Deckhand Dave's				
Premises Address:	127/139 S Franklin				
City:	Juneau	State:	AK	ZIP:	99801
Community Council:					

Mailing Address:	2113 2nd street				
City:	Douglas	State:	AK	ZIP:	99824

Designated Licensee:	David McCasland				
Contact Phone:	9079572212	Business Phone:	9079572212		
Contact Email:	davidmccasland907@gmail.com				

Seasonal License? ☒ Yes ☐ No If "Yes", write your six-month operating period: 4/15-10/15

### Section 3 – Premises Information

Premises to be licensed is:

☐ an existing facility ☐ a new building ☒ a proposed building

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

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

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





Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

### Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

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

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

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

### Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

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

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

Entity Official:	David McCasland				
Title(s):	Member	Phone:	9079572212	% Owned:	100
Address:	2113 2nd street				
City:	Douglas	State:	AK	ZIP:	99824







Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

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

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

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

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

DOC Entity #:	10035139	AK Formed Date:	12/28/2015	Home State:	Alaska
Registered Agent:	David McCasland	Agent's Phone:	9079572212		
Agent's Mailing Address:	2113 2nd street				
City:	Douglas	State:	Alaska	ZIP:	99824

Residency of Agent:

Yes No

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

☒☐



Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

### Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

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



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

ALASKA SUSTAINABLE SEAFOODS LLC has a Restaurant/Eating place public convenience license #5482 located on 356 s Franklin. 100% owned and operated by David McCasland

### Section 7 – Authorization

Communication with AMCO staff:

Yes No

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



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



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

### Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

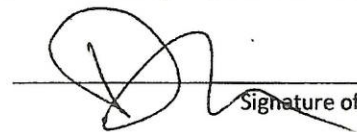
I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

  
Signature of transferor

KEITH P. CROCKER  
Printed name of transferor


Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2019.



  
Signature of Notary Public

Notary Public in and for the State of Alaska

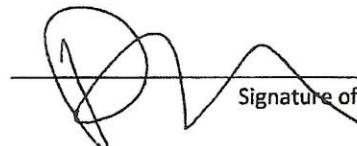
My commission expires: 12-26-2022

 power of attorney for Jonathan Smith.

KEITH P. CROCKER power of attorney for Jonathan Smith.  
Printed name of transferor

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2019.



  
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12-26-2022





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

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

Initials

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

DM

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

DM

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

DM

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

DM

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

DM

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

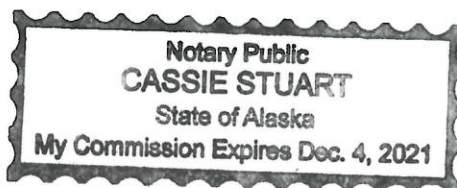


Signature of transferee

**David McCasland**

Printed name

Subscribed and sworn to before me this 20<sup>th</sup> day of March, 2019.





Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12/04/2021





Alaska Alcoholic Beverage Control Board

## Form AB-02: Premises Diagram

### What is this form?

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

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

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

Yes No

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



### Section 1 – Establishment Information

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

SEAFOODS LLC

Licensee:	ALASKA SUSTAINABLE	License Number:	5231		
License Type:	Restaurant/Eating Place				
Doing Business As:	Deckhand Dave's				
Premises Address:	127/139 S Franklin				
City:	Juneau	State:	AK	ZIP:	99801



## Security Plan

Ensuring no one leaves the premises boundary is a priority at Deckhand Dave's. All personal are trained and informed that no one can leave the licensed premise with alcohol. I have always had one entrance and one exit to help make it easier to enforce this rule. I have the order window strategically placed so the employee can keep a close eye on the exit and ensure no one leaves with alcohol. There will also be lots of signage, I have always had lots of bright orange signs "no alcohol beyond this point." My employees are trained to make sure no one leaves with alcohol and instructed to let customers know when they receive their drinks that they must drink them within the area.

To ensure no one under the age of 21 has access to alcohol, all my employees serving alcohol are all taps certified and check IDs thoroughly. The dining area is continuously monitored and bussed, leaving no half-empties laying around for a minor to consume. Anyone under the age of 16 must be accompanied by a parent or guardian above the age of 21.

Food is ordered at the order window next to the entrance/exit. Alcohol is served and stored in the boat bar. The back wall of the property is held in by a 4' retaining wall, which is followed by a steep hill. The entire left side of the property is the wall of the Rockwell building that is fenced in from the street with no gaps. The alley way known as Rawn way has a fence running along the property line. An additional fence will be built and extend toward the street. There is only one entrance and exit allowing for customers to enter and exit onto the licensed premise. Any gaps between the other business will be appropriately blocked with fencing and signage. The proposed licensed premise is all of the space occupied by the boat bar, seating and free area, none of the surrounding businesses are in the licensed premise, they just border it. As drawn in red in the premise diagram.

I have spoke with Steven Johnson the local investigator to make sure that he would like my premise and he said that my premise would pass his inspection. I have already had the same set up as before I am just moving locations, The roof of my boat bar where all the alcohol is served and stored lowers at night and locks up tight.

My set up is very similar to the suwanna café where my license originally came from in the Jordan creek mall. She had a Thai restaurant surrounding by other business. The only difference is my business is in an outdoor setting. It is also similar to squire's rest, or the imperial. There is a separate business selling food within a licensed premise. No business besides my own is in the licensed premise.





## Rockwell Building

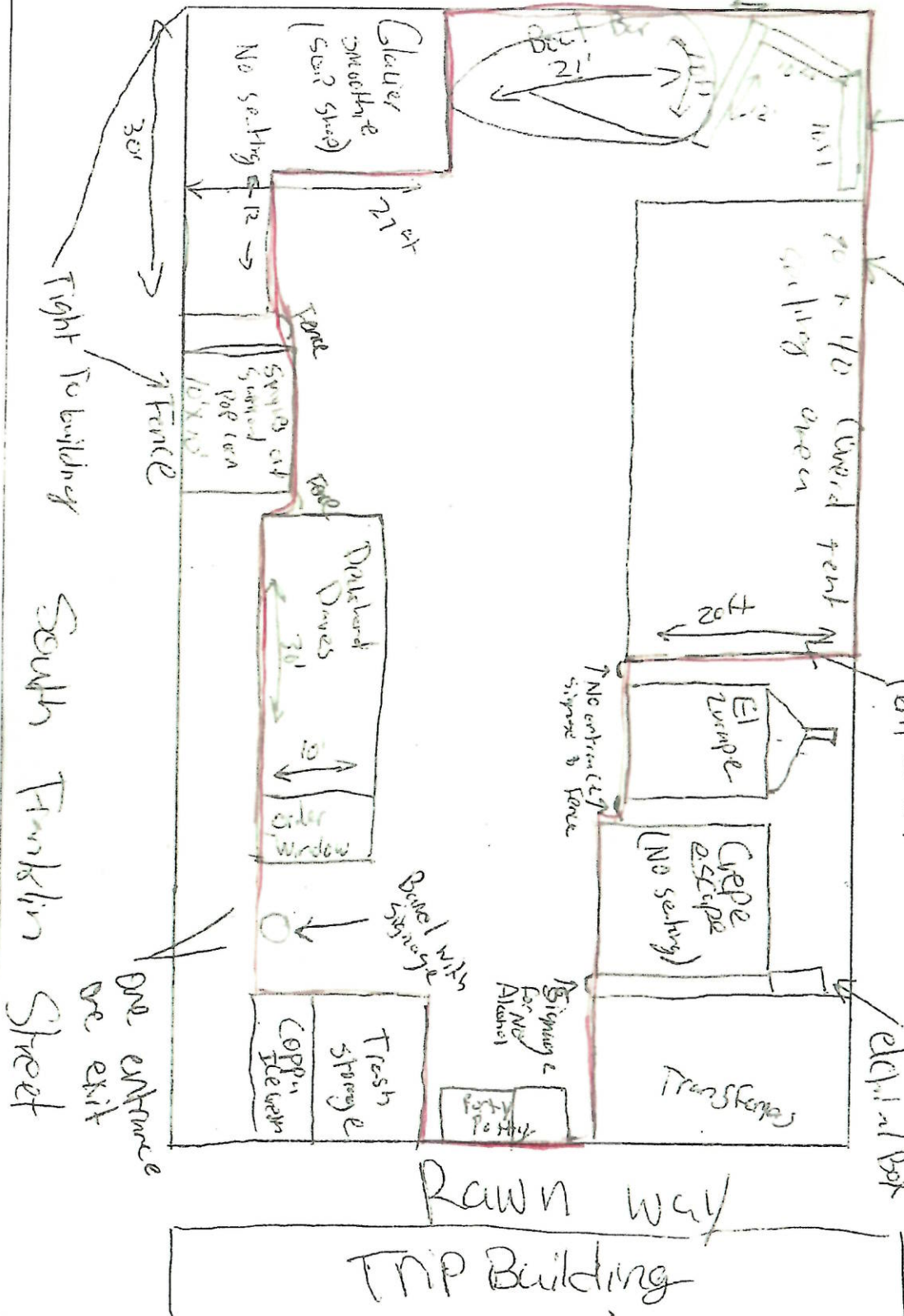
All Alcohol  
Stored Here

RECEIVED  
MAY 13 2014  
ALCOHOL INTOXICATION OFFICE  
STATE OF ARIZONA

4' Retaining wall  
Beside of property

Test well, (cannot pass through)

5 RECEIVED  
MAY 18 2015  
ALCOHOL & TOBACCO CONTROL OFFICE  
STATE OF ALASKA



Entrance & exit

Dekker's Doves  
 There is no seating in here This is only where the  
 Food is prepared

14 feet

Window

Trip Sink

Hand Wash Sink

Stainless Counter Tops

Fridge

← 2 ft →

Empty Space

Flat Top

← 4 ft →

Vulcan Fryers

3 ft

Del's Top  
 Res Station

← 4 ft →

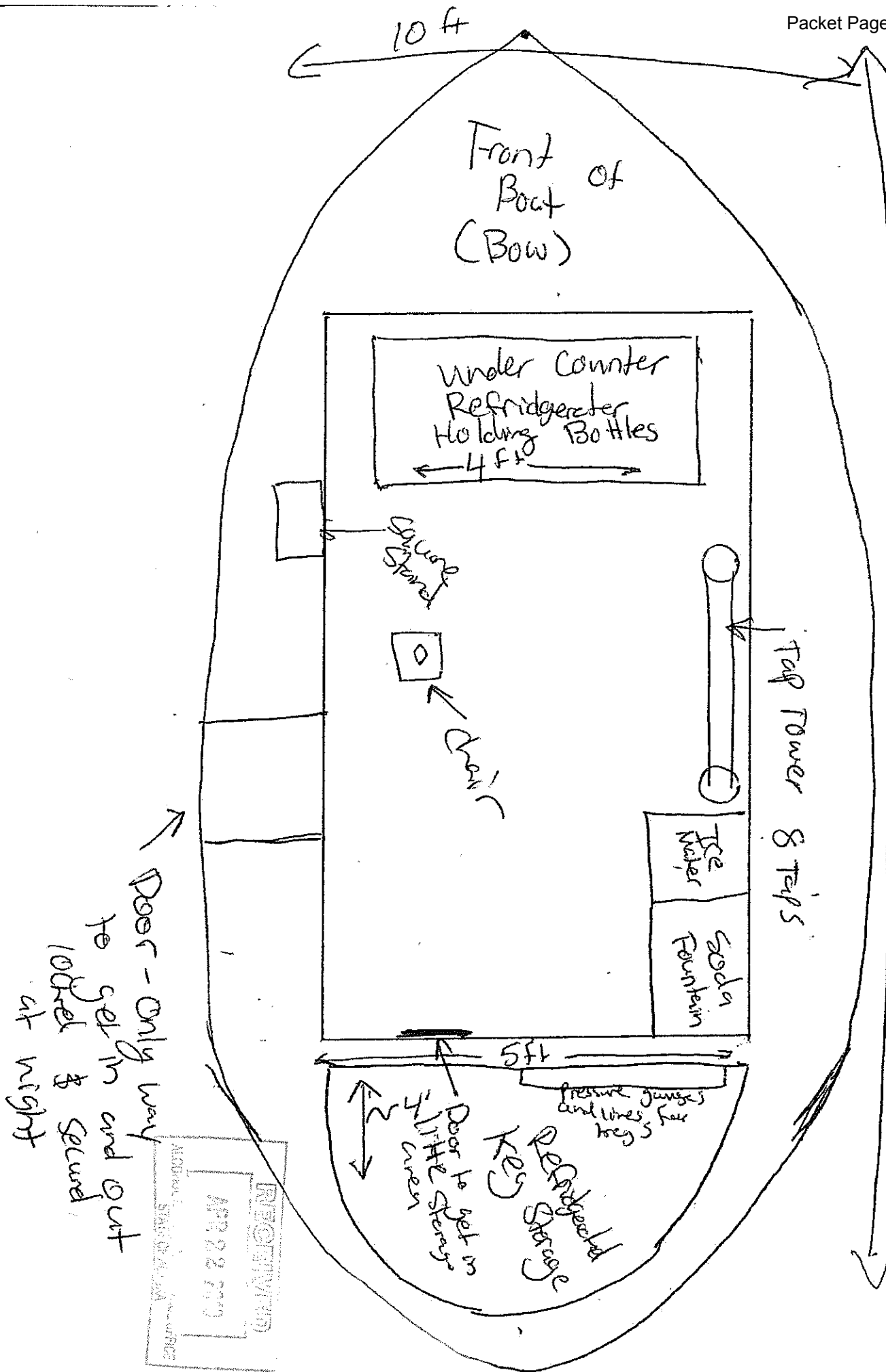
8 ft

Window

2010  
 25500  
 STATE OF ALABAMA  
 07/22

Boat Bar - all alcohol stored and served here. It is locked & secured at night

25'



RECEIVED  
APR 22 1979  
MARINE  
STATION  
OFFICE



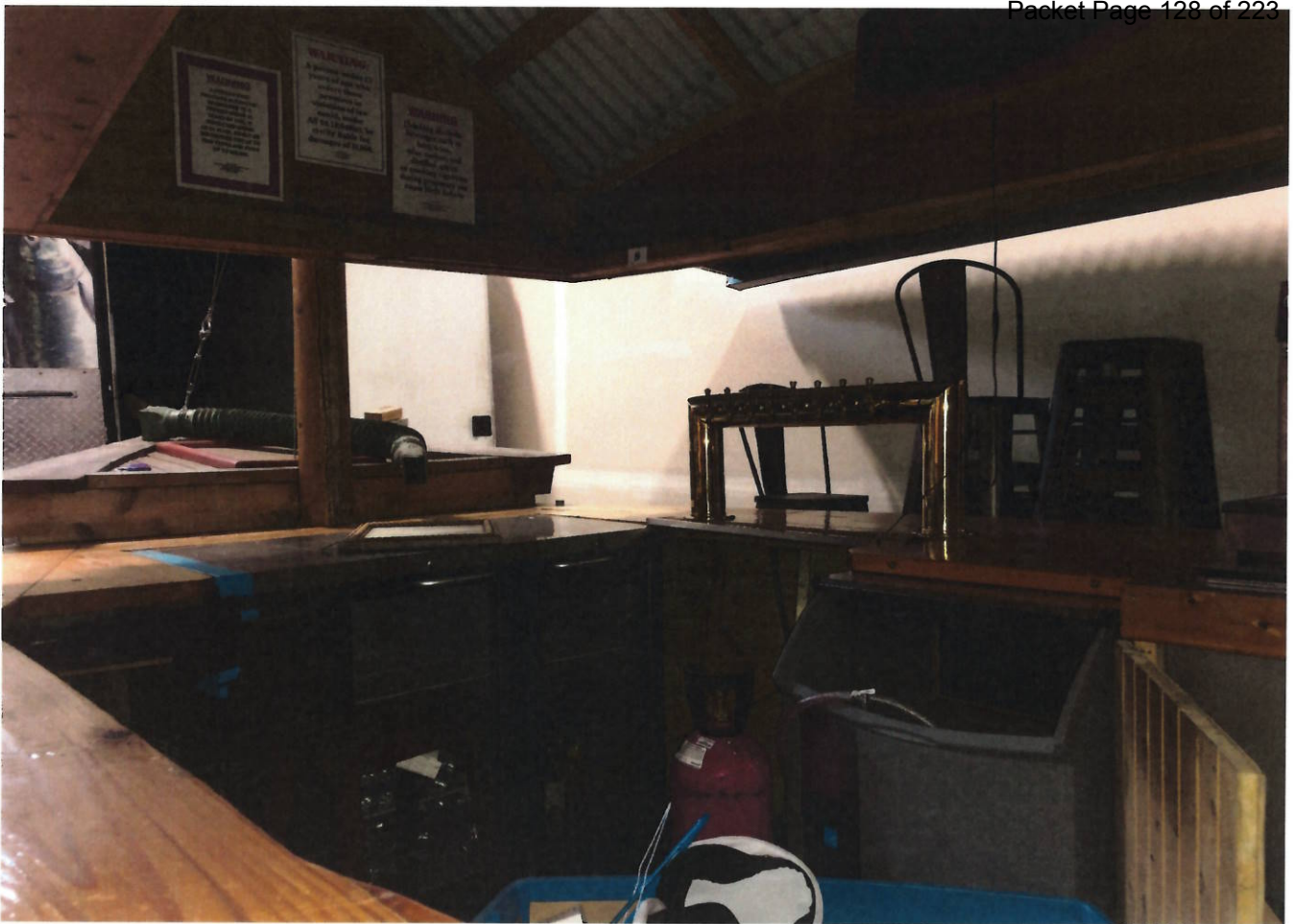
















# Port of Juneau

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155 S. Seward Street • Juneau, AK 99801  
(907) 586-0292 Phone • (907) 586-0295 Fax

## MEMORANDUM

**To:** Docks and Harbors Board – OPS/Planning Committee  
**From:** Gary Gillette, Port Engineer  
**Date:** 22 May 2019  
**Re:** Small Cruise Ship Infrastructure Master Planning

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### BACKGROUND

In November 2018 CBJ Docks and Harbors requested proposals from qualified Consultants to provide professional design services to plan for the unmet needs of the small cruise ship market in Juneau. The increased number of small cruise ships have adversely impacted and strained Docks and Harbors' ability to provide suitable dock space to some industry users. This master planning effort would examine future needs of the small cruise ship industry and develop a master plan for meeting those needs thereby enabling this sector of the visitor industry to thrive in a sustainable manner. The study would focus on small commercial passenger vessels less than 275 feet in overall length.

### SCOPE OF SERVICES

The scope of the study would validate small cruise ship forecast market trends; evaluate various locations and supporting infrastructure investments needed to support small cruise ships; develop planning level concepts; and prepare cost estimates for each concept.

The study will consider, at a minimum, the following locations for new or expanded facilities:

- Juneau Harbor (including IVF, National Guard Float, inside cruise ship berths)
- NOAA Dock
- Little Rock Dump
- Aurora Harbor
- Harris Harbor
- D&H managed tidelands in vicinity of Gold Creek
- Don D. Statter Harbor Facilities
- Auke Bay Marine Station

In developing the master plan, the Consultant would: meet with D&H Staff; meet with small cruise ship operators; evaluate and make recommendations of available waterfront and upland locations; present and update the D&H Board of its findings; and prepare a final report of the study. D&H may, at its discretion, extend the master planning effort to include additional design level efforts, permitting, cost estimating, construction documents, as well as scheduling and construction phasing recommendations.

Docks and Harbors Board-OPS/Planning Committee  
Small Cruise Ship Infrastructure Master Planning  
22 May 2019  
Page 2 of 2

The findings of the study will be contained in a final report that would serve to guide D&H for the next decade.

## **CONSULTANT SELECTION**

PND Engineers of Juneau was selected as the primary Consultant for the Small Cruise Ship Infrastructure Master Planning project. Joining PND in the work will be McDowell Group – Market and Economic Analysis; Corvus Design – Facility Inventory and Planning Documents ; Marine Exchange of Alaska – Vessel Traffic and Navigation Assessments; and NorthWind Architects – Renderings and Graphics.

