ASSEMBLY HUMAN RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA

April 6, 2015 6:00 PM
Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

A. Board Matters

1. Sales Tax Board of Appeals - Annual Report & Appointments

B. Liquor Licenses

1. Liquor License Ownership Transfer - Goldbelt Aerial Tramway to Goldbelt Incorporated

C. Other Business

1. Next Steps - Social Services Advisory Board Review

   Chairman Jones will provide updated information on SSAB review at the meeting.

2. Ordinance 2015-23 An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.

VI. STAFF REPORTS

VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VIII. ADJOURNMENT

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

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

Sales Tax Board of Appeals - Annual Report & Appointments

ATTACHMENTS:

	Description	Upload Date	Type
☐	Sales Tax Board of Appeals Membership	4/2/2015	Staff Report
☐	Sales Tax Board of Appeals Annual Report	4/2/2015	Staff Report

Sales Tax Board of Appeals

Governing Legislation: CBJ Code 65.05.180

Total # of Members 5: Four Public Seats and One Attorney Seat

Active Member or Liaison	Title	First Name	Last Name	Type of Seat	Office Held	Current Term Begins	Term Expires	Appointment Date	Re-appointed 1	Re-appointed 2	Re-appointed 3	Re-appointed 4	Re-appointed 5	Reappointed 6	Reappointed 7	Comments
Yes	Mr.	Tim	Cottongim	Public	Chair	4/22/2013	12/31/2015	7/1/1997	1/1/1998	1/1/2001	1/1/2003	4/1/2007	3/15/2010	4/22/2013		Retired from AK Dept. of Revenue - Manager Corporate & Fish Tax Examinations Unit
Yes	Mr.	John	Gaguine	Attorney (Retired)		4/22/2013	12/31/2015	4/1/2007	3/15/2010	4/22/2013						Retired Attorney
Yes	Mr.	Mark A.	Smith	Public		7/16/2012	12/31/2015	7/16/2012								Self employed accountant.
Yes	Mr.	Gary	Jenkins	Public		4/22/2013	12/31/2014	2/1/1988	12/1/1993	2/1/1997	2/1/1999	1/1/2003	4/1/2007	3/15/2010	4/22/2013	Self employed. Gary said he would continue to serve until replacement is appointed.
Yes	Ms.	Patricia "Pat"	Watt	Public		1/31/2014	12/31/2017	5/13/2013	8/11/2014							Also serving on BOE
Yes	Ms.	Beth	McEwen	Staff Liaison	staff liaison											

2014 ANNUAL REPORT
SALES TAX BOARD OF APPEALS

During 2014, there were no appeals filed with the Municipal Clerk's Office for action by the Sales Tax Board of Appeals ("Board").

Board members include: Chair Tim Cottongim, John Gaguine, Mark A. Smith, Gary Jenkins, and Patricia Watt. The term of Gary Jenkins was to expire as of December 31, 2014 but per our board rules of procedure, he continues to serve until either he is reappointed or the Assembly chooses to appoint a new member to the seat.

The board stands ready to respond to issues on an as-needed basis.

Respectfully submitted,

Beth McEwen, Deputy Clerk
For the Sales Tax Board of Appeals
April 6, 2015

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

Liquor License Ownership Transfer - Goldbelt Aerial Tramway to Goldbelt Incorporated

ATTACHMENTS:

	Description	Upload Date	Type
☐	Notice of Transfer and Certified Letter to applicant with attachments	3/31/2015	Liquor License

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

March 27, 2015

Via certified & regular mail
Goldbelt Incorporated
d/b/a Timberline Bar & Grill
3075 Vintage Blvd. Suite #200
Juneau AK 99801

Re: Beverage Dispensary Liquor License #3720 Transfer Protest

Dear Sirs,

As you are aware, City and Borough of Juneau is in receipt of your liquor license transfer application from the Alcohol Beverage Control Board and is being forwarded to the Assembly for local governing body action.

As is our practice in these matters, staff from the Fire, Finance, Police, and Community Development Departments has reviewed your establishment to insure compliance with city code. Sales Tax Administrator Clinton Singletary informed me that during the 2014 summer season, Goldbelt leased its restaurant space to another business and during that time allowed that business to make liquor sales under the Goldbelt liquor license. In case you were not already aware, Alaska Statute 04.11.450 (c) prohibits the leasing of a liquor license as cited below:

> AS 04.11.450 Prohibited financial interest …
> … (c) A license may not be leased by a licensee to another person, partners, limited liability organization, or corporation. …

Apparently the business which leased your facility did not file their second and third quarter sales tax returns therefore, the Finance Department is holding Goldbelt responsible for the liquor tax portion since the license is held by Goldbelt and staff is recommending the Assembly protest this license transfer until the unfiled and unpaid liquor taxes for the second and third quarters of 2014 have been paid.

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will initially be considered at the Monday, April 6, 2015 Assembly Human Resources Committee (HRC) meeting at 6:00p.m. in the Assembly Chambers and the HRC will then forward a recommendation to the Assembly for action at its regular meeting that same evening at 7:00p.m. in the Assembly Chambers. At that meeting will be your opportunity to participate in an informal hearing before the Assembly if you wish to do so.

Copies of the CBJ Code and Alaska Statutes pertaining to the protest process are enclosed for your reference. In the meantime, I would urge you to work with CBJ Sales Tax staff to ensure all filings and outstanding balances are resolved prior to this appearing before the Assembly on April 6. Sales Tax Administrator Clinton Singletary can be reached at 586-5265.

Sincerely,

Beth McEwen
Deputy Clerk

Enclosures
cc via email: Assembly & Staff Reviewers

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

Alaska Statutes

Sec. 04.11.450. Prohibited financial interest. (a) A person other than a licensee may not have a direct or indirect financial interest in the business for which a license is issued.

(b) A person who is a representative or owner of a wholesale business, brewery, winery, bottling works, or distillery may not be issued, solely or together with others, a beverage dispensary license, a restaurant or eating place license, or package store license. A holder of a beverage dispensary license may be issued a brewpub license, subject to the provisions of AS 04.11.135. The prohibition against issuance of a restaurant or eating place license imposed under this subsection does not apply to a restaurant or eating place license issued on or before October 1, 1996 or a restaurant or eating place license issued under an application for a restaurant or eating place license approved on or before October 1, 1996.

(c) A license may not be leased by a licensee to another person, partnership, limited liability organization, or corporation.

(d) For the purposes of this section, a lessor under a graduated or percentage lease-rent agreement involving premises licensed under this title does not hold a financial interest in the business.

(e) A holder of either a general wholesale license or a wholesale malt beverage and wine license may not be employed by or act as the agent or employee of the holder of a beverage dispensary or package store license.

