

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

February 3, 2020 7:00 PM

Assembly Chambers  
Meeting No. 2020-06

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. November 4, 2019 Regular Assembly Meeting 2019-34
- B. November 25, 2019 Regular Assembly Meeting 2019-35
- C. December 5, 2019 Special Assembly Meeting 2019-36
- D. December 18, 2019 Special Assembly Meeting 2019-39

**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 2019-06(S) An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Centennial Hall Renovation**

**Phase II Capital Improvement Project; Funding Provided by the Hotel Tax Fund's Fund Balance.**

This ordinance would appropriate \$200,000 from the Hotel Tax Fund to begin design work on Centennial Hall renovations and upgrades. These funds will allow design work to begin ahead of anticipated construction in the summer or fall of 2021. The scope of work will include items 1-4 as discussed at the December 9, 2019 Public Works and Facilities Committee meeting, which specifically includes upgrades to mechanical and electrical systems, renovation of ballrooms, and renovation and expansion of the building foyer. The source of the funds is the additional 2% hotel tax enacted on January 1, 2020 for the purpose of improvements to Centennial Hall, which is expected to generate new revenue of \$210,000 in FY2020.

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

- b. **Ordinance 2019-06(T) An Ordinance Appropriating to the Manager the Sum of \$4,000,000 as Funding for Douglas Highway – David to I Street Water System Replacement Capital Improvement Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Fund.**

This appropriating ordinance provides \$4 million for the replacement of the water system in Douglas Highway between David Street and I Street, including a segment down Capital View Avenue to 2<sup>nd</sup> Street Douglas. The water system was constructed in the early 1980's, is past its useful life and prone to leaks and failures. This work is scheduled to occur during the 2020 construction season, prior to the Alaska Department of Transportation rehabilitating Douglas Highway during the next couple of years.

The Public Works and Facilities Committee moved the appropriation forward at their meeting of September 23, 2019.

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

2. Bid Award

- a. **Bid Award - BE20-022 Douglas Highway Water Main Replacement Phase II**

This project consists of replacement of an existing ductile iron water main and associated services with HDPE along Douglas Highway from David

Street to the Crow Hill CBJ Water Pump Station building adjacent to Gastineau Elementary School. The work will also include erosion and sediment control, traffic control, sanitary sewer repair, removal and replacement of roadway asphalt, removal and replacement of concrete curb and gutter, removal and replacement of asphalt and concrete sidewalk and other miscellaneous related work.

Bids were opened on this project on January 22, 2020. The bid protest period expired at 4:30 p.m. on January 24, 2020. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS           | TOTAL BID   |
|------------------------------|-------------|
| Glacier State Contractors    | \$3,361,727 |
| Admiralty Construction, Inc. | \$3,423,220 |
| Arete Construction Corp.     | \$3,435,923 |
| Engineer's Estimate          | \$3,517,953 |

**The City Manager recommends award of this project to Glacier State Contractors for the total amount bid of \$3,361,727.**

**b. Bid Award - Bid No. BE20-183 Household Hazardous Waste Facility**

This project consists of the construction of a new CBJ Household Hazardous Waste Facility at Juneau's landfill located in Lemon Creek. The work includes site preparation, utilities, and all work associated with the new building construction. Site work generally includes AC pavement removal, clearing and grubbing, excavation, shot rock borrow, 2-inch minus shot rock with D-1 base course, storm drain improvements, water service, sanitary sewer service, gas infiltration prevention and venting system, grading, and asphalt pavement. Building work generally includes building foundation systems, pre-engineered metal building, modular building, electrical service, and other miscellaneous related work.

Bids were opened on this project on January 28, 2020. The bid protest period expired at 4:30 p.m. on January 30, 2020. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS                  | TOTAL BID      |
|-------------------------------------|----------------|
| Alaska Commercial Contractors, Inc. | \$1,653,800.00 |
| Dawson Commercial Contractors, LLC  | \$1,668,712.03 |
| AHTNA Environmental, Inc.           | \$2,525,197.07 |
| Engineer's Estimate                 | \$1,744,560.00 |

**The City Manager recommends award of this project to Alaska**

**Commercial Contractors, Inc. for the total amount bid of \$1,653,800.**

3. Liquor License

a. **Liquor License Renewals for Licenses: 3507, 4742 & 521**

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

**2020-2021 Renewal of Liquor Licenses**

License Type: Package Store, License #3507

**Carr-Gottstein Foods Co. d/b/a Oaken Keg Spirit Shops #1820**

Location: 3011 Vintage Blvd., Juneau

License Type: Package Store, License #4742

**Thibodeau's Market Inc., d/b/a Thibodeau's Liquor**

Location: No Premises, Juneau

License Type: Package Store, License #521

**Thibodeau's Market Inc., d/b/a Thibodeau's Home Liquor**

Location: 465 W. Willoughby Ave., 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 the applications. Copies of the documents associated with this license are in the Assembly's e-packet or available in hardcopy upon request to the Clerk's office.

**The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals.**

4. Transfers

a. **Transfer T-1026 A Transfer of \$450,000 from Various Capital Improvement Projects to CIP R72-143 Aspen Ave – Mendenhall Boulevard to Taku.**

This transfer of \$450,000 of funds from two CIPs to the Aspen Avenue Reconstruction CIP will provide funding for the reconstruction of Aspen Avenue from Taku to Mendenhall Boulevard. Additional water and sewer infrastructure repair work was discovered and the construction cost estimate came in higher than anticipated. Bid documents are being prepared in anticipation of bidding the project during the month of February. The current construction estimate is \$1.3 million.

|         |                              |           |
|---------|------------------------------|-----------|
| R72-131 | Birch Lane Sewer Replacement | \$400,000 |
| U76-115 | Kaiser Forcemain Replacement | \$50,000  |

The Public Works and Facilities Committee recommended approval of this transfer at its January 15, 2020, regular meeting.

**The City Manager recommends approval of this transfer.**

## **VIIIPUBLIC HEARING**

### **A. Ordinance 2019-30 An Ordinance Related to the Regulation of Nuisance Properties.**

Over the last five years, the City and Borough of Juneau has dealt with multiple properties that received an inordinate amount of city resources. These properties have required years of time, attention, and resources from entities including Community Development, Engineering and Public Works, the Law Department, the City Assembly, and first responders like the Police Department and Capital City Fire/Rescue in an effort to abate the problem. Neighborhoods affected by these problem properties feel the process is inefficient and resolutions are far too slow. The Chronic Nuisance Ordinance will give the City a tool to ensure neighborhoods are not subject to problem properties for extended periods of time and to hold landlords and tenants accountable for their actions.

The chronic nuisance concept was presented to the Assembly Committee of the Whole on May 20, June 10, and September 23, 2019. Public testimony regarding the ordinance was taken at the Committee of the Whole on December 9, 2019, and the committee recommended the ordinance be forwarded to the Assembly.

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

### **B. Ordinance 2020-01 An Ordinance Amending Title 69 of the City and Borough Code by Adopting the Uniform Alaska Remote Seller Sales Tax Code.**

In 2018, the United States Supreme Court decided *South Dakota v. Wayfair*, allowing governments to assess sales taxes on remote sales. On November 2019, CBJ joined the Alaska Remote Sellers Sales Tax Commission, which is charged with developing and administering a *Wayfair*-compliant remote sales tax system. On January 6, 2020, the Commission adopted the Uniform Alaska Remote Seller Sales Tax Code, which implements the collection of remote sales tax. Pursuant to its membership agreement with the Commission, the CBJ is required to adopt the Uniform Remote Sales Tax Code. While the CBJ's authority to assess, collect, and remit remote sales tax will be delegated to the Commission, the CBJ retains its authority to establish and modify local sales tax rates and exemptions.

The Finance Committee reviewed this ordinance at its meeting on January 8.

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

### **C. Ordinance 2020-05 An Ordinance Authorizing the Manager to Dispose of Eight Lots in the Vintage Business Park, Located near 3041 Clinton Drive, to**

### **Torrey Pines Development for Fair Market Value.**

In August 2019, CBJ acquired eight lots located in Vintage Business Park for \$1.519M, for the purpose of developing assisted living housing primarily for seniors. The CBJ solicited proposals to develop the proposed housing and Torrey Pines Development was determined to be the best and most qualified bidder. During negotiations, a proposal was made for Torrey Pines to purchase the eight lots for fair market value for the construction and operation of 80 units of senior housing, assisted living, and memory care. The Assembly Committee of the Whole heard the proposal on January 6, 2020, and recommended that the Manager proceed with negotiations for the sale.

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

**D. Ordinance 2019-06(Q) An Ordinance Appropriating to the Manager the Sum of \$2,000,000 as Funding for the Assembly's Senior Assisted Living Grant; Funding Provided by the General Fund's Fund Balance, and the Juneau Affordable Housing Fund's Fund Balance.**

Torrey Pines Development requests a \$2 million grant to assist with overall construction costs, to help attract equity capital, and to ensure that rental rates for seniors remain low for potential residents. The grant would assist the overall viability of the project. Without the grant, it is estimated that in order to meet financial projections, room rental rates would be 20-25% higher than indicated in the proposal. If this happened, the rates would be too high for most prospective tenants and development of the project would not proceed.

Staff recommend that the source of the \$2 million grant be split between General Fund dollars and the Juneau Affordable Housing Fund.

- i. \$1.6 million in General Fund; and
- ii. \$400,000 grant from the Juneau Affordable Housing Fund covering the 8 Medicaid eligible beds at \$50,000 per unit.

At its January 8, 2020 meeting, the Assembly Finance Committee approved this action.

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

**E. Ordinance 2019-06(R) An Ordinance Appropriating to the Manager the Sum of \$1,000,000 as Funding for the Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by the Waste Management Fund's Fund Balance.**

CBJ Engineering estimates an additional \$1,000,000 is necessary to complete the construction of the Recycleworks Consolidated Facility. It is anticipated that the eventual sale of the existing Household Hazardous Waste (HHW) building on Shaune Drive will more than cover this cost; however, the sale of that building will

not be complete prior to when funds are needed to award a construction contract. This ordinance would transfer the necessary amount from the Waste Management Fund's Fund Balance which will later receive the proceeds from the HHW building sale.

This ordinance was reviewed at the January 15, 2020, Public Works and Facilities Committee meeting.

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

## **IX. UNFINISHED BUSINESS**

### **A. Planning Commission Notice of Recommendation to Dispose of CBJ Property to Torrey Pines Development for Senior Assisted Living**

At the Planning Commission meeting on January 28, 2020, the Planning Commission recommended the Assembly sell the eight CBJ-owned lots in Vintage Business Park to Torrey Pines Development for fair market value for the purpose of developing 80 units of senior assisted living.

**The City Manager recommends the Assembly consider the Planning Commission's recommendation as the Assembly decides Ordinance 2020-05.**

## **X. NEW BUSINESS**

### **A. Hardship Late-Filed Real Property Tax Exemption Application: Dolitsky**

## **XI. STAFF REPORTS**

### **A. Ordinance 2019-37 re Nonconforming Development**

The ordinance amending the land use code (Title 49) related to nonconforming development will be presented to the Assembly for introduction on February 24, 2020. The City Attorney is still conducting a final legal review.

### **B. River Road Junk Cars**

Staff will provide an oral update at the meeting.

### **C. Whittier Street Parking Permit**

## **XII. ASSEMBLY REPORTS**

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

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

### **C. Presiding Officer Reports**

## **XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

## **XIV.EXECUTIVE SESSION**

## **XV. ADJOURNMENT**

## **XVISUPPLEMENTAL MATERIALS**

### **A. 1/29/2020 Agenda with Governor**

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

Meeting Minutes - November 4, 2019

**MEETING NO. 2019-34:** 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**

**Assembly Members Present:** Mayor Beth Weldon, Deputy Mayor Maria Gladziszewski, Loren Jones, Rob Edwardson (telephonic), Wade Bryson, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs, and Greg Smith

**Assembly Absent:** None.

**Staff Present:** City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Airport Manager Patty Wahto, Port Director Carl Uchytel, Finance Director Jeff Rogers, Sales Tax Administrator Clinton Singletary, Community Development Planner Tim Felstead, Code Compliance Officer Nate Watts

**III. SPECIAL ORDER OF BUSINESS****A. Proclamation: Honoring Virginia Palmer**

Mayor Weldon read a proclamation honoring Virginia Palmer who was named "2019 Person of the Year" by the Foundation for End of Life Care, Inc. which is a Juneau-based nonprofit charitable organization whose mission is supporting end of life services, including hospice, bereavement care, and community education. Members of the Foundation presented each Assemblymember with a copy of the book authored by Ms. Palmer titled "When You're Not Here...A guide for helping those you love." They also announced that Ms. Palmer will be holding a book signing on November 9 at 2pm at the Hearthside Books valley store for anyone from the public who may wish to obtain a signed copy.

**IV. APPROVAL OF MINUTES****A. August 1, 2019 Special Assembly Meeting 2019-28 Minutes**

**MOTION** by Ms. Hale to approve the minutes of the August 1, 2019 Special Assembly meeting and asked for unanimous consent. *Hearing no objection, the minutes were approved.*

**V. MANAGER'S REQUEST FOR AGENDA CHANGES**

*None.*

## VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*None.*

## 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. Gladyszewski to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the motion carried.*

#### 1. Ordinances for Introduction

- a. Ordinance 2019-43 An Ordinance Amending the Purchasing Code Related to Timelines for Protests.

The CBJ procurement code governs how goods and services are procured and when a procurement protest can be submitted. Currently, protests must be submitted by “close of the business day.” This ordinance would clarify that a protest must be submitted by 4:30 pm Alaska time. This amendment would provide clarity for the public and CBJ staff. The Public Works and Facilities Committee recommended this ordinance be introduced when it reviewed the topic at its meeting on October 28, 2019.

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

- b. Ordinance 2019-46 An Ordinance Amending the Waters and Harbors Code Relating to Unattended Vessels at Boat Launches and Providing for a Penalty.
- Docks & Harbors heard concerns from the Amalga Harbor/Huffman Cove residents that vessels were being left unattended at the Amalga Harbor boarding float overnight. This ordinance would prohibit a vessel from being left unattended at a boat launch except when a person is actively parking or retrieving a trailer. In response to public comments, the term “float plane” was added to the type vessels regulated by this ordinance.

The Docks & Harbors Board reviewed this ordinance at its meeting on September 26, 2019 and recommends the Assembly adopt the ordinance.

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

- c. Ordinance 2019-06(F) An Ordinance Transferring \$47,969 of Unexpended FY19 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$47,969 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY19 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY19 budget but were not fully expended by the end of FY19.

|                               |                  |
|-------------------------------|------------------|
| Franklin Dock Enterprises     | \$ 10,616        |
| Downtown Business Association | 306              |
| City Manager                  | 2,725            |
| Capital City Fire Rescue      | <u>34,322</u>    |
| <b>Total</b>                  | <b>\$ 47,969</b> |

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

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

## 2. Resolutions

- a. Resolution 2872 A Resolution Authorizing the City and Borough of Juneau to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code.

In 2018, the United States Supreme Court decided *South Dakota v. Wayfair*, which allows States to assess sales tax on remote sales (i.e. internet, mail, catalogue, phone). Alaska is one of only five states that does not have a state-wide sales tax. However, many municipalities in

Alaska assess local sales taxes. To be compliant with the *Wayfair* decision, local taxing jurisdictions in Alaska should be part of a unified program to assess those remote sales taxes.

Since 2018, the Alaska Municipal League led a collaborative approach to develop the Alaska Intergovernmental Remote Seller Sales Tax Agreement. This agreement is the first step for participating communities to form the Alaska Remote Seller Sales Tax Commission. The Commission will be charged with administering a *Wayfair* compliant system for collecting and remitting sales tax revenues assessed on remote sales. This resolution authorizes the Manager to sign the intergovernmental agreement for the CBJ to become a member of the Commission. The CBJ would retain the authority to establish and modify sales tax rates and exemptions.

The Assembly Finance Committee recommended the Assembly adopt this resolution at its regular meeting on August 21, 2019.

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

- b. Resolution 2873 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.

This resolution would provide the required local government support for mobility projects to be eligible for State grants. On October 14, 2019 the Juneau Coordinated Transportation Coalition recommended the Assembly endorse the following grant application priorities for the upcoming State mobility grants:

- 1. Taxi voucher program
- 2. One 4x4 capable lift-equipped van
- 3. One ramp-equipped taxi

The new prioritized projects would be considered as an addendum to the CBJ 2015 Juneau Coordinated Human Services Transportation Plan.

On October 28, 2019, the Public Works and Facilities Committee recommended the Assembly adopt this resolution.

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

### 3. Liquor License

- a. Liquor License Transfer of Location for License 851 Alaska Travel Adventures d/b/a Gold Creek Salmon Bake

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

**Location Transfer of Liquor License**

License Type: Restaurant/Eating Place, License #851

**Alaska Travel Adventures, Inc., d/b/a Gold Creek Salmon Bake**

Transfer From Location: 1061 Salmon Creek Lane, Juneau

Transfer To Location: No Premises

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 hardcopy upon request to the Clerk's office.

**The City Manager recommends the Assembly waive its right to protest the location transfer of liquor license #851.**

4. Transfers

- a. Transfer T-1021 A Transfer of \$123,164 from CIP H51-105 Amalga Fish Cleaning Station to CIP H51-121 Pile Anode Installation

Docks & Harbor, in cooperation with the Finance Department, is in the process of closing out the Amalga Fish Cleaning Station project (H51-105). This transfer requests reprogramming the remaining \$123,164 from Amalga Harbor Fish Cleaning Station to a Capital Improvement Project (CIP) intended to install zinc anodes at the downtown small boat harbors, Pile Anode Installation (H51-121). This project was established, in part, from Docks & Harbors Board prioritization process and vision to extend the useful life of newly recapitalized small boat harbor projects. The transfer, if approved, will bring the CIP balance to \$403,164 which includes \$140,000 from the Alaska Department of Transportation (ADOT) Harbor Facilities Grant program.

The Docks & Harbor Board recommended approval of this transfer at its October 31, 2019, regular Board Meeting.

**The City Manager recommends approval of this transfer.**

City Manager Rorie Watt noted that the Assembly's action to pass the Consent Agenda

included the adoption of Resolution 2872 authorizing CBJ to join the Alaska Remote Seller Sales Tax Commission. He wanted to recognize all the work done by municipal employees around the state to make this possible and also the key role that current and former CBJ staff had in the creation of this program and Commission. He specifically recognized the efforts of former Finance Director Bob Bartholomew, current Director Jeff Rogers, Sales Tax Administrator Clinton Singletary and their staff along with Alaska Municipal League Director Nils Andreassen for all their work on this project.

## **VIIIPUBLIC HEARING**

- A. Ordinance 2019-13 An Ordinance Amending Ordinance 2018-37 Related to the City and Borough's RecycleWorks Program.

On July 11, 2018, Ordinance 2018-37 authorized an alternative procurement method related to the City and Borough's RecycleWorks program. That ordinance allowed consolidation of recycling, household hazardous waste and future composting programs at the landfill to realize public convenience and operational efficiencies. Staff is finalizing negotiations for the recycle contract and household hazardous waste lease, but the global recycling market has constricted since July 2018.

This ordinance amends the payment terms of Ordinance 2018-37 to reflect changes in the global recycling market. The recycle contract term remains ten years with four, five-year renewal options for a total of thirty years. Waste Management has constructed the new recycling building at the landfill and this new facility will receive, process, bale, and ship recyclable materials from residential and commercial sources.

This ordinance was reviewed by the Public Works and Facilities Committee on October 28, 2019.

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

### **Public Comment**

*None.*

### **Assembly Action**

**MOTION** by Mr. Jones to adopt Ordinance 2019-13 and objected for purposes of asking a question.

Mr. Jones noted that the ordinance states the initial ten-year contract fee is \$27,500 and that fee would be reduced at the end of the ten-year contract. He asked what that reduced amount would be. Mr. Palmer noted that on page 2 of the ordinance, line 8, it states that following the initial term of the contract, the fee would be \$17,500/month unless otherwise adjusted for inflation when the contract is renewed.

Mr. Jones removed his objection and asked for adoption of the ordinance by unanimous consent.

Mr. Bryson objected for purposes of a question. Mr. Bryson said that he found out that the recycling would only be for five days of the week rather than the current six days. He asked which five days it would be in operation.

Mr. Watt noted that would be part of the negotiations with Waste Management but that they would strive to schedule it so that it best meets the needs of the public.

Mr. Bryson commented that if recycling for commercial businesses is limited to only five days a week, it would significantly affect the ability for businesses to engage in recycling and he urged the Manager to try to maintain the six-day schedule for business recycling during the negotiations.

*Mr. Bryson removed his objection and the motion passed by unanimous consent.*

- B. Ordinance 2019-44 An Ordinance Correcting Certain Customer Classes and Rates for Water and Wastewater Utility Services in Ordinance 2019-31.

Ordinance 2019-31 was recently adopted and increased the water and wastewater utility rates. Shortly after adoption, inadvertent Customer Class and Rate errors were identified in the ordinance. This ordinance corrects those inadvertent errors to be consistent with the intent of Ordinance 2019-31.