PND Engineers has proposed a fee of \$131,103.00 to perform the work identified for this project. The detailed breakdown of Consultant and Sub-Consultant fees is attached.

## **RECOMMENDATION**

D&H Staff recommends the OPS/Planning Committee approve the fee proposal from PND Engineers and send the full Board for approval at its next scheduled regular meeting on May 30, 2019.



**Scope of Services**

Senior Engineer VII	Senior Engineer VI	Tech VI	Staff Engineer IV	Tech V	Line Item Costs	Task Subtotal Costs
\$195.00	\$180.00	\$130.00	\$115.00	\$115.00		

**Task 1: Master Planning Services**

1. Project management, subcontracts, client & subconsultant coordination	24				8	\$5,600	
2. Site reconnaissance - visit sites, photos and prepare field notes	12					\$2,340	
3. Prepare base maps with available property lines, bathymetry & upland topography	8		40			\$6,760	
4. Prepare concept design plans	16	8	40			\$9,760	
5. Prepare budget level project estimates	12	4				\$3,060	
6. Stakeholder meetings, interviews, team meetings	16					\$3,120	
7. Draft Master Plan	16			24		\$5,880	
8. Final Master Plan	16			24		\$5,880	
9. Two Harbor Board Meetings - prepare and deliver presentations	12		8	8		\$4,300	\$46,700
<b>Total Estimated Manhours</b>	132	12	88	56	8		

**Estimated Third Party Expenses**

McDowell Group	Market Analysis, Interviews, Economic Analysis, Refine Findings	\$30,000	
Corvus Design	Inventory, Analysis, Meetings, Layout Assist, Draft Master Plan	\$33,310	
Marine Exchange of AK	Research AIS 3 year history, wind, current & navigation assessments	\$9,500	
NorthWind Assocs	6 graphic illustrations	\$3,920	
Admin Fee	10% of Third Party Expenses	\$7,673	\$84,403
			<b>\$131,103</b>



Project Title: CBJ Small Ship  
 Project Manager: Heather/Susan  
 Project Oversight: Susan

Professional Services: \$29,840  
 Project Expenses: \$160  
 Total Budget: \$30,000

Packet Page 133 of 223

		Professional Services Input							
		McDowell Group Staff Hours						Totals	
Staff		Susan	Jim	Heather	Bob	Paul	Kevin	Total Hours	Total Cost
Rate (\$/hr)		\$175	\$175	\$150	\$150	\$135	\$100		
Project Tasks									
Task 1 Market Analysis									
Compile historical data		2		6		6	6	20	\$2,660
Review reports				4				4	\$600
Interviews below) Forecast calls		2		4		4		10	\$1,490
Regional analysis		8		14		4	4	30	\$4,440
Report		4		16	2			22	\$3,400
Task 2 Initial Interviews (informs market analysis)									
Prepare/coordinate with team		2		4				6	\$950
*Interviews (10 lines)		8		12				20	\$3,200
Conduct additional (10)		8			12			20	\$3,200
Synthesize for team/report		4		6	4			14	\$2,200
Task 3 Economic Analysis									
ID criteria/5 sites		2			2			4	\$650
Analyze sites/data		2	2	10	2			16	\$2,500
Prepare summary report		2		4	2			8	\$1,250
Task 4 Refine Findings/Public Outreach									
Prepare (4 meetings)		4		2				6	\$1,000
Two industry stakeholder		4		2				6	\$1,000
Two public meetings		4		2				6	\$1,000
Project Administration									
Invoice/archive				2				2	\$300



<b>Fee proposal</b>					<b>12-Apr-19</b>
		<b>Client:</b>	<b>PND Engineers</b>		
		<b>Project:</b>	<b>Small Cruiseship Master Plan</b>		
		<b>Contract Type:</b>	<b>Lump Sum</b>		
			<b>Corvus Design</b>		
	<b>Personnel Type</b>	Managing Principal	Principal	Landscape Architect II	Total Hours/ Total Fee
<b>Task</b>	<b>Hourly Rate</b>	\$170.00	\$155.00	\$105.00	
<b>Planning Services</b>					
<b>1.0</b>	<b>Inventory</b>				
1.01	Kick-Off Meeting with Client and Team	0	2	0	2
1.02	Site Visits	0	8	0	8
1.03	Inventory Analysis & Documentation	0	4	24	28
1.04	Stakeholder Meetings (Two)	0	8	0	8
1.05	Document Layout and Compilation	0	2	40	42
1.06	Docks and Harbor Meeting and Prep	0	4	0	4
1.07	Team Coordination Submittal and Revisions	0	2	2	4
1.08	Meetings (1 @ 2 hours each)	0	2	0	2
1.0	Task Total Hours	0	32	66	98
1.0	Task Total Fee	\$0	\$4,960	\$6,930	\$11,890.00
<b>2.0</b>	<b>Draft Master Plan</b>				
2.01	Draft Site Master Plans (up to 6)	0	6	32	38
2.02	Supporting Narratives	0	4	24	28
2.03	Document Compilation	0	2	40	42
2.04	Cost Estimate Support	0	2	0	2
2.05	Stakeholder Meeting (One)	0	4	0	4
2.06	Docks and Harbors Meeting and Prep	0	4	0	4
2.07	Team Coordination Submittal and Revisions	0	2	2	4
2.08	Meetings (1 @ 2 hours each)	0	2	0	2
2.0	Task Total Hours	0	26	98	124
2.0	Task Total Fee	\$0	\$4,030	\$10,290	\$14,320.00
<b>3.0</b>	<b>Final Master Plan</b>				
3.01	Final Site Master Plans (up to 6)	0	3	18	21
3.02	Supporting Narratives	0	2	8	10
3.03	Document Compilation	0	2	16	18
3.04	Cost Estimate Support	0	1	0	1
3.05	Docks and Harbors Meeting and Prep	0	4	0	4
3.06	Team Coordination Submittal and Revisions	0	2	2	4
3.07	Meetings (1 @ 2 hours each)	0	2	0	2
3.0	Task Total Hours	0	16	44	60
3.0	Task Total Fee	\$0	\$2,480	\$4,620	\$7,100.00

		Corvus Design			
	Personnel Type	Managing Principal	Principal	Landscape Architect II	Total Hours/ Total Fee
Task	Hourly Rate	\$170.00	\$155.00	\$105.00	
<b>Planning Services Totals</b>					
	Labor Total Hours	0	74	208	<b>282</b>
	Labor Total Fee	\$0.00	\$11,470.00	\$21,840.00	<b>\$33,310.00</b>
<b>General Fee Notes:</b>					
	1) Fee includes PDF deliverables. Additional reproduction will be reimbursed on a time and expenses basis.				
	2) Additional deliverables, tasks, meetings and coordination beyond those outlined in this fee, and design aspects outside of scope, will be considered additional services and shall be billed on a time and expenses				

Dick

I envision the Marine Exchange of Alaska providing the following information to aid execution of this project.

1. Access MXAK AIS historical data for the past three years and plot out and list the routes and types of small passenger cruise ships and yachts operating in SEAK waters. (\$5,000)
  - a. Provide the characteristics and photos (when available) of the subject vessels
  - b. Provide lists and number of days they had port calls in SEAK ports
  - c. Provide tracklines of the vessels
2. Provide historical wind information and predicted tidal current information for various potential dock options in Alaska where information is available to aid assessment. (\$1,500)
3. Provide basic analysis of the navigational and mooring challenges presented by various berthing options under consideration in the Juneau area (\$1,500)
4. Provide overview of maritime security and waste management issues that would need to be addressed to accommodate certain vessels (\$1,500)

Regards

ED

Captain Ed Page  
Executive Director  
Marine Exchange of Alaska  
1050 Harbor Way, Juneau, AK 99801  
Office: (907) 463-5078  
Cell: (907) 321-2651  
[edpage@mxak.org](mailto:edpage@mxak.org)



April 19, 2019

Dick Sommerville, PND Engineering

**RE:** CBJ Small Cruise Ship Study Fee

Dick,

I propose a fee of \$3,920 to provide (6) 3-d renderings based on 2-d graphics for our scope of work as well as (4) hours to cover meetings and coordination.

.

Thank you,

James Bibb  
Principal Architect  
NorthWind Architects LLC

Sean M Boily AIA  
Principal Architect

James Bibb AIA  
Principal Architect

E David Hurley III AIA  
Principal Architect

126 Seward Street  
Juneau, AK 99801

p.907.586.6150  
f.907.586.6181

CBJ Docks and Harbors Small Cruise Ship Study  
Juneau, AK

T and E Not to Exceed Fee Estimate

19 April, 2019

Scope

(6) 3-D Sketches developed from 2-D plans

Mark	Task	Hours	
		PA	IA
	(6) Sketches	24	
	Meetings	4	
Subtotal		28	0
X Rate	PA = \$140/hr; IA = \$85/hr	\$ 3,920.00	\$ -
Subtotal	Const Documents at 100%		\$ 3,920.00
Sales Tax	0%	\$	-
TOTAL		\$	3,920.00

Presented by: The Manager  
 Introduced: 6/3/2019  
 Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,  
 ALASKA

SERIAL NUMBER T-1019

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$802,095 be transferred:

From: CIP

D71-053	Capital Transit Bus Shelters	\$150,000
D71-086	Transit Technology	\$2,095
D71-088	Bus Shelters/Interim Valley Improvements	\$650,000

To: CIP

D71-089	Valley Transit Center	\$802,095
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The \$802,095 consists of:

Sales Tax	\$802,095
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Moved and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 D. Rorie Watt, City Manager

Attest:

\_\_\_\_\_  
 Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
 Introduced: May 13, 2019  
 Drafted by: Finance

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AL)

**An Ordinance Appropriating to the Manager the Sum of \$1,535,300 as Partial Supplemental Funding for Various Department's Fiscal Year 2019 Operating Budgets; Funding Provided by General Fund's Fund Balance, Airport Fund's Fund Balance, Docks Fund's Fund Balance, and Lands Fund's Fund Balance.**

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

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

**Section 2. Appropriation.** There is appropriated to the Manager the sum of \$1,535,300 for the following Department's Fiscal Year 2019 operating budgets:

<u><b>Department</b></u>	<u><b>Amount</b></u>
Airport	\$108,400
Capital City Fire & Rescue (CCFR)	950,000
Docks	35,000
Lands	201,900
Risk	<u>240,000</u>
<b>Total</b>	<b>\$1,535,300</b>

**Section 3. Source of Funds**

<u><b>Department</b></u>	<u><b>Source of Funds</b></u>	<u><b>Amount</b></u>
Airport	Airport Fund's Fund Balance	\$108,400
CCFR	General Fund's Fund Balance	950,000
Docks	Docks Fund's Fund Balance	35,000
Lands	Lands Fund's Fund Balance	201,900
Risk	Risk Fund's Fund Balance	<u>240,000</u>
<b>Total</b>		<b>\$1,535,300</b>



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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
 Introduced: May 13, 2019  
 Drafted by: Finance

# **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2018-11(AM)**

**An Ordinance Appropriating to the Manager the Sum of \$620.700 as Funding for Fleet and Risk Funds; Funding Provided by General Fund's Fund Balance.**

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

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

**Section 2. Appropriation.** There is appropriated to the Manager the sum of \$620,700 as follows:

<b><u>Fleet</u></b>	<b><u>Amount</u></b>
Capital Transit Fleet	\$30,200
Capital City Fire & Rescue Fleet	100,000
Police Fleet	100,000
Streets Fleet	20,200
Treadwell Ice Rink Fleet	10,800
Zach Gordon Fleet	<u>10,000</u>
<b>Total Fleet Contribution</b>	<b>\$271,200</b>
 Risk Fund's Health Fund Balance	 <u>\$349,500</u>
 <b>Total Fleet &amp; Risk Contribution</b>	 <b>\$620,700</b>

## **Section 3. Source of Funds**

Defined Contribution Retirement Plan	\$ 620,700
Employer Forfeitures (General Fund's Fund Balance)	

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
 Introduced: April 3, 2019  
 Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2019-05(b)

**An Ordinance Establishing the Rate of Levy for Property Taxes  
 for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Rates of Levy. The following are the rates of levy on taxable property within the City and Borough of Juneau for the Calendar Year beginning January 1, 2019, based upon the proposed budget for Fiscal Year 2020 beginning July 1, 2019.

<u>Operation Mill Rate by Service Area</u>	<u>Millage</u>	
Roaded Service Area	2.45	
Fire Service Area	0.31	
Areawide	<del>6.60</del>	<b>6.70</b>
<b>Operating Total</b>	<b><del>9.36</del></b>	<b>9.46</b>
 <b>Debt Service</b>	 <b>1.20</b>	
<b>Total</b>	<b><del>10.56</del></b>	<b>10.66</b>

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
 Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
 Introduced: April 3, 2019  
 Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2019-06(b)

**An Ordinance Appropriating Funds from the Treasury  
 for FY20 City and Borough Operations**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau, excluding the Juneau School District, for the fiscal year beginning July 1, 2019, and ending June 30, 2020. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

**ESTIMATED REVENUE:**

State Support	\$ 18,256,800	
Federal Support	<del>3,796,600</del>	4,862,600
Taxes	<del>106,312,000</del>	106,794,000
Charges for Services	139,584,200	
Licenses, Permits, Fees	12,116,300	
Fines and Forfeitures	318,700	
Rentals and Leases	<del>4,583,100</del>	4,664,800
Investment & Interest Income	4,506,500	
Sales	<del>1,819,500</del>	734,500
Other Revenue	344,300	
<b>Total Estimated Revenue</b>	<b><del>291,638,000</del></b>	<b>292,182,700</b>
General Governmental Fund Balance Decrease	<del>483,200</del>	612,300
All Other Funds Fund Balance Decrease	<del>4,851,000</del>	5,529,900
Support From Other Funds	<del>80,194,600</del>	81,166,600
<b>Total Estimated Funding Sources</b>	<b><del>377,166,800</del></b>	<b>379,491,500</b>

Section 3. Appropriation. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

**APPROPRIATION:**

**General Governmental Funds:**

Mayor and Assembly	\$ <del>5,499,300</del>	\$ 6,507,200
City Manager	<del>3,111,000</del>	3,166,000
City Clerk	384,900	
Human Resources	670,600	
Management Information Systems	2,980,600	
Capital City Fire	<del>4,784,900</del>	4,753,900
Capital City Rescue	<del>5,134,500</del>	6,010,500
Capital Transit	6,854,300	
Community Development	3,134,400	
General Engineering	539,000	
Finance	5,756,400	
Law	<del>2,284,700</del>	2,276,700
Libraries	<del>3,511,400</del>	3,520,400
Parks and Recreation:		
Parks and Landscape	<del>2,299,700</del>	2,341,900
Recreation	5,916,000	
Visitor Services	664,000	
Police	16,340,100	
Streets	5,704,500	
Support To Other Funds:		
School District	<del>28,174,300</del>	27,874,300
All Other Funds	1,125,000	
Interdepartmental Charges	(4,519,000)	
Capital Projects Indirect Cost Allocation	(524,300)	
<b>Total</b>	<b><del>99,826,300</del></b>	<b>101,477,400</b>

**Special Revenue Funds:**

Sales Tax	1,094,400	
Hotel Tax	24,900	
Tobacco Excise Tax	41,900	
Affordable Housing	126,000	
Downtown Parking	<del>468,200</del>	478,200
Eaglecrest	2,795,500	
Lands	1,137,700	
Library Minor Contributions	46,700	
Marine Passenger Fee	5,500	
Port Development	5,500	
Support To Other Funds	<del>66,224,700</del>	67,981,700
<b>Total</b>	<b><del>71,971,000</del></b>	<b>73,738,000</b>

<b>Debt Service Funds</b>	<b>16,727,800</b>	
<b>Special Assessment Funds:</b>		
Special Assessment	174,300	
Support To Other Funds	254,900	
<b>Total</b>	<b>429,200</b>	
<b>Jensen-Olson Arboretum</b>	<b>90,000</b>	
<b>Enterprise:</b>		
Juneau International Airport	8,689,200	
Bartlett Regional Hospital	—103,374,100	<b>102,274,100</b>
Boat Harbors	4,074,200	
Docks	—1,934,100	<b>1,933,700</b>
Water	3,610,800	
Wastewater	11,862,700	
Waste Management	1,685,300	
Support To Other Funds	—12,500,000	<b>11,715,000</b>
Interdepartmental Charges	(11,000)	
<b>Total</b>	<b>—147,719,400</b>	<b>145,834,000</b>
<b>Internal Service Funds:</b>		
Equipment Acquisition	—3,600,600	<b>3,765,600</b>
Fleet Maintenance	2,249,200	
Risk Management	24,830,100	
Building Maintenance	2,500,100	
Interdepartmental Charges	—(29,613,000)	<b>(29,808,000)</b>
<b>Total</b>	<b>—3,567,000</b>	<b>3,537,000</b>
<b>Capital Projects:</b>		
Capital Projects	—34,538,700	<b>35,360,700</b>
CIP Engineering	2,297,400	
<b>Total</b>	<b>—36,836,100</b>	<b>37,658,100</b>
<b>Total Appropriation</b>	<b>—377,166,800</b>	<b>379,491,500</b>



Section 4.      Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this \_\_ day of \_\_\_\_\_, 2019.

---

Beth A. Weldon, Mayor

Attest:

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Elizabeth J. McEwen, Municipal Clerk

**City & Borough of Juneau**  
**Description of Changes to Ordinance 2019-06**  
**May 29, 2019**

The amended (b) version of the FY20 CBJ Operating Budget Ordinance 2019-06(b) represents the following significant changes from Ordinance 2019-06, initially introduced to the Assembly on April 3, 2019.

	Original Amount	Amended (b) Amount	Description of Variance
<b>ESTIMATED REVENUE:</b>			
Federal Support	—3,796,600	<b>\$4,862,600</b>	This increase is related to Airport debt. Management waited until funding source known to include in the budget. Debt partially paid with Federal Grant revenue
Taxes	—106,312,000	<b>106,794,000</b>	Increased due to change in Operating Mill rate from Manager's proposed budget.
Sales	—1,819,500	<b>734,500</b>	Decreased due to moving the sale of land out of Waste Management's budget. Will appropriate when/if sale occurs
<b>APPROPRIATION:</b>			
<b>General Governmental Funds:</b>			
Mayor and Assembly	\$—5,499,300	<b>\$ 6,507,200</b>	Increased due to pending item list grant awards and Kinder Ready Program. Kinder Ready funds go to Juneau School District.
City Manager	—3,111,000	<b>3,166,000</b>	Increased due to child care study program analysis.
Capital City Fire	—4,784,900	<b>4,753,900</b>	Decreased due to numerous budget adjustments.
Capital City Rescue	—5,134,500	<b>6,010,500</b>	Increased due to the Sleep Off Center Program being transferred from BRH.
Law	—2,284,700	<b>2,276,700</b>	Minor changes related to budget clean-up
Libraries	—3,511,400	<b>3,520,400</b>	Minor changes related to budget clean-up
Parks and Recreation:			
Parks and Landscape	—2,299,700	<b>2,341,900</b>	Changes in MPF funding related to parks and restroom maintenance
<b>Support To Other Funds:</b>			
School District	—28,174,300	<b>27,874,300</b>	School District budget changed and adopted with out Kinder Ready Program funding. JSD budget to be updated later in FY20 with a supplemental appropriation.

The amended (b) version of the FY20 CBJ Operating Budget Ordinance 2019-06(b) represents the following significant changes from Ordinance 2019-06, initially introduced to the Assembly on April 3, 2019.