(f) In this section, "direct or indirect financial interest" means holding a legal or equitable interest in the operation of a business licensed under this title. However, credit extended by a distiller, a brewery, or a winery to a wholesaler, or credit extended by a wholesaler to persons licensed under this title, or a consulting fee received from a person licensed under this title, is not considered a financial interest in a business licensed under this title.

...

Sec. 04.11.480. Protest.

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

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

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

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

...

CBJ Code 20.25.025

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

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

(1) The character and public interests of the surrounding neighborhood;

(2) Actual and potential law enforcement problems, including the proximity of the premises to law enforcement stations and patrols;

(3) The concentration of other licenses of the same and other types in the area;

(4) Whether the surrounding area experiences an unacceptable rate of alcohol abuse or of crime or accidents in which the abuse of alcohol is involved;

(5) The adequacy of parking facilities;

(6) The safety of ingress to and egress from the premises;

(7) Compliance with state and local fire, health and safety codes;

(8) The degree of control the licensee has or proposes to have over the conduct of the licensed business;

(9) The history of convictions of the applicants and affiliates of the applicants for:

(A) Any felony involving moral turpitude;

(B) Any violation of AS title 04; and

(C) Any violation of the alcoholic beverage control laws of another state as a licensee of that state;

(10) Whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business or constitute a potential source of harm to the public;

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

(b) The assembly may protest the issuance, transfer, renewal, relocation, or continued operation of a license as provided in state law if it determines any of the following conditions exist:

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

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

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

(4) If the license requested is for a beverage dispensary and is requested under AS 04.11.400(d)(1), unless the tourist facility will contain 30 or more rooms;

(5) If the application is for the issuance or relocation of a license and, after the issuance or relocation, there would be:

(A) More than one restaurant or eating place license for each 1,500 population, or fraction thereof, residing within the City and Borough; or

(B) More than one license of each other type for each 3,000 population or fraction thereof residing within the City and Borough.

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

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

(c) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, relocation, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the address last provided by the applicant to the municipal sales tax examiner. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.
(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002)

State Law References: Assembly protest, AS 04.11.480.

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development
ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

City & Borough of Juneau
Attn: Beth McEwen, City Clerk
VIA Email: beth_mcewen@ci.juneau.ak.us
Cc: city_clerk@ci.juneau.ak.us

Goldbelt Aerial Tramway, LLC: Beverage Dispensary-Seasonal License #3720 DBA Timberline Bar & Grill

☐ **New Application** ☒ **Transfer of Ownership** (stock) ☐ **Transfer of Location**

☒ **Restaurant Designation Permit** ☐ **DBA Name Change**

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

Jane Sawyer
Business Registration Examiner
907-269-0359
Jane.sawyer@alaska.gov

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: March 13, 2015

Application Type: **NEW**_____ ___x___**TRANSFER (stock)**
_____Ownership
_____Location
_____Name Change

Governing Body: **City & Borough of Juneau**
Community Councils: None

License #: 3720
License Type: Beverage Dispensary-Seasonal
D.B.A.: Timberline Bar & Grill
Licensee/Applicant: Goldbelt Aerial Tramway, LLC
Physical Location: 490 S Franklin Street, 1800 foot level, Juneau, AK 99801
Mailing Address: 3075 Vintage Blvd. #200, Juneau, AK 99801
Telephone #: 907-790-1441
EIN: 61-1705296

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Goldbelt Incorporated	3075 Vintage Blvd. #200 Juneau, AK 99801	907-790-1441	01-04-1974	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Goldbelt Incorporated		3075 Vintage Blvd. #200 Juneau, AK 99801	907-790-1441	100%

If **transfer** application, current license information:

License #: 3720
Current D.B.A.: Timberline Bar & Grill
Current Licensee: Goldbelt Aerial Tramway, LLC
Current Location: 490 S Franklin Street, 1800 foot level, Juneau, AK 99801

Additional comments: Restaurant Designation Permit application attached.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

Jane Sawyer

Jane Sawyer
Business Registration Examiner
Jane.sawyer@alaska.gov
907-269-0359

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
Fax: (907) 334-2285
http://commerce.alaska.gov/dnn/abc/Home.aspx

License is: ☐ Full Year OR ☒ Seasonal List Dates of Operation: April - Oct 2015

SECTION A - LICENSE INFORMATION

FEES

License Year: 2015	License Type: Beverage dispensary - Seasonal	Statute Reference Sec. 04.11.090
License #: 3720		

Filing Fee: $100.00
Rest. Desig. Permit Fee: ($50.00) $ 50
Fingerprint: $ 49.75 ($51.50 per person)
TOTAL 199.75

Local Governing Body: (City, Borough or Unorganized)	Community Council Name(s) & Mailing Address:	
City and Borough of Juneau	N/A	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Goldbelt Aerial Tramway LLC 3075 Vintage Blvd. #200 Juneau, AK 99801	Doing Business As (Business Name): Timberline Bar & Grill	Business Telephone Number: 907-790-1441 Fax Number: 907-790-4999
Mailing Address: same as above	Street Address or Location of Premises: 490 S. Franklin St. Juneau, AK 99801 On Mt. Roberts	Email Address: barbara.fujimoto@goldbelt.com
City, State, Zip: Juneau, AK. 99801		
Is any shareholder related to the current owner? ☐Yes ☒No If "yes" please state the relationship _____		

SECTION B - TRANSFER INFORMATION

☒ Regular Transfer

☐ Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents.

☐ Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.

Name and Mailing Address of ***CURRENT*** Licensee: Goldbelt Aerial Tramway LLC

Business Name (dba) ***BEFORE*** transfer: Timberline Bar & Grill

Street Address or Location ***BEFORE*** transfer: 1800 foot level

SECTION C - PREMISES TO BE LICENSED

Distance to closest school grounds: 1.2 miles via Google	***Distance measured under:*** ☒ AS 04.11.410 ***OR*** ☐ Local ordinance No.	☐ Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☐ Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☒ Not applicable
Distance to closest church: maps. .7 miles	***Distance measured under:*** ☒ AS 04.11.410 ***OR*** ☐ Local ordinance No.	
Premises to be licensed is: ☐ Proposed building ☒ Existing facility ☐ New building		☐ Plans submitted to Fire Marshall (required for new & proposed buildings) ☒ Diagram of premises attached

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
Fax: (907) 334-2285
http://commerce.alaska.gov/dnn/abc

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):		Telephone Number:	Fax Number:
Goldbelt Incorporated		907-790-1441	907-790-4999
Corporate Mailing Address: 3075 Vintage Blvd. #200	City: Juneau	State: AK.	Zip Code: 99801
Name, Mailing Address and Telephone Number of Registered Agent: Goldbelt Incorporated 3075 Vintage Blvd. #200, Juneau, AK. 99801		Date of Incorporation OR Certification with DCED: 1-4-1974	State of Incorporation: Alaska

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity ***must*** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Goldbelt Incorporated	Manager	100	3075 Vintage Blvd. #200 Juneau	790-1441	1-4-74
Richard Irwin	President	0	3558 Greenwood Ave., Juneau	790-1440	2-6-55

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
Fax: (907) 334-2285
http://commerce.alaska.gov/dnn/abc/Home.aspx

NOTE: If you need additional space, please attach a separate sheet.

