

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

January 13, 2020 7:00 PM

Assembly Chambers
Meeting No. 2020-01

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. **October 28, 2019, Special Assembly Meeting #2019-33 DRAFT Minutes**

B. **December 7, 2019, Special Assembly Meeting (Retreat) #2019-37 DRAFT Minutes**

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 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 ordinance was recommended to be forwarded to the Assembly.

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

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 states to assess and collect sales tax on remote sales (i.e. internet, mail, catalogue, phone). Alaska is one of only five states that does not have a statewide broad-based sales tax; however, local municipalities in Alaska are empowered to assess sales taxes within their local boundaries. In order to create a system that would be compliant with the *Wayfair* decision, local taxing jurisdictions in Alaska banded together and have been working since June 2019 to develop a unified streamlined program to assess remote sales taxes. As part of this process, the local taxing jurisdictions created the Alaska Remote Sellers Sales Tax Commission, an intergovernmental entity of which the City and Borough of Juneau is a member. The Commission was charged with adopting and administering the Uniform Alaska Remote Seller Sales Tax Code, which is intended to streamline the collection of remote sales tax throughout the State of Alaska as required by the *Wayfair* decision. The Commission adopted this code on January 6, 2020. Pursuant to its membership agreement with the Commission, the CBJ is required to adopt the Uniform Remote Sales Tax Code in order to retain its membership. While the CBJ's authority to assess, collect, and remit remote sales tax will be delegated to the Commission, the CBJ will retain its authority to establish and modify sales tax rates and exemptions within its jurisdiction.

The Assembly Finance Committee recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- 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 introduce this ordinance and refer it to the Lands Committee and Planning Commission for review.

- 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- 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.

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

2. Liquor License

- a. **2020/2021 Liquor License Renewals**

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

2020-2021 Renewal of Liquor Licenses

License Type: Package Store, License #1129

Thibodeau's Market Inc, d/b/a Liquor Barrel

Location: 5235 Glacier Hwy., Juneau

License Type: Package Store, License #4422

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

Location: 9106 Mendenhall Mall Rd., Juneau

License Type: Package Store, License #661

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

Location: 619 Willoughby Ave., Juneau

License Type: Beverage Dispensary, License #550

Imperial Bar, Inc., d/b/a Imperial Bar

Location: 214 Front St., Juneau

License Type: Beverage Dispensary-Tourism, License #1378
Alaskan Hotel & Bar Inc., d/b/a Alaskan Hotel
Location: 167 S. Franklin St., Juneau

License Type: Beverage Dispensary-Tourism, License #3824
Hospitality Group LLC, d/b/a Frontier Suites Hotel
Location: 9400 Glacier Hwy., Juneau

License Type: Beverage Dispensary-Tourism, License #2541
MGO Inc., d/b/a Juneau Airport Travelodge
Location: 9200 Glacier Hwy., Juneau

License Type: Restaurant Eating Place License #5482
Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's
Location: 356 S. Franklin St., Juneau

License Type: Restaurant Eating Place License #5231
Alaska Sustainable Seafoods, LLC d/b/a Deckhand Dave's
Location: 127-139 S. Franklin St., Juneau

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

3. Other Items for consent

a. **CSP2019-0011 DOT Glacier Highway Project**

On January 8, 2020, the Planning Commission approved CSP2019 0011 with one condition. The Planning Commission's decision is issued in the attached notice of decision.

Per CBJ 49.15.580, the notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the Assembly.

CBJ 49.15.580, The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and

modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

VIII PUBLIC HEARING

A. Ordinance 2019-06(P) An Ordinance Appropriating to the Manager the Sum of \$10,000 as Partial Funding for the Housing and Homelessness Services Coordinator Project; Grant Funding Provided by the Alaska Mental Health Trust Authority.