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

### **Public Comment**

*None.*

### **Assembly Action**

**MOTION** by Ms. Hale to adopt Ordinance 2019-44 and asked for unanimous consent. *Hearing no objection, the motion passed.*

- C. Ordinance 2019-45 An Ordinance Amending the Sales Tax Code Related to the Out of Borough Exemption.

This housekeeping ordinance clarifies the sales tax exemption for out-of-borough sales, which will allow the Sales Tax Office to continue its historic interpretation and application of the exemption. Since its inception, the out-of-borough sales tax exemption has been interpreted to apply when the buyer makes an order from outside the borough and the goods are shipped outside the borough, regardless of whether the buyer or the seller arranged and paid for the shipping. The ordinance clarifies and supports that interpretation of the code, which does not change current

practice.

The Assembly Finance Committee recommended this change at its meeting on September 25, 2019.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Triem to adopt Ordinance 2019-45 and asked for unanimous consent. *Hearing no objection, the motion passed.*

- D. Ordinance 2019-06(G) An Ordinance Appropriating to the Manager the Sum of \$1,000,000 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate \$1,000,000 to the Capital Improvement Projects (CIPs) listed below.

Terminal Reconstruction \$587,723

Taxiway A, E, D-1 \$412,277

Funding is provided by Passenger Facility Charge (PFC9) collections. It will be used to provide new construction funds for Taxiway Rehabilitation, and Terminal Reconstruction CIPs.

The Airport Board approved this action at its October 8, 2019, meeting.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Hughes-Skandijs to adopt Ordinance 2019-06(G) and asked for unanimous consent.

Mr. Jones objected for purposes of a question and asked if Ms. Wahto could come forward to answer. Mr. Jones said that passenger facility charges (PFCs) are every year. He asked if this money was already collected or if this money was currently being collected.



Ms. Wahto explained that this money is currently being collected. She said that they used to appropriate the PFCs all at once and then they started doing it by project after they were collected. They have changed that so they are now doing it as it is collected, especially since the Taxiway project is requiring the remaining match to this project. She said they have worked with Mr. Rogers and the Finance staff and he said they could do this now similar to what they used to do.

Mr. Jones removed his objection.

Mayor Weldon noted that Mr. Edwardson sent her a text message stating that his phone was stuck on mute but he could hear the proceedings and he did not have any objection to the passage of this ordinance.

*Hearing no further objection, the motion passed.*

- E. Ordinance 2019-06(H) An Ordinance Appropriating to the Manager the Sum of up to \$35,292 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded \$35,292 in grant funding for various training opportunities.

The JPD leadership team has identified the following training opportunities: advanced crime prevention through environmental design, explosive ordnance device, Microsoft boot camp, national incident-based reporting, and report building.

No local match is required for this grant.

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

### **Public Comment**

*None.*

### **Assembly Action**

**MOTION** by Mr. Smith to adopt Ordinance 2019-06(H) and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

- F. Ordinance 2019-06(I) An Ordinance Appropriating to the Manager the Sum of \$1,324,150 as Funding for a Negotiated Wage Increase and an Additional Lump Sum Payment for Marine Engineers Beneficial Association (MEBA) and Unrepresented Employees; Funding Provided by the General Fund's Fund Balance and Various Enterprise Fund's Fund Balances.

This ordinance appropriates \$1,324,150 in FY20 for the negotiated wage increase, increase to employer contribution to health insurance and additional lump sum payment of \$500 for Marine Engineers Beneficial Association (AFL-CIO) (MEBA) and unrepresented employees. Funding is provided by General Fund's Fund Balance, and the Enterprise Fund Balances of Lands and Resources, Airport, Harbors, Docks, Waste Management, Water, Wastewater, Fleet and Risk.

Resolutions 2859 and 2860 were reviewed and adopted by the Assembly at its meeting on July 22, 2019. Resolution 2859 ratified the labor agreement between the CBJ and MEBA. Resolution 2860 adopted changes to the Personnel Rules to align them with the labor agreement ratified in Resolution 2859.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Mr. Bryson to adopt Ordinance 2019-06(I) and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

- G. Ordinance 2019-06(J) An Ordinance Appropriating to the Manager the Sum of \$570,847 as Funding for a Negotiated Wage Increase and an Additional Lump Sum Payment for Public Safety Employees Association (PSEA) Employees; Funding Provided by the General Fund's Fund Balance.

This ordinance appropriates \$570,847 in FY20 for the negotiated wage increase, increase to employer contribution to health insurance and additional lump sum payment of \$500 for Public Safety Employees Association (PSEA) employees. Funding is provided by the General Fund's Fund Balance.

Resolution 2858 was reviewed and adopted by the Assembly at its meeting on July 22, 2019. Resolution 2858 ratified the labor agreement between the CBJ and PSEA.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Gladziszewski to adopt Ordinance 2019-06(J) and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

- H. Ordinance 2019-06(K) An Ordinance Appropriating to the Manager the Sum of

\$166,000 as Funding for a Negotiated Wage Increase for International Association of Fire Fighters (IAFF) Employees; Funding Provided by the General Fund's Fund Balance.

This ordinance appropriates \$166,000 in FY20 for the negotiated wage increase, and increase to employer contribution to health insurance for International Association of Fire Fighters (IAFF) employees. Funding is provided by the General Fund's Fund Balance.

Resolution 2870 was reviewed and adopted by the Assembly at its meeting on October 14, 2019. Resolution 2870 ratified the labor agreement between the CBJ and IAFF.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Mr. Jones to adopt Ordinance 2019-06(K) and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

**IX. UNFINISHED BUSINESS**

*None.*

**X. NEW BUSINESS**

A. Hardship Late-Filed Property Tax Exemption-Kaysa Korpela

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Gladziszewski to accept the late file exemption application from Kaysa Korpela. *Seeing and hearing no objection, the motion passed.*

B. AMCO Liquor License Renewal-Taku Lanes, LLC. License #5095-Recommended Protest

**Renewal of Liquor License**

License Type: Recreational Site, license #5095

**Licensee: Taku Lanes, LLC d/b/a Taku Lanes**

Premises Address: 608 W Willoughby Ave

The Finance Department/Sales Tax Division recommends the Assembly protest this license renewal based on Taku Lanes LLC having a total balance due of \$6,343.34 in sales tax, liquor tax, late fees, penalties and interest. This balance due is from the monthly filing periods January 2019 – May 2019.

A certified letter to the licensee was returned as non-deliverable, emails have bounced-back from the email address on file with CBJ and AMCO, phone messages to the licensee are unable to be left due to licensee's voice mail being full and not accepting messages.

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

**The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its November 4, 2019 meeting.**

#### **Public Comment**

*None.*

#### **Assembly Action**

Human Resources Committee Chair Bryson reported that the delinquent amount listed under the Taku Lanes, LLC liquor license had been paid so there is no longer a basis upon which to protest the license renewal.

**MOTION** by Mr. Bryson for the Assembly to waive its right to protest the liquor license renewal for Taku Lanes, LLC license #5095 and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

### **XI. STAFF REPORTS**

*None.*

### **XII. ASSEMBLY REPORTS**

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

Mayor Weldon noted that the 2020 Assembly calendar, as amended from the version they had received at the November 2 meeting, was before them for approval. Ms. McEwen explained the differences between the two versions were to remove the committee meetings on October 5 so there were no meetings on the day before Election Day and also made changes to the Assembly Finance Committee (AFC) meetings in May and June.

Mr. Jones said that the changes to the AFC meetings assumes they will be done with the budget meetings and the budget will need to be ready for adoption by the Assembly at the meeting on May 18. He said he is comfortable with that schedule as long as all the rest of the Assemblymembers are comfortable working with that schedule.

Ms. McEwen also pointed out that due to the way the 2020 holidays fall in the calendar, the Alaska Day holiday will be observed on Monday, October 19 which would generally be the date of the Assembly's reorganizational meeting following the regular municipal election. Since that is a CBJ holiday, the Assembly's reorganizational meeting will be held on Tuesday, October 20 instead.

**MOTION** by Ms. Gladziszewski to approve the 2020 Assembly Calendar and asked for unanimous consent. *Seeing and hearing no objection, the motion passed.*

Mayor Weldon noted that for the Assembly Retreat, they are currently scheduled to begin at 9a.m. on Saturday, December 7 and it end at approximately 1-2p.m. depending on how much discussion ensues. The retreat will be held at the Bartlett Regional Hospital Boardroom.

Mayor Weldon distributed copies of the 2019 Assembly Goals as updated by staff earlier that day. She asked all members to look at the goals and that during the retreat, they will be looking at the following:

- Are there any changes they want to make to the goals?
- Are there any implementing actions that they think they have accomplished and it can be removed?
- Are there any implementing actions that need to be considered for adding?

Mr. Smith asked if these were online for the public to see. Mayor Weldon noted that the Assembly's goals are posted to the Assembly's webpage.

Mayor Weldon noted that she was making changes to the implementing actions under Goal #2 related to the Eaglecrest and Visitor Industry task forces since those are currently underway. She also noted that the last implementing action change is under Goal #5 which Mr. Bryson is working on related to single use plastics.

Additional discussion took place regarding the posting of this updated version of the goals. Ms. Cosgrove noted that there had been an updated copy provided in the August 26 COW packet with notes on the side as presented. She added that they were only available via the handouts at this meeting but that they would be made available on the website in the near future.

Mayor Weldon instructed the Assemblymembers that any changes to the goals that they might be considering should be at the higher policy level and not get too far into the

details.

For the Mayor's Report, Mayor Weldon reported that she was able to participate in the following events since the last Assembly meeting:

- Southeast Port Communication teleconference speaking with different members of the Southeast community about their ports. Everyone agreed that it was good to do and agreed that they wanted to continue to do these teleconferences.
- She went on a tour of the Top Hat Cannabis Company and they were impressed by the professional organization that they have.
- She presented a welcome speech to the Domestic Violence Summit at the Elizabeth Peratrovich Hall.
- She took part in the Alaska Committee strategic planning session.
- She read a proclamation at the Red Ribbon Week event and thanked Janice Holst and all the dancers who were there.
- She attended the re-entry simulation, along with some of the others, at the Elizabeth Peratrovich Hall and got a simple taste of the frustrations that citizens face when they are trying to re-enter society from prison.
- She participated in a planning session for the High School Art Festival that is coming up in April 2020 and they will hear more about that as the time gets closer. Juneau hasn't done this in almost 10 years.
- She attended the SAIL auction and dinner and was able to do an introduction speech for one of their honorees, Gail Vandor.
- She attended the annual Juneau Chamber of Commerce dinner and auction.
- She was lucky enough to be having dinner at V's Cellar Door when the Diner, Drive-Ins and Dives was airing their program and that was a lot of fun and a good crowd.
- Mayor Weldon noted that she was hosting 10 cub scouts just prior to this meeting and while they were great, there was a lot of energy to contain in one room.

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

Ms. Gladziszewski provided a Presiding Officer report in the Mountainside Estates Appeal. The neighborhood and the applicant have come to an agreement on what should happen so the hearing has been vacated. The final outcome will depend on the Planning Commission for the next steps before the final outcome is decided.

Ms. Gladziszewski also reported that the Assembly Committee of the Whole (COW) met on October 28 and talked about child care, Juneau Economic Plan, the Housing Action Plan and spent most of the time receiving an update from staff on the child care issue. They asked for more information on that and it will be coming back to the COW at a future meeting. The next COW meeting is December 2 since the November 18 meeting was cancelled due to the AML meetings.

Ms. Gladziszewski said that she attended the Senior Center annual Alaska Day pancake brunch and she saw some of the other members there. She also attended the fundraiser at

the Filipino Hall for the 4th of July dancers and several other Assemblymembers attended and tried out their dancing skills.

Ms. Gladziszewski said they are still trying to finalize a date for the Eaglecrest Summer Operations Task Force and it will likely fall on Thursdays at noon and they are looking at a date in early December.

Mr. Jones thanked everyone for coming to the Assembly Finance Committee meeting on Saturday, November 2. He noted the packets for the next meeting on November 6 were distributed to members at this meeting. The next meeting after that will be December 4 and that will be to get the questions answered that Ms. Cosgrove and Mr. Rogers will be doing based on questions from Assemblymembers.

Mr. Jones reported that he is trying to schedule a meeting of the Assembly/Juneau School Facilities/CIP/Maintenance team for sometime in early December, especially after their joint meeting with the School Board and especially to talk about school roofs.

Mr. Jones said that the Juneau School Board held a retreat on October 26 at which they finalized their committee structure and did some work on their strategic plan. The next School Board meeting will be November 12 at JDHS and he will not be able to attend as he'll be in Anchorage. They will be discussing the auditor's report.

Mr. Jones stated that he attended a meeting of the Alaska Municipal League during which they discussed the awards that will be done up at AML. He said that he hoped everyone would be attending the AML meetings in Anchorage. The resolutions that will be voted on up at AML have been sent out and Ms. McEwen forwarded those from AML to the Assembly. He said that Ms. Hale had some questions about that and has been talking with Mr. Rogers. He said that he, Mr. Rogers, and Ms. Cosgrove met to discuss any issues about the resolutions and suggested that if anyone has additional questions/concerns to please let them know. He will be going up to Anchorage on 11/12 as he will be in Marijuana Control Board meetings 11/13-11/15.

Mr. Jones said that he attended many of the events that Mayor Weldon and Ms. Gladziszewski talked about. He also attended some of the Planning Commission meetings.

Mr. Jones commented that November 11 is Veterans Day, formerly known as Armistice Day, and he said there are likely to be some events around town and he encouraged members to attend those. Mr. Jones said that on November 10 the United States Marine Corps will be celebrating its 244th birthday, a day which all current and former Marines hold in high esteem.

Mayor Weldon noted that Mr. Edwardson was still stuck on mute so he will report at the next meeting but he asked her to convey that Sealaska Heritage is holding discussions

for November as it is Native American Heritage month. He also reminded the Mayor that they met with Ms. Worl and Mr. Kadinger where they shared their plans for their art complex. He also wanted to convey the information about Veterans Day commemoration.

Mayor Weldon thanked our two veterans, Mr. Jones and Mr. Edwardson for their service to our nation.

Ms. Hale reported that the Bartlett Regional Hospital (BRH) Board met on October 22 and talked about numerous things including the campus plan and gave an update on the crisis intervention center. They are trying to look at a comprehensive design of the facility.

Ms. Hale said that she also attended the re-entry simulation and she commended the volunteers and organizers for doing just a great job.

Ms. Hale reported that the Public Works & Facilities Committee (PWFC) met and many of their agenda topics were acted upon earlier in this meeting. She said that she has not attended a Juneau Commission on Aging meeting yet.

Ms. Hale noted that there is a Downtown Business Association (DBA) meeting tomorrow, November 5 and she will be attending. She also reported that she will be serving as the Assembly representative to the Juneau Egan/Yandukin intersection project that AK DOT has undertaken and they will have a kick-off meeting tomorrow, November 5 at 1pm at DOT.

Ms. Triem reported that she was not able to attend the most recent Travel Juneau meeting and she apologized to Ms. Perry who sent her the updates that Ms. Triem inadvertently left at home. Ms. Triem said she is the new Chamber of Commerce liaison but they have not yet met since her appointment.

Ms. Triem reported that the Aquatics Board held its retreat on October 28 and had a tour of the pool and got to know each other. They have formed three committees: Budget & Finance, Board Development, and Programs & Outreach Committee. She noted that the Programs & Outreach Committee is tasked with helping users of the downtown pool to get ready for that pool's closure when it is closed next summer for maintenance. The committees will be meeting in December but not the regular board.

The Visitor Industry Task Force (VITF) met on October 22 and will next meet tomorrow, November 5 at noon in the Assembly Chambers during which Mr. Watt will give a presentation on how Juneau fits into the broader scope of cruise travel in Southeast Alaska.

Ms. Triem said she also attended the Alaska Day pancake feed and attended the



Chamber of Commerce dinner. She was on Action Line last Friday to talk about the VITF and just before this meeting, she was at the public meeting regarding the roadless rule in the Tongass and she was impressed with the large crowd at that meeting.

Ms. Hughes-Skandijs reported that the Docks & Harbors Board met on October 31 and while none of the boardmembers were in costume, she was still in partial costume from earlier in the day and they still gave her a warm welcome. The Assembly acted upon a transfer at this meeting and there is likely to be additional discussions regarding tidelands leases in the future.

Ms. Hughes-Skandijs said that she attended a Chamber of Commerce After Hours event at Northrim. She attended one of the luncheons on how to make health care more affordable. She also attended the "Celebrating Survivors Event" that was part of the Domestic Violence Summit. She said it is always important to continue to shed light on domestic violence as our statistics are still so terrible.

She was happy to attend the fundraiser at the Filipino Community Hall and it was a lot of fun and good food and she needs to work on her dance moves for next year. She attended the Chamber of Commerce dinner and the re-entry simulation. She also attended the SAIL dinner honoring Gail Vandor and Dave Ottoson.

Mr. Smith reported that he attended his first Planning Commission meeting which was pretty short where they covered a vacation of a right of way and they also had introduction by staff of a Historic and Cultural Presentation Plan that will be working its way through the Planning Commission and then to the Assembly.

Mr. Smith said that he also attended the Chamber of Commerce dinner where they recognized Assemblywoman Mary Becker and her husband Jim Becker for a lifetime achievement award.

Mr. Smith said that he and Ms. Hughes-Skandijs will both be looking for lessons on tinikling dancing in advance of next year's Ati-Atihan fundraiser.

Mr. Smith said he attended the U.S. Forest Service roadless rule meeting briefly before coming to this Assembly meeting. He said that the Forest Service is accepting public comment on this topic so if anyone from the public wishes to comment, this is the time to do that.

Mr. Smith noted that there is a public meeting on the Egan/Yandukin Dr. project on November 19 from 4-7pm at the Nugget Mall community room for anyone who may be interested in attending that meeting.

Mr. Smith reported that he attended the health care presentation on single-payer national health care and it was very interesting. He also attended the re-entry simulation and said

that it was very eye opening and gave him increased compassion for those who are trying to re-enter society and rehabilitate themselves.

Mr. Bryson reported that the Human Resources Committee met earlier that evening and forwarded the following recommendations for board appointments and he asked for unanimous consent.

- Douglas Advisory Board - John Delgado to be reappointed to a term beginning immediately and expiring September 30, 2022.
- Juneau Commission on Sustainability - Anjuli Grantham to a term beginning immediately and expiring June 30, 2021.

*Seeing and hearing no objections, those appointments to the above boards were approved.*

Mr. Bryson reported that there is an open seat on the Docks & Harbors Board and there will be three seats each coming open on the Planning Commission and Bartlett Regional Hospital Board and he provided the following potential dates to hold meetings of the full Assembly sitting as the HRC at which to conduct interviews for those boards: December 5, 12, 17, 18, or 19. He said they are looking for the best two dates as they may hold two meetings depending on the total number of applicants they receive. The Assemblymembers discussed the dates and agreed that December 18 would be the best date as the primary day and they will look for an alternate day if one is needed. The meetings would be held in City Hall Conference Room #224 at 5:30p.m.

Mr. Bryson reported that he was on Action Line earlier in October with Pete Carran. He also attended the first VITF meeting on October 22 and he commended Ms. Triem for chairing that very crowded meeting. He reported that he attended a Juneau Commission on Sustainability (JCOS) worksession that discussed waste stream and he said that 30% of Juneau's waste stream is construction waste stream from demolition and construction work. The plastics that everyone dislikes is less than 6% of the recycling materials.

Mr. Bryson reported that he also attended the Chamber of Commerce dinner on October 26 and then attended the Eaglecrest Board retreat on October 27. They are going to request a third party study for their potential summer activities. They also mentioned OHV (off highway vehicles) and are also looking at the Eaglecrest wages as it turns out their staff make less money than the local sandwich shop.

Mr. Bryson reported that prior to attending the PWFC meeting on October 28, he walked into an active burglary in progress at his fourplex in Lemon Creek. He commended Code Enforcement Officer Nate Watts for his work in that neighborhood and the efforts that had been done relating to nuisance properties in that vicinity.

Mr. Bryson said that he met with Mr. Wade's middle school class at Floyd Dryden on October 30 to give them information on the Assembly. He then met with Mr. Rogers on

October 31 to get up to speed on finance matters.

Mr. Bryson stated that although he missed the re-entry simulation but he instead recently hired three of their clients and housed two of them.

Mayor Weldon noted that in addition to recognizing Mary and Jim Becker for their lifetime achievement awards at the Chamber of Commerce dinner, they should also recognize Hayden Garrison for his Person of the Year award.

Mr. Jones noted that Finance Director Jeff Rogers will be a speaker at the next Chamber of Commerce luncheon and will be talking about the internet sales tax program.

Mr. Smith thanked the Mayor for allowing changes to the public participation process to lower barriers for public speakers in not having to provide their full address but rather being able to give a general part of town as their residence when providing public testimony.