N/A

SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

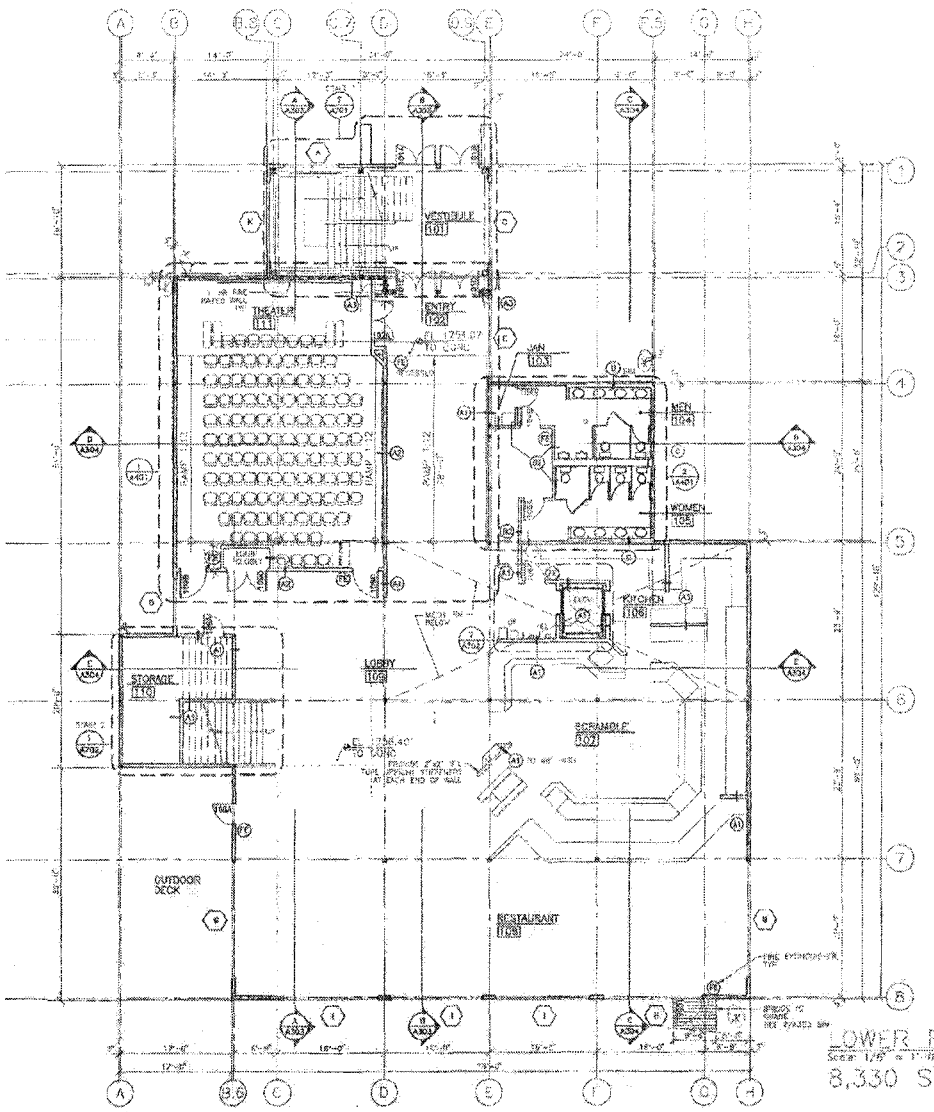
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant ☐ Affiliate ☐ Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	**Signature of Transferee(s)**
Signature: Richard G Irwin	Signature: Richard G Irwin
Signature	Signature
Name & Title (Please Print) Richard G. Irwin, President/CEO	Name & Title (Please Print) Richard G. Irwin, President/CEO
Subscribed and sworn to before me this 5 day of February 2015	Subscribed and sworn to before me this 5 day of February 2015
Notary Public in and for the ~~State of Alaska~~ Fairfax VA Susan Mochenski	Notary Public in and for the ~~State of Alaska~~ Fairfax VA Susan Mochenski
My commission expires: 2-28-2018 Reg # 354750	My commission expires: 2-28-2018 Reg # 354750



LOWER FLOOR PLAN
Scale: 1/8" = 1'-0"
8,330 S.F.

PARTITION TYPE LEGEND

GENERAL NOTES:
1. PARTITION TYPES INDICATED FROM FINISHED FLOOR TO UNDERSIDE OF WOOD OR CONCRETE DECK.
2. PARTITIONS EXTEND FROM FLOOR TO UNDERSIDE OF WOOD OR CONCRETE DECK.
3. ALL PERIMETER AND ALL PARTITIONS WITH ACOUSTIC BATTS.
4. SEE STRUCTURAL DRAWINGS FOR STUD SIZES AND SPACING.
5. WHEN TUBE STEEL FRAMING FOR GLAZING IS USED, PROVIDE BATT OF SPACE WITH FACE OF PANE AS FAR OUT ON THE SIDE AS POSSIBLE.

A1 — 1 LAYER 5/8" GYP BD EA SIDE; 20GA RN STRUCT STUDS @ 16" OC; FULL THICKNESS ACOUS BATT INSUL IN CAVITY (WHERE INDICATED); BATT INSULATION IN CAVITY

A2 — BATT INSULATION IN CAVITY

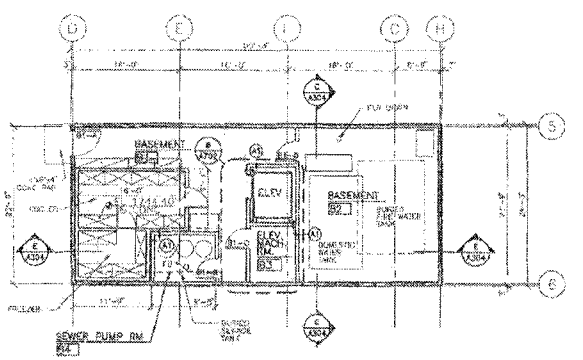
A3 — 1 LAYER 5/8" GWB EA SIDE; 20GA RN STRUCT STUDS @ 16" OC; BATT INSULATION IN CAVITY

B1 — 5/8" GYP BD TYPE 'X' ON EA SIDE; 20GA RN STRUCT STUDS @ 16" OC; FULL THICKNESS ACOUS BATT INSUL IN CAVITY (WHERE INDICATED); BATT INSULATION IN CAVITY

B2 — BATT INSULATION IN CAVITY

C — CERAMIC TILE OVER BACKER BOARD BOTH SIDES; 4" ACOUS BATT INSUL IN 1 SIDE ONLY; 20GA STUDS @ 16" OC

D — 20GA RN STRUCT STUDS; 20GA STUDS @ 16" OC; CERAMIC TILE OVER SHOWER BOARD; FURRED OUT WALL TO ACCOMODATE PLUMBING; RUN TO TOP OF WALL CONST OR BOTTOM OF PARTITION CONST



BASEMENT FLOOR PLAN
Scale: 1/8" = 1'-0"
1340 S.F.