	Original Amount	Amended (b) Amount	Description of Variance
<b>Special Revenue Funds:</b>			
Downtown Parking	—468,200	<b>\$478,200</b>	Minor changes related to budget clean-up
Support To Other Funds	—66,224,700	<b>67,981,700</b>	Increase for Sales tax transfer to capital projects for Senior Housing Land purchase.
<b>Enterprise:</b>			
Bartlett Regional Hospital	—103,374,100	<b>\$102,274,100</b>	Decrease for elimination of costs associated with Sleep Off Center Program transfer to CCFR.
Docks	—1,934,100	<b>1,933,700</b>	Minor changes related to budget clean-up
Support To Other Funds	—12,500,000	<b>11,715,000</b>	Decreased due to moving the sale of land, and subsequent transfer to capital project, out of Waste Management's budget. Will appropriate when/if sale occurs
<b>Internal Service Funds:</b>			
Equipment Acquisition	—3,600,600	<b>\$3,765,600</b>	Increased due to changes in MPF funding for equipment
Interdepartmental Charges	—(29,613,000)	<b>(29,808,000)</b>	Increased for additional contributions from Docks & CCFR for MPF funded equipment purchases
<b>Capital Projects:</b>			
Capital Projects	—34,538,700	<b>\$35,360,700</b>	Increase for Senior Housing land purchase.

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2845(d)**

**A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.**

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2020 through Fiscal Year 2025, and has determined the capital improvement project priorities for Fiscal Year 2020.

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

**Section 1. Capital Improvement Program.**

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," dated June 1, 2019, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," are pending capital improvement projects to be undertaken in FY20:

<b>FISCAL YEAR 2020</b>		
<b>GENERAL SALES TAX IMPROVEMENTS</b>		
<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 230,000
Manager's Office	Eaglecrest Financial Sustainability Plan	50,000
Manager's Office	JPD Facility Security Upgrades	150,000
Manager's Office	Hagevig Training Center Improvements	100,000
Parks & Recreation	Deferred Building Maintenance	370,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	275,000
Parks & Recreation	Sports Field Resurfacing & Repairs	100,000
Parks & Recreation	Trail Maintenance	100,000
Parks & Recreation	Chicken Yard Park	125,000
<b>General Sales Tax Improvements Total</b>		<b>\$ 1,500,000</b>

**FISCAL YEAR 2020**

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**AREAWIDE STREET SALES TAX PRIORITIES**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Street Maintenance	Pavement Management	900,000
Street Maintenance	\$ Sidewalk & Stairway Repairs	250,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Security System at 7 Mile Shop Yard	150,000
Street Maintenance	Capital Avenue Willoughby to Ninth	600,000
Street Maintenance	Hospital Drive	800,000
Street Maintenance	Calhoun Ave Main to Gold Creek Phase I	1,100,000
Street Maintenance	Mendenhall Boulevard - Poplar to Columbia	600,000
Street Maintenance	Savikko Road	650,000
Street Maintenance	Aspen Avenue (Mendenhall to Taku)	1,100,000
Street Maintenance	River Road Paving LID	2,100,000
Street Maintenance	Gold Creek Flume Repairs	400,000
Capital Transit	Bus Shelters Improvements	50,000
Capital Transit	Design Power Upgrades for Electric Buses	150,000
Capital Transit	Construction of Valley Transit Center - Grant Match	100,000
Engineering	EV (Electric Vehicle) Charging Infrastructure	50,000
Engineering	Contaminated Sites Reporting	100,000
<b>Manager's Office</b>	<b>Land for Senior Housing</b>	<b>1,512,000</b>
Manager's Office	Juneau Renewable Energy Strategy (JRES) Implementation	250,000
<b>Areawide Street Sales Tax Priorities Total</b>		<b>\$ 11,112,000</b>
<b>Areawide Street Sales Tax Priorities Total</b>		<b><del>\$ 9,600,000</del></b>

**FISCAL YEAR 2020**

**TEMPORARY 1% SALES TAX PRIORITIES**

**Voter Approved Sales Tax 10/01/18 - 09/30/23**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Manager's Office	IT - Infrastructure Upgrades	\$ 200,000
Debt Service	Enterprise Computer System Upgrade	200,000 *
Manager's Office	Affordable Housing Fund	400,000 *
Wastewater Utility	Mendenhall Treatment Plant (MWWTP) Pretreatment Impvmts	1,000,000
Wastewater Utility	MWWTP Basin Recirculation Pump Replacements	1,500,000
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	100,000
Water Utility	Douglas Hwy Water System replacement - David St. to I St.	1,000,000
Parks & Recreation	Deferred Building Maintenance	700,000
Parks & Recreation	Capital School Park Repairs and Playground Replacement	250,000
Parks & Recreation	Parks and Playgrounds Improvements and Deferred Maint	250,000
Parks & Recreation	Augustus Brown Pool Deferred Maintenance	1,700,000
School District	JSD Buildings Major Maintenance / Match	1,000,000
Public Works	Waste - RecycleWorks Waste Diversion Program	400,000 *
<b>Temporary 1% Sales Tax Priorities Total</b>		<b>\$ 8,700,000</b>

\* Operating Budget Funding

**FISCAL YEAR 2020**

**MARINE PASSENGER FEE PRIORITIES**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
<b>Docks</b>	Seawalk Major Maintenance	\$ 85,000
Port of Juneau	Seawalk Major Maintenance	<del>\$ 85,000</del>
<b>Docks</b>	Seawalk Permitting/Planning/Design	46,100
Port of Juneau	Seawalk Permitting/Planning/Design	<del>46,100</del>
<b>Docks</b>	Security Checkpoint Queuing Structure Phase II	200,000
Port of Juneau	Security Checkpoint Queuing Structure Phase II	<del>200,000</del>
<b>Docks</b>	<b>Large Berth Shore Power Preliminary Design &amp; Cost Estimate</b>	<b>300,000</b>
<b>Docks</b>	Large Berth Shore Power Feasibility/System Impact Analysis	<del>250,000</del>
Engineering	Large Berth Shore Power Feasibility/System Impact Analysis	<del>250,000</del>
<b>Marine Passenger Fee Priorities Total</b>		<b>\$ 631,100</b>
<b>Marine Passenger Fee Priorities Total</b>		<b><del>\$ 581,100</del></b>

**FISCAL YEAR 2020**

**STATE MARINE PASSENGER FEE PRIORITIES**

DEPARTMENT	PROJECT	FY20 BUDGET
Docks	Statter Harbor	\$ 4,500,000
Harbors	<del>Statter Harbor</del>	<del>\$ 4,500,000</del>
State Marine Passenger Fee Priorities Total		<b><u>\$ 4,500,000</u></b>

**FISCAL YEAR 2020**

**JUNEAU INTERNATIONAL AIRPORT ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Airport	Airport North Terminal Funding	\$ 300,000
Juneau International Airport Enterprise Fund Total		<b><u>\$300,000</u></b>

**FISCAL YEAR 2020**

**BARTLETT HOSPITAL ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Bartlett Hospital	Hospital Drive Paving - Admin to Juneau Med Center	\$ 500,000
Bartlett Hospital	Crises Stabilization	3,500,000
Bartlett Hospital Enterprise Fund Total		<b><u>\$4,000,000</u></b>

**FISCAL YEAR 2020**

**HARBORS ENTERPRISE FUND**

**~~DOCKS AND HARBORS ENTERPRISE FUND~~**

DEPARTMENT	PROJECT	FY20 BUDGET
Harbors	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
<del>Docks and Harbors</del>	<del>Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant</del>	<del>\$ 140,000</del>
Harbors Enterprise Fund Total		<b><u>\$140,000</u></b>
<del>Docks and Harbors Enterprise Fund Total</del>		<del><b><u>\$140,000</u></b></del>

**FISCAL YEAR 2020**

**WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Water Utility	Douglas Highway Water Replacement David St. to I St.	\$ 3,000,000
Water Utility	Cedar Park Pump Station Backup Generator and Tank Removal	500,000
Water Utility	Hospital Drive Waterline Replacement (Street Recon)	150,000
Water Utility	Savikko Road Waterline Replacement (Street Recon)	120,000
Water Utility	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	180,000
Water Utility	Capital Ave Water System (Willoughby to Ninth) Street Recon	50,000
<del>Water Utility</del>	<del>Capital Ave Water System (Willoughby to Ninth) Street Recon</del>	<del>50,000</del>
Water Utility	Areawide Water Repairs / Minor Replacements	50,000
Water Enterprise Fund Total		<b><u>\$4,050,000</u></b>

**FISCAL YEAR 2020**

**WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	\$ 145,000
Wastewater Utility	WW system SCADA Improvements	250,000
Wastewater Utility	Collection System Pump Station Upgrades	950,000
Wastewater Utility	Lift Station Upgrades / Outer Drive & W Juneau Improvements	350,000
Wastewater Utility	ABTP Disinfection Upgrades	400,000
Wastewater Utility	ABTP Generator / Backup Power	800,000
Wastewater Utility	Delta Drive Collection System Improvements (Street Recon)	75,000
Wastewater Utility	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	150,000
Wastewater Utility	River Road Paving LID - Utility Adjustments & Improvements	25,000
Wastewater Utility	Hospital Drive Sewer Improvements (Street Recon)	35,000
Wastewater Utility	Pavement Management Utility Adjustments	20,000
Wastewater Utility	ADOT Project Utility Adjustments	25,000
Wastewater Enterprise Fund Total		<b><u>\$ 3,225,000</u></b>

**FISCAL YEAR 2020  
LANDS FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Lands	<b>Pederson</b> Hill Subdivision	\$ 450,000
<del>Lands</del>	<del>Pederson Hill Subdivision</del>	<del>\$ 450,000</del>
Lands	Pits and Quarries Infrastructure Maintenance and Expansion	50,000
<b>Lands Fund Total</b>		<b>\$ 500,000</b>
<b>ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL</b>		<b>\$ 37,658,100</b>
<del>ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL</del>		<del>\$ 35,846,100</del>
<del>ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL</del>		<del>\$ 35,796,100</del>
<b>ORDINANCE 2019-06 OPERATING BUDGET FUNDING TOTAL</b>		<b>\$ 1,000,000 *</b>

*\* Operating Budget Funding*

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020-2025," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY20, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2020  
AIRPORT UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Airport	Departure Lounge Secured ExitLane	\$ 380,000
Airport	Taxiway A Rehabilitation	17,000,000
Airport	Taxiway E Realignment (Geometry)	2,000,000
Airport	Taxiway D-1 Relocation (RIM)	1,500,000
Airport	26 MALSR (FAA F&E Project)	3,750,000
Airport	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	292,000
<b>Airport Unscheduled Funding Total</b>		<b>\$ 24,922,000</b>

**FISCAL YEAR 2020  
UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Docks and Harbors	ADOT Grant - Aurora Harbor Rebuild - Phase III	\$ 2,000,000
Docks and Harbors	ADOT Grant - Anode Installation - Harris Harbor	125,000
Docks and Harbors	ACOE Grant - Statter Breakwater Feasibility	500,000
<b>Harbors</b>	<b>Amalga Harbor Infrastructure</b>	<b>280,000</b>
Eaglecrest	Magic Carpet Grant Funding	160,000
Lands	Pederson Hill Phase II	1,350,000
Lands	West Douglas Pioneer Road Extension	100,000
Manager's Office	Senior Housing Land	1,500,000
Manager's Office	State Parking	5,000,000
Manager's Office	City Hall	5,000,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request JCF	25,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request Rasmussen	25,000
<b>Unscheduled Funding Total</b>		<b>\$ 16,065,000</b>
<del>Unscheduled Funding Total</del>		<del>\$ 15,785,000</del>

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**Section 2. Fiscal Year 2020 Budget.** It is the intent of the Assembly that the budget allocations as set forth in the FY20 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2020 Budget.

**Section 3. State and Federal Funding.** To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk





## Community Development

(907) 586-0715

PC\_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

### **PLANNING COMMISSION NOTICE OF RECOMMENDATION**

Date: May 30, 2019

File No.: CSP2018 0012

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding Fiscal Year 2020 Capital Improvement Program (CIP)

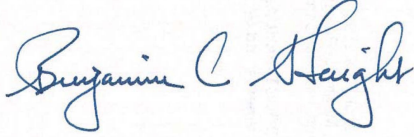
The Planning Commission, at its regular public meeting on May 28, 2019, adopted the analysis and findings listed in the attached memorandum dated May 24, 2019. The Commission found that the CIP projects recommended for funding in FY2020 conform to the policies of the Juneau Comprehensive Plan.

Attachments: May 24, 2019, memorandum from Tim Felstead, Planner, Community Development, to the CBJ Planning Commission regarding CSP2018 0012.

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

City and Borough of Juneau  
CBJ Assembly  
File No.: CSP2018 0012  
May 30, 2019  
Page 2 of 2

Project Planner:   
Tim Felstead, Planner  
Community Development Department

  
Benjamin Haight, Chair  
Planning Commission

  
Filed With City Clerk

5/31/2019  
Date

cc: Plan Review

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



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

**DATE:** May 24, 2019

**TO:** Planning Commission

**FROM:** Tim Felstead, Planner  
Community Development Department

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM' line.

**FILE NO.:** CSP2018 0012

**PROPOSAL:** Planning Commission review of Fiscal Year 2020 Capital Improvement Program.

### **ATTACHMENTS**

Attachment A – FY2020 Capital Improvement Program project list – Resolution 2845(c)

Attachment B – November 15, 2017 Memorandum from Planning Commission to CBJ Public Works and Facilities Committee re: Fiscal Year 2020-2025 Capital Improvement Program

### **INTRODUCTION**

The City and Borough of Juneau prepares a revised Six-year Capital Improvement Program (CIP) each year. The CIP guides the investment of public funds for maintenance, repair, construction, and acquisition of public infrastructure, facilities, and equipment. The CIP is presented to the Assembly in April, along with the draft fiscal year (FY) budget, and includes the City Manager's recommended project priorities for FY 2020.

The Land Use Code establishes the role of the Planning Commission in the CIP process under CBJ 49.10.170 which states:

***49.10.170(b) Review of the Capital Improvements Program.*** Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the Assembly.

The purpose of the Planning Commission review is to ensure the CIP is consistent with the goals of the Comprehensive Plan.

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During the Director's Report at the October 23, 2018, Regular Planning Commission meeting, the Commission was asked to review and provide early input into the CBJ CIP. The Commission decided to allow the Chair to form a sub-committee to write a draft memorandum on the topic. On November 7, 2018, four members of the Commission met at a special meeting to draft a memorandum regarding the Planning Commission's recommendations for the CBJ CIP. The Commissioners present were Mr. Haight, Mr. Voelckers, Mr. LeVine, and Mr. Campbell. Steve Behnke from the Juneau Commission on Sustainability (an Assembly-appointed commission) and Planner Tim Felstead were also present.

At a Committee of the Whole meeting on November 13, 2018, the Commission had a discussion with the Director of CBJ Engineering and Public Works, Mike Vigue, on the CIP process. Attached is a memorandum from the Commission sent to Mr. Vigue.

As a new part of the Planning Commission review process, Mr. Vigue came back to the Commission on February 19, 2019 when the draft CIP list for FY2020 was first presented to the Assembly Public Works and Facilities Committee. This was an opportunity to discuss how the Commission's recommendations have been addressed and for public input into the draft CIP. It is also worth noting that other committees and boards also provide opportunity for the public to comment on some department's CIP projects (e.g. Parks and Recreation Advisory Committee, Docks and Harbors Board).

The Planning Commission identified four broad categories of potential capital improvements that are relevant to its review authority:

- Housing;
- Community Vitality;
- Transportation; and
- Sustainability

### **ORGANIZATION OF THE CIP**

The CIP list offers important information for the various capital improvement projects recommended for funding in FY2020 and planned for future years through FY2025. This memorandum addresses the FY2020 CIP list as presented as a near final draft to the Assembly Finance Committee in May 2019 (see Resolution 2845(c) in Attachment A). The final version being passed to the Assembly (Resolution 2845(d)) for approval was not available at the time of writing this memorandum. Staff understands this latter memorandum has no significant changes from the version reviewed here.

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The City Manager recommends CIP priorities to the Assembly according to the following criteria:

**Support.** Are the projects a high priority of the Department or Committee proposing it, as well as the general public?

**Consistency.** Are the projects consistent with applicable CBJ plans or policies?

**Health and Safety.** Will the improvement address an imminent or expected threat or danger to users or occupants?

**Maintenance or Repair of Existing Property.** Will the projects prevent further deterioration or damage to property?

**Local Match for Federal/State Grants.** Are funds required to match federal or state capital project funds?

**Maintenance Impact.** Will the improvement or projects increase efficiency and reduce on-going operating costs?

**Economic Development Stimulus.** Will the improvement directly or indirectly stimulate beneficial economic development in the community?

**Anticipated Need.** Will the projects enhance or expand an existing facility or service to accommodate increased public use?

**Recreational.** Will the projects establish, enhance or expand a facility or service to accommodate new or increase public use?

**Funding Alternatives.** Will there be funding alternatives explored for each project?

The Draft FY2020 resolution is organized into sections that are summarized below.

FY2020 General Sales Tax Improvements: Includes projects that were funded under a five year, voter-approved, 1% temporary sales tax. Funds must be split 1% for police, fire, street maintenance, snow removal, EMT/ambulance services, parks and recreation, libraries and other general purposes; 1% for roads, drainage, retaining walls, sidewalks, stairs, and other capital projects; and 1% for water and sewer system extensions, an emergency budget reserve, youth activities, and other general public services.

FY2020 Area Wide Sales Tax Improvements: The table lists the specific projects recommended for funding under area wide sales tax and the amount of funding provided to each improvement in FY2020.

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Temporary 1% Sales Tax Improvements: A voter-approved, temporary 1% sales tax, effective October 1, 2013, through September 30, 2018, was more recently approved again effective October 1, 2018 through September 30, 2023. This section of the CIP lists the capital improvements the Manager is recommending to be funded under this temporary tax in FY2020.

FY2020 Marine Passenger Fees: Includes the projects funded by the voter-approved, five-dollars-per-passenger tax for cruise ship passengers. The charges are appropriated to address the impacts caused by the marine passenger ship industry. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this tax and the amount of funding provided to each improvement in FY2020.

FY2020 State Marine Passenger Fees: Five dollars per passenger comes from Alaska's cruise ship passenger fee, passed by a citizens' initiative in 2008 and revised in 2010. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this program and the amount of funding provided to each improvement in FY2020.

FY2020 Water Enterprise Fund: This fund was established to account for the CBJ's water utility operations. The CBJ's water utility provides potable water for the majority of the City and Borough residents residing within the roaded service area. The water utility is largely self-supported through user service fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Water Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Wastewater Enterprise Fund: This fund was established to account for the activities of the CBJ's wastewater treatment operations. The sewer utility provides for wastewater treatment facilities for most of the populated roaded areas. The sewer utility fund is largely supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Sewer Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY 2020 Harbors Enterprise Fund: This fund was established to account for the activities of CBJ's Docks and Harbors. The Docks and Harbors Department exists to plan, develop, and manage CBJ's marine-related property and facilities. To this end, the Board develops and provides services to promote and accommodate marine related commerce, industry, fisheries, recreation, and visitors. The Docks and Harbors enterprise fund is financially supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Docks and Harbors Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Lands Fund: Land Fund into which most of the revenues from the sale or lease of land are to be deposited (except for properties of enterprise funds such as the Airport or Docks and Harbors). The Lands Fund is intended to provide revenue required for the subdivision, development, and disposal of CBJ lands as well as other costs of managing CBJ property. Additionally, the Land Fund is the source of money used to acquire properties needed for public

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purposes which are not funded by an enterprise account or CIP account. This section of the CIP identifies the capital improvement recommend by the City Manager to be funded by the Lands Fund and the amount of funding in FY2020.

Unscheduled Funding: Furthermore, there are three categories of “unscheduled” funding. Unscheduled requests are appropriations from enterprise entities (water, sewer, Bartlett Hospital, Airport, Eaglecrest etc.) that do not happen as part of the CIP, but are identified as priorities that are proposed to be undertaken beginning FY2019 and are dependent on other unsecured funding sources. As sources are secured, requests to appropriate them to the projects will be made.

### **CONSISTENCY WITH 2013 CBJ COMPREHENSIVE PLAN**

The CIP fulfills several purposes. It is a planning document that organizes and schedules projects and activities. It is a statement of budgetary policy that directs funds toward priorities. It is an investment guide that portrays the physical infrastructure and other improvements that support commerce and community.