C. Presiding Officer Reports

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

*None.*

### **XIV.EXECUTIVE SESSION**

### **XV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 8:13 p.m.

|                     |                |
|---------------------|----------------|
| Signed: _____       | Signed: _____  |
| Elizabeth J. McEwen | Beth A. Weldon |
| Municipal Clerk     | Mayor          |

Below are a list of supplemental (Red Folder) items that were distributed during the meeting.

- A. 2020 Draft Assembly Calendar - RED FOLDER ITEM
- B. Assembly Goals 2019 - RED FOLDER Updated 11/4/2019
- C. RED FOLDER - Email and Letter regarding Taku Lanes LLC Liquor License Protest

**DRAFT**

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

Meeting Minutes - November 25, 2019

**MEETING NO. 2019-35:** 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, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs, and Greg Smith

**Assembly Absent:** Deputy Mayor Maria Gladziszewski

**Staff Present:** City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Assistant City Attorney Emily Wright, Parks and Recreation Director George Schaaf, Harbor Master David Borg

**III. SPECIAL ORDER OF BUSINESS**

**IV. APPROVAL OF MINUTES**

A. October 14, 2019 Regular Assembly Meeting Minutes

**MOTION** by Ms. Hale to approve the minutes of the October 14, 2019 Regular Assembly meeting and asked for unanimous consent. *Hearing no objection, the minutes were approved.*

**V. MANAGER'S REQUEST FOR AGENDA CHANGES**

Mr. Watt noted that we do not need an Executive Session so that should be removed from the agenda. He also noted that he has several short staff reports that will be provided.

**VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

*None.*

**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 Mr. Jones for the Assembly to approve the Consent Agenda as presented. *Hearing no objections, the motion carried.*

### 1. Ordinances for Introduction

- a. Ordinance 2019-06(L) An Ordinance Appropriating to the Manager the Sum of \$175,000 as Funding for Snow Removal Equipment for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.

This ordinance would appropriate \$175,000 for the purchase of snow removal equipment for Capital Transit to maintain access to bus shelters. Grant funding in the amount of \$140,000 is from federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$35,000 funded from Equipment Replacement Reserve Fund Balance.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

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

- b. Ordinance 2019-06(M) An Ordinance Appropriating to the Manager the Sum of \$220,000 as Funding for Snow Removal Equipment for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.

This ordinance would appropriate \$220,000 for the purchase of snow removal equipment for Capital Transit to maintain access to bus shelters. Grant funding in the amount of \$176,000 is from federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$44,000 funded from Equipment Replacement Reserve Fund Balance.

This ordinance is nearly identical to the ordinance above; the only differences are the dollar amounts and the fact that two different grants were received from ADOT for this purpose.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

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

- c. Ordinance 2019-06(N) An Ordinance Appropriating to the Manager the Sum of \$270,000 as Funding for the Replacement of Three Paratransit Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, with Local Match Funding Provided by the Equipment Replacement Reserve Fund's Fund Balance.

This ordinance would appropriate \$270,000 for the purchase of three paratransit buses for Capital Transit. Grant funding in the amount of \$216,000 is provided by federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$54,000 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three paratransit buses that have exceeded their useful life and are scheduled for replacement. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities.

The Public Works and Facilities Committee reviewed this appropriation at its December 10, 2018, meeting and recommended forwarding it to the Assembly for approval.

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

- d. Ordinance 2019-40 An Ordinance Repealing the Waste Management Utility Code.

This ordinance would repeal the CBJ Code provisions that impose a \$100 annual fee for businesses that recycle at the landfill. The costs to administer the fee exceeded the revenue collected, the fee was challenging to equitably enforce, and the fee discouraged businesses from recycling. The CBJ will continue to provide recycling and household hazardous waste collection services to extend the life of the landfill and protect the environment.

This ordinance was discussed at the Assembly Finance Committee on September 25 and November 6, 2019.

**The City Manager recommends the Assembly introduce this**

**ordinance and set it for public hearing at the next regular Assembly meeting.**

- e. Ordinance 2019-41 An Ordinance Increasing the Motor Vehicle Registration Tax.

State law authorizes municipalities to impose a motor vehicle registration tax by ordinance. This ordinance would increase the biennial motor vehicle registration tax in the CBJ from \$44 to \$70 for non-commercial vehicles and from \$4 to \$10 for motorcycles and non-commercial trailers. Commercial vehicles remain exempt because some commercial vehicles may be taxable through the business personal property tax and state law prohibits a municipality from imposing a motor vehicle registration tax and assessing a business personal property tax. The increase in revenue created by this ordinance is intended to support the costs to maintain CBJ streets.

This ordinance was discussed at the Assembly Finance Committee on September 25 and November 6, 2019.

**The City Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee on December 4, 2019, and set it for public hearing at the next regular Assembly meeting.**

- f. Ordinance 2019-47 An Ordinance Authorizing Vacation of Right-of-Way at Lot 10, Evergreen Heights Subdivision, Located at 1706 Willow Drive.

This ordinance would authorize the vacation of 444 square feet of a right-of-way. The right-of-way was created by a plat in 1958, does not benefit the public, and is not anticipated to benefit the public. Because this right-of-way was created by a dedication in a subdivision process, the municipality cannot charge for vacating it.

On October 29, 2019, the Planning Commission recommended the Assembly approve the vacation of this right-of-way.

**The City Manager recommends the Assembly introduce this ordinance, refer it to the Lands Committee, and set it for public hearing at the next regular Assembly meeting.**

- g. Ordinance 2019-48 An Ordinance Authorizing the Manager to Convey Lot 3, Bonnie Subdivision, Located at 11031 Mendenhall Loop Road, to Margaret Tharp and David Lendrum for Fair Market Value.

Margaret Tharp and David Lendrum applied to purchase CBJ property adjacent to their property near 11000 Mendenhall Loop Road. On

September 17, 2018, the Assembly authorized the Manager to negotiate the sale of property. During the negotiations, the applicants agreed to grant the CBJ an access and utility easement, which will provide a 60-foot corridor for a future right-of-way to access the Pederson Hill subdivision. The fair market value of this land transaction accounts for the access and utility easement.

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

## 2. Resolutions

- a. Resolution 2874 A Resolution in Support of Full Funding (\$12,145,312) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2021 State Capital Budget.

The substantive portions of this resolution were drafted by the Alaska Association of Harbormasters and Port Administrators (AAHPA), of which CBJ Docks & Harbors is a member. This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$11 million in harbor grant funding since the program's inception. CBJ was recently notified of a \$125K Tier II grant for zinc anode installation at Harris Harbor.

Docks & Harbors has submitted applications this year for \$2M for the next phase of Aurora Harbor. The City & Borough of Juneau along with the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage, the City of Homer, the City of Cordova, the City of Kake and the City of Edna Bay have offered to contribute \$12,145,312 in local match funding for FY2021 towards eight harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its regular board meeting on November 21, 2019, and has recommended forwarding it to the full Assembly for approval.

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

- b. Resolution 2875 A Resolution Encouraging Automatic Vessel Registration with the Division of Motor Vehicles for Vessels Active in the Alaska Commercial Fisheries Entry Commission Database.

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



an update to the Alaska state statute directing fishing vessels in the Commercial Fisheries Entry Vessel (CFEC) Database be automatically issued Alaska vessel registration numbers and that the CFEC and Division of Motor Vehicles create a system for information sharing to this end.

In 2018, the Legislature passed Senate Bill 92, the Derelict Vessel Act. An unintended consequence of this bill was that some active fisherman were caught unaware of the need to register vessel ownership across the State. By encouraging minor statutory changes, some burdens to commercial fisherman can be eased without diminishing the goal of reducing the number of derelict vessels in Alaskan waters.

The Docks & Harbors Board reviewed this resolution at its regular board meeting on November 21, 2019, and has recommended forwarding it to the full Assembly for approval.

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

3. Bid Award

a. BE20-036 Mendenhall, Poplar, Columbia Street Reconstruction

Bids opened on the subject project on November 14, 2019. The bid protest period expired on November 18, 2019. Results of the bid opening are as follows:

| Responsive Bidders              | Total Bid      |
|---------------------------------|----------------|
| Coogan Construction Co.         | \$2,604,349.00 |
| Arete Construction Corporation  | \$2,646,586.00 |
| Glacier State Contractors, Inc. | \$2,700,282.50 |
| ENCO Alaska Inc.                | \$3,522,123.00 |
| Admiralty Construction Inc.     | \$3,534,951.00 |
| <i>Engineer's Estimate</i>      | \$2,900,000.00 |

The work includes street reconstruction from the intersection of Birch Lane and Columbia Boulevard to Mendenhall Boulevard and from the intersection of Columbia Boulevard to Poplar Avenue.

**The City Manager recommends award of this project to Coogan Construction for the total amount bid of \$2,604,309.**

4. Transfers

- a. Transfer T-1024 A Transfer of \$100,000 in Marine Passenger Fees from CIP H51-116 Marine Park to Taku Upland Improvement to CIP R72-144 South Franklin Street Safety & Capacity Improvement.

This transfer of \$100,000 of Marine Passenger Fees will create a new CIP, South Franklin Street Safety and Capacity Improvements, to improve pedestrian safety along South Franklin Street. The project will continue the installation of pedestrian stanchions, improve lighting and remove obstructions within the sidewalks where possible and make improvements to Warner's Way to create pedestrian access to the Seawalk. This work will be subject to ADOT review and approval of CBJ plans since all of this work (except for Warner's Way) is within the ADOT Right of Way.

The Public Works and Facilities Committee recommended approval of this transfer at its October 28, 2019, regular meeting.

**The City Manager recommends approval of this transfer.**

- b. Transfer T-1025 A Transfer of \$384,350 from Various Capital Improvement Projects to CIP R72-142 Savikko Road Improvement.

This transfer of \$384,350 of Street Sales Tax from five CIPs to the Savikko Road Improvements CIP will provide funding for additional needed work discovered during scoping the project. The additional work discovered during detailed scoping included replacement of parking area pavement, drainage structures, improvement to surface drainage from Savikko Sportsfields and replacement of curb and gutter, sidewalks related to the reconfigured drainage patterns.

|         |                                                   |           |
|---------|---------------------------------------------------|-----------|
| P41-097 | Sportfield Repairs                                | \$45,000  |
| R72-114 | Blueberry Hills Road                              | \$21,290  |
| R72-126 | F St Douglas - 3 <sup>rd</sup> to 5 <sup>th</sup> | \$100,060 |
| R72-133 | Douglas Side Streets - D & E                      | \$98,000  |
| R72-134 | Sitka Street Reconstruction                       | \$120,000 |

The Public Works and Facilities Committee recommended approval of this transfer at its October 28, 2019, regular meeting.

**The City Manager recommends approval of this transfer.**

## VIIIPUBLIC HEARING

- A. Ordinance 2019-43 An Ordinance Amending the Purchasing Code Related to Timelines for Protests.

The CBJ procurement code governs how goods and services are procured and when a procurement protest can be submitted. Currently, protests must be submitted by

“close of the business day.” This ordinance would clarify that a protest must be submitted by 4:30 pm Alaska time. This amendment would provide clarity for the public and CBJ staff.

The Public Works and Facilities Committee recommended this ordinance be introduced when it reviewed the topic at its meeting on October 28, 2019.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Mr. Bryson to adopt Ordinance 2019-43 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- B. Ordinance 2019-46 An Ordinance Amending the Waters and Harbors Code Relating to Unattended Vessels at Boat Launches and Providing for a Penalty.

Docks & Harbors heard concerns from the Amalga Harbor/Huffman Cove residents that vessels were being left unattended at the Amalga Harbor boarding float overnight. This ordinance would prohibit a vessel from being left unattended at a boat launch except when a person is actively parking or retrieving a trailer. In response to public comments, the term “float plane” was added to the type vessels regulated by this ordinance.

The Docks & Harbors Board reviewed this ordinance at its meeting on September 26, 2019 and recommends the Assembly adopt the ordinance.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Hughes-Skandijs to adopt Ordinance 2019-46 and asked for unanimous consent.

Ms. Triem asked if this is an entirely new section of code and Mr. Palmer confirmed that this is a new code section.

Mr. Smith objected for purposes of an amendment.

**Amendment** by Mr. Smith on page 1 of the ordinance to add "launch or" on the final so that section (b) would read: "(b) The prohibition in section (a) does not apply to temporary durations when the operator or person in charge of the vessel leaves the boat

launch to dispatch a vehicle and trailer necessary in the launch or recovery of the vessel." *Hearing no objection, the amendment passed.*

Mayor Weldon asked if there were any objections to the motion as amended.

Mr. Edwardson objected for purposes of a question. Mr. Edwardson said they are talking about standing mooring at dock/launch ramp a violation and he asked how the violations would be enforced considering Amalga Harbor is pretty far out of town.

Harbormaster David Borg came forward and explained that this is generally systematic when the seine fleet is in town and that is when staff gets all the phone calls about these complaints. He said that in his six years at the harbors, this is the only instance when/where this occurs and they get many complaint calls during that period. He said they researched the issue and it is something where they would be able to write a ticket to the boat and they do have staff on hand during that time to provide enforcement.

Mr. Edwardson removed his objection.

*Hearing no other objections, Ordinance 2019-46 was adopted as amended.*

- C. Ordinance 2019-06(F) An Ordinance Transferring \$47,969 of Unexpended FY19 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$47,969 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY19 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY19 budget but were not fully expended by the end of FY19.

|                               |                  |
|-------------------------------|------------------|
| Franklin Dock Enterprises     | \$ 10,616        |
| Downtown Business Association | 306              |
| City Manager                  | 2,725            |
| Capital City Fire Rescue      | <u>34,322</u>    |
| <b>Total</b>                  | <b>\$ 47,969</b> |

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

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Mr. Smith to adopt Ordinance 2019-06(F) and asked for unanimous consent. *Hearing no objection, the motion carried.*

**IX. UNFINISHED BUSINESS**

**X. NEW BUSINESS**

**A. ADOT&PF Request to Purchase Lot 1A, USS 2137 for Glacier Highway Improvements in Lemon Creek**

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.032 acres of City property in order to improve Glacier Highway in Lemon Creek. 53.09.200 states, “The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.” The ADOT&PF is also requesting permanent and temporary construction easements as part of Glacier Highway reconstruction project. The June 7, 2019 Lands Committee meeting provided a motion of support for this disposal and easements.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Triem to direct the manager to work with the original proposer on the purchase of Lot 1A, USS 2137 for Glacier Hwy. and asked for unanimous consent.

Mr. Jones asked if the Manager could explain the map included in the packet vs. the parcel subject to the acquisition. Mr. Watt confirmed that the map in the packet is not accurate to the project. Mr. Watt stated that some of the members of the Lands Committee may recall the parcel from the presentation that was provided at the June 7, 2019 Lands Committee meeting. He went on to explain that this agenda item is to authorize the Manager to enter into negotiations with the original proposer and when it comes back before the Assembly in the form of an ordinance for approval, he will ensure

that the correct map is included in the packet.

Mr. Jones removed his objection. Mr. Edwardson said he didn't object but wanted to echo Mr. Jones' statement that the correct map be included when the ordinance comes to the Assembly for approval.

*Hearing no objection, the motion carried.*

**B. ADOT&PF Request to Purchase a Fraction of Block A, Field Acres Subdivision for Mendenhall Loop Road Improvements**

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.18 acres of City Park's property in order to improve the Mendenhall Loop Road and Stephen Richards Drive intersection. 53.09.200 states, "The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." The ADOT&PF is also requesting permanent and temporary construction easements as part of the Mendenhall Loop Road reconstruction project.

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

**Public Comment**

*None.*

**Assembly Action**

**MOTION** by Ms. Hale to direct the Manager to work with the original proposer on the purchase of a Fraction of Block A, Field Acres Subdivision for Mendenhall Loop Road improvements and asked for unanimous consent.

Mr. Bryson objected.

Mr. Bryson spoke to his objection stating that he attended many public forums for this project as well as those relating to the next agenda topic as well, the Floyd Dryden roundabout and the Duck Creek roundabout. He said he has severe reservations that this is the correct plan for the Mendenhall Loop reconstruction and he was going to request that this be referred to the Assembly Public Works and Facilities Committee to make sure this is the appropriate course of action for the major thoroughfare coming out of the valley.

Mayor Weldon said that this is a State of Alaska road so she is not sure how much CBJ

could influence this project. She asked Mr. Jones to provide the information on process for this.

Mr. Jones said that while PWFC could review this, DOT/PF may or may not even show up to the meeting. He said that he believes that DOT has to show up at the Planning Commission (PC) when this is before the PC as a City/State Project (CSP) review. He said the final CSP review happens at the PC and he said he didn't know if that had already happened yet but once DOT is at 80-90% ready for construction and site control over the property, it will be brought back. The PC has status under ordinance to object or ask for changes to be made but he said he didn't believe that the Assembly has that power under any ordinances.

Mayor Weldon asked Mr. Watt what route this process takes at this time.

Mr. Watt explained that there are two paths. Tonight's request is related to the request from DOT to acquire city property. If the Assembly makes a motion that the Manager work with DOT (the proposer), they would bring back a survey evaluation ordinance that would authorize the disposal of that piece of city property. He said that separate from that, as Mr. Jones noted, the Planning Commission reviews state projects and makes recommendations. If the city chose not to sell property to DOT for their preferred alternative, CBJ would be in a situation that we haven't found ourselves in before.

Mr. Edwardson said that DOT does need the Assembly's permission because they are asking for CBJ land. This is a public works project but is also a political project and by that, there are people in the community who care about if this goes through or not. He said that he would like to see it go through at this meeting as well but Mr. Bryson's proposal isn't unreasonable, he isn't voting against it but rather asking that it be referred back to a committee.

Mr. Jones said that they have received reports over the years from DOT but he has never approved or disapproved of one of their projects as that has been done by the Planning Commission or the full Assembly. He gave the example of the DOT project related to the speed limits being set by DOT between Auke Lake and the roundabout, it was the full Assembly that objected to those in that instance. DOT listened and then promptly did what they wanted to do anyway.

Mr. Jones said that if CBJ didn't sell the state the land for the state's preferred project, the state could resort to using eminent domain and that would end up with a legal issue between the city and the state.

Mr. Bryson said he appreciated the comments from the Assemblymembers. He said he would be in favor of this going to the Planning Commission for additional review. He noted that the Duck Creek intersection is one of the largest intersections in our community and it is only four years old and they want to buy land to rip up the biggest,

newest intersection in that part of town. His other concern has to do with their proposal to put medians in the center to Mendenhall Blvd. so that first responders and others could not take left turns. He said he has not found a single citizen, other than DOT staff, who is in favor of this project. He wanted to have this matter referred back to a committee so it can be discussed as to whether this is the right direction for our community with this being the major thoroughfare that leads out of the valley and he doesn't see that it is improving the situation and would like it to go back to a committee for additional discussion.

Mayor Weldon stated that there will be an ordinance coming back to the Assembly and the matter will be going to the Planning Commission.

Mr. Watt clarified that if the Assembly makes a motion on the land conveyance, it will come back as an ordinance for that land conveyance. He said the Assembly will not get an update on the details and the merits of the project. Mr. Watt said that as Mr. Bryson notes, a public works project of this size will generate a lot of public interest and it would be helpful for the Assembly to become educated as to why DOT has proposed these improvements. He said that, like all public works projects, he suspects that it is a balance of traffic efficiency, traffic safety, traffic convenience and project costs. He said they are probably advancing this particular proposal as they feel it is the best option. He said that as Mr. Edwardson noted that may be a subjective decision. Mr. Watt said that it might not be a bad idea to go forward on a path of beginning the negotiations with the department so they can keep the project moving but it can also be an educational path for the Assembly to hear an update on the project. He said that ultimately, one outcome that could result if the decision was to not sell the property, that they may just choose to not do any improvements. He said the "do nothing" option may not be desirable either.

Ms. Hale said that as the chair of the PWFC and as a long time bureaucrat who spent much of her career working on things that she was unable to be effective about, she objected to sending this back to the PWFC. She said that sending this to the PWFC for discussion when the Assembly doesn't have a decision making role, while it might feel good, it wouldn't accomplish much. She suggested that an alternative approach would be to take the path forward and have an informational item included on a Committee of the Whole meeting might be a good idea.

Mayor Weldon asked the Manager if he could try to get someone from DOT to come and speak with the Assembly prior to the ordinance coming before them for the land conveyance. Mr. Watt said he would try to make that happen.

Members discussed process and where this project is at this stage. Mr. Watt said he does not know what stage they are at but the fact that they have moved past the preliminary engineering/design stage into the right-of-way acquisition stage signals to him that they are ready to prepare documents and go out to bid and that may take as long as a year.



Mr. Palmer explained that if the Assembly authorizes the Manager to negotiate with DOT, the code requires that the Manager would bring this matter back to the Lands Committee before it goes to the full Assembly so there is at least one committee that would shepherd this through.

Mr. Bryson said he would maintain his objection.

**Roll Call Vote:**

Yeas: Hale, Hughes-Skandijs, Smith

Nays: Bryson, Edwardson, Jones, Triem, and Weldon

**Motion failed 3:5**

Mayor Weldon instructed Mr. Watt that they would need to have a discussion about this with DOT/PF regarding this decision.