UPPER FLOOR AREA:	5530 S.F.
LOWER FLOOR AREA:	8330 S.F.
BASEMENT FLOOR AREA:	1421 S.F.
TOTAL FLOOR AREA:	15200 S.F.

NOTE: THIS DRAWING IS REDUCED AND IS PRINTED AT HALF SIZE

SCALE IN FEET
0 5 10 20 40

Jensen Douglas
ARCHITECTS, INC.
522 West 10th St
Juneau, AK 99801
907 586-1070
FAX 907 586-3868

MT. ROBERTS DEVELOPMENT CORPORATION
MT. ROBERTS TRAM
UPPER TRAM TERMINAL
JUNEAU, ALASKA

REVISIONS

SHEET TITLE
LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"
DATE: APRIL 15, 1999
FILE: R:\JOBS\7803\A201

A201

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 – 794

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 – 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 3720 **Type:** Beverage Dispensary

This application is for designation of premises where: (Please check the appropriate items below)

1. X Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
2. X Persons 16 – 20 years of age may dine unaccompanied.
3. X Persons under 16 may dine accompanied by a person 21 years of age or older.
4. X Persons between 16 – 20 years of age may be employed. *(See note below)

Licensee's Name: Goldbelt Aerial Tramway, LLC

Name of Business: Timberline Bar & Grill

Business Address: 1800 ft level Mt. Roberts City: Juneau

1. Hours of operation 9am to 9 pm. Telephone Number: 463-3412

2. Have police been called to your premises for any reason? [ ] Yes [X] No
(If you answered yes, please explain below).

3. * Duties of employment: Take food & beverage orders, serve food & beverage, clear dishes/utensils from tables.

4. Are video games available to the public on your premises? [ ] Yes [X] No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
[X] Yes [ ] No occasionally

6. How is food served? [X] Table Service [X] Buffett Service [ ] Counter Service [ ] Other _____
occasionally

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? [X] Yes [ ] No

***** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION *****

***Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.**

****Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.**

Licensee Signature

Subscribed and sworn to before me this 5 day of February 2015

Notary Public in and for ~~Alaska~~ Fairfax VA

My Commission expires; 2-28-2018

Reg # 354750

Local Governing Body Approval

Date

Director, ABC Board

Date

Rev. 03172014

Timberline Restaurant

Appetizers

Northern Lights Calamari - *Flash fried to golden brown, served with sweet chili sauce and avocado lime aioli.* $14

Mt Roberts Crab Cakes - *Alaskan house made crab cakes served with sweet chili sauce and chipotle aioli.* $15

Auk Nu Chicken Wings – *Chicken wings fried golden brown with your choice of buffalo, sweet chili or teriyaki sauce and served with carrot, celery sticks, blue cheese or ranch* $13

Alaskan Crab Nachos - *A Rainforest Favorite! A mountain of crab goodness atop a bed of tortilla chips, layered with house made black bean & corn pico de gallo, blended cheddar, Monterey jack cheese with avocado lime aioli.* $24

Northwest Salmon Mousse - *Smoked salmon, cream cheese whipped with lemon, dill, green onions accompanied with toasted pita bread, capers, diced red onions.* $14

Tee Harbor Hummus - *Zesty garlic hummus accompanied by feta cheese, sliced cucumber, tomato, black olives served with seasoned toasty pita bread.* $13

Alaskan Crab Stuffed Mushrooms - *Tasty mushroom caps stuffed with crab salad topped with chipotle aioli, avocado lime dressing then roasted to perfection!* $15

Our Favorite Fresh Salads and Soups

Classic Caesar Salad - *Diced romaine tossed with Caesar dressing, croutons and parmesan cheese accompanied with Garlic Bread.* $11

Cobb Salad - *Chopped romaine, iceberg and spring mix topped with sliced hard boiled eggs, blue cheese crumbles, crispy bacon and tomatoes.* $13

Spinach Salad - *Fresh spinach, crisp bacon and feta cheese tossed with warm bacon vinaigrette then topped with sliced hard boiled eggs, red onions and mushrooms.* $13

House Salad –*A mix of romaine, iceberg, and spinach topped with tomato, carrots and red onion.* $10

Seafood Chowder – *Oceans of seafood that include clams, halibut, salmon, cod with mountains of veggies& potatoes.* $9

Soup Du Jour – *Ask your server about our fresh soup of the day!* $7

Make your salad a meal! Add your choice of grilled chicken $6, bay shrimp $8, salmon $10, halibut $13, or Crab Leg $13

Hearty Entrees

Entrees include house seasonal vegetables, your choice of rosemary roasted red potatoes, rice pilaf or french fries and choice of salad or soup.

Bering Sea King Crab Legs - *3 giant crab legs served with coleslaw and clarified butter for dipping!* $57

Southeast Grill - *Deliciously seasoned and Grilled salmon and halibut topped with a white wine dill sauce.* $35

Fisherman's Feast - *Grilled salmon and halibut, an Alaskan king crab leg, crab cake and calamari.* $45
More than one hearty appetite? Enough to feed two people

Gold Miner's House Steak – *In House cut and grilled exactly the way you like it!* $27

Thunder Mountain Fried Chicken - *Crispy, juicy and finger lickin' good! We'll bring extra napkins!* $19

Items below are served with choice of salad or soup

Tongass Linguine - *Crisp tender seasonal vegetables tossed with linguine, white wine, garlic, butter and topped with Parmesan cheese.* $15
Add a favorite - ***grilled chicken $6, bay shrimp $8, salmon $10, halibut $13 or crab leg $13***

**Eating raw or undercooked meats or fish can cause serious illness, do so at your own risk.*
Checks for Parties of 6 or more will include 18 % gratuity

Timberline Restaurant

Sandwiches

Sandwiches arrive with your choice of fries, soup, house salad or coleslaw.