The Comprehensive Plan addresses capital improvements in Chapter 18, *Implementation and Administration*. Standard Operating Procedure 18.1 SOP1 states:

*Evaluate all ordinances, plans, capital improvement and public programs to ensure their consistency with the Comprehensive Plan. For specific land use or permit applications, require the applicant, whether a public agency or a private property owner, to demonstrate compliance to each applicable policy or provide evidence why an exception to a policy is warranted. Incorporate statements regarding compliance/non-compliance with Policies into findings of fact that provide the legal basis for determining approval or disapproval of a development application. (Emphasis added.)*

Policy 18.6 states:

*To develop a six-year capital improvement program to implement the Comprehensive Plan by coordinating urban services, land use decisions, and financial resources and to provide adequate funding for capital improvements to ensure the policies, standard operating procedures, development guidelines, implementing actions and subarea guidelines of the Comprehensive Plan are implemented.*

Further Implementing Actions:

18.6 SOP1 states:

*Prepare an annual Six-year Capital Improvement Program. Request that CBJ departments, the public, and policy bodies nominate potential capital improvement projects from a*

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*variety of sources including the Comprehensive Plan and suggestions of resident and special interest groups, CBJ officials, advisory commissions and others.*

18.6 SOP2 states:

*CDD staff will analyze each CIP project list for conformity with the Comprehensive Plan.*

It is this last implementing action that is the focus of this review. The purpose is to determine if the proposed projects of the FY2020 CIP support the policies and implementing actions of the Comprehensive Plan.

Comprehensive Plan policies and implementing actions that support the FY2020 CIP list are:

**Policy 2.1 Sustainability**

*To build a sustainable community that endures over generations, and is sufficiently farseeing and flexible to maintain the vital and robust nature of its economic, social, and environmental support systems.*

**Policy 2.2 Sustainability**

*To model sustainability through its operations, practices, and projects.*

**Policy 4.1 Housing**

*To facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.*

**Policy 4.5 Provision of Public Facilities**

*To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas of the CBJ.*

**Policy 5.1 Economic Development**

*To develop and sustain a diverse economy, providing opportunities for employment for all residents.*

**Policy 5.2 Downtown Juneau**

*Through a cooperative effort with the State of Alaska, to plan for and support development of an attractive setting, facilities, and other services to enhance the State Capitol, and strive to provide an atmosphere conducive to good leadership in the State, accessible to and supportive of all people of the State of Alaska.*

**Policy 5.3 Downtown Juneau**

*To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and*



*entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.*

Implementing Action 5.3.IA3 (in part): *Facilitate the pedestrian usage of Downtown physical improvements, Land Use Code amendments or other programs or initiatives which could include: B. Extend the waterfront seawalk.*

**Policy 5.5. Downtown Juneau**

*To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.*

**Policy 5.6 Tourism and Visitors**

*To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural and cultural attractions for local citizens and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.*

Implementing Action 5.6IA3: *Work with representatives from the cruise line industry, private developers, Juneau Convention and Visitors Bureau, and other tourism-related businesses to plan and develop additional or improved moorage and berthing facilities, including additional lightering and short-term moorage facilities.*

Standard Operating Procedure 5.6.SOP4: *Support Eaglecrest as a regional recreation and tourist facility.*

**Policy 5.9 Port Facilities**

*To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.*

**Policy 5.14 Seafood Industry and Commercial Fishing**

*To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau.*

**Policy 6.4**

*To provide cost-effective and energy efficient facilities, systems and infrastructure that strengthens Juneau's role as the State Capital.*

**Policy 6.5 Energy Efficiency**

*To incorporate technologies and operating practices that will promote efficient and cost effective energy use into all of its new and existing buildings and energy-using projects.*

Standard Operating Procedure 6.5SOP1: *Replace inefficient street lighting and lighting in CBJ buildings and facilities upon replacement cycle.*

Implementing Action 6.5-IA5: *Continue to incorporate LEED-Juneau principles and standards when designing public structures and facilities, with appropriate fuel cost sensitivity analyses over the long term life of the Project.*

Implementing Action 6.5-IA6: *When designing new facilities or major renovation of CBJ-owned facilities, analyze life-cycle costs of energy applications, and use that analysis to guide future development.*

Implementing Action 6.5-IA7: *Analyze the workings of the CBJ water and wastewater facilities and incorporate energy saving methods and technologies where appropriate.*

**Policy 6.6. Increased Share of Renewable Energy**

*To maximize the ratio of local, renewable-source energy to imported fossil-source energy in Juneau's internal energy economy.*

**Policy 6.10 Energy Efficient Buildings**

*To encourage cost effective, energy efficient building and remodeling practices.*

**Policy 6.11 Energy Use**

*To encourage industrial and commercial users to be as efficient as possible in their use of energy; to use renewable energy sources and to make energy by-products available for use elsewhere in the community.*

**Policy 7.3 Riparian Habitat**

*To protect riparian habitat, including stream corridors and lake shorelines, from adverse effects of development and to provide a higher level of protection for non-urban shorelines in public ownership.*

**Policy 7.7 Water Quality**

*To protect, maintain and improve surface water, groundwater and marine water quality in its jurisdiction so that all waters are in compliance with federal and state water quality standards and continue to allow aquatic life to thrive.*

**Policy 7.9 Air Quality**

*To continue educational programs, capital improvement projects, and regulatory measures to protect and improve air quality.*

**Policy 7.16 Gravel Resources**

*To conserve and protect known gravel deposits and to protect them from conflicting land uses.*

**Policy 8.1 Airport**

*To promote and support aviation safety; to develop and maintain airport facilities meeting the aviation transportation needs for the CBJ, its residents, visitors, and commerce; and to work with the public and private sectors to facilitate commerce, economic development, and access to Alaska's capital city.*

**Policy 8.3 Marine Transport**

*To promote and facilitate marine transport systems and to provide facilities to transport cargo, vehicles, and passenger transportation, commercial fishing industries, and recreational water travel.*

**Policy 8.4 Regional Transportation System**

*To support the improvement of transportation facilities and systems that reinforce Juneau's role as the capital city of Alaska, and a regional transportation and service center.*

**Policy 8.5 Local Transportation System**

*To promote a balanced, well-integrated local multi-modal surface transportation system that provides safe, convenient and energy-efficient access and transport for people and commodities.*

**Standard Operating Procedure 8.5-SOP1:** *Provide a safe, convenient, reliable and low-cost public transit and rapid transit system within the Urban Service Area to ensure that within that area, everyone has the ability to access work, school, services, shopping and leisure activities by public transit, with stops located so as to be within ½ mile of each other along routes.*

**Implementing Action 8.5 – IA6:** *To reduce the demand for land-consuming parking spaces, reduce use of fossil fuels, and encourage the use of public transit, the CBJ*

*government and community should urge downtown federal, state, and local government agencies, as well as private-sector employees to participate in a Coordinated Downtown Transportation Management Program managed by CBJ staff or a third party. The program could include, but would not be limited to, the following features:*

*D. Convenient and free parking for car- and van-pool vehicles, preferential parking for car-sharing, electric, hybrid and other alternate fuel-powered or multiple-user vehicles;*

*E. Instituting residential parking programs to discourage commuting motorists from long-term on-street parking in residential neighborhoods;*

*F. Satellite parking within shuttle distance to major destinations in downtown Juneau;*

*G. Working with the State of Alaska to allow off-hour parking in state employee parking facilities and lots to ease evening and weekend event parking congestion;*

*H. Increasing parking enforcement, as nearly all of these parking-related actions require enforcement or they will be of minimal utility;*

#### **Policy 8.6 Alternative Transportation**

*To promote and facilitate transportation alternatives to private vehicles as a means of reducing congestion and air pollution and the consumption of fossil fuels, and to provide safe, and healthy means of transportation to all people.*

Development Guideline 8.6.DG1: *Require sidewalks and bicycle paths or lanes along existing or newly constructed arterial and collector streets where appropriate, and provide or work with DOT to provide such amenities along existing roads to provide safe and healthy means of transportation to all people.*

#### **Policy 9.1 Parks and Recreation**

*To provide quality dispersed outdoor recreational opportunities; and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas which lack adequate parks and recreation facilities.*

Standard Operating Procedure 9.1SOP3: *Pursue funding for acquisition and development of parks and recreation facilities through traditional funding mechanisms such as the CBJ Capital Improvements Program, State Legislative process,*

*and Federal funding opportunities; maximize the use of federal and state matching funds; investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails, and programs; explore cooperative management agreements, joint ventures, private/public partnerships or other protocols to facilitate progress.*

**Policy 9.2 Parks and Recreation**

*To develop and maintain an interconnected non-motorized trail system that is complementary with, and may be contiguous with, unfragmented fish and wildlife corridors along anadromous fish streams within the roaded area that provides fish and wildlife and human access to the sea from the uplands.*

**Policy 12.1 Public Facilities**

*To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas within the urban service area.*

**Policy 12.2 Public Facilities**

*To extend public water, sewer and storm drainage, and earth retention facilities to all areas within the urban service area.*

**Policy 12.4 Public Facilities**

*To facilitate the reduction of waste materials generated and disposed by households and businesses through promotion of an aggressive solid waste diversion and program including activities facilitating waste prevention, reuse and recycling.*

**Policy 12.5 Public Facilities**

*To promote efficient, safe, convenient, cost-effective and environmentally sound methods for the disposal of solid and hazardous waste.*

**Policy 13.1 Police Protection**

*To provide adequate and efficient police protection for the community.*

**Policy 13.2 Fire Protection and Emergency Services**

*To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large scale events and disasters.*

**Policy 13.3 Medical Services**

*To promote quality medical and social services in the CBJ to ensure the safety, health, well-being and self-sufficiency of its residents.*

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### **Policy 14.1 Schools**

*To provide a strong system of high quality public education to enable all students to become well educated, informed residents who understand and appreciate diverse cultures and who are equipped to pursue further education and compete successfully in the work force.*

### **Policy 17.2 CBJ Land Disposal**

*To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.*

The projects in the CIP can be linked to policies in the Comprehensive Plan, and the CIP can be characterized as a tool that aids in implementing the plan. The table below only evaluates projects that have funding requested for FY2020. The fifth column was added with the purpose of showing which of the broad categories established by the Commission the project fits.

DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
<b>Administration</b>	<b>Manager's Office</b>	1	Enterprise Computer System Upgrade	Policy NA	N/A
		3	Eaglecrest Financial Sustainability Plan	Policy 5.6, 9.1	Community vitality
		8	JPD Facility Security Upgrades	Policy 13.1	Community vitality
		9	Hagevig Training Center Improvements	Policy 13.2	Community vitality
		4	Juneau Renewable Energy Strategy (JRES) Implementation	Policy 6.10, 6.11, 7.9	Sustainability
		1	IT - Infrastructure Upgrades	Policy NA	N/A
		2	Affordable Housing Fund	Policy 4.1, 4.2	Housing
		5	Senior Housing Land	Policy 4.6	Housing
		6	State Parking	Policy 5.2, 5.5	Transportation
		7	City Hall	Policy 5.3, 12.1	Community vitality

<b>Airport</b>		1	Departure Lounge Secured Exit Lane	Policy 8.1, 8.4	Transportation
		2	Taxiway A Rehabilitation	Policy 8.1, 8.4	Transportation
		3	Taxiway E Realignment (Geometry)	Policy 8.1, 8.4	Transportation
		4	Taxiway D-1 Relocation (RIM)	Policy 8.1, 8.4	Transportation
		5	26 MALSR (FAA F&E Project)	Policy 8.1, 8.4	Transportation
		6	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	Policy 8.1, 8.4	Transportation
<b>BRH</b>		1	Hospital Drive Paving - Admin to Juneau Med Center	Policy 12.1, 13.3	Transportation
		2	Crises Stabilization	Policy 13.3	Housing

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DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
<b>Docks &amp; Harbors</b>	<b>Docks</b>		Seawalk Major Maintenance	Policy 5.6, 5.9, 9.1	Transportation
			Seawalk Permitting/Planning/Design	Policy 5.6, 5.9, 9.1	Transportation
			Security Checkpoint Queuing Structure Phase II	Policy 9.1	Transportation
			Large Berth Shore Power Preliminary Design & Cost Estimate	Policy 6.6, 7.9	Transportation
			Statter Harbor	Policy 5.6	Transportation

<b>Docks &amp; Harbors</b>	<b>Harbors</b>	1	ADOT Grant - Aurora Harbor Rebuild - Phase III	Policy 8.3	Transportation
		2	ADOT Grant - Anode Installation - Harris Harbor	Policy 8.3	Transportation
		4	ACOE Grant - Statter Breakwater Feasibility	Policy 8.3	Transportation
		2	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	Policy 8.3	Transportation
			Amalga Harbor Infrastructure	Policy 8.3	Transportation

<b>Eaglecrest</b>		1	Deferred Maintenance /Mountain Operations Improvements	Policy 5.6, 9.1	Community vitality
		2	Magic Carpet Grant Funding	Policy 5.6, 9.1	Community vitality

<b>Lands &amp; Resources</b>		1	Pederson Hill Subdivision	Policy 4.1, 4.5, 4.6, 17.2	Housing
		1	Pederson Hill Phase II	Policy 4.1, 4.5, 4.6, 17.2	Housing
		2	West Douglas Pioneer Road Extension	Policy 3.4	Transportation
		3	Pits and Quarries Infrastructure Maintenance and Expansion	Policy 7.16	Community vitality

<b>Parks &amp; Recreation</b>	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request JCF	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request Rasmussen	Policy 9.1	Community vitality
	Park/Rec Areas		Augustus Brown Pool Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas		Chicken Yard Park	Policy 9.1	Community vitality
	Trail Maintenance	1	Trail Maintenance	Policy 9.1, 9.2	Community vitality
	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality

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	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality

<b>Public Works and Engineering Department</b>					
	Capital Transit	1	Bus Shelters Improvements	Policy 8.5, 8.6	Transportation
	Capital Transit	2	Design Power Upgrades for Electric Buses	Policy 6.6, 8.5, 8.6	Transportation
	Capital Transit	3	Construction of Valley Transit Center - Grant Match	Policy 8.5, 8.6	Transportation
	Engineering	1	EV (Electric Vehicle) Charging Infrastructure	Policy 6.6, 7.9	Sustainability
	Engineering	2	Contaminated Sites Reporting	Policy 7.7	Sustainability
	Recycleworks	1	Waste - RecycleWorks Waste Diversion Program	Policy 12.4, 12.5, 12.6, 12.8	Sustainability
	Street Maintenance	1	Pavement Management	Policy 7.9, 12.1	Transportation
	Street Maintenance	2	Sidewalk & Stairway Repairs	Policy 8.6	Transportation
	Street Maintenance	3	Areawide Drainage Improvements	Policy 7.7, 12.2	Sustainability
	Street Maintenance	4	Security System at 7 Mile Shop Yard	Policy NA	N/A
	Street Maintenance	5	Capital Avenue Willoughby to Ninth	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	6	Hospital Drive	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	7	Calhoun Ave Main to Gold Creek Phase I	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	8	Mendenhall Boulevard - Poplar to Columbia	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	9	Savikko Road	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	10	Aspen Avenue (Mendenhall to Taku)	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	11	River Road Paving LID	Policy 7.7, 7.9, 8.6, 12.1	Transportation
	Street Maintenance	12	Gold Creek Flume Repairs	Policy 9.1, 12.1, 12.3	Community vitality
	Wastewater Utility	1	Mendenhall Treatment Plant (MWWTP) Pretreatment Improvements	Policy 12.1	Community vitality
	Wastewater Utility	2	MWWTP Basin Recirculation Pump Replacements	Policy 12.1	Community vitality
	Wastewater Utility	3	Auke Bay Treatment Plant (ABTP) Tank Repairs	Policy 12.1	Community vitality
	Wastewater Utility	4	WW system SCADA Improvements	Policy 12.1	Community vitality
	Wastewater Utility	5	Collection System Pump Station Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	6	Lift Station Upgrades / Outer Drive & W Juneau Improvements	Policy 12.1	Community vitality
	Wastewater Utility	7	ABTP Disinfection Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	8	ABTP Generator / Backup Power	Policy 12.1	Community vitality
	Wastewater Utility	9	Delta Drive Collection System Improvements (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	10	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	11	River Road Paving LID - Utility Adjustments & Improvements	Policy 12.1	Transportation
	Wastewater Utility	12	Hospital Drive Sewer Improvements (Street Recon)	Policy 12.1	Transportation



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	Wastewater Utility	13	Pavement Management Utility Adjustments	Policy 12.1	Transportation
	Wastewater Utility	14	ADOT Project Utility Adjustments	Policy 12.1	Transportation
	Water Utility	1	Douglas Hwy Water System replacement - David St. to I St.	Policy 12.1	Transportation
	Water Utility	2	Cedar Park Pump Station Backup Generator and Tank Removal	Policy 12.1	Community vitality
	Water Utility	3	Hospital Drive Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	4	Savikko Road Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	5	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	Policy 12.1	Transportation
	Water Utility	6	Capital Ave Water System (Willoughby to Ninth) Street Recon	Policy 12.1	Transportation
	Water Utility	7	Areawide Water Repairs / Minor Replacements	Policy 12.1	Community vitality

<b>Schools</b>		1	JSD Buildings Major Maintenance / Match	Policy 14.1	Community vitality
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## **FINDINGS**

***Do the CIP projects listed for funding in the FY2020 conform to the policies of the Juneau Comprehensive Plan?***

Projects proposed for funding in FY2020 conform to the policies of the Comprehensive Plan.

## **RECOMMENDATION**

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2020 as listed in Resolution 2845(c) conform to the policies of the Juneau Comprehensive Plan.

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2845(c)**

**A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.**

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2020 through Fiscal Year 2025, and has determined the capital improvement project priorities for Fiscal Year 2020.