CBJ's FY20 budget was set at \$100,000 for the Housing and Homelessness Services Coordinator Grant. However, the Alaska Mental Health Trust Authority approved a grant award of \$110,000 to better coordinate local housing and homelessness services. This ordinance is for the remaining \$10,000. The FY21 renewal grant is estimated to be \$110,000, and will be fully included in next year's budget request.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2020-02 An Ordinance Regulating Commercial Rental, Provision, and Use of Shared Micromobility Devices.

This ordinance would prohibit commercial rental or use of micromobility devices on the docks, seawalk, streets, and sidewalks of downtown Juneau. Micromobility devices include bikes, ebikes, scooters, and e-scooters. This ordinance would not regulate private use of micromobility devices.

The Assembly Committee of the Whole discussed the underlying policies at its meeting on December 2, 2019.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2020-03 An Ordinance Extending the Sunset Date Relating to the Prohibition of Commercial Rental or Provision of Dockless Vehicles and the Imposition of a Permit Moratorium.

Ordinance 2019-12 imposed a temporary moratorium related to dockless vehicles through February 1, 2020. On December 2, 2019, the Assembly Committee of the Whole discussed regulating dockless vehicles and provided recommendations to the Assembly, which resulted in Ordinance 2020-02. Given the breadth of the draft regulations in Ordinance 2020-02 and the upcoming expiration of the moratorium imposed by Ordinance 2019-12, this ordinance would give the Assembly additional time to discuss Ordinance 2020-02. If Ordinance 2020-02 is adopted on January 13, 2020, this ordinance is not necessary.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-06(O) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the River Road Car Cleanup; Funding Provided by the Waste Management Fund's Fund Balance.

A property owner on River Road established an illegal junk yard with approximately 260 vehicles. The Community Development Department initiated a code enforcement action. A series of court orders authorized the CBJ to hire a contractor to clean up the junk yard with all costs paid by the property owner. This ordinance would temporarily fund the cleanup costs from the Waste Management fund. Through the court, an escrow account is intercepting \$10,000 per month from the sale of the property owner's business to fully reimburse the CBJ.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Juneau Historic and Cultural Preservation Plan

This Plan is being provided for informational purposes.

The City Manager recommends the Assembly forward the plan to the Committee of the Whole at a later date.

B. Bid No. 20-128 - River Road Clean-Up

CBJ Public Works' RecycleWorks program requested bids from qualified persons or firms to provide clean-up of a private property located on River Road, in Juneau, AK. Contractor will collect, process, package, transport, and dispose of approximately 260 vehicles and associated debris to a properly licensed and permitted facility located outside of the City and Borough of Juneau. Contractor will process vehicles to remove fluids, tires and batteries and dispose of them as appropriate. Bids were opened on December 10, 2019. The protest period ended on December 12, 2019.

Two bids were received and the results are as follows:

Bidder	Total Bid
Island Contractors, Inc.	\$330,000.00
Tideline Contractors, LLC.	\$390,060.00

The City Manager recommends award of Bid No. 20-128 to Island Contractors, Inc. in the amount of \$330,000.00.

XI. STAFF REPORTS

A. River Road Clean-Up

XII.ASSEMBLY REPORTS

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

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

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

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THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – October 28, 2019

MEETING NO. 2019-33: The Special Meeting of the City and Borough of Juneau Assembly and Juneau Board of Education (School Board), held in the Assembly Chambers of the Municipal Building, was called to order at 5:30 p.m. by Mayor Beth Weldon.

I. ROLL CALL

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

Assembly Absent: None.