Gold Creek Steak – *In House marinated steak grilled to perfection, served on a hoagie roll with sautéed mushrooms and onions, topped with melted Provolone.* $18

Great Northern Halibut Burger - *Served open faced ready for your choice of lettuce, tomatoes, onions and pickles finished off with tartar sauce and a squeeze of fresh lemon.* $21
Choice of either Grilled or Beer Battered Halibut

Mount Jumbo Burger - *A tasty classic burger with all the fixings only better! A half pound, hand pressed, premium beef patty with lettuce, tomatoes, onions, pickles and thousand island.* $14
Add your favorite cheese: cheddar, swiss or pepper jack.
Go all out with: bacon, blue cheese or sautéed mushrooms! *$1*

House Favorites

These selections are served with your choice of soup, house salad or fries.

Alaskan Crab Wrap - *Alaskan crab, bacon, tomatoes, romaine and feta cheese topped with chipotle aioli all wrapped up in a warm flour tortilla.* $18

Taku Tacos –*Lightly seasoned Alaskan fish Grilled to perfection, and placed atop warm corn tortillas beside a bed of shredded cabbage, house black bean pico de gallo and our chipotle aioli* $22
Your choice of Salmon, Halibut or Cod

Inside Passage Fish and Chips Trio – *One piece each Golden brown beer battered halibut, salmon and cod accompanied by tartar sauce and coleslaw* $22 Make it all halibut add $3

The Perfect Ending

Chilkat Cheese Cake – *New York Style cheese cake garnished with raspberry puree and whipped cream* $9

Crème Brulee – *Classic vanilla crème brulee topped with whipped cream and mixed berries* $9

Basin Berry Crisp – *Mixed berries layered with crunchy crisp crust and whipped cream.* $9

Chocolate Thunder –*Chocolate, chocolate, and more chocolate garnished with chocolate syrup and whipped cream.* $9

For Smaller Appetites

Quarter Pound Burger - *Served with fries and a favorite cheese: cheddar, swiss or pepper jack and thousand island.* $10

3 Piece Cod Fish and Chips - *Served beer battered with french fries.* $13

3 Piece Chicken Strips - *Served golden brown with french fries and ranch dressing.* $10

2 Cheese Linguine - *Served with lots of melted cheddar and Monterey Jack cheese with a toasted garlic hoagie roll* $10

**Eating raw or undercooked meats or fish can cause serious illness, do so at your own risk.*
Checks for Parties of 6 or more will include 18 % gratuity

Timberline Bar & Grill

Banquet Menu

Meatball Tray: Served with your choice of Sauce: Swedish, Teriyaki or BBQ		$ 50.00
Fruit Tray: Seasonal fresh fruit served platter style		
Large feeds 100		$150.00
Small feeds 50		$ 75.00
Veggie Tray: Seasonal fresh vegetable served with Ranch Dressing		
Served platter style.	Large	$100.00
	Small	$ 50.00
Salmon Mousse: Presented platter style and served with assorted		
Crackers.	Large	$200.00
	Small	$100.00
Prawn Cocktail: Presented platter style, served with cocktail		
Sauce.	Large	$200.00
	Small	$100.00

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

Ordinance 2015-23 An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.

ATTACHMENTS:

	Description	Upload Date	Type
☐	Ordinance 2015-23	4/2/2015	Ordinance
☐	Empowered Board Memo	4/1/2015	Report
☐	City Attorney Amy Mead Memo - Aquatic Facilities Ordinance	4/2/2015	Cover Memo

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-23

An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.

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

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

Section 2. Adoption of New Chapter. Title 67 Recreation, Parks and Community Centers, is amended by adding a new chapter to read as follows:

Chapter 67.10

Aquatics Facilities

67.10.010 Board of directors.

(a) The Aquatics Board shall consist of seven voting members appointed by the assembly to serve without compensation for staggered three-year terms, plus the Parks and Recreation Director and one liaison from the Juneau School District. Neither the liaison nor the Parks and Recreation Director shall have the power to vote or be counted in determining whether a quorum of the board is present. Members of the board of shall serve at the pleasure of the assembly. Terms shall commence on July 1. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term,

the assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No board member who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply if there are no other qualified applicants at the time reappointment is considered by the assembly.

(b) No board member, or member of a board member's immediate family or household, may be employed by an aquatics facility owned by the City and Borough. To the extent possible, appointments to the Aquatics Board shall include persons having skills relevant to matters concerning the aquatics facilities. No more than two members of the Aquatics Board shall be a member or employee of any local swim organization, or the immediate family member of any member or employee of any local swim organization.

67.10.020 General powers.

(a) Subject to state laws and City and Borough ordinances, the Aquatics Board shall generally exercise all powers necessary and incidental to the operation and maintenance of the municipally-owned aquatics facilities according to the best interests of the public and in a sound business manner. The Aquatics Board:

(1) Shall be responsible for the operation, maintenance, development and marketing of the municipally owned and operated aquatics facilities, except as otherwise provided by the assembly by resolution.

(2) Shall prescribe the terms under which persons and groups may use the aquatic facilities under the board's management and establish and enforce standards of operation.

(3) May adopt regulations pursuant to CBJ 01.60 necessary for the administration of the aquatics facilities under the board's management.

(b) The aquatics facilities shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the City and Borough Manager's Administrative Policies. The aquatics facilities shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters.

(c) All legal services for the Aquatics Board and aquatics facilities shall be provided by or under the supervision of the Municipal Attorney.

67.10.030 Organization.

The Aquatics Board shall elect annually from its members a chair and vice-chair and such other officers as it deems necessary. The board may establish an executive committee with authority to act on behalf of the board and may appoint such other committees as it deems necessary.

67.10.040 Vacancies.

(a) A vacancy in the Aquatics Board shall exist under the following conditions:

(1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;

(2) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;

(3) If a member submits his or her resignation to the board or assembly;

(4) If a member is unable to attend regular board meetings for a period of more than 90 days;

(5) If a member misses more than 40 percent of the regular board meetings in a 12-month period; or

(6) If a member is removed by the assembly, in its sole discretion, for the convenience of the City and Borough.

(b) For the purposes of counting attendance, a member participating telephonically in accordance with the Assembly Rules of Procedure shall be counted as present.

(c) The chair of the Aquatics Board shall notify the clerk's office of any vacancy on the board. Upon notification, the assembly shall appoint a new member for the unexpired term.

67.10.050 Meetings.

The Aquatics Board shall meet at least once each month at an accessible location and time to be designated by the board.

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67.10.060 Membership in associations.

The Aquatics Board may maintain membership in any local, state or national group or association organized and operated for the promotion of swimming or for the safety of pools or the advancement of the efficiency of pool system administration.