**C. ADOT&PF Request to Purchase a Fraction of Lot 1A, USS 2084 for Mendenhall Loop Road Improvements**

The Alaska Department of Transportation and Public Facilities has submitted a request to acquire approximately 0.39 acres of City School District property in order to improve the Mendenhall Loop Road and Floyd Dryden Middle School intersection. 53.09.200 states, "The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." The ADOT&PF is also requesting permanent and temporary construction easements as part of the Mendenhall Loop Road reconstruction project.

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

Mr. Watt explained that this is a different parcel of land related to the same road project as in the previous agenda item. He said that given the Assembly's rejection of the prior land acquisition request, he would revise his request for a motion authorizing the Manager to negotiate with DOT/PF on the land acquisition. His new recommendation would be for him and the Mayor to follow up with DOT/PF personnel.

Ms. Hale asked how the Assembly would receive an update on this or if it would go through the Lands Committee or another committee. Mr. Watt said they could provide an update at either the Lands or PWFC or any other body at which the Assembly wanted to hear it. Ms. Hale proposed that it go to the Lands Committee. Mr. Edwardson, Lands

Committee Chair, agreed to hear it in the Lands Committee.

Mr. Jones noted that for those who were interested, the DOT/PF website for this particular project (DOT Mendenhall Loop Road Capacity Improvements, Nancy Street to the Back Loop Road) noted the following:

- Winter 2019 to Fall 2019: continue right-of-way acquisition.
- Winter 2019-2020: advertise project and award construction contractor.
- Spring 2020: begin construction

He said that the website also notes public comments up through 2017 but nothing past 2017 in the way of public comments. The agency permits, final design, right-of-way acquisition, utility agreements were all done in the fall of 2018.

Mr. Jones said in light of that website timeline, this project is getting ready to go out to bid and they have made up their mind on what they are going to do.

## **XI. STAFF REPORTS**

Mr. Watt noted that they had three staff reports to provide.

Ms. Cosgrove provided an update on warming shelter transportation. She said the warming shelter is currently in the valley at St. Vincent de Paul's. They have been open for four nights so far. They are running a transit service from the downtown area to St. Vincent de Paul's. That runs three times in the later evening and if they miss the last bus, they are on their own. Primarily the clients are expected to use Capital Transit in the morning and the warming shelter is providing them with tokens.

Mr. Jones said that the advertising on the radio says that the last bus runs between 11p.m. and 2a.m.

Mr. Watt provided two updates on upcoming COW meeting topics.

He said the state has provided notice that the Telephone Hill property is open for consideration by the State for disposal. He said staff will provide an update on that topic at the December 2 COW.

Mr. Watt said that at the December 9 COW meeting, they are inviting public testimony on the Chronic Nuisance ordinance and he wanted to highlight that topic and bring it to the public's attention that this will be an opportunity for them to comment on the ordinance.

## **XII. ASSEMBLY REPORTS**

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

Mayor Weldon reported that following the last Assembly meeting she was able to take a

little vacation. Upon her return, she attended the Kennsington Community Advisory Group and also volunteered for the ski sale for three days. She, along with most of the Assembly, attended the Alaska Municipal League meetings the previous week. She is thankful that her youngest son is home for Thanksgiving and her oldest son is back from basic training with the Marines.

Mayor Weldon noted that for Thanksgiving, the Salvation Army will have their traditional dinner at 11a.m. at the Hangar on the Wharf to which the public is invited. There is also the lighting of the Christmas tree in Douglas on Friday, November 29 at the Douglas Community United Methodist Church followed by treats in the church and then a skate with Santa at the Treadwell Ice Arena at 7:45p.m. She wished everyone a happy Thanksgiving.

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

Mr. Bryson reported that the Human Resources Committee (HRC) met prior to this meeting and are forwarding the following recommendations for appointment to boards/commissions:

##### Juneau Economic Development Council (JEDC)

- Chris Dimond to the Labor seat for a term beginning immediately and expiring November 1, 2022
- Alexander Kotlarov to a term beginning immediately and expiring November 1, 2022
- Garrett Schoenberger to a term beginning immediately and expiring November 1, 2022
- Melissa Kookesh to the vacant seat for a term beginning immediately and expiring November 1, 2021

*Hearing no objections, the appointments were approved as recommended.*

Mr. Bryson reported that at the HRC meeting, they also approved the Juneau Human Rights Commission request for \$495 for support of the Boys and Girls on the Run.

Mr. Bryson said he attended AML and learned about PFAS at the Fire Training Center which is the most dangerous thing at the Fire Training Center. On November 15, he got to visit the Spring Creek Correctional Center and spent an hour with the superintendent. On November 6, he met with JEDC during which they interviewed the above applicants. On November 5, he attended the PRAC meeting at which they heard an update on the emergency repairs to the whale statute area and the power has been restored. The PRAC also heard an update on the Hank Harmon Rifle Range.

Mr. Smith reported that the Planning Commission met on November 12 and approved a new subdivision. They had discussion on the Comprehensive Plan re-write. Staff also reported that the South Douglas/West Juneau Plan contract was awarded to Corvus. On November 26, the Planning Commission will be taking up the CIP and will be working on the Historical Preservation Plan. He is excited by the prospects that plan may have in

helping obtain funding for economic development in the historic downtown area.

Mr. Smith said that he attended a Blueprint Downtown meeting, attended a Treadwell Arena Board meeting and he thanked all our boards and commissions for all the hard work they do on behalf of the community.

Mr. Smith said he also attended AML and he was very encouraged to meet other people from around the state. He said one main take away for him was to understand from so many people the financial struggle that municipalities are dealing with due to the state not being able to get its fiscal house in order as well as the governor's budget cuts.

Mr. Smith reported that he attended a UAA scholars event. He said that he attended a Little Eagle/Raven's child care open house by Fred Meyers at the Juneau Christian Center and they will be opening up in January and they are currently taking applications for those open child care slots.

Ms. Hughes-Skandijs said that she also escaped to find the sunshine in Hawaii. She attended AML and made some good connections and appreciated the good discussions and topics covered with fellow community elected officials from around the state.

Ms. Triem reported that the Visitor Industry Task Force (VITF) met on November 5 and they heard presentations on how Juneau fits in as a destination amongst other southeast communities and how the scheduling of cruise ships work all around the region. It was a packed house for that meeting and she thanked everyone for taking the time to show up. Future meetings will be held in the Assembly Chambers.

Ms. Triem said that she attended her first Chamber of Commerce meeting as the Assembly liaison and they were very welcoming. They wanted to urge the Assembly to start working on Centennial Hall.

Ms. Triem said that while everyone else was attending AML, she was attending Fish Expo and missed the Aquatics Board and Travel Juneau meetings that were held during that time. She highlighted for anyone who may be interested in the Aquatics Board and their actions regarding commercial use of the aquatics facilities, which is basically private swim lessons, the board will be discussing it at the January 7 meeting. Also related to aquatics, the state swimming championships were held earlier in the month and she extended her congratulations to Juneau swimmer Caleb Peimann who won the state title in the 500 freestyle and he was the first Juneau swimmer to win a state title since 2012. She also congratulated all the swimmers who participated and the other six swimmers who finalled at the state tournament.

Ms. Hale reported that she attended her first Downtown Business Association meeting on November 5 and they said the downtown Halloween activities were a great success. She was asked to take two items of concern to the Assembly and that was the issue of

snow on sidewalks, in particular the downtown area between the old Goldbelt and the Transit Center. That is an area that is supposed to be maintained by DOT and it is not. It is very difficult moving around downtown. The other issue is homelessness and all the people who are camping out in business doorways and they are concerned about that.

Ms. Hale said that she also attended the first meeting of the Fred Meyer/Yandukin Drive intersection planning group meeting. It is a good group of people with a robust cross section of individuals representing the community. She heard Mr. Bryson talk about the public meeting on the radio. She said they were told that the number of crashes and severity of crashes is considered within "acceptable standards." It is not the worst intersection in town which was surprising to many of the planning group members. It is a very high profile intersection because when accidents happen there, it blocks traffic and is very visible. Because it is not the worst intersection in town, that means funding will be harder to obtain.

Ms. Hale reported that she attended the Bartlett Regional Hospital (BRH) Planning Committee meeting and there is a BRH Board meeting November 26. Jensen-Yorba-Wall is working on a campus plan. BRH is also working on a community needs assessment that is out on the street now. Chuck Bill was on Action Line earlier in the day discussing that. Ms. Hale continued to reiterate that any of their planning efforts need to also feed into the CIP and they have been hearing her on that. BRH is redrafting the "affiliation study" which is more of a S.W.O.T. analysis (Strengths, Weaknesses, Opportunities, Threats) trying to figure out, given the reality that exists in the rest of the U.S., what should Juneau be doing to position itself.

Ms. Hale said she also attended AML with many of her colleagues and it was a wonderful meeting. There were 1200 people there and she ran for and was elected to the AML board as an At-Large member for one year to serve with Mr. Jones.

Mr. Edwardson said following up on Mr. Bryson's comment, the most dangerous thing at the Fire Training Center is fire.

Mr. Edwardson reported that there was a scheduled Airport Board meeting on November 12 but it was a very short meeting because they didn't have a quorum for the first time in anyone's memory. They had some of their members who were planning on calling in but they were unable to call in.

Mr. Edwardson said that the Local Emergency Planning Committee met on November 13 and it was the last meeting of Joel Curtis from National Weather Service and also the last meeting of Sgt. First Class Flood from the National Guard. He wished them well and thanked them for their time on behalf of the Assembly. He said the LEPC discussed the budget and they are a federally promulgated and federally funded program and the State of Alaska made the LEPC an all hazards committee. With that designation, it provided a federal funding stream that has now dwindled to nothing. In order to run the

way they have been running on a very modest budget, they were debating on how much to ask the Assembly for. He encouraged them to ask for everything they needed funding for as we will still be expecting them to be ready and respond. He said there will be more coming on that in the future. For the December light flights, the Flying Lions need volunteers at the terminal beginning December 18, 6-7p.m.

Mr. Edwardson noted that he was in Anchorage during AML but attending a different meeting. He will be out of town December 17.

Mr. Jones reported that there will be a Finance Committee meeting on December 4 to review the questions and answers from the November meeting on fiscal sustainability and to go through and see if there are any recommendations to address at the Assembly retreat. There will be a regular AFC meeting on December 11.

Mr. Jones noted that the Juneau School District held its monthly meeting on November 12 and although he was in Anchorage, he did call in and listen in to the workshop and the meeting. The main issue that they discussed that is important to the Assembly was the audit review. The same auditor is used for BRH and CBJ's audits. The next JSD meeting is early in December.

Mr. Jones reported that the joint Assembly/Schools CIP, Maintenance committee will meet on December 10 at 8:15 a.m.

Mr. Jones also reported that November 26 will have a visitor's product cluster working group that JEDC helped put together from across southeast. One of their agenda items is an update on the VITF.

Mr. Jones said that he attended AML meetings and Ms. Hughes-Skandijs and he were asked to participate in the mock meeting during the Newly Elected Officials training session. He and Ms. Hughes-Skandijs enjoyed the mock meeting.

Mr. Jones noted that there is an full Assembly as HRC meeting on December 5 but that same evening, there is a downtown overlay district zoning public meeting. They are also going to be holding a similar meeting on that issue on Saturday, December 7 at 3p.m.

C. Presiding Officer Reports

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

Mayor Weldon invited public participation on non-agenda items, especially for the two high school students who stayed through the meeting.

Juneau School Board member Paul Kelly announced on behalf of the JSD that they will be doing some public outreach at the public market after Thanksgiving and they would

be happy to meet and talk with anyone from the public wanting to talk with them.

Ms. McEwen reminded Mr. Bryson that he was going to be reporting on the dates of the Full Assembly as the HRC for board interviews.

Mr. Bryson reported that they have scheduled meetings on December 5 at 5:30p.m, and they will be interviewing applicants for the Hospital Board and then on December 18, they will be interviewing applicants for the Planning Commission and Docks & Harbors Board. Both meetings will be held at 5:30p.m. in City Hall Conference Room #224.

#### **XIV.EXECUTIVE SESSION**

##### **A. Worker's Compensation Claim Resolution**

*Per the manager's request for agenda changes at the beginning of the meeting, this item was removed from the agenda.*

#### **XV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 8:08 p.m.

Signed: \_\_\_\_\_

Elizabeth J. McEwen  
Municipal Clerk

Signed: \_\_\_\_\_

Beth A. Weldon  
Mayor



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

Meeting Minutes - December 5, 2019

**MEETING NO. 2019-36:** The Special Meeting of the City and Borough of Juneau Assembly held in Conference Room 224 of the Municipal Building, was called to order at 7:57 p.m. by Mayor Beth Weldon.

**Assembly Members Present:** Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs and Greg Smith

**Assembly Absent:** Maria Gladziszewski, Rob Edwardson

**Staff Present:** Deputy Clerk Diane Cathcart, Municipal Clerk Beth McEwen

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

**II. APPROVAL OF AGENDA**

**III. AGENDA TOPICS**

**A. Bartlett Regional Hospital Board Applicant Appointments**

Human Resources Committee (HRC) Chair Wade Bryson reported that the full Assembly met as the HRC met and interviewed applicants for the Bartlett Regional Hospital Board and recommended the appointments of Mark Johnson and Lance Stevens for reappointment to terms beginning January 1, 2020 and ending December 31, 2022. Mr. Bryson reported that the HRC recommended the appointment of Iola Young to the Bartlett Regional Hospital Board to a term beginning January 1, 2020 and expiring December 31, 2022. *Hearing no objection, those appointments were confirmed.*

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

*None.*

**V. EXECUTIVE SESSION**

**VI. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 7:58 p.m.

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

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





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

Meeting Minutes - December 18, 2019

**MEETING NO. 2019-39:** The Special Meeting of the City and Borough of Juneau Assembly held in Conference Room 224 of the Municipal Building, was called to order at 7:51 p.m. by Mayor Beth Weldon.

**Assembly Members Present:** Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Maria Gladziszewski, Rob Edwardson, Alicia Hughes-Skandijs and Greg Smith

**Assembly Absent:** None.

**Staff Present:** Deputy Clerk Diane Cathcart, Municipal Clerk Beth McEwen

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

**II. APPROVAL OF AGENDA**

**III. APPROVAL OF MINUTES**

**IV. AGENDA TOPICS**

**A. Docks and Harbors Board Appointment**

Human Resources Committee (HRC) Chair Wade Bryson reported that the full Assembly met as the HRC met and interviewed applicants for the Docks and Harbors Board and recommended the appointment of James Houck to the vacant seat for a term beginning immediately and ending June 30, 2021. *Hearing no objection, Mr. Houck's appointment was confirmed.*

**B. Planning Commission Appointments**

Mr. Bryson reported that the HRC recommended the following appointments to the Planning Commission for terms beginning January 1, 2020 and expiring December 31, 2022.

- Ken Alper
- Dan Hickock
- Joshua Winchell

*Hearing no objection, those appointments were confirmed.*

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

*None.*

## **VI. EXECUTIVE SESSION**

## **VII. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 7:54 p.m.

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

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

Presented by: The Manager  
Introduced: February 3, 2020  
Drafted by: Finance

# ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

**Serial No. 2019-06(S)**

**An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Centennial Hall Renovation Phase II Capital Improvement Project; Funding Provided by the Hotel Tax Fund's Fund Balance.**

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

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

**Section 2. Appropriation.** There is appropriated to the Manager the sum of \$200,000 as partial funding for the Centennial Hall Renovation Phase II Capital Improvement Project P47-073.

### Section 3. Source of Funds

|                               |            |
|-------------------------------|------------|
| Hotel Tax Fund's Fund Balance | \$ 200,000 |
|-------------------------------|------------|

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth A. McEwen, Municipal Clerk

Presented by: The Manager  
Introduced: Feb. 3, 2020  
Drafted by: Finance

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

**Serial No. 2019-06(T)**

**An Ordinance Appropriating to the Manager the Sum of \$4,000,000 as Funding for Douglas Highway – David to I Street Water System Replacement Capital Improvement Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Fund.**

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 \$4,000,000 for Phase II of the CBJ Douglas Highway Water System Replacement:

|                                              |             |
|----------------------------------------------|-------------|
| Douglas Highway – David to I St. CIP W75-061 | \$4,000,000 |
|----------------------------------------------|-------------|

**Section 3. Source of Funds**

|                                                      |             |
|------------------------------------------------------|-------------|
| Alaska Department of Environmental Conservation Loan | \$4,000,000 |
|------------------------------------------------------|-------------|

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Attest:

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

# MEMORANDUM

## CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt  
City and Borough Manager

DATE: January 28, 2020

FROM: Greg Smith  
Contract Administrator

FILE: 1939

SUBJ: BID RESULTS:  
Douglas Highway Water Main Replacement – Phase II  
CBJ Contract No. BE20-022

Bids were opened on the subject project on January 22, 2020. The bid protest period expired at 4:30 p.m. on January 24, 2020. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS               | TOTAL BID          |
|----------------------------------|--------------------|
| <b>Glacier State Contractors</b> | <b>\$3,361,727</b> |
| Admiralty Construction, Inc      | \$3,423,220        |
| Arete Construction Corp.         | \$3,435,923        |
| Engineer's Estimate              | \$3,517,953        |

Project Manager: Paul Beck

**Project Description:** This project consists of replacement of an existing ductile iron water main and associated services with HDPE along Douglas Highway from David Street to the Geneva Woods CBJ Water Pump Station building adjacent Gastineau Elementary School. The WORK will also include erosion and sediment control, traffic control, sanitary sewer repair, removal and replacement of roadway asphalt, removal and replacement of concrete curb and gutter, removal and replacement of asphalt and concrete sidewalk and other miscellaneous related WORK.

Funding Source: F514-Water Fund , \$3,000,000; F215 - Sales Tax , \$1,000,0000

Total Project Funds: \$4,000,000

CIP No. W75-061

Construction Encumbrance: \$3,361,727

Construction Contingency: \$336,172

Design: \$91,000

Contract Administration/Inspection: \$269,000

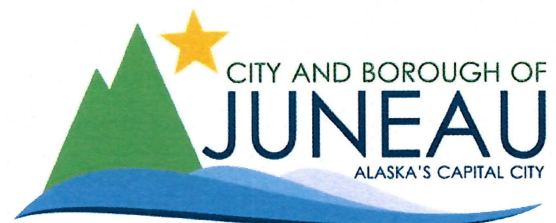
CBJ Administrative costs: \$101,000

Staff recommends award of this project to Glacier State Contractors for the total amount bid of \$3,361,727.

Approved: \_\_\_\_\_  
Duncan Rorie Watt  
City & Borough Manager

Date of Assembly Approval: \_\_\_\_\_

c: CBJ Purchasing



# MEMORANDUM

## CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt  
City and Borough Manager

FROM: Greg Smith  
Contract Administrator

SUBJ: BID RESULTS:  
Household Hazardous Waste Facility  
CBJ Contract No. BE20-024

DATE: January 29, 2020

FILE: 2028

Bids were opened on the subject project on January 28, 2020. The bid protest period will expire at 4:30 p.m. on January 30, 2020. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS                        | TOTAL BID             |
|-------------------------------------------|-----------------------|
| <b>Alaska Commercial Contractors, Inc</b> | <b>\$1,653,800.00</b> |
| Dawson Commercial Contractors, LLC        | \$1,668,712.03        |
| AHTNA Environmental, Inc                  | \$2,525,197.07        |
| Engineer's Estimate                       | \$1,744,560.00        |

Project Manager: Alan Steffert, P.E.

Project Description: The WORK includes the construction of a new CBJ Household Hazardous Waste Building at Juneau's landfill located in Lemon Creek. The WORK includes site preparation, utilities, and all WORK associated with the new building construction. Site work generally includes: AC pavement removal, clearing and grubbing, excavation, shot rock borrow, 2-inch minus shot rock with D-1 base course, storm drain improvements, water service, sanitary sewer service, gas infiltration prevention and venting system, grading, and asphalt pavement. Building WORK generally includes: building foundation systems, pre-engineered metal building, modular building, electrical service, and other miscellaneous related WORK.

Funding Source: F570 Waste Management Utility- \$1,474,553; Treasury Loan – Ordinance 2019-06R \$1,000,000

Total Project Funds: \$2,474,553

CIP No. D77-001

Construction Encumbrance: \$1,653,800

Construction Contingency: \$165,380

Design: \$95,540

Contract Administration/Inspection: \$132,000

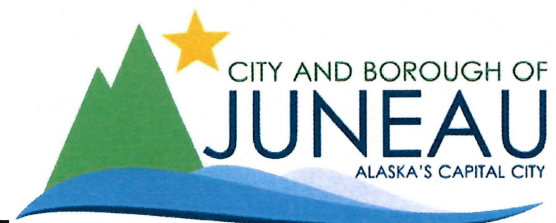
CBJ Administrative costs: \$50,000

Pending the outcome of the protest period, staff recommends award of this project to Alaska Commercial Contractors, Inc for the total amount bid of \$1,653,800.