School Board Present: Paul Kelly, Kevin Allen, Emil Mackey, Deedie Sorensen, Elizabeth Siddon, Brian Holst

School Board Absent: Jeff Short

Staff Present: Deputy City Manager Mila Cosgrove, City Attorney Robert Palmer, JSD Superintendent Bridget Weiss, Municipal Clerk Beth McEwen, Chief Housing Officer Scott Ciambor, Library Director Robert Barr, Assistant Attorney Emily Wright, Assistant Attorney Teresa Bowen, CBJ Finance Director Jeff Rogers, JSD Finance Director Sarah Jahn, Code Enforcement Officer Nate Watts, JEA President Kelly Stewart, and Laura Mulgrew

II. APPROVAL OF AGENDA

Mayor Weldon noted that she wished to change the order of items on the agenda so that she could begin the meeting with items A. *Budget Prioritization Project* followed by item C. *School Facilities, CIP & Maintenance Team* and then have JSD President Holst lead the remaining agenda items. *Hearing no objection, those agenda changes were approved.*

III. AGENDA TOPICS

A. Budget Prioritization Project

Mayor Weldon asked Assembly Finance Committee (AFC) Chair Jones to give a report about this project. Mr. Jones explained that after the last budget process ended in June, the Assembly voted to start thinking about the fact that we use a considerable amount of fund balance. If we continued down that path, we would in a deficit spending mode within two years. As a result, they have begun the process to look at developing a sustainable budget and what they might do to reduce expenditures and/or increase revenues. Mr. Jones said that they currently have a large stack of cards with all the CBJ programs/services on it and are individually prioritizing those cards in advance of an AFC meeting on November 2. At that meeting, and possibly others, they will be discussing the Assembly's priorities so they can provide direction to the administration at the Assembly retreat in December as to the type of budget the Assembly wants staff to provide during the next budget cycle. He said a piece of that is the mandatory school funding which is at 2.6 mills out of the property

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valuation. Mr. Jones said that there are discretionary funds that can be funded outside the cap. Those will all be considered during the budget prioritization project. Mr. Jones then talked about some of the bigger picture items the AFC has been discussing and taking action over the past year including the recommendations from the Child Care Committee, negotiations on three CBJ unions, and other large budget considerations.

B. School Facilities, CIP & Maintenance Team

Mayor Weldon explained that when she was making the appointments to committees this year, she reviewed the Charter language for this group and realized that they are supposed to have four members from the Assembly on this group and she appointed herself as the fourth Assemblymember and assigned Mr. Jones as the chair of the committee. She said she looked at what they did last year and saw that they had Mr. Holst as a non-voting member of the committee so she was not sure whom the board chose to appoint to that committee. She said that for the Assembly's part, they would like to see what needs to be fixed, what the JSD's priorities are on what needs to be fixed, and what we can afford to fix and how the \$1 million that is given to JSD for maintenance is being spent. She noted that this has been called the "Project Team" but she would also like them to look at the name as compared to the tasks they are charged with doing.

The JSD members are Mr. Holst, Ms. Siddon, and Mr. Kelly. Mr. Holst noted that the one item they did request be included in the packet was the list of priorities that JSD produces annually. These items fall in what they consider major maintenance. He said the only change from last year's list to this year's list was the amount estimated for the Marie Drake renovation is higher this year than last. The CBJ Engineering/Public Works department is the staff that works with the committee and provides these cost estimates for the work that needed to be done. Mr. Holst noted that they did add an item this year for the Floyd Dryden roof repair at the end of the list. Otherwise, there has been no change in the order or the value of the projects and the projects have not been funded. In the past, the projects have been funded primarily through the state reimbursement program in which the city would bond and the state would reimburse 60-70% of those costs. That program has not been funded by the state over the past five years and the uncertainty at this time is if and/or when that program will be coming back.

Mr. Holst said that he believes the committee will be looking at those major projects on that list rather than focusing on the \$1 million JSD uses to address the other CIP needs. Mayor Weldon commented that they will be looking at all of the projects, including those CIP projects receiving the \$1 million funding JSD manages. Mr. Jones also explained that while JSD provides their priority list to the Department of Education and they provide a copy to the Assembly, none of those projects came through the CIP process to the AFC. He said that part of the issue is that if JSD has \$1 million in sales tax funds and there is \$4 million needed in roof repairs and the \$1 million is spent on things that do not include a roof, then the remaining amount falls to CBJ and they want to discuss that process during the committee meetings.