67.10.070 Manager designated; appointment.

The chief executive officer of the aquatics facilities shall be the Aquatic Facilities Director, appointed by the Aquatics Board only upon the affirmative vote of a majority of the entire board. For purposes of Chapter 44.05, the Aquatic Facilities Director shall have the status of a department head. Personnel actions regarding the Aquatic Facilities Director, including hiring, evaluation, discipline, and termination, shall be after consultation with the City and Borough Manager.

67.10.080 Aquatic Facilities Director; duties and responsibilities.

The Aquatic Facilities Director is responsible for the overall supervision of the municipally-owned aquatics facilities under the Aquatics Board's management. The Aquatic Facilities Director's authority and duties shall include the following:

(1) To be responsible for carrying out all applicable laws, ordinances and regulations.

(2) To be responsible for carrying out policies established by the Aquatics Board.

(3) To prepare an annual budget as required by City and Borough ordinance.

(4) To attend all meetings of the Aquatics Board and its standing committees except as otherwise directed by the board.

(5) To perform other duties as assigned by the board or as otherwise may be in the best interest of the aquatic facilities.

(6) To perform any other duty that may be necessary in the best interest of the aquatics facilities.

67.10.090 Schedule of fees and charges.

(a) A schedule of fees and charges for use of the aquatic facilities shall be approved by the Aquatics Board annually or more often as the need may arise. All such board approvals shall be forwarded immediately to the City and Borough municipal clerk who shall transmit them to the assembly.

(b) All charges approved by the Aquatics Board shall become effective upon board approval unless the board of directors sets a later effective date. The assembly, by motion or resolution, may change any fee or charge approved by the Aquatics Board.

67.10.100 Preparation and submission of budget.

The Aquatic Facilities Director shall prepare the budget in accordance with approved City and Borough procedure and shall submit it to the Aquatics Board for approval. The operating portion of the budget submitted by the Aquatics Board shall, to the extent practical given safety concerns and maximizing operating hours of the pools, minimize its general fund subsidy. The Aquatics Board shall make its recommendations and submit the budget to the City and Borough Manager for transmittal to the assembly in the same manner as general government departments.

67.10.110 Other fiscal matters.

All other fiscal matters including custody of and expenditure of funds, accounting and collection shall be governed by general City and Borough ordinance.

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

Adopted this _____ day of _____, 2015.

_____
Merrill Sanford, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

Memorandum

To: Loren Jones, Chair,
CBJ Human Resources Committee

From: Aquatics Board Working Group -- Jeff Bush, Kirk Duncan, Rosemary Hagevig, Matt Lillard, Max Mertz, Greg Smith

Through: Kim Kiefer, CBJ Manager

Date: March 3, 2015

RE: Responses to Questions Pertaining to an Empowered Aquatics Board for the Juneau Pools

At the meeting of Human Resources Committee (HRC) on February 23rd, you requested that the CBJ Manager appoint a working group to respond to several questions pertaining to the formation of an Aquatics Board to manage the Juneau Pools. The above working group members were selected to perform this task. We met on February 27th and March 2nd for approximately 3 hours each, and on March 3rd with you and in follow up for about two more hours. We met with Rorie Watt and interacted with Bob Bartholomew, and we separately reviewed and discussed various financial and other information as part of our work.

CBJ staff has prepared a draft ordinance related to the creation and management of the Aquatics Board that we read and is incorporated into our responses. That ordinance is similar to the ordinance for Eaglecrest and, we believe, would serve as a strong foundation for the formation of an Aquatics Board. The original draft ordinance and a memo from the CBJ attorney are attached.

1) HRC Question - Ordinance:
   a) Make up of Board? Skill sets?
   b) Now says no more than two members may be on a swimming related board. What about family members, or members of the swimming groups? How far does the prohibition go?
   c) Relationship to CBJ agencies (P&R, Law, HRC, Finance, Building Maintenance)?

   Working Group Response: The Aquatics Board should have the structure set out in the draft ordinance in Section 67.10.010. We recommend, however, that the ordinance be amended to include the Parks and Recreation Director and a representative of the JSD Superintendent as appointed liaisons to the Board, as we believe that these liaisons will foster collaboration and communication with the Parks and Recreation Department and the Juneau School District.

   We believe the ordinance would be strengthened if the limitation on Glacier Swim Club Board members in 67.10.010(b) were expanded to include immediate family members or household of board members of local swim organizations, and with the addition of employees of local swim organizations.

We recommend that the ordinance not be modified to require or prefer expertise or certain demographics of board members. Appointment of an Aquatics Board is an important function of the Human Resources Committee board member applicant review process and maximum flexibility of the HRC to select applicants is preferable.

Several sections of the draft ordinance will provide for a strong relationship with other CBJ Departments, including 67.10.020(b), 67.10.070 and 67.10.110. However, we recommend changing the language of 67.10.020(b) to read "…and the City and Borough ~~Manager's policies~~ **Administrative Policies and Procedures**."

2) HRC Question - Transition:
   a) How might the transition process move forward with separation from Parks and Rec? Timing?

Working Group Response: We recommend that the Ordinance call for a six month transition period after the effective date of the Ordinance. The Aquatics Board should be seated within 60 days of the effective date. During the transition period, while the Board is working to hire an Aquatics Director, the Board should work with the Parks and Recreation Director who will provide pool management, marketing and other necessary and customary support services.

The Aquatics Board should work with the Human Resources Director to write the position description for the new Aquatics Director, work with the CBJ Finance Director to develop appropriate accounting and financial reporting structures and processes, and work with other CBJ departments as appropriate in other areas.

We recommend that the Assembly make its decision whether to proceed or not expeditiously (within approximately two to three months) in order to alleviate staff morale issues due to the uncertainty of not knowing how the pools will be managed. Please don't wait a year; make the decision now. This group recognizes the need to bring in outside management in the short run to provide technical expertise in pool management due to recent staffing turnover.

3) HRC Question – Staff:
   a) Aquatics Board hires manager?
      i) Who writes position description?
      ii) Pay level?
   b) Existing staff?
      i) What rights transfer?
      ii) Layoff – reductions?
      iii) Pay Plan Amendments?

Working Group Response: As contemplated by 67.10.070 the Aquatics Director will be appointed by the Aquatics Board. Any personnel actions regarding the Aquatics Director will be made after consultation with the City Manager. The Aquatics Board will draft position descriptions for the

Aquatics Director and all other positions in cooperation with the CBJ Human Resources Director. The Aquatics Board will develop the staffing and organizational structure for pool operations.

We recommend that the CBJ Pay Plan be adopted, without amendment, for the pool staff, with Human Resources performing position classification in conjunction with the Aquatics Director.

There will be no change in employee rights. Staff restructuring and reductions that may be necessary in future periods as conditions warrant will be considered by the Aquatics Board and Aquatics Director. Section 67.10.100 calls for the Aquatics Board to submit its budget to the City Manager for transmittal to the Assembly. Through this very important oversight control, the Assembly will have review and approval authority over staffing proposals at the Aquatics Facilities.