Approved: \_\_\_\_\_  
Duncan Rorie Watt  
City & Borough Manager

Date of Assembly Approval: \_\_\_\_\_

c: CBJ Purchasing





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

December 16, 2019

City and Borough of Juneau

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

**Re: Notice of 2020/2021 Liquor License Renewal Application**

|                           |                              |                        |      |
|---------------------------|------------------------------|------------------------|------|
| <b>License Type:</b>      | Package Store                | <b>License Number:</b> | 3507 |
| <b>Licensee:</b>          | Carr-Gottstein Foods Co.     |                        |      |
| <b>Doing Business As:</b> | Oaken Keg Spirit Shops #1820 |                        |      |

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)





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

December 24, 2019

City and Borough of Juneau

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

**Re: Notice of 2020/2021 Liquor License Renewal Application**

|                           |                          |                        |      |
|---------------------------|--------------------------|------------------------|------|
| <b>License Type:</b>      | Package Store            | <b>License Number:</b> | 4742 |
| <b>Licensee:</b>          | Thibodeau's Market, Inc. |                        |      |
| <b>Doing Business As:</b> | Thibodeau's Liquor       |                        |      |

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

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

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Glen Klinkhart, Interim Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)





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

December 23, 2019

City and Borough of Juneau

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

**Re: Notice of 2020/2021 Liquor License Renewal Application**

|                           |                         |                        |     |
|---------------------------|-------------------------|------------------------|-----|
| <b>License Type:</b>      | Package Store           | <b>License Number:</b> | 521 |
| <b>Licensee:</b>          | Thibodeau's Market Inc. |                        |     |
| <b>Doing Business As:</b> | Thibodeau's Home Liquor |                        |     |

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

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

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Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

Presented by: The Manager  
 Introduced: 2/3/2020  
 Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,  
 ALASKA

SERIAL NUMBER T-1026

It is hereby ordered by the Assembly of the City and Borough of Juneau,  
 Alaska, that \$450,000 be transferred:

From: CIP

|         |                              |           |
|---------|------------------------------|-----------|
| R72-131 | Birch Lane Sewer Replacement | \$400,000 |
| U76-115 | Kaiser Forcemain Replacement | \$50,000  |

To: CIP

|         |                        |           |
|---------|------------------------|-----------|
| R72-143 | Aspen Ave-Mend to Taku | \$450,000 |
|---------|------------------------|-----------|

The \$450,000 consists of:

|                 |           |
|-----------------|-----------|
| Sales Tax       | \$375,000 |
| Water Fund      | \$25,000  |
| Wastewater Fund | \$50,000  |

Moved and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 D. Rorie Watt, City Manager

Attest:

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

Presented by: COW  
Introduced: 01/13/2020  
Drafted by: R. Palmer III

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

**Serial No. 2019-30**

**An Ordinance Related to the Regulation of Chronic Nuisance Properties.**

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

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

**Section 2. Amendment of Title.** Title 36 is amended by adding a new chapter to read:

**36.70 CHRONIC NUISANCE PROPERTY**

**36.70.010 Purpose.**

The purpose of this section is to protect the health, welfare, and safety of the City and Borough's residents and environment by regulating chronic nuisance property. Consistent with A.S. 29.35.125, the intent of this section is to prevent properties from becoming chronic nuisances, provide reasonable procedures to abate properties that are public nuisances, and provide enforcement tools to recover municipal costs in responding to chronic nuisance properties. However, victims of crime are not nuisances and this ordinance shall not be construed as the basis of evicting a tenant solely because the tenant requested assistance as a victim of crime.

**36.70.020 Definitions.**

*Enforcement agent* means a person authorized by section 3.45.010 or by law to enforce City and Borough of Juneau laws.

*Chronic nuisance property* means

1. Residential property that has had eight or more law enforcement responses to a dwelling unit in a twelve-month period.
2. Non-residential property, including common areas of multiple dwelling unit developments, that has had sixteen or more law enforcement responses to a commercial unit, or if none per parcel, in a twelve-month period.

*Residential property* means an individual parcel, tract, or lot shown on the most recent plat of record containing one or more dwelling units or a mobile home.

*Commercial unit* means an area within a property that is readily identifiable by visual inspection as an area used by a single business or commercial enterprise.

*Property* means any property, including continuous parcel or area of land undivided in ownership.

*Law enforcement response* means a police officer or enforcement agent responded to and charged or issued a warning based on probable cause of a nuisance activity.

*Nuisance activity* means any of the following activities, behaviors or conduct:

1. A violation of CBJ 36.20, Nuisances;
2. A violation of CBJ 36.30, Litter;
3. A violation of CBJ 36.40, Solid fuel-fire burning devices;
4. A violation of CBJ 36.50, Tobacco;
5. A violation of CBJ Title 42, Penal code;
6. A violation of A.S. Title 11, Criminal Law;

A nuisance activity does not include a response to any of the following:

1. A report of false information as defined by A.S. 11.56.800 or CBJ 42.30.040, unless the false information was provided by an occupant or owner of the property;
2. A false alarm as defined by CBJ 42.30.030, unless the false alarm was caused, permitted, or allowed by an occupant or owner of the property;
3. A report involving potential child neglect, potential domestic violence as defined in A.S. 18.66.990, or potential stalking under A.S. 11.41.260 or 11.41.270;
4. A report of sexual assault as defined by AS 11.41.410-427;
5. A report of a medical emergency for serious bodily injury or death;
6. A report from a tenant or owner of commercial property used as a retail store for law enforcement assistance with (a) theft or potential theft from the retailer, (b) report of the presence or identification of a person subject to a state of federal warrant; or (c) trespass;
7. A report from the tenant or owner of commercial property used as a licensed premises regulated by A.S. Title 4 (alcohol) or A.S. 17.38 (marijuana) for police assistance with law enforcement matters including: (a) a minor seeking unlawful admittance or service,

- 1
- 2 (b) a person under the influence seeking admittance or service, (c) a report of the
- 3 presence or identification of a person under state or federal warrant, or (d) a person
- 4 under the influence preparing to operate a motor vehicle upon leaving the premises; or
- 5 8. A tenant requesting assistance as a victim of crime.
- 6

7 *Owner* means the person in whose name the property is listed as owner in the State Recorder's

8 Office is conclusively presumed to be the legal record owner.

9

10

11 *Dwelling unit* means a structure or portion thereof providing independent and complete cooking,

12 living, sleeping, and toilet facilities for a person or group of persons living as a single

13 housekeeping unit.

14

15 **36.70.030 Violation.**

16

17 (a) Subject to subsection (b), the owner shall be liable to the City and Borough of Juneau or the

18 owner and the tenant of a unit thereon shall jointly be liable to the City and Borough of Juneau

19 for a fee of \$400 per additional law enforcement response to a chronic nuisance property.

20 (1) For property with more than one owner, all owners shall be jointly liable with the

21 tenant for any fee imposed under this chapter. Actual notice to one owner creates a rebuttable

22 presumption of actual notice to all other owners.

23 (2) For property owned by a condominium, a fee based on law enforcement response to a

24 chronic nuisance to a single dwelling unit shall be assessed against the owner of the dwelling

25 unit, jointly with the tenant if there is one, and not against the condominium.

(3) A tenant shall not be liable for the fee if the tenant's conduct did not require the chronic nuisance law enforcement response and the tenant's right to possession commenced on a date subsequent to the date of the first law enforcement response that is counted for purposes of the fee imposed under this chapter.

(4) If the chronic nuisance property is a mobile home located in a mobile home park, the fee may not be imposed on the owner or operator of the mobile home park, unless the owner's or operator's conduct caused the chronic nuisance. The fee may be imposed jointly on the owner and tenant of the mobile home.

(b) A person is exempt from liability for the fee established by this chapter if:

(1) The person is a federal, state, or local government agency;

(2) The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;

(3) The municipality has not provided notice to the person in writing as provided in section 36.70.040(b);

(4) Any person has taken appropriate corrective action and given written notice to police of the action as required by section 36.70.050;

(5) The owner or tenant of the commercial property or unit responded to has entered a current written agreement with the Juneau Police Department to actively abate nuisance activity on the property; or

(6) If a lieutenant or higher ranking official of the police department determines appropriate corrective action was taken with respect to a specific chronic nuisance property, the count of law enforcement responses to the unit shall reset to zero, effective the date of the determination.

1  
2 (c) The fee imposed by this chapter may be collected in any lawful manner, including  
3 bringing an action in court for a personal judgment against any one or more of the persons  
4 liable.

5 (d) An owner or tenant liable for a fee under this chapter may bring an action in court  
6 against a person whose conduct required the law enforcement responses to the chronic  
7 nuisance property to recover the amount of the fee and related costs. An owner or tenant shall  
8 not be granted any extension of time or continuance to pay the fee based on a pending action  
9 against a third party.  
10

11 **36.70.040 Notices.**

12 (a) Warning Notice. The municipality shall provide a warning notice to the owner or the owner  
13 and tenant of a property when the number of law enforcement responses approaches a chronic  
14 nuisance property. Notice may be by mail and need not be certified. Failure to provide a warning  
15 notice under this subsection shall prevent the assessment of fees under this chapter.  
16

17 (b) Notice of Chronic Nuisance Determination. Prior to assessing a fee under this chapter, the  
18 municipality shall notify the owner or owner and tenant, if applicable, in writing when a chronic  
19 nuisance property exists.

20 (1) A notice under this section shall be given in a manner reasonably calculated, under  
21 all the circumstances, to provide actual notice to the person of the potential liability for the fee.  
22 Notice to an owner is sufficient if sent by certified mail, return receipt requested, to the owner's  
23 mailing address listed on the real property tax assessment records. If the mailed notice is  
24 returned refused for signature by the owner, actual notice shall be conclusively presumed on the  
25 date refused. If the mailed notice is returned unclaimed or undeliverable, the municipality shall



accomplish notice by another method and attest to the date notice is accomplished by affidavit or in a police report. Notice to the owner or tenant may be accomplished by any lawful manner.

(2) The notice shall:

- (A) Identify the property that is the subject of the notice by street address and legal description, and, if the property has multiple units, identify the dwelling unit or commercial unit;
- (B) State the number of qualifying law enforcement responses and state additional law enforcement responses to the unit or property may result in imposition of fees under this chapter;
- (C) State the person shall be liable for a fee for each law enforcement response to the chronic nuisance property, unless, within 30 days, a person takes appropriate corrective action promptly and gives written notice to the Juneau Police Department of the action taken;
- (D) State the amount of the fee per law enforcement response to the chronic nuisance property; and
- (E) State the name and telephone number of a representative of the Juneau Police Department to contact concerning the notice.

(3) Appeal right. A Notice of Chronic Nuisance Determination is appealable to a hearing officer designated by the manager pursuant to 36.70.070. No person shall be entitled to appellate review of a Notice of Chronic Nuisance Determination who fails to file a notice of appeal with the municipal clerk's office within 20 days of when the Notice of Chronic Nuisance was served. An appeal of a Notice of Chronic Nuisance is limited to the issue of whether the property is a chronic nuisance.

**36.70.050 Appropriate corrective action.**

(a) An owner or tenant of a property shall have 30 days from the date notice is accomplished, as required under section 36.70.040(b), to promptly take appropriate corrective action.

Appropriate corrective action is action reasonably expected to correct the cause of the law enforcement responses to the property. Police officers holding the rank of lieutenant or higher are authorized to determine whether corrective action is appropriate under the specific circumstances. The officer's determination shall be in writing and issued within five days of receipt of the person's written notice of the action taken. Should the officer determine the action taken is not appropriate corrective action, the officer shall explain the reasons and the person shall have ten days from the date of the determination to take appropriate corrective action.

Examples of appropriate corrective action may include:

- (1) Written notice to quit under AS 09.45.100—09.45.110;
- (2) Eviction notice served on the tenant or lessee requiring vacation of the premises within 30 days or a reasonable time;
- (3) Obtaining a restraining order, or issuance of a no trespass order;
- (4) Installation or implementation of new or additional security measures;
- (5) Constructing, reconstructing, or removing a structure from the property; or
- (6) Action recommended by the Juneau Police Department in writing and implemented to the satisfaction of a police officer the rank of lieutenant or higher.

(b) Appropriate corrective action does not include:

- (1) Relocating a tenant or lessee of a unit to a different unit on the same property, unless a police officer the rank of lieutenant or higher determines the relocation is reasonable

under the circumstances. If a person is relocated, the municipality may transfer the number of law enforcement responses from the former unit to the new unit.

- (2) Communicating only orally with the person causing the law enforcement responses.
- (c) No fee may be imposed for additional law enforcement responses to the unit that is the subject of the notice during the 30-day period allowed under subsection A. if any person takes appropriate corrective action and gives written notice to the Juneau Police Department of the action taken during the 30-day period. There is a conclusive presumption that appropriate corrective action was taken if there are no additional law enforcement responses to the property from the end of the 30-day period and for the next 60 days.

### **36.70.060 Lien on property.**

- (a) A fee imposed under Section 36.70.030(a) is a lien on the property to which there have been an excessive number of law enforcement responses to a chronic nuisance property.
- (b) The lien becomes effective upon the recording of a Notice of Chronic Nuisance Lien that:
  - (1) Describes the property that is the subject of the lien;
  - (2) States the amount of fees accrued at the time of recording;
  - (3) States the lien has been recorded pursuant to this section; and
  - (4) The notice is then served on the property owner.
- (c) When a Notice of Chronic Nuisance Lien has been recorded, the lien has priority over all other liens except:
  - (1) Liens for property taxes, special assessments, and sales and use taxes;
  - (2) Liens perfected before the recording of the lien under this section; and

1  
2 (3) Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or  
3 notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien  
4 under this section.

5 (d) A Notice of Chronic Nuisance Lien is appealable after recording to a hearing officer  
6 designated by the manager pursuant to 36.70.070. No person shall be entitled to appellate  
7 review of a Notice of Chronic Nuisance Lien who fails to file a notice of appeal with the hearing  
8 officer at the city manager's office within 20 days of when the Notice of Chronic Nuisance Lien  
9 was served. An appeal of a Notice of Chronic Nuisance Lien is limited to the issue of whether the  
10 person is liable for each fee imposed under this chapter.  
11

12  
13 **36.70.070 Appeal hearing.**

14 A hearing before a hearing officer shall be informal and be held within 15 days of receipt of the  
15 notice of appeal unless extended for good cause. Relevant evidence must be admitted if it is  
16 probative of a material fact in controversy. Irrelevant and unduly repetitive evidence shall be  
17 excluded. The hearing officer shall issue a written decision within 15 days of the hearing. A  
18 decision from a Notice of Chronic Nuisance Determination appeal is not a final administrative  
19 decision. A decision from a Notice of Chronic Nuisance Lien appeal is a final administrative  
20 decision of the City and Borough of Juneau. Within 30 days of service of the written decision, a  
21 person aggrieved by the decision may appeal to the Superior Court of the First Judicial District  
22 in Juneau in accordance with the Alaska Rules of Appellate Procedure.  
23  
24  
25

**36.70.080 Sunset provision.**

No property shall be deemed a chronic nuisance three years after Ordinance 2019-30 becomes effective.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Attest:

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

I'm generally opposed to these sorts of ordinances:

- Give too much power to neighbors who may have grudge/ill will
- Can penalize the wrong person
- Force government into landlord/tenant relationship
- Fines and fess may have the effect of creating a class of "unrentable" people
- Expose property owners to high cost fines/loss of revenue/loss of property for problems they did not create
- F.E.D. laws do not recognize "excessive police calls" as actionable eviction criteria - (but you can evict people for almost any reason with adequate notice) - perhaps a tweak in state law would help here
- Putting people on the street that may:
  - Do more mischief there
  - Need medical/psych assistance
  - Need guardian
- "Fairbanks ... used... ordinance ... to shut down businesses when the owner did not cooperate after an excessive number of police responses" -Purpose/role of government should not be to shut down commercial activity, but rather to assist the appropriate party in resolving issues that impact broader community interests
- Police calls are frequently not the right agency to call- do those calls still count?
- I would argue that CBJ has the "tools" to achieve the outcome of "protecting health welfare and safety" of CBJ residents, and that they are better used on a case by case basis, with healthy discretion and perhaps more community involvement.
- ALSO: drugs, criminality, mental and physical illness...
- Properties do not cause problems, people do, and the law recognizes that when people are repeat offenders, that they, not their car, their Cuisinart, nor their apartment is to blame

Proposed ordinance:

- 37.70.010:
  - "victim" language meant to be helpful, but sometimes "victims" are part of the problem, why shouldn't a landlord have the ability to rid themselves of the entire problem? If two people are on a lease then one gets kicked out, and another moves in the place, does the counter-clock start over?
  - Is victim status defined at police interaction stage or does it require a conviction in a court –
  - how do plea bargains affect this evaluation?
  - Does this give the victim party an affirmative defense in an eviction case?
  - Does this local ordinance run in conflict with state FED law?
- 26.70.020:
  - The math here is confusing... sec 1. Seems to suggest that you would need 8 or more calls to a "dwelling unit" in the case of the Bergmann with 50 rooms, is the number 8x50 (400) over a year? Or does a single problem causing apartment trigger these penalties after 8? Would the landlord be without penalty if all 50 rooms had 7 calls each?

- How does someone who may be calling from the outside of the building determine the apartment number or if it occurred in a *common area* (we had a lot of people who would not “rat somebody out” at the Bergmann)?
- Under the definition of *dwelling units* most places that operated as hotels/motels/air bnbs etc would be exempt... that can't be the intent... (Dwelling Units- require separate cooking, (etc) facilities). Oddly this provision would have made the Bergmann immune/exempt from this law.
- *Law enforcement response* included “warning” which may be issued without sufficient evidence to charge- compare warnings to police cautions in the UK which are essentially an admission of guilt without a trial – raise a host of constitutional questions.
- *Nuisance activity* includes abandoned cars left over 24 or 48 hours, making it the property owners responsibility to deal with- this is patently unfair
- *Nuisance activity* is a pretty broad category of activities: all already covered by code...
- Do boarded up buildings constitute a nuisance?
- 36.70.030
  - By the time you get done with the exemptions here, I'm curious as to what properties the law would apply to.
  - I do like (b) (4-6)
  - (d) requiring that the property owner sue the problem causing person is onerous... the fee might be better applied to people on a certain count and shift to the owner if the problems are property specific.
- 36.70.040
  - (a) owner/landlords should have notice of every event that will contribute to cumulative total, so that they can begin corrective action well before The Sword of Damocles' falls.
  - (b)(1) should be actual, and in the absence of actual, should not count against the owner (an affirmative defense)
  - (b)(2)(C) should allow for some negotiation between the landowner and JPD about the corrective action (some time given to reach that consensus) then an appropriate time (some actions will take longer than 30 days)
  - (b) (3) notice of appeal rights should be included in every notice given – should not wait for chronic notice determination.
- 36.70.070
  - Sunset provision?

Presented by: The Manager  
 Introduced: 01/13/2020  
 Drafted by: R. Palmer III

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

**Serial No. 2020-01**

**An Ordinance Amending Title 69 of the City and Borough Code by Adopting the Uniform Alaska Remote Seller Sales Tax Code.**

WHEREAS, the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure; and

WHEREAS, the harm from the loss of revenue is especially serious in Alaska because the State has no broad-based sales tax or income tax, and sales tax revenues are one of the primary sources of funding for services provided by local governments; and

WHEREAS, the failure to collect sales tax on remote sales creates market distortions by creating an unfair tax advantage for businesses that limit their physical presence in the taxing jurisdictions but still sell goods and services to consumers, which becomes easier and more prevalent as technology advances; and

WHEREAS, the failure to tax remote sales results in the creation of incentives for businesses to avoid a physical presence in the state and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the state and its cities; and



1  
2 WHEREAS, the structural advantages for remote sellers, including the absence of point-  
3 of-sale tax collection, along with the general growth of online retail, make clear that erosion of  
4 the sales tax base is and has been occurring; and

5 WHEREAS, remote sellers who make a substantial number of deliveries into or have large  
6 gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy  
7 as well as burdening local infrastructure and services; and

8 WHEREAS, given modern computing and software options, it is neither unusually  
9 difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales  
10 into Alaska taxing jurisdictions; and

11 WHEREAS, the recent decision by the United States Supreme Court in *South Dakota v.*  
12 *Wayfair* (“*Wayfair*”) allows for the amendment of the sales tax code to account for remote sellers  
13 who do not have a physical presence in the City and Borough of Juneau (“CBJ”), but do have a  
14 taxable connection with the CBJ; and

15 WHEREAS, the *Wayfair* decision provides guidance that includes the defensibility of a  
16 single-level statewide administration of remote sales tax collection and remittance so long as  
17 the law is not retroactive in its application and provides a safe harbor to sellers who have  
18 limited sales or transactions in Alaska; and

19 WHEREAS, in order to implement a single-level statewide sales tax administration,  
20 numerous local taxing jurisdictions within Alaska banded together to establish an  
21 intergovernmental entity known as the Alaska Remote Seller Sales Tax Commission  
22 (“Commission”); and

WHEREAS, the function and powers of the Commission are set forth in the Alaska Intergovernmental Remote Seller Sales Tax Agreement (“Agreement”), a cooperative agreement between members approved by the CBJ under Resolution No. 2872; and

WHEREAS, under the terms of the Agreement, in order to maintain membership in the Commission, local governments must enact the Uniform Remote Seller Sales Tax Code (“uniform code”) as adopted by the Commission; and

WHEREAS, the Alaska Remote Seller Sales Tax Commission adopted the uniform code at its meeting on January 6, 2020; and

WHEREAS, the uniform code will govern the collection and remittance of municipal sales tax applicable to remote or internet-based sales; and

WHEREAS, the purpose of the uniform code is to comply with guidance in *Wayfair* by providing a statewide threshold criteria, streamlined single-level tax administration for remote sellers, no retroactive application, and provide a safe harbor to those who transact limited sales in Alaska; and

WHEREAS, this ordinance will adopt the uniform code and delegate the administration of remote sales tax collection and remittance to the Commission.