The CIP process goes before the Assembly Public Works and Facilities Committee and Planning Commission in December and January and then that list is forwarded to the AFC for review during the budget cycle. Mr. Jones noted that the school project priorities somehow dropped out of the CIP priority cycle that is considered by the Assembly and they hope to have those discussions and bring

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those back so they get included in the CIP list that is reviewed and approved during the budget process.

Assembly and School Board members then discussed in greater detail the JSD and CBJ processes related to the CIP list and also the effect of the state moratorium on the school debt reimbursement program. The concern expressed by all is what the next steps might be if the state decides to continue the moratorium on the reimbursement program and at what point the Assembly and JSD decide that the projects can no longer wait on the state for funding and pursue alternative funding options. That is going to be a main focus of this joint committee and both bodies will be hearing more about that as the committee begins its work.

C. JSD Priorities for School Year 2019-20 (former item B.)

JSD presented a slide show that highlighted the below programs and priorities. School Board members answered questions from Assemblymembers and received their input on the JSD programs and priorities.

- Increasing the number of students reading at grade level by grade 3
- Enhance Science, Technology, Engineering and Math (STEM) integration throughout the district
- Increase and improve **high school offerings** through increased collaboration between high schools
- Strengthen **Tlingit language/culture integration and community partnerships**
- Increase **kindergarten readiness** through community partnerships supporting early education

Other highlights for the year included recognition for excellent staff and teachers including Angie Wright receiving the Presidential Award for Excellence in Mathematics and Science Teaching and Pam Garcia being a semi-finalist for Alaska Teacher of the Year. They are also proud of the Tlingit Culture/Language Policy and tie that into a statewide effort.

D. October 26, 2019 School Board Retreat Recap including Strategic Plan

The JSD current strategic plan is sun-setting this year so they are in the process of developing a new five-year strategic plan. They have been asking the question:

“What are the most important things JSD should focus on in the next five years to help Juneau’s children be successful in learning and life?”

They encouraged Assemblymembers to answer that question as well. Each Assemblymember then provided some of their answers to that question. The answers included some of the following:

- Focusing more on vocational/technical courses rather than the greater focus being on those wanting to go to college,
- Offering real-world/life skills courses,
- Fostering a love of lifelong learning with an emphasis on children having successful reading skills by grade 3,
- Continuing to incorporating arts and humanities studies in the curriculum,
- Supporting literacy and civics and general information about trades and other potential career avenues,
- Fostering students who will be critical thinkers and who need to learn history, philosophy, literature, arts.

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E. School Enrollment Numbers/Funding Level Adjustment due to Enrollment Change

Mr. Holst provided information on the enrollment numbers and finances as follows:

- October is official enrollment count.
- FY20 Enrollment Oct 25: 4611 (34 above projection)
- FY20 Projection: 4577
- Funding implication: Increase of \$1,272,000
- Increased Foundation: \$1,034,000
- Increase to the available Cap: \$238,000

Mr. Jones said that since many of the new Assemblymembers have not gone through the school budget process, he provided a brief recap on how the state's funding formula is calculated and how that fits into the overall CBJ budget calculations.

F. Healthcare Discussion: JSD Employee Participation in CBJ Health Plan

Mr. Holst stated that health care costs are a big part of everyone's budgets and at a recent School Board meeting, the board passed a resolution to ask the State of Alaska to evaluate the costs and benefits of health care plans for Alaska, in particular to reduce the burden of health insurance costs on Alaska public school districts.

He said that what is driving this issue is that in 2008, health care costs were 10.385 of the JSD budget and in 2018 those same health care costs accounted for 15.06% of the JSD budget.