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

**Section 1. Capital Improvement Program.**

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," dated June 1, 2019, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," are pending capital improvement projects to be undertaken in FY20:

<b>FISCAL YEAR 2020</b>		
<b>GENERAL SALES TAX IMPROVEMENTS</b>		
<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 230,000
Manager's Office	Eaglecrest Financial Sustainability Plan	50,000
Manager's Office	JPD Facility Security Upgrades	150,000
Manager's Office	Hagevig Training Center Improvements	100,000
Parks & Recreation	Deferred Building Maintenance	370,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	275,000
Parks & Recreation	Sports Field Resurfacing & Repairs	100,000
Parks & Recreation	Trail Maintenance	100,000
Parks & Recreation	Chicken Yard Park	125,000
<b>General Sales Tax Improvements Total</b>		<b>\$ 1,500,000</b>

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**FISCAL YEAR 2020**

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**AREAWIDE STREET SALES TAX PRIORITIES**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Street Maintenance	Pavement Management	\$ 900,000
Street Maintenance	Sidewalk & Stairway Repairs	250,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Security System at 7 Mile Shop Yard	150,000
Street Maintenance	Capital Avenue Willoughby to Ninth	600,000
Street Maintenance	Hospital Drive	800,000
Street Maintenance	Calhoun Ave Main to Gold Creek Phase I	1,100,000
Street Maintenance	Mendenhall Boulevard - Poplar to Columbia	600,000
Street Maintenance	Savikko Road	650,000
Street Maintenance	Aspen Avenue (Mendenhall to Taku)	1,100,000
Street Maintenance	River Road Paving LID	2,100,000
Street Maintenance	Gold Creek Flume Repairs	400,000
Capital Transit	Bus Shelters Improvements	50,000
Capital Transit	Design Power Upgrades for Electric Buses	150,000
Capital Transit	Construction of Valley Transit Center - Grant Match	100,000
Engineering	EV (Electric Vehicle) Charging Infrastructure	50,000
Engineering	Contaminated Sites Reporting	100,000
Manager's Office	Juneau Renewable Energy Strategy (JRES) Implementation	250,000
<b>Areawide Street Sales Tax Priorities Total</b>		<b>\$ 9,600,000</b>

**FISCAL YEAR 2020**

**TEMPORARY 1% SALES TAX PRIORITIES**

**Voter Approved Sales Tax 10/01/18 - 09/30/23**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Manager's Office	IT - Infrastructure Upgrades	\$ 200,000
Debt Service	Enterprise Computer System Upgrade	200,000 *
Manager's Office	Affordable Housing Fund	400,000 *
Wastewater Utility	Mendenhall Treatment Plant (MWWTP) Pretreatment Impvmts	1,000,000
Wastewater Utility	MWWTP Basin Recirculation Pump Replacements	1,500,000
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	100,000
Water Utility	Douglas Hwy Water System replacement - David St. to I St.	1,000,000
Parks & Recreation	Deferred Building Maintenance	700,000
Parks & Recreation	Capital School Park Repairs and Playground Replacement	250,000
Parks & Recreation	Parks and Playgrounds Improvements and Deferred Maint	250,000
Parks & Recreation	Augustus Brown Pool Deferred Maintenance	1,700,000
School District	JSD Buildings Major Maintenance / Match	1,000,000
Public Works	Waste - RecycleWorks Waste Diversion Program	400,000 *
<b>Temporary 1% Sales Tax Priorities Total</b>		<b>\$ 8,700,000</b>

\* Operating Budget Funding

**FISCAL YEAR 2020**

**MARINE PASSENGER FEE PRIORITIES**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
<b>Docks</b>	Seawalk Major Maintenance	\$ 85,000
Port of Juneau	<del>Seawalk Major Maintenance</del>	<del>\$ 85,000</del>
<b>Docks</b>	Seawalk Permitting/Planning/Design	46,100
Port of Juneau	<del>Seawalk Permitting/Planning/Design</del>	<del>46,100</del>
<b>Docks</b>	Security Checkpoint Queuing Structure Phase II	200,000
Port of Juneau	<del>Security Checkpoint Queuing Structure Phase II</del>	<del>200,000</del>
<b>Docks</b>	<b>Large Berth Shore Power Preliminary Design &amp; Cost Estim</b>	<b>300,000</b>
<del><b>Docks</b></del>	<del>Large Berth Shore Power Feasibility/System Impact Analysis</del>	<del>250,000</del>
Engineering	Large Berth Shore Power Feasibility/System Impact Analysis	250,000
<b>Marine Passenger Fee Priorities Total</b>		<b>\$ 631,100</b>
<del><b>Marine Passenger Fee Priorities Total</b></del>		<del><b>\$ 581,100</b></del>

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**FISCAL YEAR 2020  
STATE MARINE PASSENGER FEE PRIORITIES**

DEPARTMENT	PROJECT	FY20 BUDGET
<b>Docks</b>	Statter Harbor	\$ 4,500,000
<del>Harbors</del>	<del>Statter Harbor</del>	<del>\$ 4,500,000</del>
<b>State Marine Passenger Fee Priorities Total</b>		<b><u>\$ 4,500,000</u></b>

**FISCAL YEAR 2020  
BARTLETT HOSPITAL ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Bartlett Hospital	Hospital Drive Paving - Admin to Juneau Med Center	\$ 500,000
Bartlett Hospital	Crises Stabilization	3,500,000
<b>Bartlett Hospital Enterprise Fund Total</b>		<b><u>\$4,000,000</u></b>

**FISCAL YEAR 2020  
HARBORS ENTERPRISE FUND  
~~DOCKS AND HARBORS ENTERPRISE FUND~~**

DEPARTMENT	PROJECT	FY20 BUDGET
<b>Harbors</b>	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
<del>Docks and Harbors</del>	<del>Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant</del>	<del>\$ 140,000</del>
<b>Harbors Enterprise Fund Total</b>		<b><u>\$140,000</u></b>
<del><b>Docks and Harbors Enterprise Fund Total</b></del>		<del><b><u>\$140,000</u></b></del>

**FISCAL YEAR 2020  
WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Water Utility	Douglas Highway Water Replacement David St. to I St.	\$ 3,000,000
Water Utility	Cedar Park Pump Station Backup Generator and Tank Removal	500,000
Water Utility	Hospital Drive Waterline Replacement (Street Recon)	150,000
Water Utility	Savikko Road Waterline Replacement (Street Recon)	120,000
Water Utility	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	180,000
Water Utility	<b>Capital Ave Water System (Willoughby to Ninth) Street Recon</b>	50,000
<del>Water Utility</del>	<del>Capital Ave Water System (Willoughby to Ninth) Street Recon</del>	<del>50,000</del>
Water Utility	Areawide Water Repairs / Minor Replacements	50,000
<b>Water Enterprise Fund Total</b>		<b><u>\$4,050,000</u></b>

**FISCAL YEAR 2020  
WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	\$ 145,000
Wastewater Utility	WW system SCADA Improvements	250,000
Wastewater Utility	Collection System Pump Station Upgrades	950,000
Wastewater Utility	Lift Station Upgrades / Outer Drive & W Juneau Improvements	350,000
Wastewater Utility	ABTP Disinfection Upgrades	400,000
Wastewater Utility	ABTP Generator / Backup Power	800,000
Wastewater Utility	Delta Drive Collection System Improvements (Street Recon)	75,000
Wastewater Utility	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	150,000
Wastewater Utility	River Road Paving LID - Utility Adjustments & Improvements	25,000
Wastewater Utility	Hospital Drive Sewer Improvements (Street Recon)	35,000
Wastewater Utility	Pavement Management Utility Adjustments	20,000
Wastewater Utility	ADOT Project Utility Adjustments	25,000
<b>Wastewater Enterprise Fund Total</b>		<b><u>\$ 3,225,000</u></b>

**FISCAL YEAR 2020  
LANDS FUND**

<b>DEPARTMENT</b>	<b>PROJECT</b>	<b>FY20 BUDGET</b>
Lands	<b>Pederson</b> Hill Subdivision	\$ 450,000
<del>Lands</del>	<del>Peterson Hill Subdivision</del>	<del>\$ 450,000</del>
Lands	Pits and Quarries Infrastructure Maintenance and Expansion	50,000
<b>Lands Fund Total</b>		<b>\$ 500,000</b>
<b>ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL</b>		<b>\$ 35,846,100</b>
<del><b>ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL</b></del>		<del><b>\$ 35,796,100</b></del>
<b>ORDINANCE 2019-06 OPERATING BUDGET FUNDING TOTAL</b>		<b>\$ 1,000,000 *</b>

*\* Operating Budget Funding*

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020-2025," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY20, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2020  
AIRPORT UNSCHEDULED FUNDING**

<b>DEPARTMENT</b>	<b>PROJECT</b>	
Airport	Departure Lounge Secured ExitLane	\$ 380,000
Airport	Taxiway A Rehabilitation	17,000,000
Airport	Taxiway E Realignment (Geometry)	2,000,000
Airport	Taxiway D-1 Relocation (RIM)	1,500,000
Airport	26 MALSR (FAA F&E Project)	3,750,000
Airport	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	292,000
<b>Airport Unscheduled Funding Total</b>		<b>\$ 24,922,000</b>

**FISCAL YEAR 2020  
UNSCHEDULED FUNDING**

<b>DEPARTMENT</b>	<b>PROJECT</b>	
Docks and Harbors	ADOT Grant - Aurora Harbor Rebuild - Phase III	\$ 2,000,000
Docks and Harbors	ADOT Grant - Anode Installation - Harris Harbor	125,000
Docks and Harbors	ACOE Grant - Statter Breakwater Feasibility	500,000
<b>Harbors</b>	<b>Amalga Harbor Infrastructure</b>	<b>280,000</b>
Eaglecrest	Magic Carpet Grant Funding	160,000
Lands	Pederson Hill Phase II	1,350,000
Lands	West Douglas Pioneer Road Extension	100,000
Manager's Office	Senior Housing Land	1,500,000
Manager's Office	State Parking	5,000,000
Manager's Office	City Hall	5,000,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request JCF	25,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request Rasmussen	25,000
<b>Unscheduled Funding Total</b>		<b>\$ 16,065,000</b>
<del><b>Unscheduled Funding Total</b></del>		<del><b>\$ 15,785,000</b></del>

**Section 2. Fiscal Year 2020 Budget.** It is the intent of the Assembly that Packet Page 17 of 223 project budget allocations as set forth in the FY20 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2020 Budget.

**Section 3. State and Federal Funding.** To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



## Planning Commission

(907) 586-0715  
 PC\_Comments@juneau.org  
 www.juneau.org/plancomm  
 155 S. Seward Street • Juneau, AK 99801

**Date:** November 28, 2018

**From:** Benjamin Haight, Chair  
 Planning Commission 

**To:** Mike Vigue, Director of Engineering  
 Assembly Public Works and Facilities Committee

**Subject:** Planning Commission CIP Recommendations, 2020-2025

### **BACKGROUND**

Each year, the Planning Commission is tasked with reviewing and recommending to the Assembly whether to approve the Borough's six-year Capital Improvement Program (CIP). The Commission understands that this review is intended to ensure that the CIP is consistent with the Comprehensive Plan and other City and Borough plans, such as the Land Use Master Plan, Juneau Economic Development Plan, and Climate Action and Implementation Plan.

Over the last three years, in coordination with the CBJ Manager's Office and CDD Director, the Planning Commission has worked to make its review of the CIP list more meaningful by allowing for an early recommendation of Planning Commission priorities in addition to the final CIP review before the formal Assembly adoption. Planning Commission comments on the draft CIP document early in the review process allows earlier recommendations for review and inclusion by the Manager's Office and Borough Assembly as the CIP list is assembled.

It is intended that the Planning Commission's annual review will continue to follow the general format established here, allowing subsequent reviews to track progress on these goals as a way to help foster consistency and achieve results. In addition, the Planning Commission is working to ensure that there will be additional opportunities for public input to the CIP review process.

### **COMPREHENSIVE PLAN REVIEW**

Before addressing specific recommendations, the Planning Commission notes that review and approval of the CIP reinforces the recognized need to review and update the Comprehensive Plan. An update to the Comprehensive Plan will help ensure that the City's CIP priorities are aligned with the community's vision and priorities. In addition, part of revising the Comprehensive Plan will be to harmonize and appropriately integrate other City and Borough plans. That process should help identify priorities and ensure that input from the Planning Commission, other bodies, and the public can be meaningful.

## **PLANNING COMMISSION RECOMMENDATIONS**

The Planning Commission has structured its review to include both a summary of general *Policy Recommendations* that fall under the Planning Commission's purview, as well as a list of recommended *Specific Projects* that follow from the general recommendations. These recommendations are offered to help ensure that the Borough's broad development and planning needs are met.

### **A. Policy Recommendations**

The Planning Commission has identified three general categories that are relevant to its review authority and that should inform an evaluation of the consistency of potential capital improvements with the Comprehensive Plan: *Housing, Community Vitality, and Sustainability*. The following general goals reflect those priorities and draw from current City and Borough plans:

#### **Housing**

1. Develop incentive programs to promote new housing development. Such programs should derive from recommendations of the CBJ Housing Officer, Committee on Affordable Housing, Economic Development Plan, and the Housing Action Plan.
2. Focus housing initiatives in the near-term on Downtown, which the Commission identifies as under-served by CBJ efforts to improve and increase housing stock borough-wide.
3. Explore public/private mechanisms to help create new or renovated housing inventory, with a focus on under-utilized facilities in the Downtown core.

#### **Community Vitality:**

1. Focus on Downtown improvements, given the rapidly increasing levels of seasonal visitation. Projects should address vehicular and pedestrian traffic congestion, waterfront and sea walk development, lessening of homeless impacts, and increased full-year economic vitality.
2. Initiate goals from the Lemon Creek Area Plan. This planning process was undertaken by CBJ as a way for the community to articulate goals for Lemon Creek and to identify priority CBJ projects, including recreational areas, parks, trails, and community facilities.
3. Strengthen the CBJ Land Management Plan by working across CBJ departmental land designations to prioritize parcels for acquisition or disposal relative to CBJ and community needs, including housing, infrastructure, and recreation.

#### **Sustainability:**

1. Prioritize and enact recommendations from the Climate Action and Implementation Plan and Juneau Renewable Energy Strategy.
2. Prioritize recycling and landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied.



3. Encourage greater local food production opportunities by allowing land throughout the borough which is unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations.

## **B. Specific Projects**

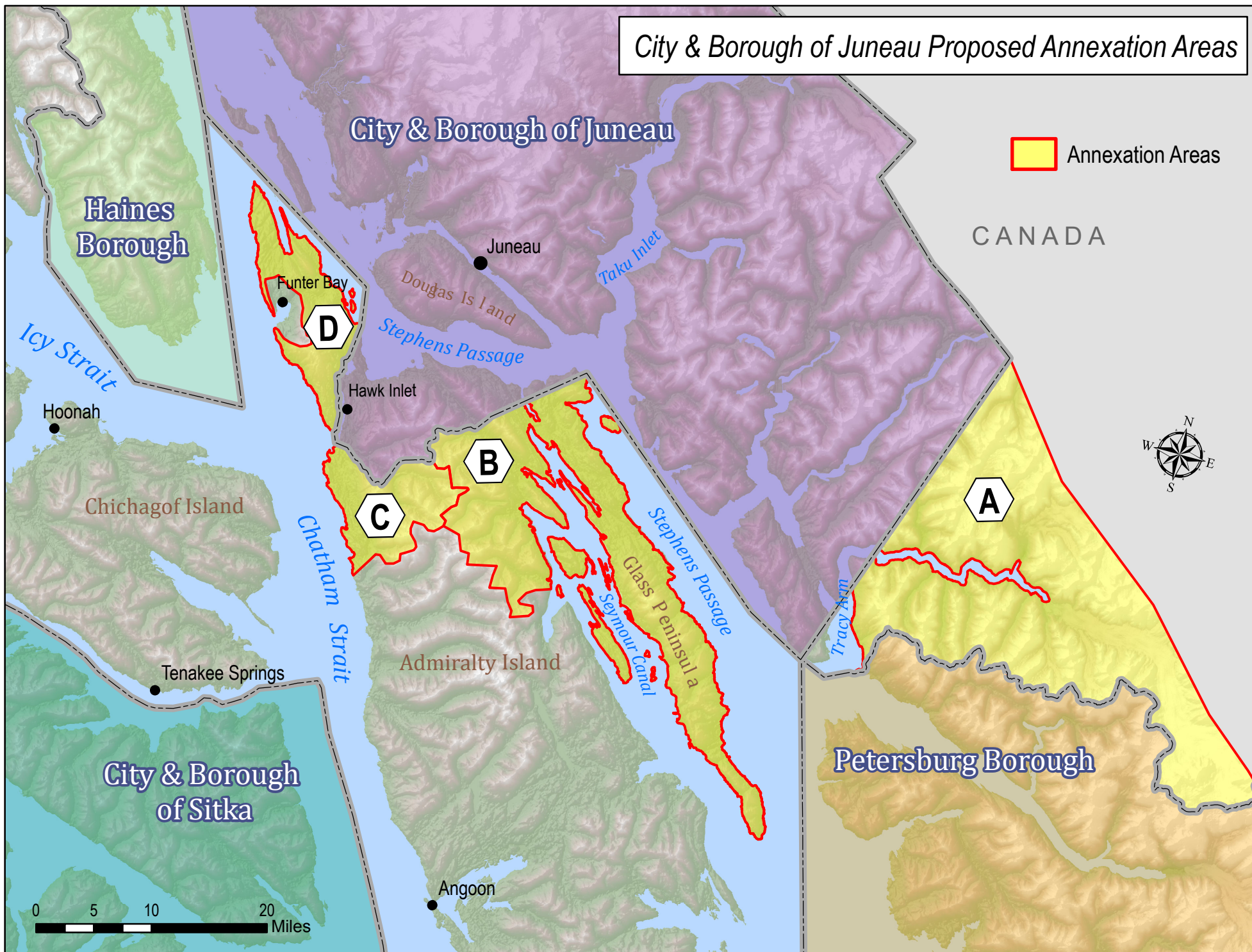
The following projects would implement Planning Commission priorities from the general policy goals above and are recommended for CBJ action:

- Housing: Implement an incentive program for the creation of new apartments in Downtown mixed-use facilities. The focus should be on underutilized properties. Recent 1% sales tax funds may be an appropriate funding source.
- Community Vitality: Implement capital project improvements from the Lemon Creek Area Plan. Of these potential projects, a new bike trail linking Twin Lakes, crossing the wetlands, Lemon Creek, and connecting to Glacier Highway near Switzer Creek is a priority. This bike trail aligns with the 2001 Area-wide Transportation Plan and the Lemon Creek Plan. It would provide recreational access to undeveloped and attractive Lemon Creek areas and better link Lemon Creek residents in a positive way with adjoining Juneau neighborhoods.
- Housing: Support development and implementation of a residential energy efficiency program to reduce costs of heating and utilities. Improved efficiency and conversion from electric resistance and oil heat to heat pumps which recognize the benefits of Juneau's hydroelectric power will contribute to CBJ goals of improving housing affordability, shifting to renewable energy, and reducing GHG emissions, while creating new jobs.
- Community Vitality: Implement a seasonal Downtown circulator with simple on/off transit nodes that link primary pedestrian areas, including the tram/dock area, transit center, and Willoughby District. This step would lessen traffic congestion in the downtown core, particularly South Franklin Street. Great enthusiasm has been shown for this step in on-going "Blueprint Downtown" studies, with a further recommendation to utilize electric buses.
- Community Vitality: Ensure that funding for reconstruction of Capital Avenue between Willoughby Avenue and Ninth Street remains allocated for FY2020 as shown in the FY19-24 CIP. Work should begin on known land ownership and underground infrastructure issues in preparation for construction. This is an important non-motorized link to the Willoughby area and a sidewalk along this street was identified as a specific walking connection need in the 2012 Willoughby District Land Use Plan. It was also identified as a priority in the 2009 Non-motorized Transportation Plan.
- Housing: Continue to develop an updated mass wasting study across the downtown area. A new study would have several benefits, including the potential to increase the inventory of developable land and to remove financing barriers where regulatory and development ambiguity exists. A study would have the benefit of providing a better understanding CBJ liability and establishing a more accurate risk assessment.

Assembly Public Works and Facilities Committee  
CIP Recommendations  
November 28, 2018  
Page 4 of 4

- Sustainability: Develop a community-wide electric vehicle (EV) plan that supports adoption of EV's, acknowledges EV benefits, and encourages and coordinates public and private development of charging infrastructure. Such a plan would include consistent EV parking and charging policies and signage, require that all CBJ construction and street projects plan for and incorporate EV charging infrastructure where economical and practical, and require appropriate wiring in new residential and commercial construction.
- Sustainability: Develop and implement procedures to obtain a baseline understanding of city energy use and utilities infrastructure. The city can use tracking software to monitor and report CBJ energy use and costs consistently across all departments and facilities. This will provide necessary information to guide future CIP decisions and to better understand the energy efficiencies that can be gained. These actions are recommended in the Comprehensive Plan, the Juneau Climate Action and Implementation Plan (2011), the Juneau Renewable Energy Strategy (2018), and in the Juneau Commission on Sustainability's Annual Reports and CIP recommendations 2016-2018.
- Sustainability: Initiate a study of opportunities for organic waste composting and begin to plan and design for a composting facility at the landfill.
- Sustainability: Develop a publicized process for land throughout the Borough unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations. Modest funding should be allocated to assist in initial development of improvements to these gardens.

# City & Borough of Juneau Proposed Annexation Areas





City and Borough of Juneau  
City & Borough Manager's Office  
155 South Seward Street  
Juneau, Alaska 99801  
Telephone: 586-5240 | Facsimile: 586-5385

---

DATE: May 23, 2019  
TO: Mayor and Assembly  
FROM: Rorie Watt, City Manager  
RE: Airport North Terminal Project

We need to bring the issue of the LEED requirement for the Airport North Terminal project to conclusion.

The Airport may manage its capital improvements and has chosen to do so. All municipal capital improvements are required under certain circumstances to be LEED certified. The Airport has suggested that the North Terminal project should be granted an exception from the requirement. Per the attached memorandum from February, I recommended against granting an exception and suggested that JNU and JCOS work together to propose alternative sustainability approaches in lieu of the LEED requirement.