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. New Chapter.** Title 69 Revenue and Taxation, is amended to create a new chapter to read:

**Chapter 69.06**

**UNIFORM ALASKA REMOTE SELLER SALES TAX**

**69.06.010 Interpretation.**

- (a) In order to prevent evasion of the sales taxes and to aid in its administration, it is presumed that all sales and services by a person or entity engaging in business are subject to the sales tax.
- (b) The application of the tax levied under this Chapter shall be broadly construed and shall favor inclusion rather than exclusion.
- (c) Exemptions from the tax levied under this Chapter or from the taxing jurisdiction shall be narrowly construed against the claimant and allowed only when such exemption clearly falls within an exemption defined in this Chapter or the taxing jurisdiction's Code.
- (d) The scope of this Chapter shall apply to remote sellers or marketplace facilitators, delivering products or services to Member municipalities adopting this Code, within the State of Alaska.

**69.06.020 Title to collected sales tax.**

Upon collection by the remote seller or marketplace facilitator, title to collected sales tax vests in the Commission for remittance to the taxing jurisdiction. The remote seller or marketplace facilitator remits collected sales tax to the Commission on behalf of the taxing jurisdiction, from whom that power is delegated, in trust for the taxing jurisdiction and is accountable to the Commission and taxing jurisdiction.

**69.06.030 Imposition; rate.**

(a) To the fullest extent permitted by law, a sales tax is levied and assessed on all remote sales where delivery is made within the local taxing jurisdiction(s) that is a Member, within the state of Alaska.

(b) The applicable tax shall be added to the sales price.

(c) The tax rate added to the sale price shall be the tax rate for the taxing jurisdiction(s) where the property or product is sold, or service that was rendered is received, and based on the date the property or product was sold or the date the service rendered was received.

(d) An Address and Tax Rate Database will be made available to remote sellers and marketplace facilitators, indicating the appropriate tax rate to be applied.

(e) The tax assessed shall be consistent with relevant jurisdictional tax caps, single unit sales, and exemptions.

(f) When a sale is made on an installment basis, the applicable sales tax shall be collected at each payment, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered, based on the local jurisdictions' Code(s).

(g) When a sales transaction involves placement of a single order with multiple deliveries made at different points in time that are separately invoiced, the applicable sales tax shall be collected on each separately invoiced delivery, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered.

**69.06.040 Obligation to collect tax; threshold criteria.**

(a) Any remote seller or marketplace facilitator must collect and remit sales tax in compliance

with all applicable procedures and requirements of law, provided the remote seller or marketplace facilitator has met one of the following Threshold Criteria (“Threshold Criteria”) in the previous calendar year:

- (1) The remote seller’s statewide gross sales, including the seller’s marketplace facilitator’s statewide gross sales, from the sale(s) of property, products or services delivered into the state meets or exceeds one hundred thousand dollars (\$100,000); or
- (2) The remote seller, including the seller’s marketplace facilitator, sold property, products, or services delivered into the state in two hundred (200) or more separate transactions.

(b) For purposes of determining whether the Threshold Criteria are met, remote sellers or marketplace facilitators shall include all gross sales, from all sales of goods, property, products, or services rendered within the state of Alaska.

**69.06.050 No retroactive application.**

The obligations to collect and remit sales tax required by this chapter are applicable at the effective date of the ordinance adopting the Alaska Remote Seller Sales Tax Code.

**69.06.060 Payment and collection.**

Pursuant to this Chapter, taxes imposed shall be due and paid by the buyer to the remote seller or marketplace facilitator at the time of the sale of property or product or date service is rendered, or with respect to credit transactions, at the time of collection. It shall be the duty of each remote seller or marketplace facilitator to collect the taxes from the buyer and to hold

those taxes in trust for the taxing authority of the taxing jurisdiction. Failure by the remote seller or marketplace facilitator to collect the tax shall not affect the remote seller's, or marketplace facilitator's, responsibility for payment to the Commission.

**69.06.070 Remote seller and marketplace facilitator registration requirement.**

(a) If a remote seller's gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the remote seller shall register with the Commission. If a marketplace facilitator's gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the marketplace facilitator shall register with the Commission.

(b) A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the effective date of this Chapter or within thirty (30) calendar days of meeting the Threshold Criteria whichever occurs second. Registration shall be to the Commission on forms prescribed by the Commission.

(c) An extension may be applied for and granted based on criteria established by the Commission, based on evidence produced to describe time necessary to update software or other technical needs, not to exceed ninety (90) days.

(d) Upon receipt of a properly executed application, the Commission shall confirm registration, stating the legal name of the remote seller or marketplace facilitator, the primary address, and the primary sales tax contact name and corresponding title. The failure of the Commission to confirm registration does not relieve the remote seller or marketplace facilitator of its duty to collect and remit sales tax.

(e) Each business entity shall have a sales tax registration under the advertised name.

(f) The sales tax certificate is non-assignable and non-transferable.

**69.06.080 Tax filing schedule.**

(a) All remote sellers or marketplace facilitators subject to this Chapter shall file a return on a form or in a format prescribed by the Commission and shall pay the tax due.

(b) Filing of sales tax returns are due monthly; quarterly filing is optional upon application and approval by the Commission, consistent with the code of the local jurisdiction.

(c) A remote seller or marketplace facilitator who has filed a sales tax return will be presumed to be making sales in successive periods unless the remote seller or marketplace facilitator files a return showing a termination or sale of the business in accordance with this Chapter.

(d) The completed and executed return, together with the remittance in full for the tax due, shall be transmitted to and must be received by the Commission on or before midnight Alaska Standard Time on the due date. Monthly returns are due the last day of the immediate subsequent month. Quarterly returns are due as follows:

|                                |            |
|--------------------------------|------------|
| Quarter 1 (January – March)    | April 30   |
| Quarter 2 (April – June)       | July 31    |
| Quarter 3 (July – September)   | October 31 |
| Quarter 4 (October – December) | January 31 |

(e) If the last day of the month following the end of the filing period falls on a Saturday, Sunday, federal holiday or Alaska state holiday, the due date will be extended until the next business day immediately following.

(f) Any remote seller or marketplace facilitator holding a remote seller registration shall file a sales tax return even though no tax may be due. This return shall show why no tax is due. If the remote seller or marketplace facilitator intends to continue doing business a return shall be

1  
2 filed reflecting no sales and a confirmation of the intent to continue doing business and shall  
3 continue to do so each filing period until the entity ceases doing business or sells the business.

4 If the remote seller or marketplace facilitator intends to cease doing business, a final return  
5 shall be filed along with a statement of business closure.

6 (g) The remote seller or marketplace facilitator shall prepare the return and remit sales tax to  
7 the Commission on the same basis, cash or accrual, which the remote seller or marketplace  
8 facilitator uses in preparing its federal income tax return. The remote seller or marketplace  
9 facilitator shall sign the return, and transmit the return, with the amount of sales tax and any  
10 applicable penalty, interest or fees that it shows to be due, to the Commission.  
11

12 (h) Remote sellers and marketplace facilitators failing to comply with the provisions of this  
13 Chapter shall, if required by the Commission and if quarterly filing has been chosen, file and  
14 transmit collected sales taxes more frequently until such time as they have demonstrated to the  
15 Commission that they are or will be able to comply with the provisions of this Chapter. Six (6)  
16 consecutive on-time sales tax filings, with full remittance of the sales taxes collected, shall  
17 establish the presumption of compliance and return to quarterly filing.  
18

19 (i) The preparer of the sales tax return shall keep and maintain all documentation supporting  
20 any and all claims of exempted sales and purchases. Documentation for exempted sales should  
21 include the number of the exemption authorization card presented by the buyer at the time of  
22 the purchase, the date of the purchase, the name of the person making the purchase, the  
23 organization making the purchase, the total amount of the purchase, and the amount of sales  
24 tax exempted. This documentation shall be made available to the Commission upon request.  
25 Failure to provide such documentation may invalidate that portion of the claim of exemption for  
which no documentation is provided.



**69.06.090 Estimated tax.**

(a) In the event the Commission is unable to ascertain the tax due from a remote seller or marketplace facilitator by reason of the failure of the remote seller or marketplace facilitator to keep accurate books, allow inspection, or file a return, or by reason of the remote seller or marketplace facilitator filing a false or inaccurate return, the Commission may make an estimate of the tax due based on any evidence in their possession.

(b) Sales taxes may also be estimated, based on any information available, whenever the Commission has reasonable cause to believe that any information on a sales tax return is not accurate.

(c) A remote seller's or marketplace facilitator's tax liability under this Chapter may be determined and assessed for a period of six (6) years after the date the return was filed or due to be filed with the Commission. No civil action for the collection of such tax may be commenced after the expiration of the six-year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the six-year period, unless the remote seller or marketplace facilitator waives the protection of this section.

(d) The Commission shall notify the remote seller or marketplace facilitator, in writing, that the Commission has estimated the amount of sales tax that is due from the remote seller or marketplace facilitator. The Commission shall serve the notice on the remote seller or marketplace facilitator by delivering the notice to the remote seller's or marketplace facilitator's place of business, or by mailing the notice by certified mail, return receipt requested, to the remote seller's or marketplace facilitator's last known mailing address. A remote seller or

marketplace facilitator who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.

(e) The Commission's estimate of the amount of sales tax that is due from a remote seller or marketplace facilitator shall become a final determination of the amount that is due unless the remote seller or marketplace facilitator, within thirty (30) calendar days after service of notice of the estimated tax:

- (1) Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs and other charges due; or
- (2) Files a written notice with the Commission appealing the estimated tax amount in accordance with the appeal procedures.
- (3) Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting an appeal of an assessment are:
  - (A) The identity of the remote seller or marketplace facilitator is in error;
  - (B) The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for appeal); or
  - (C) The remote seller or marketplace facilitator disputes the denial of exemption(s) for certain sales.

(f) The amount of sales tax finally determined to be due under this section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of fifty dollars (\$50) for each calendar month or partial month for which the amount of sales tax that is due has been determined.

**69.06.100 Returns; filing contents.**

(a) Every remote seller or marketplace facilitator required by this Chapter to collect sales tax shall file with the Commission upon forms furnished by the Commission a return setting forth the following information with totals rounded to the nearest dollar:

- (1) Gross sales;
- (2) The nontaxable portions separately stating the amount of sales revenue attributable to each class of exemption;
- (3) Computation of taxes to be remitted;
- (4) Calculated discount (if applicable) based on taxing jurisdiction's code; and
- (5) Such other information as may be required by the Commission.

(b) Each tax return remitted by a remote seller or marketplace facilitator shall be signed (digital or otherwise) by a responsible individual who shall attest to the completeness and accuracy of the information on the tax return.

(c) The Commission reserves the right to reject a filed return for failure to comply with the requirements of this Code for up to three (3) months from the date of filing. The Commission shall give written notice to a remote seller or marketplace facilitator that a return has been rejected, including the reason for the rejection.

**69.06.110 Refunds.**

(a) Upon request from a buyer or remote seller or marketplace facilitator the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller or marketplace facilitator shall process

the refund and amend any returns accordingly.

(b) If the claimant is a remote seller or marketplace facilitator, and the tax refund is owed to any buyer, the remote seller or marketplace facilitator submits, and the Commission approves, a refund plan to all affected buyers.

(c) The Taxing Jurisdictions may allow a buyer to request a refund directly from the Taxing Jurisdiction.

#### **69.06.120 Amended returns.**

(a) A remote seller or marketplace facilitator may file an amended sales tax return, with supporting documentation, and the Commission may accept the amended return, but only in the following circumstances:

- (1) The amended return is filed within one (1) year of the original due date for the return; and
- (2) The remote seller or marketplace facilitator provides a written justification for requesting approval of the amended return; and
- (3) The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.

(b) The Commission shall notify the remote seller or marketplace facilitator in writing (by email or otherwise) whether the Commission accepts or rejects an amended return, including the reasons for any rejection.

(c) The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation, the Commission determines the figure included in the original returns are incorrect; and the Commission adjusts the return within two (2) years of the original due date

for the return.

(d) A remote seller or marketplace facilitator may file a supplemental sales tax return, with supporting documentation, and the Commission may accept the supplemental return, but only in the following circumstances:

- (1) The remote seller or marketplace facilitator provides a written justification for requesting approval of the supplemental return; and
- (2) The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.

**69.06.130 Extension of time to file tax return.**

Upon written application of a remote seller or marketplace facilitator, stating the reasons therefor, the Commission may extend the time to file a sales tax return but only if the Commission finds each of the following:

- (1) For reasons beyond the remote seller's or marketplace facilitator's control, the remote seller or marketplace facilitator has been unable to maintain in a current condition the books and records that contain the information required to complete the return;
- (2) Such extension is a dire necessity for bookkeeping reasons and would avert undue hardship upon the remote seller or marketplace facilitator;
- (3) The remote seller or marketplace facilitator has a plan to cure the problem that caused the remote seller or marketplace facilitator to apply for an extension and the remote seller or marketplace facilitator agrees to proceed with diligence to cure the problem;

- (4) At the time of the application, the remote seller or marketplace facilitator is not delinquent in filing any other sales tax return, in remitting sales tax to the Commission or otherwise in violation of this chapter;
- (5) No such extension shall be made retroactively to cover existing delinquencies.

#### **69.06.140 Audits.**

- (a) Any remote seller or marketplace facilitator who has registered with the Commission, who is required to collect and remit sales tax, or who is required to submit a sales tax return is subject to a discretionary sales tax audit at any time. The purpose of such an audit is to examine the business records of the remote seller or marketplace facilitator in order to determine whether appropriate amounts of sales tax revenue have been collected by the remote seller or marketplace facilitator and remitted to the Commission.
- (b) The Commission is not bound to accept a sales tax return as correct. The Commission may make an independent investigation of all retail sales or transactions conducted within the State or taxing jurisdiction.
- (c) The records that a remote seller or marketplace facilitator is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the Commission for the purpose of auditing any return filed under this chapter, or to determine the remote seller's or marketplace facilitator's liability for sales tax where no return has been filed.
- (d) In addition to the information required on returns, the Commission may request, and the remote seller or marketplace facilitator must furnish, any reasonable information deemed necessary for a correct computation of the tax.
- (e) The Commission may adjust a return for a remote seller or marketplace facilitator if, after

1  
2 investigation or audit, the Commission determines that the figures included in the original  
3 return are incorrect, and that additional sales taxes are due; and the Commission adjusts the  
4 return within two (2) years of the original due date for the return.

5 (f) For the purpose of ascertaining the correctness of a return or the amount of taxes owed  
6 when a return has not been filed, the Commission may conduct investigations, hearings and  
7 audits, and may examine any relevant books, papers, statements, memoranda, records,  
8 accounts or other writings of any remote seller or marketplace facilitator at any reasonable  
9 hour on the premises of the remote seller or marketplace facilitator and may require the  
10 attendance of any officer or employee of the remote seller or marketplace facilitator. Upon  
11 written demand by the Commission, the remote seller or marketplace facilitator shall present  
12 for examination, in the office of the Commission, such books, papers, statements, memoranda,  
13 records, accounts and other written material as may be set out in the demand unless the  
14 Commission and the person upon whom the demand is made agree to presentation of such  
15 materials at a different place.

16  
17 (g) The Commission may issue subpoenas to compel attendance or to require production of  
18 relevant books, papers, records or memoranda. If any remote seller or marketplace facilitator  
19 refuses to obey any such subpoena, the Commissioner may refer the matter to the Commission's  
20 attorney for an application to the superior court for an order requiring the remote seller or  
21 marketplace facilitator to comply therewith.

22  
23 (h) Any remote seller, marketplace facilitator, or person engaged in business who is unable or  
24 unwilling to submit their records to the Commission shall be required to pay the Commission  
25 for all necessary expenses incurred for the examination and inspection of their records  
maintained outside the Commission.

(i) After the completion of a sales tax audit, the results of the audit will be sent to the business owner's address of record.

(j) In the event the Commission, upon completion of an audit, discovers more than five hundred dollars (\$500) in additional sales tax due from a remote seller or marketplace facilitator resulting from a remote seller's or marketplace facilitator's failure to accurately report sales and taxes due thereupon, the remote seller or marketplace facilitator shall bear responsibility for the full cost of the audit. The audit fee assessment will be in addition to interest and penalties applicable to amounts deemed to be delinquent by the Commission at the time of the conclusion of the audit.

**69.06.150 Audit protest.**

(a) If the remote seller or marketplace facilitator wishes to dispute the amount of the estimate, or the results of an examination or audit, the remote seller or marketplace facilitator must file a written protest with the Commission, within thirty (30) calendar days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:

- (1) The remote seller's or marketplace facilitator's justification for reducing or increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or
- (2) The remote seller's or marketplace facilitator's reasons for challenging the examination or audit results.

(b) In processing the protest, the Commission may hold an informal meeting or hearing with the remote seller or marketplace facilitator, either on its own or upon request of the remote seller or marketplace facilitator, and may also require that the remote seller or marketplace



facilitator submit to an audit, if one was not previously conducted or a more formal audit, if an estimation audit was previously performed.

(c) The Commission shall make a final written determination on the remote seller's or marketplace facilitator's protest and mail a copy of the determination to the remote seller or marketplace facilitator.

(d) If a written protest is not filed within thirty (30) days of the date of the notice of estimated tax or the result of a review, audit or examination, then the estimated tax, review, audit or examination result shall be final, due and payable to the Commission.

**69.06.160 Penalties and interest for late filing.**

(a) A late filing fee of twenty-five dollars (\$25) per month (or quarter) shall be added to all late-filed sales tax reports in addition to interest and penalties.

(b) Delinquent sales tax bear interest at the rate of fifteen percent (15%) per annum until paid.

(c) In addition, delinquent sales tax shall be subject to an additional penalty of five percent (5%) per month, or fraction thereof, until a total of twenty percent (20%) of delinquent tax has been reached. The penalty does not bear interest.

(d) Penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to penalties and interest, second to past due sales tax.

(e) The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.

(f) A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the Commission, upon written application of the

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2 remote seller or marketplace facilitator accompanied by a payment of all delinquent sales tax,  
3 interest and penalty otherwise owed by the remote seller or marketplace facilitator, within  
4 forty-five (45) calendar days after the date of delinquency. A remote seller or marketplace  
5 facilitator may not be granted more than one (1) waiver of penalty under this subsection in any  
6 one calendar year. The Commission shall report such waivers of penalty to the taxing  
7 jurisdiction, in writing.  
8

9  
10 **69.06.170 Repayment plans.**

11 (a) The Commission may agree to enter into a repayment plan with a delinquent remote seller  
12 or marketplace facilitator. No repayment plan shall be valid unless agreed to by both parties in  
13 writing.

14 (b) A remote seller or marketplace facilitator shall not be eligible to enter into a repayment  
15 plan with the Commission if the remote seller or marketplace facilitator has defaulted on a  
16 repayment plan in the previous two (2) calendar years.

17 (c) The repayment plan shall include a secured promissory note that substantially complies  
18 with the following terms:  
19

20 (1) The remote seller or marketplace facilitator agrees to pay a minimum of ten percent  
21 (10%) down payment on the tax, interest and penalty amount due. The down  
22 payment shall be applied first to penalty, then to accumulated interest, and then to  
23 the tax owed.

24 (2) The remote seller or marketplace facilitator agrees to pay the balance of the tax,  
25 penalty and interest owed in monthly installments over a period not to exceed two  
(2) years.

(3) Interest at a rate of fifteen percent (15%) per annum shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.

(4) If the remote seller or marketplace facilitator is a corporation or a limited liability entity the remote seller or marketplace facilitator agrees to provide a personal guarantee of the obligations under the repayment plan.

(5) The remote seller or marketplace facilitator agrees to pay all future tax bills in accordance with the provisions of this Chapter.

(6) The remote seller or marketplace facilitator agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the Commission at the time the repayment plan is signed. The remote seller or marketplace facilitator shall be responsible for the cost of recording the tax lien.

(d) If a remote seller or marketplace facilitator fails to pay two (2) or more payments as required by the repayment plan agreement, the remote seller or marketplace facilitator shall be in default and the entire amount owed at the time of default shall become immediately due. The Commission will send the remote seller or marketplace facilitator a notice of default. The Commission may immediately foreclose on the sales tax lien or take any other remedy available under the law.