JSD and Assemblymembers discussed the CBJ self-insurance pool. CBJ HRRM staff is open to bringing JSD into the CBJ's self-insurance plan and has been having active discussions with union groups about that issue.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

V. ADJOURNMENT

Mayor Weldon reminded everyone that the Assembly Committee of the Whole meeting at which the Child Care issue will be discussed would be convened after this special meeting concluded. *There being no further business to come before the Assembly, the meeting adjourned at 6:30 p.m.*

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

THE CITY AND BOROUGH OF JUNEAU, ALASKA

DRAFT Meeting Minutes – December 7, 2019

I. CALL TO ORDER/ROLL CALL

MEETING NO. 2019-37: The Special Meeting of the City and Borough of Juneau Assembly held in Goal Setting Retreat 2020 was held in the Bartlett Regional Hospital Administrative Board Room in the Robert Valliant Building and was called to order at 9:00 a.m. by Mayor Beth Weldon.

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

Assembly Absent: None.

Leadership Team Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Finance Director Jeff Rogers, Airport Manager Patty Wahto, CDD Director Jill Maclean, Human Resources/Risk Management Director Dallas Hargrave, Parks and Recreation Director George Schaaf, MIS Director Matt Scranton, JPD Police Chief Ed Mercer, CCFR Chief Rich Etheridge, Lands Manager Greg Chaney, Emergency Programs Manager Tom Mattice, Chief Housing Officer Scott Ciambor, Port Director Carl Uchytel, and Library Director Robert Barr

Mayor Weldon welcomed everyone to the retreat and asked Assemblymembers and staff to introduce themselves. Mayor Weldon invited each department director to share one accomplishment over the past year, one challenge, and one rock star in their department.

III. AGENDA TOPICS

A. Progress Update on 2019 Goals

An updated copy of the 2019 Assembly goals were included in the retreat materials and Mr. Watt provided a status report of each of the Assembly goals, what has been accomplished, what is still pending and what would be considered ongoing operational items.

B. Financial Overview

Mr. Rogers provided a status report on the current CBJ Budget as well as how some recent changes such as the collection of sales tax for online sales as well as the increase in bed tax rates might change the overall revenues as they begin work on the FY21-FY22 budget cycle. Assemblymembers discussed the budget direction to give to staff for the FY21-FY22 cycle. It was agreed upon by the Assembly to have staff prepare a status quo budget that includes additional funding for negotiated wage and benefit increases and standard inflationary costs for

FY21-FY22 plus additional funds related to child care numbers that have previously been discussed.

C. Assembly Goal Setting

Mayor Weldon and Ms. Cosgrove distributed instructions to the members on the three step method they would use while reviewing current Assembly goals and making changes or additions for the Assembly 2019-2020 goals. The three-step method used was as follows:

Phase 1: In multiple breakout groups of three, Assemblymembers looked at existing goals and implementing actions and identified if they wished to keep the goal, if they need to remove any implementing actions or if there were any implementing actions that needed to be added.

Phase 2: The Assembly, as a whole, reviewed the Phase 1 responses to determine which goals and implementing actions, if any, could be consolidated and/or changed.

Phase 3: Assemblymembers then voted on their top three choices under each category, which included all the previous 2019 goals as well as the newly added items.

D. Assembly Comments

Following the goals review, Assembly members and staff were provided with an opportunity to discuss other issues, which primarily related to scheduling and Assembly procedural issues.

Some topics mentioned that would be coming back to the Assembly in the 2020 through one of its standing committees included discussion about the fireworks policy, the 50th Anniversary celebration of CBJ being a unified municipality and hearing back from the Visitor Industry Task Force and the Eaglecrest Summer Operations Task Force.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 2:30 p.m.

Signed: _____ Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Beth A. Weldon
Mayor

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

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

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

19

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.