In April, the Juneau Commission on Sustainability (JCOS) submitted comments recommending against the granting of an exemption.

Strictly speaking, 49.35.800 calls for a simple analysis of economic feasibility and does not call for substitute measures. CBJ code does not provide guidance on the analysis of economic feasibility. Upon further review of project information and the JCOS comments, I suggest an alternate approach to facilitate a solution that is better than either requiring or exempting LEED. Neither of these two black/white approaches is ideal:

1. I am convinced that in this instance, complying with LEED would cause the Airport to spend time and money collecting points to satisfy the certification requirements but that the general concept of sustainability would not be efficiently advanced.
2. Providing a waiver without some other surrogate actions would run contrary to all of the Assembly's recent goals as articulated at the December retreat and the adopted Juneau Renewable Energy Strategy.

The Airport has much to be proud of and should get full credit for past sustainability actions and current design features that do not leverage LEED points. These activities include:

- Decreasing the terminal square footage while increasing layout efficiencies and responding to modern operational needs
- Geothermal system, including electric heat pumps. This will make the terminal a fully renewable energy facility by eliminating diesel boilers
- Building envelope efficiency. Strategic, cost effective R Values of roof, walls, under slab, windows and vestibule entries

- Modern electrical devices, including LED lighting throughout and motion-activated controls
- Mechanical system automated controls for continual monitoring, adjustment and efficiencies; and improved air quality
- Low water use toilets and motion activated faucets
- Increased natural daylighting to offset lighting load and increase human comfort
- Low-VOC construction materials
- New escalator, elevators have much higher efficiencies than current ones

I recommend the following actions:

- A. The Assembly consent to the granting of an exception to the LEED process for this project.
- B. The Airport agree to implement the two major JRES goals:
  - a. *Reduce Dependence on Fossil Fuels for Space Heating.* **DONE!** The North Terminal will be heated by the existing ground source heat system that Airport had the foresight to design so that it can accommodate the North Terminal project.
  - b. *Reduce Dependence on Fossil Fuels for Transportation.*
    - i. Program purchase of one or more EVs for airfield use.
    - ii. Plan and program installation of EV chargers.
    - iii. Agree to install EV chargers in the public parking lot when the lot is next repaved.
    - iv. Consider incentives for rental car companies to provide EVs as part of rental car fleet.
  - c. Build the North Terminal as a high performing building addition.

## TITLE 05 - JUNEAU INTERNATIONAL AIRPORT

### 05.01.070 - General powers.

(5) May administer the design and construction of all municipal capital improvements located entirely on the airport notwithstanding [section 03.10.052](#). The airport board may propose capital improvement projects to and apply for funding from state and federal agencies.

\*\*\*\*\*

### 49.35.800 - Sustainable building standards for construction and renovation of buildings.

(a) New construction and renovation of existing buildings and facilities by the City and Borough. The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (*LEED*) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.

(2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000.00 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of *LEED* Certified;

(b) Application. The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, the Juneau International Airport, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.

(c) Exception procedure. If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for *LEED* Certification in the case of a specific project, that project shall be exempt from the requirement for *LEED* Certification.



City and Borough of Juneau  
City & Borough Manager's Office  
155 South Seward Street  
Juneau, Alaska 99801

Telephone: 586-5240 | Facsimile: 586-5385

DATE: February 18, 2019

TO: Chair Michelle Hale  
Assembly Public Works & Facilities Committee

FROM: Rorie Watt  
City Manager

RE: Airport North Terminal – LEED Requirement

There has been question as to whether the Airport North Terminal project should be required to obtain the LEED standard. Per 49.35.800, the project is required to obtain LEED Certification unless:

*"the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification."*

I understand that the Airport feels pinched on their project budget. However, given the Assembly's focus on a **Sustainable Community** in their goal setting this past December, I do not recommend exemption from the certification standard. The Airport may wish to work with JCOS and propose substitute measures, possibly including the encouragement of the use of electric transportation (possibly even in the rental car fleet).

-----

49.35.800 - Sustainable building standards for construction and renovation of buildings.

- (a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.
- (1) LEED shall be the quantitative measurement for how well standards are met;
  - (2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000.00 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;
    - (A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ policy and shall be reviewed and updated each time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.



- (b) *Application.* The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, the Juneau International Airport, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.
  - (1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intend to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.
- (c) *Exception procedure.* If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.
- (d) *Effective date.* This ordinance shall become effective on July 1, 2011. Existing projects with fully executed contracts for design services on the effective date shall be exempt from this ordinance.

(Serial No. 2010-42, §§ 2—4, 1-10-2011, eff. 7-1-2011)





## Juneau Commission on Sustainability

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

April 14, 2019

To: Rorie Watt, City Manager

From: Duff Mitchell, Chair Juneau Commission on Sustainability

Regarding JCOS recommendations on Airport Board request for exemption from CBJ Ordinance 2010-42. An Ordinance Amending the Land Use Code to Require Construction and Renovation of Municipal Public Facilities to Meet a Sustainable Building Standard.

Dear City Manager Watt,

After a thorough review and consideration, the Juneau Commission on Sustainability (JCOS) recommends that the airport terminal project not be exempted from the requirements of LEED certification as set out in CBJ code 49.35.800(c). At our April 3, 2019 meeting we concluded that a waiver was not justified, and voted against recommending it to you and the Assembly.

The JCOS's task is specified in 49.35.800(c):

**"Exception Procedure.** If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it ***would not be economically feasible to satisfy the prerequisites for LEED Certification*** in the case of a specific project, that project shall be exempt from the requirement for LEED Certification." [Highlight added.]

JCOS believes this is the first time that a Project has asked for an exemption to the land use code with all public buildings (schools and library) making at least the minimum certification of LEED standards.

Over the past several months the Juneau Commission on Sustainability (JCOS) reviewed the background of this Ordinance, documents from the U.S. Green Building Council, the Airport Sustainability Master Plan 2018, and how LEED has been used at other U.S. Airports. We consulted with CDD and Engineering/ Public Works Department staff to understand how this Ordinance has been implemented with past CBJ projects and met with CBJ International Airport Management and Board members on several occasions.

Our due diligence in this matter has confirmed to the Commissioners that the North Terminal Expansion Project deserves community support and will benefit our community in our role as a regional hub and the State Capital. We appreciated the cooperation and assistance of the Airport management and Board and

found them informed, resourceful, sincere and responsible in their pursuit of creating an exceptional North terminal for our community.

Our analysis focused on two components of the Ordinance: the meaning of LEED prerequisites and economically feasible. Our determination of what is a prerequisite came from the U.S. Green Building Council website, “While project managers can pick and choose the credits that they want to pursue, prerequisites set the minimum requirements that all buildings need to meet in order to achieve LEED certification. Additionally, fulfilling the requirements of prerequisites will not earn points.”

The Airport submitted to the JCOS their LEED v4 New Construction and Major Renovation Project Checklist and all prerequisites are checked Y for Yes. Therefore, under that narrow definition of the CBJ land use code and the U.S. Green Building Council for prerequisites, the Airport does not meet the bar for an exception to the Ordinance. It is our recommendation for your consideration that the Airport Terminal Reconstruction Project meets the prerequisites for LEED and under the narrowest of interpretation renders the Airport request moot.

However, we also struggled with the second component addressing “*economic feasibility*” as written in 49.35.800(c). Although the Commission was not unanimous, our recommendation for consideration is that it is economically feasible for the Airport to satisfy the prerequisites for LEED certification. Although the Airport suggests that attainment of LEED would require an expenditure of \$1,011,000 to achieve the minimum standard of 40 LEED points, we did not consider it wise for the Airport to pursue the Construction & Demolition Waste Management for 2 points of certification. The cost-benefit for these points does not appear justified. Juneau does not have the requisite landfill and recycling capabilities for LEED standards and therefore obtaining these 2 points would inflate the cost of obtaining LEED certification, we felt unnecessary, by \$483,281.

However, the Commission did recognize, based on the Airport’s memo, that obtaining LEED certification would add an estimated \$527,695 to the \$22.5 million dollar estimate of the project (2.34%). The Airport in their March 29, 2019 exception request memo suggests that it would cost \$135,591 (not including consultant fees or staff time) to meet the prerequisites. The JCOS made a second motion to recommend to you for consideration that it is our recommendation that you recommend to the Assembly an additional CBJ contribution of \$135,591 to assist the Airport in meeting LEED certification. We also ask that the CBJ Engineering staff review the LEED certification analysis conducted by the Airport and their consultant in order to provide an independent review that assists the Airport in meeting the minimum standards of LEED certification.

We would also like to commend the Airport Management and the Airport Board in this process that was conducted with the JCOS regarding LEED.

Below, I have highlighted the key components of the land use code for this recommendation.

**49.35.800 Sustainable building standards for construction and renovation of buildings.**

(a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green

Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.

(1) LEED shall be the quantitative measurement for how well standards are met;

(2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;

(A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ policy and shall be reviewed and updated each time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.

(b) *Application.* The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, ***the Juneau International Airport***, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.

(1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intend to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.

(c) **Exception Procedure.** If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.

In addition, we are attaching as background the following documents developed and reviewed during our analysis:

1. Airport Request for LEED Ordinance exception dated March 29, 2019.
2. LEED v4 New Construction and Major Renovation project checklist dated March 29, 2019.
3. U.S. Green Building Council, "LEED credits, prerequisites and points: How are they different? March 6, 2017.
4. JCOS background document December 6, 2018.
5. CBJ Memo dated October 27, 2010, Proposed LEED Ordinance with supporting documents.
6. Planning Commission Regular Meeting Minutes Dated December 28, 2010, discussing the proposed LEED Ordinance.

JCOS hopes our recommendation and background materials are helpful to you in making your determination.

Attachments

**MEMORANDUM**

TO: Duff Mitchell, Chair  
Juneau Commission on Sustainability (JCOS)

THRU: Patty Wahto, JNU Airport Manager

FROM: Catherine Fritz, JNU Airport Architect

RE: JNU Terminal Reconstruction Project LEED certification update

DATE: March 29, 2019

**The Airport requests a recommendation from JCOS that supports the use of the LEED ordinance exception for the JNU Terminal Reconstruction Project:**

*49.35.800 (c) "Exception procedure. If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification."*

As you requested, the design consultants have completed the initial Project Checklist, attached, that identifies expected achievable points for LEED certification. LEED certification requires a minimum of 40 points out of the 110 possible, and requires collaboration from the project's design team, the Contractor, and the Owner. The consultants strongly recommend that more than 40 points be identified during the design process because it is very unusual for the actual construction project to result in the specific points that were initially identified. Some points may seem achievable during design, but turn out to not be achieved during construction. It is recommended that 4 to 5 points be added to the minimum 40. The Project Checklist indicates 44 points "Yes" (achievable), 18 points "Maybe" (achievable), and 47 "Not" (achievable). The estimated cost to achieve LEED certification is \$1,011,000; costs associated with specific points are summarized in the attachment, as well.

The checklist identifies a significant cost in the category of Construction & Demolition Waste Management. LEED requires that a Waste Management Plan be developed by the Contractor (the cost of developing this plan is estimated at \$10,600), but implementing the plan is optional. The cost associated with implementing the plan is \$483,281 and it achieves 2 points. If this item is removed from the cost impact analysis, the LEED certification estimate would reduce to \$527,695. Reducing the "Yes" (achievable) points to 42 increases the risk that LEED certification will not be achieved. Alternately, one or more of the "Maybe" (achievable) items could be added.

Differing opinions have been voiced in recent weeks about the use of the term "prerequisites" in the ordinance. If interpreted narrowly, the term may refer only to the items listed on the LEED checklist. The cost of these items (without LEED fees, consultant fees, or staff time charges) is \$135,591. If interpreted broadly, the term may refer to all of the items on the checklist. The full cost (with fees and staff time charges) is \$527,695 (or greater if additional points are needed to achieve certification). The Airport requests that JCOS' recommendation considers both of these interpretations. This will allow the Assembly to consider JCOS' opinion of "economically feasible" without assuming a specific interpretation.

The Airport wants to emphasize its commitment to a high performance building. The basis of our terminal project (and all projects at the airport) is to continue to demonstrate leadership, efficiency, and responsive design that serves our community for the long term. The JNU Airport Board unanimously supported this

request for exception at their November 13, 2018 meeting. The following excerpt is reiterated from the November 19, 2018 memo presented to JCOS:

*"The Airport fully supports the intent behind the LEED ordinance - that is, to have Juneau's public buildings be high performing and reflect the CBJ's sustainability goals. The Airport has embraced the available technologies and building systems to create durable, long lasting public buildings that are efficient, cost effective, and are positive contributions to CBJ's future. Completion of Phase 1 of the terminal renovation resulted in direct energy savings of more than \$130,000 per year. Once Phase 2 is complete, such savings are expected to increase substantially. Additionally, existing hazardous materials will be removed, mechanical and electrical systems will be replaced, and new interior finishes will replace aged, worn out surfaces. The planned (and budgeted) scope of work will meet the intent of the LEED ordinance without the need to pursue certification.*

*The Airport has gone beyond minimum requirements by extending high performance design into all of its buildings, as well as applications on the airfield such as replacing the runway lights with LED fixtures. Attaining LEED certification for phase 2 of the Terminal Reconstruction project adds no value to a project budget that is already tight and making compromises to its program. As a self-sustaining enterprise that receives no operational funding from the CBJ, the Airport is constantly balancing costs with fees it assesses tenants. Cost over-runs for this project will have to be made by the fees charged to tenants (or provided by the CBJ), since available federal funding has already been maximized. The LEED certification process is also an extra layer of design and administration that distracts from other critical elements of the project that must be completed by project staff on a very demanding schedule."*

The current design incorporates many high performance features that do not necessarily achieve LEED points. These include:

- Decreasing the terminal square footage while increasing layout efficiencies and responding to modern operational needs.
- Geothermal System, including electric Heat Pumps. This will make the terminal a fully renewable energy facility by eliminating the use of diesel boilers.
- Building Envelope Efficiency. Strategic, cost effective R Values of roof, walls, under slab, windows and vestibule entries.
- Modern Electrical devices, including LED lighting throughout and motion-activated controls.
- Mechanical system automated controls for continual monitoring, adjustment and efficiencies; and improved air quality.
- Low Water use toilets and motion activated faucets.
- Increased Natural Daylighting to offset lighting load and increase human comfort.
- Low-VOC construction materials.
- New Escalator, Elevators have much higher efficiencies than current ones.



# LEED v4 for BD+C: New Construction and Major Renovation

## Project Checklist

Project Name: JNU Airport Ph 2 Terminal Reconstruction

Date: 3/29/2019

Y ? N

1 1 1

Credit Integrative Process

1

### 4 2 23 Location and Transportation 16

LT-1	1	16	Credit	LEED for Neighborhood Development Location	16
LT-2	1		Credit	Sensitive Land Protection	1
LT-3		1	Credit	High Priority Site	2
LT-4	2	3	Credit	Surrounding Density and Diverse Uses	5
LT-5	1	2	Credit	Access to Quality Transit	5
LT-6		1	Credit	Bicycle Facilities	1
LT-7		1	Credit	Reduced Parking Footprint	1
LT-8		1	Credit	Green Vehicles	1

### 3 0 7 Sustainable Sites 10

SS-1	Y		Prereq	Construction Activity Pollution Prevention	Required
SS-2	1		Credit	Site Assessment	1
SS-3		2	Credit	Site Development - Protect or Restore Habitat	2
SS-4		1	Credit	Open Space	1
SS-5		3	Credit	Rainwater Management	3
SS-6	2		Credit	Heat Island Reduction	2
SS-7		1	Credit	Light Pollution Reduction	1

### 2 3 6 Water Efficiency 11

WE-1	Y		Prereq	Outdoor Water Use Reduction	Required
WE-2	Y		Prereq	Indoor Water Use Reduction	Required
WE-3	Y		Prereq	Building-Level Water Metering	Required
WE-4	2		Credit	Outdoor Water Use Reduction	2
WE-5	0	2	Credit	Indoor Water Use Reduction	6
WE-6		2	Credit	Cooling Tower Water Use	2
WE-7		1	Credit	Water Metering	1

### 10 5 7 Energy and Atmosphere 33

EA-1	Y		Prereq	Fundamental Commissioning and Verification	Required
EA-2	Y		Prereq	Minimum Energy Performance	Required
EA-3	Y		Prereq	Building-Level Energy Metering	Required
EA-4	Y		Prereq	Fundamental Refrigerant Management	Required
EA-5	4	2	Credit	Enhanced Commissioning	6
EA-6	5	2	Credit	Optimize Energy Performance	18
EA-7		1	Credit	Advanced Energy Metering	1
EA-8		2	Credit	Demand Response	2
EA-9		3	Credit	Renewable Energy Production	3
EA-10	1		Credit	Enhanced Refrigerant Management	1
EA-11		2	Credit	Green Power and Carbon Offsets	2

### 6 5 2 Materials and Resources 13

MR-1	Y		Prereq	Storage and Collection of Recyclables	Required
MR-2	Y		Prereq	Construction and Demolition Waste Management Planning	Required
MR-3		3	Credit	Building Life-Cycle Impact Reduction	5
MR-4	2		Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
MR-5		2	Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
MR-6	2		Credit	Building Product Disclosure and Optimization - Material Ingredients	2
MR-7	2		Credit	Construction and Demolition Waste Management	2

### 8 3 2 Indoor Environmental Quality 16

IE-1	Y		Prereq	Minimum Indoor Air Quality Performance	Required
IE-2	Y		Prereq	Environmental Tobacco Smoke Control	Required
IE-3	1	1	Credit	Enhanced Indoor Air Quality Strategies	2
IE-4	3		Credit	Low-Emitting Materials	3
IE-5	1		Credit	Construction Indoor Air Quality Management Plan	1
IE-6		2	Credit	Indoor Air Quality Assessment	2
IE-7	1		Credit	Thermal Comfort	1
IE-8		1	Credit	Interior Lighting	2
IE-9		1	Credit	Daylight	3
IE-10	1		Credit	Quality Views	1
IE-11	1		Credit	Acoustic Performance	1

### 6 0 0 Innovation 6

	5		Credit	Innovation	5
	1		Credit	LEED Accredited Professional	1

### 4 0 0 Regional Priority 4

	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1

### 44 18 47 TOTALS Possible Points: 110

Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110

**JUNEAU AIRPORT PHASE 2 TERMINAL RECONSTRUCTION  
LEED SUMMARY**

*Indicates "Maybe" points; cost not included in total*

<b>CREDIT (Italicized credits are maybes)</b>	<b>POINTS</b>	<b>ADD COST</b>	<b>Comments</b>
Integrative Process	1	\$0	Requires identifying and evaluating opportunities for sustainability through out the design. The design team is already engaged in this process.
<b>LOCATION &amp; TRANSPORTATION</b>			
Sensitive Land Protection	1	\$0	Requires building on land that was previously occupied
Surrounding Density & Diverse Uses	2	\$0	Requires minimum of 8 businesses withing 1/2 mile walking distance of entrance - this encompasses Fed EX, businesses south of Glacier Hwy between Shell Simmons and Jordan Creek; Wells Fargo Bank
Access to Quality Transit	1	\$0	
<i>Bicycle Facilities</i>	<i>1</i>	<i>\$0</i>	<i>covered structure north end for racks</i>
<i>Green Vehicles</i>	<i>1</i>	<i>\$0</i>	<i>Also need to designate 5% of parking spaces for electric cars; add two; one for employees and one in short term lot</i>
<b>SUSTAINABLE SITES</b>			
Construction Activity Pollution Prevention	Pre-Req	\$0	Existing scope inclues a SWPP which will cover this requirement.
Heat Island Reduction	2	\$1,643	Use of white roof membrane instead of black
<b>WATER EFFICIENCY</b>			
Outdoor water use reduction	Pre-Req	\$0	No irrigtaion is planned
Indoor water use reduction	Pre-Req	\$3,816	Requires 20% Reduction from baseline; assumes low flow urinals
Building level water metering	Pre-Req	\$0	Measure for potable water use; CBJ meters water into the building; once JNU is off of the boilers this should suffice. Report to USGBC for 5 years.
Outdoor Water use reduction	2	\$0	No irrigation is planned