**69.06.180 Remote seller or marketplace facilitator record retention.**

1  
2 Remote sellers or marketplace facilitators shall keep and preserve suitable records of all sales  
3 made and such other books or accounts as may be necessary to determine the amount of tax  
4 that the remote seller or marketplace facilitator is obliged to collect. Remote sellers or  
5 marketplace facilitators shall preserve suitable records of sales for a period of six (6) years from  
6 the date of the return reporting such sales, and shall preserve for a period of six (6) years all  
7 invoices of goods and merchandise purchased for resale, and all such other books, invoices and  
8 records as may be necessary to accurately determine the amount of taxes which the remote  
9 seller or marketplace facilitator was obliged to collect under this Chapter.  
10  
11

12 **69.06.190 Cessation or transfer of business.**

13 (a) A remote seller or marketplace facilitator who sells, leases, conveys, forfeits, transfers or  
14 assigns the majority of their business interest, including a creditor or secured party, shall make  
15 a final sales tax return within thirty (30) days after the date of such conveyance.

16 (b) At least ten (10) business days before any such sale is completed, the remote seller or  
17 marketplace facilitator shall send to the Commission, by approved communication (email  
18 confirmation, certified first-class mail, postage prepaid) a notice that the remote seller's or  
19 marketplace facilitator's interest is to be conveyed and shall include the name, address and  
20 telephone number of the person or entity to whom the interest is to be conveyed.  
21

22 (c) Upon notice of sale and disclosure of buyer, the Commission shall be authorized to disclose  
23 the status of the remote seller's or marketplace facilitator's sales tax account to the named  
24 buyer or assignee.

25 (d) Upon receipt of notice of a sale or transfer, the Commission shall send the transferee a  
copy of the Uniform Alaska Remote Seller Sales Tax Code with this section highlighted.

(e) Neither the Commission's failure to give the notice nor the transferee's failure to receive the notice shall relieve the transferee of any obligations under this section.

(f) Following receipt of the notice, the Commission shall have sixty (60) days in which to perform a final sales tax audit and assess sales tax liability against the seller of the business. If the notice is not mailed at least ten (10) business days before the sale is completed, the Commission shall have twelve (12) months from the date of the completion of the sale or the Commission's knowledge of the completion of the sale within which to begin a final sales tax audit and assess sales tax liability against the seller of the business. The Commission may also initiate an estimated assessment if the requirements for such an assessment exist.

(g) A person acquiring any interest of a remote seller or marketplace facilitator in a business required to collect the tax under this chapter assumes the liability of the remote seller or marketplace facilitator for all taxes due the Commission, whether current or delinquent, whether known to the Commission or discovered later, and for all interest, penalties, costs and charges on such taxes.

(h) Before the effective date of the transfer, the transferee of a business shall obtain from the Commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that amount from the consideration payable for the transfer, until the remote seller or marketplace facilitator has produced a receipt from the Commission showing that all tax obligations imposed by this Chapter have been paid. A transferee that fails to withhold the amount required under this subsection shall be liable to the Commission and taxing jurisdiction for the lesser of the amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace facilitator as of the date of transfer, and the amount that the transferee was required to

withhold.

(i) In this section, the term “transfer” includes the following:

- (1) A change in voting control, or in more than fifty percent (50%) of the ownership interest in a remote seller or marketplace facilitator that is a corporation, limited liability company or partnership; or
- (2) A sale of all or substantially all the assets used in the business of the remote seller or marketplace facilitator; or
- (3) The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the remote seller’s or marketplace facilitator’s gross receipts from sales, rentals or services.

(j) Subsection (h) of this section shall not apply to any person who acquires their ownership interest in the ongoing business as a result of the foreclosure of a lien that has priority over the Commission’s sales tax lien.

(k) Upon termination, dissolution or abandonment of a corporate business, any officer having control or supervision of sales tax funds collected, or who is charged with responsibility for the filing of returns or the payment of sales tax funds collected, shall be personally liable for any unpaid taxes, interest, administrative costs and penalties on those taxes if such officer willfully fails to pay or cause to be paid any taxes due from the corporation. In addition, regardless of willfulness, each director of the corporation shall be jointly and severally liable for unpaid amounts. The officer shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility or duty to act for the corporation. This section does not relieve the corporation of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(l) A remote seller or marketplace facilitator who terminates the business without the benefit of a purchaser, successor or assign shall make a final tax return and settlement of tax obligations within thirty (30) days after such termination. If a final return and settlement are not received within thirty (30) days of the termination, the remote seller or marketplace facilitator shall pay a penalty of one hundred dollars (\$100), plus an additional penalty of twenty-five dollars (\$25) for each additional thirty-day period, or part of such a period, during which the final return and settlement have not been made, for a maximum of six (6) additional periods.

**69.06.200 Use of information on tax returns.**

(a) Except as otherwise provided in this Chapter, all returns, reports and information required to be filed with the Commission under this Chapter, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:

- (1) Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
- (2) The person supplying such returns, reports and information; and
- (3) Persons authorized in writing by the person supplying such returns, reports and information.

(b) The Commission will release information described in subsection (a) of this section pursuant to subpoena, order of a court or administrative agency of competent jurisdiction, and where otherwise required by law to do so.

(c) Notwithstanding subsection (a) of this section, the following information is available for public inspection:

(1) The name and address of sellers;

(2) Whether a business is registered to collect taxes under this Chapter;

(3) The name and address of businesses that are sixty (60) days or more delinquent in filing returns or in remitting sales tax, or both filing returns and remitting sales tax, and if so delinquent, the amount of estimated sales tax due and the number of returns not filed.

(d) The Commission may provide the public statistical information related to sales tax collections, provided that no information identifiable to a particular remote seller or marketplace facilitator is disclosed.

(e) Nothing contained in this section shall be construed to prohibit the delivery to a person, or their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers, remote sellers, or marketplace facilitators, nor to prohibit the furnishing of information on a reciprocal basis to other agencies or political subdivisions of the state or the United States concerned with the enforcement of tax laws.

(f) Nothing contained in this section shall be construed to prohibit the disclosure through enforcement action proceedings or by public inspection or publication of the name, estimated balance due, and current status of payments, and filings of any remote seller or marketplace facilitator or agent of any remote seller or marketplace facilitator required to collect sales taxes or file returns under this Chapter, who fails to file any return and/or remit in full all sales taxes due within thirty (30) days after the required date for that business. Entry into any agreement whether pursuant to the provisions of this Chapter or otherwise shall not act as any prohibition to disclosure of the records of that remote seller or marketplace facilitator as otherwise provided



in this chapter.

(g) A prospective lessee or purchaser of any business or business interest may inquire as to the obligation or tax status of any business upon presenting to the Commission a release of tax information request signed by the authorized agent of the business.

(h) All returns referred to in this Chapter, and all data taken therefrom, shall be kept secure from public inspection, and from all private inspection.

#### **69.06.210 Violations.**

(a) A remote seller or marketplace facilitator that fails to file a sales tax return or remit sales tax when due, in addition to any other liability imposed by this Chapter, shall pay to the Commission all costs incurred by the Commission to determine the amount of the remote seller's or marketplace facilitator's liability or to collect the sales tax, including, without limitation, reviewing and auditing the remote seller's or marketplace facilitator's business records, collection agency fees, and actual reasonable attorney's fees.

(b) A person who causes or permits a corporation of which the person is an officer or director, a limited liability company of which the person is a member or manager, or a partnership of which the person is a partner, to fail to collect sales tax or to remit sales tax to the Commission as required by this Chapter shall be liable to the Commission for the amount that should have been collected or remitted, plus any applicable interest and penalty.

(c) Notwithstanding any other provision of law, and whether or not the Commission initiates an audit or other tax collection procedure, the Commission may bring a declaratory judgment action against a remote seller or marketplace facilitator believed to meet the criteria to establish that the obligation to remit sales tax is applicable and valid under local, state and

federal law. The action shall be brought in the judicial district of the taxing jurisdiction.

(d) The Commission may cause a sales tax lien to be filed and recorded against all real and personal property of a remote seller or marketplace facilitator where the remote seller or marketplace facilitator has:

- (1) Failed to file sales tax returns for two (2) consecutive filing periods as required by the Chapter; or
- (2) Failed within sixty (60) days of the end of the filing period from which taxes were due to either (a) remit all amounts due or (b) to enter into a secured payment agreement as provided in this Chapter.
- (3) Prior to filing a sales tax lien, the Commission shall cause a written notice of intent to file to be mailed to the last known address of the delinquent remote seller or marketplace facilitator.

(e) In addition to other remedies discussed in this Chapter, the Commission may bring a civil action to:

- (1) Enjoin a violation of this Chapter. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.
- (2) Collect delinquent sales tax, penalty, interest and costs of collection, either before or after estimating the amount of sales tax due.
- (3) Foreclose a recorded sales tax lien as provided by law.

(f) All remedies hereunder are cumulative and are in addition to those existing at law or equity.

**69.06.220 Penalties for violations.**

(a) A buyer, remote seller, or marketplace facilitator who knowingly or negligently submits false information in a document filed with the Commission pursuant to this Chapter is subject to a penalty of five hundred dollars (\$500).

(b) A remote seller or marketplace facilitator who knowingly or negligently falsifies or conceals information related to its business activities with the Commission or taxing jurisdiction is subject to a penalty of five hundred dollars (\$500).

(c) A person who knowingly or negligently provides false information when applying for a certificate of exemption is subject to a penalty of five hundred dollars (\$500).

(d) Any remote seller or marketplace facilitator who fails to file a return required under this chapter by the due date, regardless of whether any taxes were due for the reporting period for which the return was required, shall be subject to a penalty of twenty-five dollars (\$25) for the first sales tax return not timely filed. The filing of an incomplete return shall be treated as the filing of no return.

(e) A remote seller or marketplace facilitator who fails or refuses to produce requested records or to allow inspection of their books and records shall pay to the Commission a penalty equal to three (3) times any deficiency found or estimated by the Commission with a minimum penalty of five hundred dollars (\$500).

(f) A remote seller or marketplace facilitator who falsifies or misrepresents any record filed with the Commission is guilty of an infraction and subject to a penalty of five hundred dollars (\$500) per record.

(g) Misuse of an exemption card is a violation and subject to a penalty of fifty dollars (\$50) per incident of misuse;

(h) Nothing in this chapter shall be construed as preventing the Commission from filing and

maintaining an action at law to recover any taxes, penalties, interest and/or fees due from a remote seller or marketplace facilitator. The Commission may also recover attorney's fees in any action against a delinquent remote seller or marketplace facilitator.

**69.06.230 Remote sellers with a physical presence in the taxing jurisdiction.**

(a) Sellers with a physical presence in a Taxing Jurisdiction and no remote or internet-based sales shall report, remit, and comply with standards, including audit authority, of the Taxing Jurisdiction.

(b) Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet-based sales where the Point of Delivery is in a different Taxing Jurisdictions shall (i) report and remit the remote or internet sales to the Commission; and ii) report and remit the in-store sales to the Taxing Jurisdiction.

(c) Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet-based sales where the Point of Delivery is in the same Taxing Jurisdictions shall report and remit those remote sales to the Taxing Jurisdiction.

(d) Remote Sellers and marketplace facilitators that do not have a physical presence in a Taxing Jurisdiction must report and remit all remote sales to the Commission.

(e) For all purchases the tax rate added to the sale price shall be as provided in the Taxing Jurisdiction's sales tax code, based on the Point of Delivery.

(f) A marketplace facilitator is considered the remote seller for each sale facilitated through its marketplace and shall collect, report, and remit sales tax to the Commission. A marketplace facilitator is not considered to be the remote seller for each sale or rental of lodging facilitated through its marketplace, wherein the seller is considered to have a physical presence in the

Taxing Jurisdiction.

**69.06.240 Remittance of tax; remote seller held harmless.**

(a) Any remote seller or marketplace facilitator that collects and remits sales tax to the Commission as provided by law may use an electronic database of state addresses that is certified by the Commission pursuant to subsection (c) of this section to determine the jurisdictions to which tax is owed.

(b) Any remote seller or marketplace facilitator that uses the data contained in an electronic database certified by the Commission pursuant to subsection (c) of this section to determine the jurisdictions to which tax is owed shall be held harmless for any tax, charge, or fee liability to any taxing jurisdiction that otherwise would be due solely as a result of an error or omission in the database.

(c) Any electronic database provider may apply to the Commission to be certified for use by remote sellers or marketplace facilitators pursuant to this section. Such certification shall be valid for three years. In order to be certified, an electronic database provider shall have a database that satisfies the following criteria:

- (1) The database shall designate each address in the state, including, to the extent practicable, any multiple postal address applicable to one location and the taxing jurisdictions that have the authority to impose a tax on purchases made by purchasers at each address in the state.
- (2) The information contained in the electronic database shall be updated as necessary and maintained in an accurate condition. In order to keep the database accurate, the database provider shall provide a convenient method for taxing jurisdictions

that may be affected by the use of the database to inform the provider of apparent errors in the database. The provider shall have a process in place to promptly correct any errors brought to the provider's attention.

**69.06.250 Definitions.**

Adoption of definitions does not compel an individual municipality to exempt certain defined items. Each municipality should specifically adopt definitions necessary for consistency to implement both brick-and-mortar sales tax code and provisions related to remote sellers or marketplace facilitators. For definitions that have no applicability to brick-and-mortar sales tax code, municipality may choose to either include definitions in the definitional section of general sales tax ordinance or adopt the common definitions by reference.

**“Buyer or purchaser”** means a person to whom a sale of property or product is made or to whom a service is furnished.

**“Commission”** means the Alaska Intergovernmental Remote Sales Tax Commission established by Agreement between local government taxing jurisdictions within Alaska, and the delegated tax collection authority.

**“Delivered electronically”** means delivered to the purchaser by means other than tangible storage media.

**“Entity-based exemption”** means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

**“Goods for resale”** means:

- (1) The sale of goods by a manufacturer, wholesaler or distributor to a retail vendor, and sales to a wholesale or retail dealer who deals in the property sold for the purpose of resale by the dealer.
- (2) The sale of personal property as raw material to a person engaged in manufacturing components for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.
- (3) The sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.

**“Marketplace facilitator”** means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller’s property or services through a physical or electronic marketplace operated by the person, and engages:

- (a) Directly or indirectly, through one or more affiliated persons, in any of the following:
  - (1) Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;

- (2) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;
- (3) Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or
- (4) Software development or research and development activities related to any of the activities described in (b) of this subsection (3), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(b) In any of the following activities with respect to the seller's products:

- (1) Payment processing services;
- (2) Fulfillment or storage services;
- (3) Listing products for sale;
- (4) Setting prices;
- (5) Branding sales as those of the marketplace facilitator;
- (6) Order taking;
- (7) Advertising or promotion; or
- (8) Providing customer service or accepting or assisting with returns or exchanges.

**"Member"** means a taxing jurisdiction that is a signatory of the Alaska Remote Sales Tax Intergovernmental Agreement, thereby members of the Commission, and who have adopted the Uniform Alaska Remote Seller Sales Tax Code.

**"Monthly"** means occurring once per calendar month.



1  
2  
3 **“Nonprofit organization”** means a business that has been granted tax-exempt status by the  
4 Internal Revenue Service (IRS). An association, corporation, or other organization where no  
5 part of the net earnings of the organization inures to the benefit of any member, shareholder, or  
6 other individual, as certified by registration with the IRS.  
7

8  
9 **“Person”** means an individual, trust, estate, fiduciary, partnership, limited liability company,  
10 limited liability partnership, corporation, or any other legal entity.  
11

12 **“Physical presence”** means a seller who establishes any one or more of the following within a  
13 local taxing jurisdiction:

- 14 (1) Has any office, distribution or sales house, warehouse, storefront, or any other place  
15 of business within the boundaries of the local taxing jurisdiction;
- 16 (2) Solicits business or receiving orders through any employee, agent, salesman, or  
17 other representative within the boundaries of the local taxing jurisdiction or  
18 engages in activities in this state that are significantly associated with the seller’s  
19 ability to establish or maintain a market for its products in this state;  
20
- 21 (3) Provides services or holds inventory within the boundaries of the local taxing  
22 jurisdiction;
- 23 (4) Rents or Leases property located within the boundaries of the local taxing  
24 jurisdiction.  
25

A seller that establishes a physical presence within the local taxing jurisdiction in any calendar year will be deemed to have a physical presence within the local taxing jurisdiction for the following calendar year.

**“Point of delivery”** means the location at which property or a product is delivered or service rendered.

- (1) When the product is not received or paid for by the purchaser at a business location of a remote seller in a Taxing Jurisdiction, the sale is considered delivered to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller;
- (2) When the product is received or paid for by a purchaser who is physically present at a business location of a Remote Seller in a Taxing Jurisdiction the sale is considered to have been made in the Taxing Jurisdiction where the purchaser is present even if delivery of the product takes place in another Taxing Jurisdiction. Such sales are reported and tax remitted directly to the Taxing Jurisdiction not to the Commission;
- (3) For products transferred electronically, or other sales where the remote seller or marketplace facilitator lacks a delivery address for the purchaser, the remote seller or marketplace facilitator shall consider the point of delivery the sale to the billing address of the buyer.

**“Product-based exemptions”** means an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.

**“Property”** and **“product”** means both tangible property, an item that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses; and intangible property, anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).

**“Quarter”** means trimonthly periods of a calendar year; January-March, April-June, July-September, and October-December.

**“Receive or receipt”** means

- (1) Taking possession of property;
- (2) Making first use of services;
- (3) Taking possession or making first use of digital goods, whichever comes first.

The terms “receive” and “receipt” do not include temporary possession by a shipping company on behalf of the purchaser.

**“Remote sales”** means sales of goods or services by a remote seller or marketplace facilitator.

**“Remote seller”** means a seller or marketplace facilitator making sales of goods or services delivered within the State of Alaska, without having a physical presence in a taxing jurisdiction, or conducting business between taxing jurisdictions, when sales are made by

internet, mail order, phone or other remote means. A marketplace facilitator shall be considered the remote seller for each sale facilitated through its marketplace.

**“Resale of services”** means sales of intermediate services to a business the charge for which will be passed directly by that business to a specific buyer.

**“Sale” or “retail sale”** means any transfer of property for consideration for any purpose other than for resale.

**“Sales or purchase price”** means the total amount of consideration, including cash, credit, property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- (1) The seller’s cost of the property or product sold;
- (2) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- (3) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- (4) Delivery charges;
- (5) Installation charges; and
- (6) Credit for any trade-in, as determined by state law.

1  
2 **“Seller”** means a person making sales of property, products, or services, or a marketplace  
3 facilitator facilitating sales on behalf of a seller.  
4

5 **“Services”** means all services of every manner and description, which are performed or  
6 furnished for compensation, and delivered electronically or otherwise outside the taxing  
7 jurisdiction (but excluding any that are rendered physically within the taxing jurisdiction,  
8 including but not limited to:  
9

- 10 (1) Professional services;
- 11 (2) Services in which a sale of property or product may be involved, including property  
12 or products made to order;
- 13 (3) Utilities and utility services not constituting a sale of property or products,  
14 including but not limited to sewer, water, solid waste collection or disposal,  
15 electrical, telephone services and repair, natural gas, cable or satellite television,  
16 and Internet services;
- 17 (4) The sale of transportation services;
- 18 (5) Services rendered for compensation by any person who furnishes any such services  
19 in the course of his trade, business, or occupation, including all services rendered  
20 for commission;
- 21 (6) Advertising, maintenance, recreation, amusement, and craftsman services.  
22

23  
24 **“Tax cap”** means a maximum taxable transaction.  
25

1  
2 **“Taxing jurisdiction”** means a local government in Alaska that has a sales tax and is a  
3 member of the Alaska Remote Sellers Sales Tax Commission.  
4

5 **“Transferred electronically”** means obtained by the purchaser by means other than tangible  
6 storage media.  
7

8  
9 **69.06.260 Supplemental definitions.**

10 The Commission shall promulgate Supplemental Definitions that are incorporated into this  
11 Remote Seller Sales Tax Code. Supplemental Definitions are available at [\_\_\_\_\_].  
12 Provisions of the Supplemental Definitions that are amended, deleted, or added prior to or after  
13 the effective date of the latest amendment to this chapter shall be applicable for purposes of  
14 this chapter on the effective date provided for such amendments, deletions, or additions,  
15 including retroactive provisions.  
16

17 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.  
18

19 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
20

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

22 Attest:

23 \_\_\_\_\_  
24 Elizabeth J. McEwen, Municipal Clerk  
25

Presented by: The Manager  
 Introduced: 01/13/2020  
 Drafted by: R. Palmer III

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

**Serial No. 2020-05**

**An Ordinance Authorizing the Manager to Dispose of Eight Lots in the Vintage Business Park, Located near 3041 Clinton Drive, to Torrey Pines Development for Fair Market Value.**

WHEREAS, a 2014 study identified that assisted living, primarily for seniors, was a gap in the continuum of care in Juneau and demands for assisted living facilities would increase dramatically over the next three decades; and

WHEREAS, on August 19, 2019, the CBJ acquired eight lots in the Vintage Business Park for \$1.519 million (#2019-003599-0); and

WHEREAS, the CBJ subsequently solicited proposals to develop assisted living, primarily for seniors, on the eight lots; and

WHEREAS, Torrey Pines Development proposes to develop 80 units (88 beds) of assisted living and memory care with a wide range of proposed senior services and amenities; and

WHEREAS, the proposed units include a combination of Medicaid eligible and private pay beds with studio and 1-bedroom options for assisted living and private and semi-private beds for Memory Care, with a total project cost of approximately \$32 million; and

WHEREAS, the Manager informed the Assembly Committee of the Whole on December 9, 2019, that Torrey Pines Development was the best bidder and the CBJ would initiate negotiations consistent with CBJC 53.09.250(b); and

WHEREAS, as part of the proposal, Torrey Pines Development requested the option to purchase the eight lots; and

WHEREAS, the Assembly Committee of the Whole reviewed the status of negotiations on January 6, 2020, and authorized the Manager to negotiate with Torrey Pines Development for the sale of the eight lots.