4) HRC Question - Capital – Existing Facilities:
   a) Short and Long Term Capital needs? Who defines and prioritizes?
   b) Who handles routine daily maintenance? Who pays?

   Working Group Response: Capital needs will be defined and prioritized by the Aquatics Director and Board in consultation with the CBJ Engineering Director. The cost of pool operations should include regular routine and minor maintenance.

   Daily and routine maintenance will be performed as it is now by aquatics staff and Building Maintenance staff, with greater reliance on and utilization of aquatics staff as appropriate.

   We recommend that Building Maintenance "direct bill" its services to the Pool Fund (see discussion on Pool Fund below). We further recommend that the Aquatics Director and Board evaluate, with input from the CBJ Manager, whether to have a full-time maintenance person at the pools with back-up of building maintenance as a cost savings measure.

   We recommend that the Aquatics Director work with CBJ Engineering to create replacement schedules for the Pool building components and equipment in order to develop and guide reserves for replacement. There are funds in current and future CIPs and the Aquatics Board would work with CBJ Engineering to ensure those funds are available in future years.

   Significant building condition issues exist for both DPAC and ABP. The items at DPAC relate to unresolved construction issues; issues at ABP are due to unattended to deferred maintenance. The Aquatics board will need access to capital to deal with these issues through the normal CBJ CIP process with Assembly oversight.

5) HRC Question – Budget:
   a) Expectation of cost recovery percentage?
   b) How long before that expectation is to be reached?
   c) Will Board pay full cost allocation? That pays for what?

d) Risk management costs?

Working Group Response: Eaglecrest is charged with building maintenance and full costing. It reports its results in the CBJ financial statements including all costs of operations. Because the pools' direct expenses are co-mingled with other CBJ activities in the accounting records, and do not including building maintenance or full costing and allocation of parks and recreation oversight of the pools, operating results have not clearly and consistently been reported to the CBJ Assembly and public. We recommend the pools report results using the Eaglecrest method. The following is an approximate calculation of cost recovery for the pools using the Eaglecrest model:

	Fiscal Year 2014 Actual		
	DPAC	ABP	Total
Actual Revenues	**370,200**	**180,920**	**551,120**
Direct Costs of operating pools	(1,142,401)	(801,391)	(1,943,792)
Expenses in Excess of Revenues (CBJ Subsidy)	(772,201)	(620,471)	(1,392,672)
Cost Recovery - Direct	32%	23%	28%
Unbilled Building Maintenance Expenses	(151,076)	(117,399)	(268,475)
Costs including Building Maintenance	(1,293,477)	(918,790)	(2,212,267)
CBJ Subsidy including Building Maintenance	(923,277)	(737,870)	(1,661,147)
Cost Recovery including Building Maintenance	29%	20%	25%
Approximate CBJ Overhead "Full costing" (only provided in total, not by pool)			(173,000)
Total costs to operate Juneau's pools			**(2,385,267)**
Total CBJ Pool Subsidy, FY 2014			**(1,834,147)**
Net Cost Recovery			**23%**

The above amounts do not also include an allocation of cost for the Parks and Recreation Director's and Recreations Superintendent's management time as well as other Parks and Recreation costs under the current management structure, as these amounts have not been determined.

The CBJ Assembly's policy has been to subsidize the Juneau School District use of the pools. CBJ management has valued this use at approximately $320,000 (this amount is CBJ management's calculation and has not been independently audited or reviewed). When evaluating the pool's cost recovery, the Assembly should determine whether the subsidy should be considered in the pools' cost recovery targets.

There should be no difference in the cost recovery targets, that is the Assembly's expectations, with operation of the pools by an Aquatics Board as opposed to Parks and Recreation.

The Aquatics Board will bring a singular, passionate focus to achieve the pool's goals and provide a flatter organizational structure. Accessibility by the public to management and the Aquatics Board will be more apparent, giving the public a readily identifiable point of contact for specific concerns related to the pools.

We recommend that the Aquatics Board work to increase revenue through increased public participation and use of the pools. Its overall goal should be to reduce general fund support and have the best the cost recovery possible as contemplated by 67.10.100.

We recommend that the Aquatics board be tasked with setting clear and realistic goals within a year of operations. No set target for cost recovery should be currently made (through the ordinance); the Board should instead be tasked with making improvement from current cost recovery levels. Metrics for performance such as public use at each pool, revenues and total costs of operations should be established, and consistently tracked and reported.

With full costing a new cost recovery baseline will be identified and will become the new starting point for improvement of the pools.

We recommend a separate accounting fund for the pools be established similar to Eaglecrest. The Eaglecrest presentation is subject to annual audit, is transparent and includes all costs to operate the ski area. The Aquatics Fund should include direct revenues and expenses, costs incurred by Building Maintenance and costs of CBJ overhead.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Law Department
City & Borough of Juneau

MEMORANDUM

TO: Borough Assembly
Kim Kiefer, Manager
Rob Steedle, Deputy Manager

FROM: Amy Mead, Municipal Attorney

DATE: January 15, 2015

SUBJECT: Aquatics Facilities

If you decide to do so, an ordinance like the "2015-xx Aquatics Facilities" draft attached would be the vehicle used to create a new aquatics facilities chapter, establishing an Aquatics Board and outlining the board's, and its C.E.O.'s, duties. This draft is intended to be used like a template should you decide to proceed. It is based off of the Eaglecrest Board's enabling ordinances.

Below is a list of the general duties and responsibilities assigned the other enterprise boards. (Note this list is not exhaustive. It's intended to provide you with a list of the general duties assigned across the boards.) At the end of this memorandum are a few additional comments for your consideration.

Comparison of CBJ Enterprise Board Ordinances

A. Liaisons

The Airport code provides for the appointment of an assembly and staff liaison to the board. (CBJ 05.01.050). Title 85 specifies that the assembly will appoint a liaison to the Docks & Harbors Board, but there is no mention of a staff liaison. (CBJ 85.02.045).