**JUNEAU AIRPORT PHASE 2 TERMINAL RECONSTRUCTION  
LEED SUMMARY**

<b>CREDIT (Italicized credits are maybes)</b>	<b>POINTS</b>	<b>ADD COST</b>	<b>Comments</b>
<i>Indoor water use reduction</i>	2	0	<i>Requires 30% reduction; it is possible that the efforts recommended in the prereq will amount to 30% but we should not count on it</i>
<b>ENERGY &amp; ATMOSPHERE</b>			
Fundamental Commissioning and Verification	Pre-Req	\$63,600	Tests and verifies that all systems related to energy use are installed and functioning as designed
Minimum Energy Performance	Pre-Req	\$0	Already meeting this requirement as designed
Building-Level Energy Metering	Pre-Req	\$42,205	Assume we define the LEED Boundary for only the addition so we do not have to meter the existing systems. Report to USGBC for 5 years
Fundamental Refrigerant Management	Pre-Req	\$0	No use of refrigerants planned for cooling
Enhanced Commissioning	3	\$133,560	Additional testing and monitoring; further involvement in the design process;
Optimize Energy Performance	5	\$0	Additional testing and monitoring; further involvement in the design & construction process than fundamental Commissioning
Enhanced Refrigerant Management	1	\$0	No use of refrigerants planned for cooling
<b>MATERIALS &amp; RESOURCES</b>			
Storage and Collection of Recyclables	Pre-Req	\$15,370	Extension of existing program; effectiveness depend on people's behaviour
Construction and Demolition Waste Management Planning	Pre-Req	\$10,600	The contractor to establish goals for project to recover, re-use or recycle waste materials.
<i>Building Life-Cycle Impact Reduction</i>	3	\$0	<i>Math may work for 10% reduction of listed items such as green house gases and depletion of non renewable resources in existing design but we cannot count on it</i>
Building Product Disclosure and Optimization - Environmental Product Declarations	2	\$0	Design currently includes materials that meet this requirement

# JUNEAU AIRPORT PHASE 2 TERMINAL RECONSTRUCTION

## LEED SUMMARY

CREDIT (Italicized credits are maybes)	POINTS	ADD COST	Comments
<i>Building Product Disclosure and Optimization - Sourcing of Raw Materials</i>	2	\$0	<i>This is achievable but it is difficult to truly measure the costs prior to completion of design and construction</i>
Building Product Disclosure and Optimization - Material Ingredients	2	\$0	Design currently includes materials that meet this requirement
Construction and Demolition Waste Management	2	\$483,201	May require contractor to ship waste to seattle for recycling or diversion as there are not facilities to recycle building materials in Juneau
<b>INDOOR ENVIRONMENTAL QUALITY</b>			
Minimum Indoor Air Quality Performance	Pre-Req	\$0	Design currently meets minimum standards for comfort regarding room ventilation and heating
Environmental Tobacco Smoke Control	Pre-Req	\$0	Current Airport practices conform with this requirement
Enhanced Indoor Air Quality Strategies	1	\$27,046	Extend Walk off mats 10 ft; exhaust for copy areas and janitor closets meet prerequisite with seals and closers at doors;
<i>Enhanced Indoor Air Quality Strategies</i>	1	\$0	<i>An extra point can be added to this credit if CO2 monitors are added to the project</i>
Low-Emitting Materials	3	\$0	Design currently includes materials that meet this requirement
Construction Indoor Air Quality Management Plan	1	\$26,034	requires filters for grilles/diffusers during construction OR prohibits use of new systems with ductwork during construction
Thermal Comfort	1	\$0	Design currently follows required USGBC standard
<i>Interior Lighting</i>	1	\$0	<i>Upgrades to light fixtures and controls</i>
<i>Daylight</i>	1	\$0	<i>Requires running computer simulations to measure light levels; it is possible to achieve this point but not probable. Additional Design cost; no additional construction cost</i>

**JUNEAU AIRPORT PHASE 2 TERMINAL RECONSTRUCTION  
LEED SUMMARY**

<b>CREDIT (Italicized credits are maybes)</b>	<b>POINTS</b>	<b>ADD COST</b>	<b>Comments</b>
Quality Views	1	\$0	Easy requirement to meet at this location
Acoustic Performance	1	\$72,902	Requires minimizing sound from HVAC and meeting sound ratings for walls between offices. Sound rated walls
<b>INNOVATION</b>			
Innovation	5	\$5,000	Meet one pilot credit and add strategies for achieving the credit. Other projects in Alaska have qualified for points in this manner.
LEED Accredited professional	1	\$0	
<b>REGIONAL PRIORITY</b>			
Regional Priority: Specific Credit	1	\$2,500	Anticipate points for difficulties in implementing LEED requirements in a remote community in Alaska
Regional Priority: Specific Credit	1	\$2,500	
Regional Priority: Specific Credit	1	\$2,500	
Regional Priority: Specific Credit	1	\$2,500	
<b>ADDITIONAL COSTS</b>			
USGBC Fees		\$6,000	
Design Team Fees for LEED		\$65,000	
JNU Administrative Costs		\$45,000	
<b>TOTAL COST</b>		<b>\$1,010,976</b>	<i>Exclude cost of "maybe" points</i>
* All costs include mark up for contingency & escalation			
<i>Indicates "Maybe" points; cost not included in total</i>			



[LEED](#)

# LEED credits, prerequisites and points: How are they different?

[Rukesh Samarasekera](#) Mar 06, 2017

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Learn how the components of LEED work to make certification possible.

*This article is part of a series that provides an overview of the fundamental components of [LEED](#).*

LEED points, [LEED credits](#), LEED prerequisites—they all contribute to certification, but how are they different? These three fundamental elements help you achieve LEED certification for your project. In the articles to come, we'll provide more detailed information about what these look like in each of the LEED rating systems: [BD+C](#), [O+M](#), [ID+C](#), and [ND](#). We'll also do a special edition on [Homes](#).

## Prerequisites

[LEED certification](#) means healthier, more productive places for us to live, learn, work and play, as well as less stress on the environment, by encouraging energy- and resource-efficient buildings. While project managers can pick and choose the credits they want to pursue, prerequisites set the minimum requirements that all buildings need to meet in order to achieve LEED certification.

Additionally, fulfilling the requirements of prerequisites will not earn points. Think of them as the foundation—without it, you can't construct a building.

## Credits

These are what truly set your building apart from the rest. You are free to go for [any credit you want](#) within your chosen rating system, as long as it applies to your project type. Certain credits

pair well with certain prerequisites or even other credits—we call that an [integrated process](#)—which amounts to synergistic benefits.

If prerequisites are the foundation, then credits are everything else. That is also why credits earn you points.

## Points

The more points, the higher the reward. With LEED, there are many rewards, ranging from healthier spaces to buildings that save money and resources. The number of points a project earns determines the level of LEED certification it receives. There are four levels of certification:

- Certified (40–49 points)
- Silver (50–59 points)
- Gold (60–79 points)
- Platinum (80+ points)

Credits earn points, but prerequisites do not. Check out all of the credits and prerequisites in the [LEED credit library](#).

In the next article, we'll review the prerequisites and credits that make up the LEED for Building Design and Construction ([LEED BD+C](#)) rating system.

<https://www.usgbc.org/articles/whats-difference-between-leed-credit-leed-prerequisite-and-leed-point>

December 6, 2018

Airport Board and Manager Request to Waive Leadership in Energy and Environmental Design (LEED) Certification for Northern Terminal Expansion

Background.

The airport reconstruction began before the CBJ's LEED requirement, but it has taken numerous steps to enhance sustainability, reduce energy and maintenance costs, and deserves recognition for these key improvements and notably the geothermal heating system which has been nationally recognized.

The Juneau Airport and Board (Airport) has been working on the Northern Terminal Expansion plan and design for just under a year in which the project is called the Terminal Reconstruction Phase 2. Airport management and board recently found out that the expansion project would require LEED approval as it was considered a stand-alone project. The Airport did not plan or budget for LEED certification. The CBJ Ordinance adopting LEED certification for CBJ buildings was adopted in 2010. The Juneau International Airport is specifically cited in the Ordinance.

CBJ Ordinance 2010-42 ***An Ordinance Amending the Land Use Code To Require Construction and Renovation of Municipal Public Facilities to Meet a Sustainable Building Standard.***

states under section 2 that the amendment of Chapter CBJ 49.35 Public Improvements ***49.35.800 Sustainable building standards for construction and renovation of buildings.***

(a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.

(1) LEED shall be the quantitative measurement for how well standards are met;

(2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;

(A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ policy and shall be reviewed and updated each time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.

(b) *Application.* The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, ***the Juneau***

**International Airport**, {emphasis added} and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.

(1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intend to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.

The Airport has asked the CBJ Juneau Commission of Sustainability (JCOS) for an Exemption stating that it is not economically feasible to satisfy the prerequisites for LEED Certification.

**Section 3. Exception Procedure.** If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.

The Airport has supplied the JCOS with a Project Narrative memo dated November 19, 2018. CDD staff supplied JCOS with the CBJ Ordinance 2010-42; CBJ Memo Proposed LEED Ordinance dated 10-27-10; JCOS Memo supporting CBJ adopting LEED standard dated 4-29-10; CBJ Minutes excerpt related to CBJ Assembly discussion of proposed Ordinance 2010-42.

Since the Passage of CBJ Ordinance, four public buildings have been built to LEED standards and there have been no requests for exemption prior to the November 2018 request by the Airport.

US Green Building Council which maintains LEED states that there are over 250 airport and airport structures in the US that are LEED certified. Currently, there are both registered and certified airport projects in nearly all 50 U.S. states and in more than 40 countries and territories around the world. There are more than 201.4 million square feet of space at airports participating in LEED.

The JCOS met with the Airport team on Wednesday, November 28, 2018. This date was originally intended to be a work session, but JCOS was told that the Airport was under a tight schedule. JCOS accommodated by rearranging its previous agenda and noticing the work session to make it an official meeting.

The Airport and architect team made its presentation and reasons for an exception to the CBJ LEED ordinance. The reasons were primarily cost, but also that some of the LEED requirements did not fit well for Juneau such as using recycled materials, certified woods and water management. Costs were not only up front for registration and certification but that \$1.6M to the budget, but these were rough estimates. In addition, there would be a contractor burden to comply and management burden to administer. The memo did not have a spreadsheet breakdown of the Project costs and the additional amounts that would be required under LEED.

JCOS discussed some possible alternatives to discuss what the Airport could do to improve their request such as requiring 3<sup>rd</sup> party commissioning, focusing on applicable components of LEED. Airport felt that the Ordinance was not needed and that it might be better to have the Ordinance updated. JCOS Chair

stated that the Assembly, not the JCOS is the venue for any ordinance change request. JCOS would limit itself to following the Ordinance and its exception procedure.

In further discussion, Duff Mitchell, Chair sent the Airport the LEED Certification Checklist v4 and asked the Airport to respond at the next meeting of what they could and could not/would not be able to achieve under the LEED checklist.

JCOS met for a 2<sup>nd</sup> meeting on December 5, 2018 and the Airport team provided an additional memo with checklist v4. The Airport spent a bit of time on this and found that there was an overwhelming detail to LEED that they could only put so much into the task. A key point was made that since the Airport would not be submetering for tenants that they would be ineligible for registering and certifying for LEED since that was prerequisite. In the ensuing discussion, it was learned that the Airport charges the same for electricity to each tenant regardless of use. When questioned about the freezers that could cost many thousand dollars to operate in the summer, the Airport stated that those tenants with large freezers pay an additional \$1000 per month, but that the freezers would be moved out of the building upon renovation. When questioned on submetering, the answer was that it was too expensive to meet the prerequisite.

Due to time limitation, three options were posted. Accept the Airport recommendation for exception, deny the exception or conduct an additional meeting(s) on the matter. Due to holidays and the Airport need to arrive at a quick answer, the JCOS agreed to meet on an expedited process and noticed a meeting for December 7<sup>th</sup> at 10 AM at the airport.

An additional meeting is scheduled for December 7, 2018 at 10 AM at the Juneau International Airport Alaska room

#### Discussion

1. All CBJ public buildings that fall under the ordinance have been LEED certified
2. No exceptions have been requested or approved.
3. Other buildings such as the Valley Library also had funding issues but did not decide to ask for a LEED exception.
4. Most recent Airport constructions and renovations with the number of a Million passengers a year are LEED certified in the US.
5. The Airport has been working on the Terminal Reconstruction Project a year but has requested expedited determination on the exception request.
6. JCOS has engaged in three meetings with the Airport on this matter.
7. JCOS has been provided a narrative and LEED v4 analysis that the Airport cannot register or become certified because it will not or cannot afford to submeter electricity as this would cost \$50,000 or more.
8. Several LEED studies indicate that LEED facilities do not cost more than non-LEED facilities  
<https://www.facilitiesnet.com/green/article/Measuring-The-Cost-To-Become-LEED-Certified--10057>



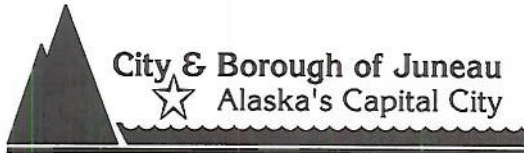
Some additional information that would be useful:

1. Minutes outlining discussion with Airport Board stating the reasons why and rationale for not complying with LEED and asking for the exception to the CBJ Ordinance.
2. Cost breakdown of Major Items with a Work Breakdown Schedule of the Project to see what components would fall into the LEED checklist categories.
3. Record of public meetings related to discussion on the Terminal Reconstruction Phase 2 (northern terminal).

Discussion Draft

City and Borough of Juneau  
Engineering Department  
155 South Seward Street  
Juneau, Alaska 99801

Telephone: 586-0800 Facsimile: 463-2606



DATE: 10/27/2010

TO: Bob Doll, Chair  
Public Works and Facilities Committee

FROM: Rorie Watt, P.E., Director *RW*  
Engineering Department

RE: Proposed LEED Ordinance

As has been discussed in Committee, The Juneau Commission on Sustainability has forwarded a request that a draft ordinance requiring LEED certification on CBJ projects be considered. Their draft ordinance is attached to this memorandum.

We've talked about this quite a bit at the staff level, as well as with local architects and builders. Generally, there is plenty of support for the construction of high performance buildings, for the construction of lower maintenance buildings and for the use of building materials and heating and ventilation products that improve the indoor air quality.

On a policy level, it is our intent to pursue the points that allow energy efficiency, reduction in energy consumption and building environment controls. To a large degree, we already follow this approach.

We still have not achieved LEED certification for the Harborview and Glacier Valley Renovation projects; it is a slow process and quite frankly, it is easy to prioritize other pressing issues. Requiring certification on our larger building projects will ensure that the process is followed and will send a positive conservation message to the community. If the certification process is successful, the Assembly could consider expanding the approach at a later date.

As for additional costs, we can roughly expect about \$50,000 for certification of a \$5-10M building project. Most, if not all, of the construction costs will go towards items that are good ideas (insulation, better windows, more efficient mechanical systems) or towards widely supported betterments (low VOC adhesives and sealants, re-use of materials, etc).

**Recommendation:**

I recommend that the Committee forward the draft ordinance to the full Assembly for consideration with the following changes:

- A. Require certification for building projects costing greater than \$5M.
- B. Delete automatic increase to LEED Silver.

**DRAFT**

Presented by: The Manager  
Introduced:  
Drafted by: J.W. Hartle

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2010-LEED**

**An Ordinance Amending Building Code (or Land Use Code)  
To Require Construction and Renovation of Municipal Public  
Facilities to Meet a Sustainable Building Standard and to  
~~Provide Incentives for Public and Privately Developed  
Facilities.~~** X

WHEREAS, the City and Borough anticipates that it will be facing unprecedented increases in fuel and electricity rates in the future; and

WHEREAS, in the United States, buildings account for 12.2% of freshwater use, 38% of CO2 emissions, 40% of material use, and 39% of energy use; and

WHEREAS, the City and Borough desires to reduce building operating and maintenance costs, provide a healthy and productive indoor work environment for its employees and the public, promote the community's ongoing economic vitality, and support energy efficiency; and

WHEREAS, the City and Borough recognizes that the practice of sustainability, as it relates to buildings, is the use of key resources like energy, water, materials and land in a more efficient manner than simply constructing buildings to code; and

1 WHEREAS, building sustainability creates healthier work, learning, and living  
2 environments with more natural light and cleaner air, contributing to improved  
3 employee and student health, comfort, and productivity; and

4  
5 WHEREAS, the LEED (Leadership in Energy and Environmental Design) Rating  
6 System is a third-party certification system developed by the United States Green  
7 Building Council. This system quantifies sustainable design, and awards rankings  
8 based on achievement; and

9  
10 WHEREAS, these third-party certification systems are not expected to significantly  
11 impact CBJ staffing; and

12  
13 WHEREAS, government is ultimately responsible for leading by example and setting  
14 a community standard for the sustainable planning, design, construction, renovation  
15 and operation of buildings to support economic, social, and environmental  
16 sustainability.

17  
18 NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF  
19 JUNEAU, ALASKA:

20  
21 **Section 1. Classification.** This ordinance is of a general and permanent nature  
22 and shall become a part of the City and Borough Code.

23  
24 **Section 2. New Section.** CBJ 19. (or 49.) \_\_\_\_\_, is  
25 amended to add a new section to read as follows:



19.01.\_\_\_\_ (or 49.\_\_\_\_) Sustainable building standards for construction and renovation of buildings.

(a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.

(1) LEED shall be the quantitative measurement for how well standards are met;

(2) All public facilities and buildings utilizing municipal funds (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;

(A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ Policy and shall be reviewed and updated each time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.

AND COSTING > \$5M

~~(B) Beginning July 1, 2012, the minimum level is increased from LEED Certified to LEED Silver.~~

(b) *Application.* The sustainable building standards for municipal buildings and facilities, including the Juneau School District, the Juneau International Airport, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.

(1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intended to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.

**Section 3. Exception Procedure.** If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.

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**Section 4. Effective Date.** This ordinance shall become effective on July 1, 2010. Existing projects with contracts for design services on the effective date shall be exempt from this ordinance.

Adopted this      day of      2010.

Bruce Botelho, Mayor

Attest:

Laurie J. Sica, Clerk

tried to help and we put a lateral down on the beach where we thought he might be able to work out a deal. That's not an easy thing to do and there are other options that entail going through other people's yards, but those are longer distances and longer runs for digging and the cost of doing that isn't any less than this current situation. What we've done in the past – and this goes back to the early 1990s – we've acknowledged that pumpers pay more to connect and we've reduced assessments by \$1,000. It is true that that \$1,000 doesn't cover the cost of a pump, but what is also true in North Douglas and West Valley, we globally lowered the assessments. Mr. Goldstein, do you know what the rate of your assessment is right now?

Goldstein – Our current assessment rate is \$2,600.

Watt – So the lion's share of the cost for the Goldsteins clearly is the connection charges.

Doll – If CBJ attempted to deal with the little challenges that are different for each property, we would really have a chore on our hands.

Goldstein – I understand that. But when you do have an unusual and/or singular case that Mr. Watt just mentioned, I think that there might be some opportunities then to work with residents of the City and Borough, because the difference between my neighbor and I is a solid \$8,000. Justifiably, fairness is not the only reason. We have a fully functional and SOA-DEC septic system that we're being requested to decommission and replace with a system that costs \$10,000 for the installation of a pump station. That just doesn't seem reasonable. I'm hoping that there's some leniency or some way to measure or adjust the cost for this singular unique case.

Doll – Mr. Watt, in a circumstance like this, the native allotment owner may not legally encumber his property. But is there any reason that he would not be able to allow the trench to get down to the line and let the property owner who's using it take the risk at some time in the future that the native allotment owner may no longer allow Mr. Goldstein to pump downhill or take advantage of that line. Are those extra-legal methods available?

Watt – I'm sure something like that is available. Typically, we at CBJ try not get in between adjacent property owners who have issues, hoping that both owners can reach an amicable solution.