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

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

36.70.040 Notices.

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

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

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

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

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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
23
24
25

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

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2 those taxes in trust for the taxing authority of the taxing jurisdiction. Failure by the remote
3 seller or marketplace facilitator to collect the tax shall not affect the remote seller's, or
4 marketplace facilitator's, responsibility for payment to the Commission.
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6 **69.06.070 Remote seller and marketplace facilitator registration requirement.**

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

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

16 (c) An extension may be applied for and granted based on criteria established by the
17 Commission, based on evidence produced to describe time necessary to update software or other
18 technical needs, not to exceed ninety (90) days.
19

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

25 (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

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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 (i) The preparer of the sales tax return shall keep and maintain all documentation supporting
19 any and all claims of exempted sales and purchases. Documentation for exempted sales should
20 include the number of the exemption authorization card presented by the buyer at the time of
21 the purchase, the date of the purchase, the name of the person making the purchase, the
22 organization making the purchase, the total amount of the purchase, and the amount of sales
23 tax exempted. This documentation shall be made available to the Commission upon request.
24 Failure to provide such documentation may invalidate that portion of the claim of exemption for
25 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

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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

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

69.06.170 Repayment plans.

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

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

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

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

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

69.06.190 Cessation or transfer of business.

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

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

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

(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.

1
2 (e) Neither the Commission's failure to give the notice nor the transferee's failure to receive
3 the notice shall relieve the transferee of any obligations under this section.

4 (f) Following receipt of the notice, the Commission shall have sixty (60) days in which to
5 perform a final sales tax audit and assess sales tax liability against the seller of the business. If
6 the notice is not mailed at least ten (10) business days before the sale is completed, the
7 Commission shall have twelve (12) months from the date of the completion of the sale or the
8 Commission's knowledge of the completion of the sale within which to begin a final sales tax
9 audit and assess sales tax liability against the seller of the business. The Commission may also
10 initiate an estimated assessment if the requirements for such an assessment exist.
11

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

17 (h) Before the effective date of the transfer, the transferee of a business shall obtain from the
18 Commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the
19 remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that
20 amount from the consideration payable for the transfer, until the remote seller or marketplace
21 facilitator has produced a receipt from the Commission showing that all tax obligations imposed
22 by this Chapter have been paid. A transferee that fails to withhold the amount required under
23 this subsection shall be liable to the Commission and taxing jurisdiction for the lesser of the
24 amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace
25 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

1
2 that may be affected by the use of the database to inform the provider of apparent
3 errors in the database. The provider shall have a process in place to promptly
4 correct any errors brought to the provider's attention.
5

6 **69.06.250 Definitions.**

7 Adoption of definitions does not compel an individual municipality to exempt certain defined
8 items. Each municipality should specifically adopt definitions necessary for consistency to
9 implement both brick-and-mortar sales tax code and provisions related to remote sellers or
10 marketplace facilitators. For definitions that have no applicability to brick-and-mortar sales tax
11 code, municipality may choose to either include definitions in the definitional section of general
12 sales tax ordinance or adopt the common definitions by reference.
13
14

15 **“Buyer or purchaser”** means a person to whom a sale of property or product is made or to
16 whom a service is furnished.
17

18 **“Commission”** means the Alaska Intergovernmental Remote Sales Tax Commission
19 established by Agreement between local government taxing jurisdictions within Alaska, and the
20 delegated tax collection authority.
21
22

23 **“Delivered electronically”** means delivered to the purchaser by means other than tangible
24 storage media.
25

“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>
Grand Total	\$2,000,000

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

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



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

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

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 13, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org ; city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	1129
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Liquor Barrel		

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



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

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

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 20, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org
city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	4422
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Thibodeaus Valley 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



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550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 20, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org
city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	661
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Kenny's Liquor Market		

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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amco.localgovernmentonly@alaska.gov



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550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 4, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org ; city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	550
Licensee:	Imperial Bar, Inc.		
Doing Business As:	Imperial Bar		

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,

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Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov



THE STATE
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GOVERNOR MICHAEL J. DUNLEAVY

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

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 3, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org
City.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary – Tourism	License Number:	1378
Licensee:	Alaskan Hotel & Bar, Inc.		
Doing Business As:	Alaskan Hotel		

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,

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Glen Klinkhart, Interim-Director
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 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 22, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org ; city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary- Tourism	License Number:	3824
Licensee:	Hospitality Group, LLC		
Doing Business As:	Frontier Suites Hotel		