B. Board Duties

1. Submit to the assembly a report on operations and pending issues
   Airport (CBJ 05.01.050)
   - Quarterly

   D&H (CBJ 85.02.045)
   - Written review for assembly to be provided annually
   - Report to the committee of the whole semi-annually

2. Operate, maintain, develop and market facilities assigned to board
   Airport (CBJ 05.01.070)
   D&H (CBJ 85.02.060)

3. Operate in the "best interests of the public"
   Hospital (CBJ 40.05.020)

Eaglecrest (CBJ 67.05.020)
D&H (CBJ 85.02.060)
- And in a "sound business manner"

Airport (CBJ 05.01.070)
- And in "sound business manner"

4. Administer design and construction of CIPS located at its facilities
   Airport (CBJ 05.01.070)
   - May apply for funding from state/feds

   D&H (CBJ 85.02.060)
   - Unless otherwise provided by resolution
   - Must advise the assembly of its CIP recommendations

5. Issue regulations/standards of operation and enforce
   Airport (CBJ 05.01.070; CBJ 05.01.080)
   D&H (CBJ 85.02.060)
   Eaglecrest (CBJ 67.05.020; CBJ 67.05.030)
   Hospital (CBJ 40.05.020)
   - Additionally, adopt bylaws (CBJ 40.05.030)

6. Prescribe terms of use of its facilities
   Airport (CBJ 05.01.070)
   D&H (CBJ 85.02.060)
   Eaglecrest (CBJ 67.05.020)
   Hospital (CBJ 40.05.020)

7. Adopt safety policies consistent with CBJ risk management policies
   Airport (CBJ 05.01.050)
   D&H (CBJ 85.02.045)

8. Enter into memoranda of understanding and similar agreements with outside entities
   Airport (CBJ 05.01.070)
   D&H (CBJ 85.02.060)

9. Negotiate and enter into contracts for goods and services (while complying with Purchasing Code)
   Airport (CBJ 05.01.070)
   D&H (CBJ 85.02.060)

10. Administer grants
    Airport (CBJ 05.01.070)

11. Approve a plan of organization and job classification plan for personnel
    Airport (CBJ 05.05.010)
    D&H (CBJ 85.02.090)

Hospital (CBJ 40.10.020)

12. Administer and dispose (lease) of land put under the board's authority per resolution
    Airport (CBJ 05.20.020)
    D&H (CBJ 85.02.060)

13. Establish and amend pay plan for employees
    Hospital (CBJ 40.05.020)

14. Approval of budget
    Airport (CBJ 05.05.020)
    - Self-sustaining operation without general fund subsidy, revenue to board

    D&H (CBJ 85.02.110)
    - Self-sustaining operation without general fund subsidy, revenue to board

    Hospital (CBJ 40.25.020)
    Eaglecrest (CBJ 67.05.110)

15. CIP plan to assembly
    Airport (CBJ 05.05.020)
    D&H (CBJ 85.02.060)

16. Approve fees and charges
    Eaglecrest (CBJ 67.05.100)
    - Subject to revision by assembly by motion or resolution

    D&H (CBJ 85.02.100)
    Airport (CBJ 05.05.050; CBJ 05.01.080)
    Hospital (CBJ 40.25.010)
    - Subject to "appeal" by assembly

17. Limitations on Board Authority
    D&H may not commit CBJ to long-range CIP without assembly approval (CBJ 85.02.065)

C. Director/Manager Duties

1. Carry out "all applicable laws, ordinances and regulations"
    Airport (CBJ 05.05.010)
    Eaglecrest (CBJ 67.05.090)
    D&H (CBJ 85.02.090)
    Hospital (CBJ 40.10.020)

2. Carry out board policies
    Airport (CBJ 05.05.010)
    Eaglecrest (CBJ 67.05.090)

D&H (CBJ 85.02.090)
Hospital (CBJ 40.10.020)

3. Prepare a plan of organization and job classification plan for personnel
   Airport (CBJ 05.05.010)
   D&H (CBJ 85.02.090)
   Hospital (CBJ 40.10.020)

4. Prepare annual budget
   Airport (CBJ 05.05.010; CBJ 05.05.020)
   Eaglecrest (CBJ 67.05.090, CBJ 67.05.110)
   D&H (CBJ 85.02.090; CBJ 85.02.110)
   Hospital (CBJ 40.10.020, 40.25.020)

5. Prepare reports "as may be required on any phase of [facility] activity"
   Airport (CBJ 05.05.010)
   Eaglecrest (CBJ 67.05.090)
   D&H (CBJ 85.02.090)
   Hospital (CBJ 40.10.020)

6. Attend board meetings
   Airport (CBJ 05.05.010)
   Eaglecrest (CBJ 67.05.090)
   D&H (CBJ 85.02.090)
   Hospital (CBJ 40.10.020)

7. Select, employ, control, discipline and discharge facility employees
   Airport (CBJ 05.05.010)
   D&H (CBJ 85.02.090)
   Hospital (CBJ 40.10.020)

8. Represent board at hearings
   Airport (CBJ 05.05.010)

9. Designate enforcement agents at facility
   Airport (CBJ 05.05.010)

10. Assist in negotiating collective bargaining agreements
    Airport (CBJ 05.05.040)

11. Other duties as directed or in best interest of facility
    Airport (CBJ 05.05.010)
    Eaglecrest (CBJ 67.05.090)
    D&H (CBJ 85.02.090)
    Hospital (CBJ 40.10.020)

Comments on the Draft

The starting point for the draft ordinance was an assumption that the Aquatics Board would be most like the Eaglecrest Board, as opposed to D&H or the Airport. The original draft was provided to me by Max Mertz and is also included in this packet.

Section 67.10.020(b) which begins "The aquatics facilities shall conform to the City and Borough Personnel Management Code…." is identical to similar provisions found in the other enterprise board's enabling ordinances except:

1. Instead of requiring compliance with the "City Manager's policies relating to personnel," it requires compliance with the Manager's "policies." The purpose of the language change was to make clear that compliance with all of the manager's policies is required, not just those policies related to personnel. If acceptable, this change should also be made as to all the other enterprise boards whose ordinances contain similar language.

2. As to this same paragraph found in other chapters relating to other facilities (for example, Eaglecrest CBJ 67.05.020 or the Airport CBJ 05.01.070), there is a requirement that the Personnel Director "annually certify that the [facilities'] classification plan conforms to that utilized for employees of the City and Borough Manager." That language was not included in this ordinance as it suggests that employees of the aquatics facilities are organizationally different than the rest of the CBJ employees. (This language should be removed as to other board's elsewhere in the code where that is not the intent.)

For the most part, the substance of the following sections are almost identical to those found in Title 67.05 (Eaglecrest), Title 05 (Airport), Title 85 (Docks & Harbors), and in large part, Title 40 (Hospital). There are stylistic and housekeeping changes that could be made to the following general sections but those changes should be made to apply to all:

1. Board of directors (67.10.010). (Though the number of required board members differs: 7 for the Airport and Eaglecrest, 9 for the Hospital and D&H.)

2. Organization (67.10.030). (With minor differences: Docks & Harbors requires a chair and vice-chair; the Airport a chair and secretary; and the Hospital and Eaglecrest, a president and secretary.)

3. Vacancies (67.10.040).

4. Meetings (67.10.050).

5. Membership in associations. (67.10.060).

6. Other fiscal matters. (67.10.110).