#### IV. ITEMS FOR ACTION

##### A. LEED Ordinance

Watt – Discussion ensued regarding packet materials - the letter addressed to the PWFC Chair, and the attached draft of the ordinance from the Juneau Commission on Sustainability.

A less restrictive ordinance format may not impact most projects, but it would benefit the JSD, and we've been voluntarily monitoring their progress already. There are good reasons to support that, but it's easy to bypass certification if it's not required.

Sanford – What if there's a better plan that an architect has learned in the process of attending meetings and conferences? Would they be able to substitute that as long as it was better than the LEED Standard?

Watt – On page 4, Section 3, there's an Exception Procedure. If the Manager, with the consent of the Assembly, and after consideration of the recommendation, the Sustainability Commission determines that it's not feasible to do the LEED certification, I think that this Committee would follow that. If there was a different process, we would use that and we would try to apply common sense and practicality considerations.

Sanford – So if a designer or architect said that this is better than LEED, let's go to that. Right now, we're locked into LEED all by itself. I would think that we would like to leave that open somehow to make sure that we can get



the best idea out there to do the job that we wanted to do. As long as you think that this is good to be that locked in, I'm fine with that.

On page 4, under exceptions, the Sustainability Commission would review what ever came before them and make sure that the authority sequence was followed. Then the City Manager and Assembly would look at it and give the final order. The Sustainability Commission's opinion would be considered along with other available evidence.

Sanford – I would move Staff's recommendation on the letter dated 10/27/2010 which recommends that the Committee forward a draft ordinance to the full Assembly for consideration with the following changes: A.) Require certification for building projects costing greater than \$5M; and B.) Delete automatic increase to LEED Silver level, and ask for unanimous consent.

Doll – Hearing no objection, the motion is approved.

#### B. LID 91 – North Douglas Sewer, Phase V – Informal Ballot Results

Anderson – What is the process for following up initial notification?

Watt – The general practice is to:

- Hold the neighborhood meeting. We advertise in the paper and we mail out a letter to every property owner affected.
- Meet with people and answer questions.
- Send out a certified letter, ballot, and return envelope, and include a description of the LID process and the proposed property assessment.

Anderson – Of the 54%, were some envelopes with "Certified-Return Requested" cards attached, returned to the Engineering Department from the Post Office indicating that either the property owner refused receipt, or that the address was not complete and/or accurate?

Watt – Yes. We sent out the ballot to the property owner's address of record, gleaned from the CBJ Assessors Office. That's the same address used for tax assessments.

Mannix – Four or five property owners received a notice either in their post office box or at their physical address but refused to claim it at their respective post office. A few were returned due to insufficient addresses. Between now and when we do the public hearing notice, we'll try to find the correct addresses. We trust that the Assessor's office should have the latest address, but sometimes they don't.

Watt – I'm always amazed that the unclaimed or undeliverable return rate is as low as it is on LIDs. We're essentially taxing people individually and directly. The results of this poll are in the normal range.

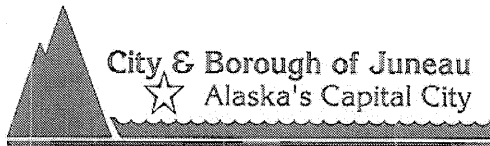
Sanford – I would move Staff's request that this Committee recommend the formation of LID #91 to the full CBJ Assembly for approval, and ask for unanimous consent.

Doll – Hearing no objection, the motion is adopted.

#### C. BRH Roof Project Appropriation

Watt – The \$0.5M requested is to start the roofing project for areas that were not completed in the 2005 project.


Sanford – What about the rest of the funds necessary to complete this project?



City and Borough of Juneau  
Engineering Department  
155 South Seward Street  
Juneau, Alaska 99801  
Telephone: 586-0800 Facsimile: 463-2606

DATE: 10/27/2010

TO: Bob Doll, Chair  
Public Works and Facilities Committee

FROM: Rorie Watt, P.E., Director   
Engineering Department

RE: Proposed LEED Ordinance

As has been discussed in Committee, The Juneau Commission on Sustainability has forwarded a request that a draft ordinance requiring LEED certification on CBJ projects be considered. Their draft ordinance is attached to this memorandum.

We've talked about this quite a bit at the staff level, as well as with local architects and builders. Generally, there is plenty of support for the construction of high performance buildings, for the construction of lower maintenance buildings and for the use of building materials and heating and ventilation products that improve the indoor air quality.

On a policy level, it is our intent to pursue the points that allow energy efficiency, reduction in energy consumption and building environment controls. To a large degree, we already follow this approach.

We still have not achieved LEED certification for the Harborview and Glacier Valley Renovation projects; it is a slow process and quite frankly, it is easy to prioritize other pressing issues. Requiring certification on our larger building projects will ensure that the process is followed and will send a positive conservation message to the community. If the certification process is successful, the Assembly could consider expanding the approach at a later date.

As for additional costs, we can roughly expect about \$50,000 for certification of a \$5-10M building project. Most, if not all, of the construction costs will go towards items that are good ideas (insulation, better windows, more efficient mechanical systems) or towards widely supported betterments (low VOC adhesives and sealants, re-use of materials, etc).

**Recommendation:**

I recommend that the Committee forward the draft ordinance to the full Assembly for consideration with the following changes:

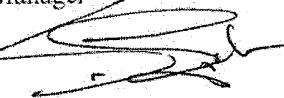
- A. Require certification for building projects costing greater than \$5M.
- B. Delete automatic increase to LEED Silver.

# MEMORANDUM

**CITY/BOROUGH OF JUNEAU**  
155 South Seward Street, Juneau, Alaska 99801

Date: April 29, 2010

To: Bruce Botelho, Mayor  
Members of the Juneau Assembly  
Rod Swope, City Manager

Thru: Sean Lynch, Chair 

From: The Juneau Commission on Sustainability

For some time now the CBJ Engineering Department has been considering various drafts of an ordinance adopting LEED as the CBJ standard for design and construction of public buildings. The Commission applauds this effort and encourages the submission of a completed draft to the Assembly for its action.

We believe that LEED is the best standard yet published to achieve the benefits of energy conservation and operating cost reduction. Moreover, LEED offers a review process to insure that the objectives set for any construction project have in fact been achieved.

The Commission is aware that the field of sustainable construction standards is rapidly evolving. Newer standards are in draft that CBJ may wish to review in the future for potential adoption by ordinance. Until such standards are available, we consider the staff's adaptation of LEED to be a useful method for reducing operating costs, one which we understand is already widely used in the design and construction community of Juneau.

The Commission commends the Engineering Department on its LEED initiative and recommends that a draft ordinance be prepared for submission to the Assembly.

Presented by: The Manager  
 Introduced:  
 Drafted by: J.W. Hartle

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2010-42**

**An Ordinance Amending the Land Use Code To Require  
 Construction and Renovation of Municipal Public Facilities to  
 Meet a Sustainable Building Standard.**

WHEREAS, the City and Borough anticipates that it will be facing unprecedented increases in fuel and electricity rates in the future; and

WHEREAS, in the United States, buildings account for 12.2 percent of freshwater use, 38 percent of carbon dioxide (CO2) emissions, 40 percent of material use, and 39 percent of energy use; and

WHEREAS, the City and Borough desires to reduce it's building operating and maintenance costs, provide a healthy and productive indoor work environment for its employees and the public, promote the community's ongoing economic vitality, and support energy efficiency; and

WHEREAS, the City and Borough recognizes that the practice of sustainability, as it relates to buildings, is the use of key resources like energy, water, materials and land in a more efficient manner than simply constructing buildings to code; and

1       WHEREAS, building sustainability creates healthier work, learning, and living  
2 environments with more natural light and cleaner air, contributing to improved  
3 employee and student health, comfort, and productivity; and

4  
5       WHEREAS, the LEED (Leadership in Energy and Environmental Design) Rating  
6 System is a third-party certification system developed by the United States Green  
7 Building Council. This system quantifies sustainable design, and awards rankings  
8 based on achievement; and

9  
10       WHEREAS, these third-party certification systems are not expected to significantly  
11 impact CBJ staffing; and

12  
13       WHEREAS, government is ultimately responsible for leading by example and setting  
14 a community standard for the sustainable planning, design, construction, renovation  
15 and operation of buildings to support economic, social, and environmental  
16 sustainability.

17  
18       NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF  
19 JUNEAU, ALASKA:

20  
21       **Section 1. Classification.** This ordinance is of a general and permanent nature  
22 and shall become a part of the City and Borough Code.

23       //

24       //

25       //

26

**Section 2. Amendment of Chapter.** CBJ 49.35 Public Improvements, is amended to add a new section, CBJ 49.35.800 Sustainable building standards for construction and renovation of buildings, to read:

**49.35.800 Sustainable building standards for construction and renovation of buildings.**

(a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.

(1) LEED shall be the quantitative measurement for how well standards are met;

(2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;

(A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ policy and shall be reviewed and updated each

time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.

(b) *Application.* The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, the Juneau International Airport, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.

(1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intend to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.

**Section 3. Exception Procedure.** If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.

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**Section 4. Effective Date.** This ordinance shall become effective on July 1, 2011. Existing projects with fully executed contracts for design services on the effective date shall be exempt from this ordinance.

Adopted this      day of      2010.

\_\_\_\_\_  
Bruce Botelho, Mayor

Attest:

\_\_\_\_\_  
Laurie J. Sica, Clerk



There being no objection, AME2010 0006 was recommended for approval to the Assembly by the PC, as it is further modified by staff per the discussion of the Commissioners in relation to subsection (4)(B) at this meeting.

### **AME2010 0010**

An Ordinance requiring Leadership in Energy and Environmental Design (LEED) certification on certain CBJ projects.

Applicant: CBJ Engineering

Location: Boroughwide

### **Staff report**

Mr. Pernula said this proposal is to adopt LEED certification standards for certain CBJ building projects that would cost greater than \$5 million, which originates from the Juneau Commission on Sustainability (JCOS). He explained that this ordinance requiring LEED certification on certain CBJ projects would reside in Title 49, so the PC is required to review this before the proposed ordinance is presented to the Assembly. He explained that LEED certification includes energy standards, materials, maintenance, etc. He said an estimate was provided that they can roughly expect to pay about \$50,000 for LEED certification of a \$5-\$10 million building project. He noted that these costs should be able to be recouped over the long term by reducing the maintenance cost of buildings. He stated that this is just for LEED certification, not for an automatic increase to LEED Silver, and the CBJ Engineering is requesting that section to be deleted.

### **Public testimony - None**

### **Commission discussion**

Chair Gladziszewski stated that the Municipality of Anchorage approved LEED certification, although they set a higher goal to immediately become fully certified by 2012 for all buildings within Anchorage over a preset dollar amount and square footage threshold, which she believes the CBJ should do so as well, including for all other large buildings being constructed in this community.

Mr. Miller said he built the first LEED certified home in the State of Alaska here in Juneau, and there is a lot to learn undergoing that process. He explained that attempting to become LEED certified beyond the basic level to Silver, or Gold, etc. is very difficult in Southeast Alaska because so many points in the LEED Rating System are water conservation related, such as irrigation, etc., which is in general for the nation so it does not specifically relate to Juneau. He said requiring the basic level of LEED certification for certain CBJ buildings is a great idea, including that the \$50,000 cost for LEED certification on a \$5 million job is probably fairly accurate, but only because there are now already more energy-efficient buildings being constructed in Juneau than is required. He said the cost for the CBJ to construct a building to code, plus the cost to LEED certify it would end up totaling much more than the expected \$50,000 listed in the report. He explained that the Public Works Facility Building was a \$4.5 million job, which was just to build it to code, with no extra insulation, etc., but if that building would have been LEED certified it would have cost \$1.5 to do so, although even so the CBJ still should have required that it be done. He said the report states that the CBJ is already following this LEED approach, i.e., the airport expansion project is being built per many of the LEED standards, but they have not achieved LEED certification for the Harborview and Glacier Valley Renovation projects. Therefore, he intends to support the proposed LEED ordinance, although

he does not believe this is the answer, but it is important for the CBJ to do so for a couple of projects because they have a lot to learn. He also believes that eventually the CBJ will end up not requiring LEED certification of its buildings, and instead, will probably do away with it because they might devise a better method later on to build energy-efficient buildings that works better in Southeast Alaska.

Chair Gladziszewski explained that when she previously worked for the CBJ, they held discussions regarding LEED certification of CBJ buildings, and they talked about many issues involved with doing so, including possibly devising their own method in which to build more energy-efficient buildings. However, in the end they became overwhelmed as to how they might attempt build energy-efficient buildings on their own since the LEED Rating System was already in place, which they all agreed is not perfect but it is better than nothing, which might be easier to implement because they are somewhat already doing so.

Mr. Watson said the Public Works & Facilities Committee (PWFC) held previous discussions about possibly requiring higher certification levels of LEED than the standard, but doing so would be very difficult for the CBJ to achieve in Juneau, including possibly not being able to recoup construction costs if they did.

Ms. Grewe said the JCOS discussed this, and decided that having the CBJ institute their own LEED system did not seem practical. In addition, she recalls that the JCOS was initially presented with the requirement of LEED certification for CBJ building projects costing greater than \$3 million, not \$5 million as Rorie Watt of CBJ Engineering later presented to the JCOS. She explained that the JCOS requested Mr. Watt to explain the rationale for increasing the projects costing greater than \$5 million because the JCOS intended to contest it, as they preferred the \$3 million threshold. She noted that Mr. Watt ended up presenting to the JCOS justification for the \$5 million figure by providing a vague dollar-and-sense rationale, so she still prefers to retain the \$3 million threshold. Chair Gladziszewski said she has not been working for the CBJ for two years, but she recalls back then that the CBJ discussed the \$3 million threshold as well. She noted that the Public Works Building ended up costing \$4.5 million, which the CBJ should have made LEED certified, and this would have had to take place if the threshold level was preset at \$3 million prior to it being constructed.

Mr. Miller said to go through the LEED certification process is going to cost the same, whether it is for a \$1 million, or a \$5 million job. He explained that most homeowners who are in it for the long term are typically not willing to include money for energy-conservation measures, but it provides for immediate payback. He explained that the very first month the homeowners would have a much lower fuel bill, including less maintenance costs over the long term. Even so, he said it is fairly difficult to get homeowners to voluntarily commit to paying for energy-saving costs upfront, which is why the CBJ has to start this process. He said he is not opposed to lowering the required certification for building projects costing greater than \$3 million from \$5 million.

Mr. Pernula said this proposed ordinance has already been introduced to the Assembly, and they are scheduled to hold a public hearing at their next meeting in a couple of weeks.

Staff recommendation: that the PC forward the draft ordinance to the full Assembly for consideration with the following changes:

- A. Require certification for building projects costing greater than \$5M.

B. Delete automatic increase to LEED Silver.

Commission action

**MOTION:** *by Mr. Miller, that the PC adopts the Director's analysis and findings and forwards the draft ordinance, AME2010 0010, with a recommendation for approval to the Assembly. The approval would require LEED certification on certain CBJ projects, with a revision to the costing threshold listed below in A, and also on page 3, line 18 of the proposed ORD. 2010-42, and retain B as is:*

- A. *Require certification for building projects costing greater than \$53M.*
- B. *Delete automatic increase to LEED Silver.*

**FRIENDLY AMENDMENT:** *by Chair Gladziszewski, that the PC amends the proposed ordinance on page 4, line 17 to revise "~~Sustainability Commission~~" to "Juneau Commission on Sustainability."*

Mr. Miller accepted Chair Gladziszewski's friendly amendment.

Mr. Satre said in terms of the motion, noting that it is fairly rare when he states this, although he notices that there is not one paragraph in the proposed ordinance that he is able to support. Instead, he believes it is the "flavor of the day" and "feel-good stuff." He also believes CBJ Engineering, the PC, the Assembly, and others involved should find methods to properly engineer CBJ's public buildings to take into consideration life-cycle costs, etc., not just in relation to cost-effective ways to construct buildings. He said the CBJ has to assure that all City public infrastructures are built and those dollars are wisely invested, so he is unable to support this motion.

Mr. Watson spoke against the motion, stating that he supports Mr. Satre's position.

Mr. Miller said he somewhat agrees with Mr. Satre, stating that there is an option for the CBJ to take this on themselves, but he does not see that happening at this time. As he said before, he does not believe that this ordinance will last, and instead, he feels that it will be in effect for a little while. Therefore, with the PC forwarding it with a recommendation for approval to the Assembly, and if it is approved then the CBJ will gain valuable information and tools so the City might later have the ability to figure out how to do this on their own. He noted that since he has undergone the LEED certification process one time, he knows that he will never do so again, but it was an incredibly valuable experience. He said he had to pay for that type of education, but it was important, which he believes has made him a better builder, so it should likewise make the engineers of CBJ better builders of projects in the future as well, which is why he supports the motion.

Chair Gladziszewski said there are many issues with the LEED certification process, although if the CBJ did as Mr. Satre is suggesting regarding life-cycle costing, etc., but the CBJ has only partially done so, including that it always turns out that the CBJ ends up not having the funding to make sure that buildings are constructed as being energy efficient, so the CBJ ends up paying for this later on. She said the proposed ordinance is definitely not perfect, but it is a step forward in the right direction for the CBJ.

Roll call vote

Ayes: Grewe, Bennett, Taug, Miller, Gladziszewski

Nays: Watson, Satre

Motion passes: 5:2; and AME2010 0010 was forwarded to the Assembly with a recommendation for approval per the revisions made by the PC.

**VIII. UNFINISHED BUSINESS - None**

**X. BOARD OF ADJUSTMENT - None**

**XI. OTHER BUSINESS - None**

**BREAK**: 8:54 to 8:59 p.m.

**XII. DIRECTOR'S REPORT**

Alaska Commercial Fishermen's Memorial (ACFM) in Juneau regarding the Proposed Cruise Ship Dock

Mr. Pernula said he previously provided via e-mail to the PC a letter from the ACFM, which is addressed to him regarding the Cruise Ship Dock Concept 16B, dated December 13, 2010. He said another letter addressed to him is included, which is also from the ACFM, dated June 25, 2003. He said a third letter from the ACFM is addressed to Mayor Botelho and the Assembly, dated November 26, 2007, and the Assembly has passed a resolution that was introduced on September 20, 2010, by the CBJ Manager for approval of a design concept for replacing the CBJ Cruise Ship Docks in Downtown Juneau, while working with the ACFM for an acceptable location for the memorial, and how it would interact with the new docks. Furthermore, he included a write-up by Docks & Harbors regarding options the ACFM might pursue.

He said representatives of the ACFM are now stating that they are not interested in any other site then where the memorial is, which they want to remain open for when they conduct the Blessing of the Fleet ceremony so all of the boats travel through in single file in front of it, but Concept 16B does not allow for this. He said the end of the ACFM letter dated December 13, 2010, addressed to him states, "The Memorial's Board requests that the Plan" meaning the Long Range Waterfront Plan (LRWP), "be amended by the City to formally list our concerns and that CDD acknowledge receipt and understanding of this letter and of our previous unanswered letter." Therefore, he asked if the PC wishes to reopen the LRWP to address these issues. Chair Gladziszewski stated that the last ACFM letter was provided to Mr. Pernula on December 13, 2010, which was after the Assembly approved design Concept 16B per Res. 2542 on September 20, 2010, so the ACFM obviously knew what the Assembly did, which was to support Docks & Harbors design Concept 16B and to work closely with the ACFM, so this seems to answer Mr. Pernula's question. In addition, Res. 2542 states that the Assembly "...expresses its approval of the Docks and Harbors Board recommendation for improving the CBJ cruise ship docks..." Mr. Pernula said this is correct, but he believes what the ACFM are upset about is that there was not sufficiently strong language in the original LRWP to protect the interest of the ACFM regarding the memorial. Chair Gladziszewski said she understands, but she does not know what point there might be to amend the LRWP, which is given that the Assembly already approved Res. 2542. Mr. Pernula asked if he should request the ACFM representatives to appear before the PC; Chair Gladziszewski said not particularly.