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 dark ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim Director
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 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 19, 2019

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary – Tourism	License Number:	2541
Licensee:	MGO, Inc.		
Doing Business As:	Juneau Airport Travel Lodge		

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



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**Department of Commerce, Community,
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ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 18, 2019

City & Borough of Juneau

Via Email: beth.mcewen@juneau.org
city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Restaurant or Eating Place – Seasonal	License Number:	5482
Licensee:	Alaska Sustainable Seafoods, LLC		
Doing Business As:	Deckhand Dave's		

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,

Erika McConnell

Erika McConnell, Director
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 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 18, 2019

City & Borough of Juneau

Via Email: beth.mcewen@juneau.org
city.clerk@juneau.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Restaurant or Eating Place	License Number:	5231
Licensee:	Alaska Sustainable Seafoods, LLC		
Doing Business As:	Deckhand Dave's		

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,

Erika McConnell

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



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

DATE: January 6, 2020

TO: Planning Commission



FROM: Amy Liu, Planner
Community Development Department

FILE NO.: CSP2019 0011

PROPOSAL: A State project for a new roundabout and improvements on Glacier Highway from Glacier Highway Access Road to Vanderbilt Hill Road

GENERAL INFORMATION

Applicant: Alaska Department of Transportation & Public Facilities

Property Owner: Alaska Department of Transportation & Public Facilities

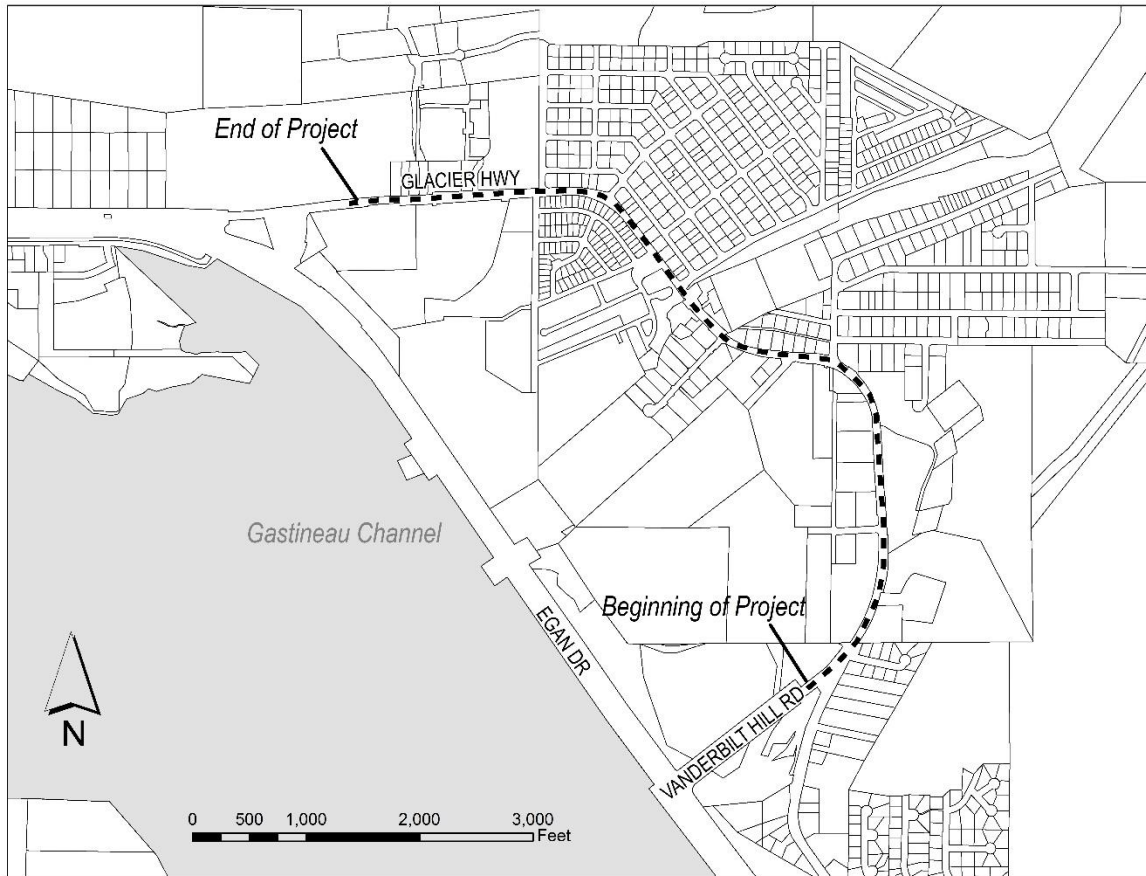
Property Address: Glacier Highway from Glacier Highway Access Road to Vanderbilt Hill Road