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

**Section 1. Classification.** This ordinance is a non-code ordinance.

**Section 2. Authorization of Sale.** The Manager is authorized to sell the following real property subject to the following essential terms and conditions:

- (A) **Property Description.** The property is described as all in the Juneau Recording District, First Judicial District, State of Alaska, constituting approximately 2.35 acres, and further described as follows:
  1. Lot 31A, Block C, according to Plat 2016-19, and subject to the terms and provisions of the Access Easement and Option Agreement between Pacific Investment Group LLC and Juneau Senior Housing Partners Limited Partnership recorded April 20, 2018 (#2018-001676-0) and together with the easement for ingress and egress in favor of Lot 31A, Block C, across a portion of Lot 26A, Block C Vintage II Subdivision according to Plat 2016-19; and
  2. Lots 32, 33, 34, 35, 36, 37, and 38 Block C, Vintage II Subdivision according to Plat 85-58;
  3. Subject to reservations, exceptions, easements, covenants, conditions, and restrictions of record, if any.
  4. Any lot consolidation required due to the assisted living development plan will become the legal description for this ordinance.
- (B) **Sale.** The sale encompasses the eight parcels described in Section 2 paragraph A.
- (C) **Lot Consolidation.** Buyer shall pay for all costs associated with any required lot consolidation (CBJC 49.15.403) to develop the assisted living facility.
- (D) **Use of Premises.** Buyer agrees to use the land for the sole purpose of an assisted living facility consistent with the competitive bid proposal.
- (E) **Purchase Payment Schedule.** The first thirty-six months of payments are deferred. Buyer shall purchase the property over a twenty-year term as follows: 1) equal monthly payments of \$4,430.00 totaling \$53,160.00 per year for years four through and including year ten; and 2) monthly payments of \$12,658.00 totaling \$151,896.00 for years eleven through and including year twenty which is the fair market value of the property.
- (F) **Taxes.** Buyer shall be responsible for any and all taxes related to or arising out of the possessory interest and for the improvements on the premises.
- (G) **Hold Harmless.** Any purchase and sale agreement shall require the Buyer to indemnify, defend and hold harmless the City and Borough, its officers and employees, volunteers, consultants and insurers for any claim related to or arising out of Buyer's use, operation, or maintenance of the premises during the term of this sale.



- (H) **Costs.** The Grantee is responsible for all closing costs and fees, including but not limited to title company fees, recording fees, and surveying.
- (I) **Title Insurance.** A title insurance policy shall be obtained, paid for by Grantee.
- (J) **Type of Deed.** The property shall only be conveyed with a quitclaim deed.
- (K) **Option to Buy.** The Buyer may elect to complete early purchase of the property by paying in advance at any time.
- (L) **Other Terms and Conditions.** The Manager may include other disposal terms and conditions as the Manager determines to be in the public interest.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Attest:

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

Presented by: The Manager  
 Introduced: January 13, 2020  
 Drafted by: Finance

# ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(Q)

**An Ordinance Appropriating to the Manager the Sum of \$2,000,000 as Funding for the Assembly's Senior Assisted Living Grant; Funding Provided by the General Fund's Fund Balance, and the Juneau Affordable Housing 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 \$2,000,000 as funding for the Assembly's Senior Assisted Living Grant to partially fund the construction cost of a senior assisted living facility.

## Section 3. Source of Funds

|                                        |                    |
|----------------------------------------|--------------------|
| General Fund's Fund Balance            | \$1,600,000        |
| Affordable Housing Fund's Fund Balance | <u>\$ 400,000</u>  |
| <b>Grand Total</b>                     | <b>\$2,000,000</b> |

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Attest:

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

Presented by: The Manager  
Introduced: January 13, 2020  
Drafted by: Finance

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

**Serial No. 2019-06(R)**

**An Ordinance Appropriating to the Manager the Sum of \$1,000,000 as Funding for the Recycleworks Consolidated Facility Capital Improvement Project; Funding Provided by the Waste Management 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 \$1,000,000 as partial funding for the Recycleworks Consolidated Facility Capital Improvement Project D77-001.

**Section 3. Source of Funds**

|                                      |              |
|--------------------------------------|--------------|
| Waste Management Fund's Fund Balance | \$ 1,000,000 |
|--------------------------------------|--------------|

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Attest:

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



## Planning Commission

(907) 586-0715  
PC\_Comments@juneau.org  
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155 S. Seward Street • Juneau, AK 99801

### PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: January 28, 2020  
File No.: CSP2020 0002

City and Borough of Juneau  
CBJ Assembly Members  
155 S Seward Street  
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding disposal of 8 City-owned lots at Vintage Business Park to Torrey Pines Development for fair market value for purpose of developing 80 units of senior housing, assisted living, and memory care.

Property Address: N/A

Legal Description  
or ROW name: Clinton Drive

Parcel Code No.: 5B1601440380; 5B1601440370; 5B1601440360; 5B1601440350;  
5B1601440340; 5B1601440330; 5B1601440320; 5B1601440311

Hearing Date: January 28, 2019

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 21, 2020, and recommended that the City Manager direct CBJ staff to sell CBJ owned property located at Clinton Drive to Torrey Pines Development.

Attachments: January 21, 2020 memorandum from Jill Maclean, AICP, Director Community Development, to the CBJ Planning Commission regarding CSP2020 0002.

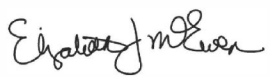
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even

City and Borough of Juneau  
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if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

  
\_\_\_\_\_  
Jill Maclean, AICP, Director  
Community Development Department

   
\_\_\_\_\_  
Michael Fevme, Chair  
Planning Commission

  
\_\_\_\_\_  
Filed With Municipal Clerk

1/29/2020  
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:** January 21, 2020

**TO:** Planning Commission

**FROM:** Jill Maclean, AICP, Director  
Community Development Department

**FILE NO.:** CSP2020 0002

**PROPOSAL:** Disposal of 8 city-owned lots at Vintage Business Park to Torrey Pines Development for fair market value for purpose of developing 80 units of senior housing, assisted living and memory care.

**GENERAL INFORMATION**

**Applicant:** City & Borough of Juneau

**Property Owner:** City & Borough of Juneau

**Property Address:** Clinton Drive

**Legal Description:** VINTAGE II BL C LT 31A; VINTAGE II BL C LT 32, 33, 34, 35, 36, 37 and 38

**Parcel Code No.:** 5B1601440380; 5B1601440370; 5B1601440360; 5B1601440350; 5B1601440340; 5B1601440330; 5B1601440320; 5B1601440311

**Site Size:** 102,309 sq. ft. (2.35 acres approximately)

**Comprehensive Plan Land Use Designation:** Traditional Town Center (TTC) – High density residential and non-residential uses around shopping centers, employment centers, and public transportation; 18 units or more per acre.

**Zoning:** Mixed Use (MU)

**Utilities:** CBJ Water / Sewer

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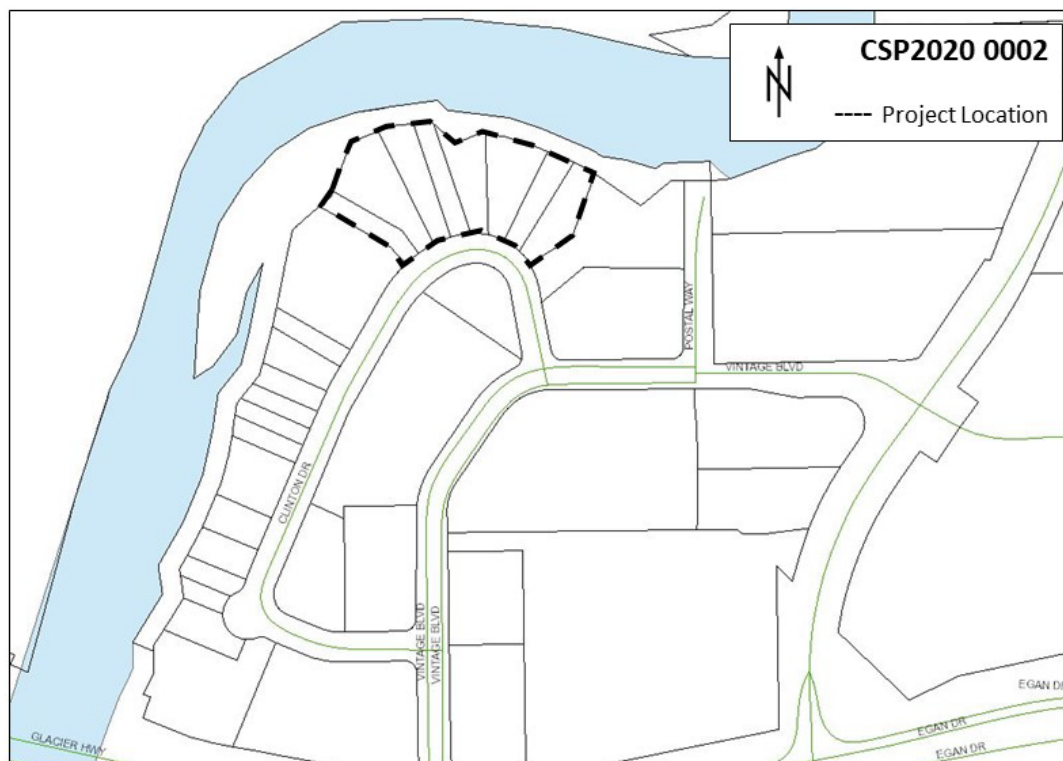
Access: Clinton Drive

Existing Land Use: Vacant

Surrounding Land Use:

- North - Mendenhall River / Vacant (D1)
- South - Vacant (LC)
- East - Vacant, True North (MU, LC)
- West - Trillium Landing (MU)

### **VICINITY MAP**



### **ATTACHMENTS**

Attachment A: Application

Attachment B: Agency Comments

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## **PROPOSAL**

CBJ has been working on the development of senior assisted living housing units to meet long-standing community needs and goals. Through a sealed competitive bid process, Torrey Pines Development submitted a proposal for 80 units (88 beds) of assisted living and memory care with a wide range of proposed senior services and amenities to be developed using CBJ-owned land located in the Vintage Business Park. The unit mix in the proposal includes a combination of Medicaid eligible and private pay beds with studio and 1-bedroom options for assisted living, and private and semi-private beds for Memory Care. Total project costs for development and pre-opening was estimated at \$31,802,807.

## **BACKGROUND**

The project consists of Lots 31A (see Attachment A) through 38 of Vintage II Subdivision. This land was part of Vintage Subdivision, originally a homestead of U.S. Survey 1193 that was left mostly undeveloped. In 1984, the land was sold to Mr. William Bauer, and was designed as a business park. The site was cleared of the natural vegetation and graded to accommodate buildings and parking.

In January 2016, a zoning change from Light Commercial to Mixed Use was adopted.

As part of CBJ Assembly discussions on the development of assisted living in the community, the Lands Committee, at its April 29, 2019 meeting, discussed the purchase of the property, providing tax abatement for the creation of assisted living, and creating a competitive process to dispose of the property for the development and operation of senior assisted living.

At the April 29, 2019 Committee of the Whole meeting, a funding request for the property was moved to the Assembly Finance Committee pending list for consideration in the following year's budget. As part of the FY20 Budget, \$1,512,000 was approved for purchase of the property.

In July 2019, CBJ entered into negotiations with Mr. Bauer for the property and the sale closed on August 19, 2019.

From September 19 – November 21, 2019, CBJ organized a sealed competitive bid process for disposal of the land for development and operation of senior assisted living.

## **AGENCY REVIEW**

Staff contacted CBJ CDD Building Division, Engineering & Public Works Divisions of General Engineering and Streets, CCFR, and the Lands Division. No comments of concern were received regarding the sale of the lots (Attachment B).



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## **PUBLIC COMMENT**

At the time of writing this staff report, no public comment has been received.

## **ANALYSIS**

The Planning Commission is required to review the disposal of CBJ Property per CBJ 49.10.170(c):

*City and borough land disposals and projects. The commission shall review and make recommendations to the assembly on land disposals as prescribed by title 53, or capital improvement projects by any City and Borough agency.*

Additionally, CBJ 53.09.260(b) requires Planning Commission review of disposals, other than leases, of CBJ property:

*Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.*

## **Title 49**

CBJ 49.25.300 Table of Permissible Uses lists ‘assisted living facilities’ as a permissible use within a Mixed Use (MU) zoning district with a building permit or an approved conditional use permit, depending on whether it is a minor or major development. As proposed, the project would require a conditional use permit issued by Planning Commission. The applicant is aware that a conditional use permit is required, should the disposal of land to Torrey Pines Development occur and the project progress.

## **Conformity with Adopted Plans**

*Comprehensive Plan of the City and Borough of Juneau (2013 update)*

The Comprehensive Plan Land Use Maps designate this area as Traditional Town Center (TTC). The designation supports higher density housing located in shopping centers, with access to public transportation. The project site is located in an established shopping area, within a half mile of the Safeway grocery store, a transit stop, a bank, and a post office.

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Chapter 4 – Housing Element, Policy 4.2 states that the CBJ should facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups. The following standard operating procedures apply:

4.2 - SOP1 Designate on the Comprehensive Plan Land Use Maps adequate sites and supporting infrastructure within the Urban Service Area Boundary to accommodate a diversity of housing types, size, price and types of neighborhood scale and character to satisfy the desires of all residents.

4.2 - SOP2 The CBJ government should monitor the inventory of all types of housing and should focus efforts, funding and resources on producing the types of housing that have not yet reached a sufficient supply to meet demand.

4.2 - SOP3 The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.

Policy 4.8 calls for the CBJ to balance the protection and preservation of the character and quality of life of existing neighborhoods within the urban service area while providing opportunities for a mixture of new housing types.

Given these policies and procedures, the disposal of this CBJ-owned land for senior housing, assisted living and memory care is found to conform to the Comprehensive Plan.

#### *Juneau Economic Development Plan (2015)*

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability.” In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. Specifically relating to housing is the initiative “Build the Senior Economy,” which calls for the support of development that creates a range of housing options and support services that meet the needs of Juneau’s senior population.

Given these priorities and initiatives, the disposal of this CBJ-owned land for senior housing, assisted living and memory care is found to be consistent with the JEDP.

#### *Housing Action Plan (2017)*

The Housing Action Plan states that the borough has a shortage of senior housing, which is supported by the findings of the 2014 Juneau Senior Housing and Services Market Demand

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Study. The Plan includes solutions for addressing the housing challenges facing Juneau over the next 30 years. *Solution 4: Production Targets* states that the need for assisted living units is 330 units over 30 years, with the development of 11 units annually.

The disposal of this CBJ-owned land for senior housing, assisted living and memory care is found to be consistent with the Housing Action Plan.

### **Habitat**

No known habitats regulated by Title 49 exist on the site.

### **Flood Hazard Zones**

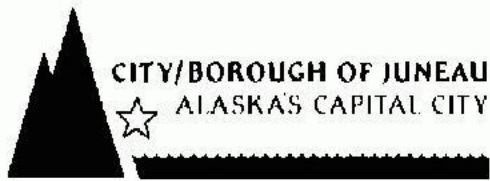
The majority of the subject parcels are located in Zone X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD). A portion of parcels are located in Zone AE, EL 23 Feet and a Regulatory Floodway (Mendenhall River). According to CBJ 49.70.400(d)(2), certain construction materials and methods may be required for new construction or significant renovations. These requirements will be analyzed and addressed through the building permit review process—subsequent to the issuance of a conditional use permit.

### **FINDINGS**

Staff finds the sale of the subject property to be consistent with Title 49 and CBJ adopted plans, specifically the 2013 Comprehensive Plan, 2015 Economic Development Plan, and the 2016 Housing Action Plan.

### **RECOMMENDATION**

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of APPROVAL to dispose of the CBJ-owned property located on Clinton Drive to Torrey Pines Development for senior housing, assisted living and memory care.



Office of the Assessor  
155 South Seward Street  
Juneau, Alaska 99801

| Late File Hardship Exemption<br>TO ASSEMBLY |                     |
|---------------------------------------------|---------------------|
| Assessment Year                             | 2019                |
| Parcel Identification #                     | 4B2901340160        |
| Applicant                                   | Alexander Dolitsky  |
| Site Address                                | 9216 Black Wolf Way |

**Hardship Exemption Filing deadline:** April 30, 2019

**Late-File Application submitted:** January 7, 2020

**Explanation for late-file:** The applicant states he was unaware of the eligibility requirement to file annually – “I was under the impression that the Hardship Exemption application must be submitted to CBJ only once”

Please see letter of explanation for late-file, attached.

The Assessor’s Office has reviewed the application and determined that the applicant’s declared income and household size would have qualified them for the hardship exemption had been it been filed in a timely manner.

City and Borough code places the authority for approving late file exemption claims with the Assembly:

***Per 69.10.020***

***(C): The assembly, for good cause shown, may waive the claimant's failure to make timely application for an exemption under subsection (A) or CBJ 69.10.021 and authorize the assessor to accept the application as if timely filed. "Good cause" shall mean:***

- (i)*** extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application;
- (ii)*** extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship, or reliance on misinformation provided by a professional such as a real estate broker, banker, attorney, or accountant.



**TO:** Rorie Watt, City Manager  
**FROM:** George Schaaf, Parks & Recreation Director  
**DATE:** January 31, 2020  
**RE:** Whittier Street Parking Lot Parking Permit – Changed from Lease

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The Whittier Street Parking Lot is located on the site of the former Alaska Department of Public Safety building, adjacent to the Zach Gordon Youth Center. The parking lot is managed by the Parks & Recreation Department under CBJ 03.10.040.

The Sealaska Heritage Institute (SHI) is moving forward with construction of the Sealaska Heritage Arts Campus at Front and Seward Streets beginning in July, 2020. This project will displace existing parking at Sealaska Plaza for at least 12 months, and SHI has requested use of the Whittier Street Parking Lot during this time.

While SHI originally applied to the Lands & Resources Office to lease the Whittier Street Parking Lot, an easier and more cost-effective option is to issue parking permits through the Parks & Recreation Department. The cost to SHI will be the same as a lease (\$50 per parking space, per month), and will include services like snow removal, parking enforcement, and security patrols. All operating costs will be recovered through permit fees, with surplus revenue deposited to the Downtown Parking Management Fund. Any parking spaces not needed by SHI would be available to the public as free two-hour parking.

The Department is prepared to issue permits to SHI until new underground parking is available at the Sealaska Heritage Arts Center, or as long as directed.

This method will provide more flexibility to allocate parking needs to SHI and other users. Additionally the Juneau Chamber of Commerce has enquired about providing some 2-hour parking in the lot to allow for more attendance at their weekly luncheons. During legislative session, they move downtown and will be located this year at the Elizabeth Peratrovich Hall. One of their goals is to encourage legislators to attend and participate and to allow the JCC to host speakers on a broad range of local and statewide issues.

In summary, the parking permit approach is more efficient and flexible.

## AGENDA GOVERNOR'S MEETING

1. PUBLIC SAFETY
  - a. Police officers raise
  - b. HB 49 and other progress--Chief Mercer
2. ADDICTION
  - a. Re-entry ID
  - b. Additional Addiction beds—Chuck Bill
  - c. Housing First Phase 2—Project Homeless Connect
3. SCHOOLS
  - a. Pride in quality of system
  - b. Report on District--Superintendent Weiss
  - c. School Funding Idea
4. FERRY
  - a. Support new committee—how to operate in interim
  - b. Appreciate supplement
  - c. Cascade Point
5. GOOD CAPITOL
  - a. Fund Gavel Alaska/Alaska Committee
  - b. Legislative housing—Telephone Hill—Rorie Watt
  - c. Always working—suggestions?
6. Proud of
  - a. Archipelago Project—Public/Private Partnership
  - b. Support senior assisted living
  - c. Juneau's role in Internet Sales Tax—Jeff Rogers
  - d. Childcare recommendations
7. MINING AND TOURISM
  - a. Two growing industries
  - b. Appreciate help in mining community
  - c. Tourism—Visitor Industry Task Force
  - d. Eaglecrest Summer Ops—Maria Gladziszewski
  - e. Expand Tideland Leases
8. FISCAL CERTAINTY
  - a. Good for business and industry
  - b. Hope that Governor and Legislature can work together to get us there
9. THANK YOU