Utilities: Public water and sewer

Surrounding Land Use: School, residential, industrial, and commercial uses

Planning Commission
File No.: CSP2019 0011
January 6, 2020
Page 2 of 8

VICINITY MAP



ATTACHMENTS

Attachment A – Application

Note: Project drawings submitted with the application can be found at the online version of this staff report.

Attachment B – Public Process Timeline

Attachment C – Agency Review Comments

PROPOSAL

The applicant is requesting a State Project Review of improvements to Glacier Highway between Glacier Highway Access Road and Vanderbilt Hill Road. The purpose is to reduce vehicle delay

Planning Commission
 File No.: CSP2019 0011
 January 6, 2020
 Page 3 of 8

and increase safety for pedestrians and bicyclists. The project includes the following work on Glacier Highway:

- New roundabout at the Renninger Street intersection
- New pedestrian refuge medians along the Short Street, Concrete Way, Belardi Drive, Central Avenue, Alaway Avenue, Renninger Street, and the former Walmart site intersections
- New refuge median for bicycles at the Lemon Road intersection
- New pedestrian activated flashing beacons at the Vanderbilt Hill Road, Concrete Way, Renninger Road, and former Walmart site intersections
- New “zebra-style” marking for pedestrian crossings
- New traffic signal at the Davis Avenue intersection
- New 5-foot wide sidewalks on both sides of the corridor, except at roundabout
- Replacement of existing lighting with LED lighting
- Replacement of the traffic signal at the Anka Street intersection
- 5.5-foot wide bicycle lanes on both sides, marked with 8-inch wide white stripe

BACKGROUND

The project area was originally constructed in 1960 and most recently repaved in 2009. Currently, the right-of-way supports vehicle, bicycle, and pedestrian traffic. Trips are often associated with Dzantik’i Heeni Middle School, residential uses, industrial uses, and commute between the Valley and downtown. As a result, the project area, which is designated as a minor arterial, is prone to congestion. The roadway consists of two 12-foot wide travel lanes, a 12-foot center turn lane, shoulders of varying widths striped for bicycle use, and seven transit stops, of which four are covered. There is a continuous sidewalk on the landward side except between Anka Street and Tongsgard Court. Several curb cuts do not meet current ADA standards, and crosswalks are not marked.

The design for the proposed project, largely informed by a traffic study and public comments, began in 2012. Public outreach spans from 2013 to the present. (Attachment B)

- February 5, 2013 – Stakeholder meeting and public meetings held
- November 5, 2013 – Open House
- January 24, 2014 – Online Public Notice of project
- January 30, 2014 – Juneau Empire advertisement notice of project
- May 2015 – Meetings with AML and Capital Transit
- February 5, 2016 – Online Public Notice of project update and of public meeting
- February 9, 2016 – Juneau Empire advertisement notice of project update and of public meeting;

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 January 6, 2020
 Page 4 of 8

- Poster noticing public meeting posted at local businesses; and
- Juneau Empire article including public meeting information
- March 3, 2016 – Public meeting held at Gruening Park Recreational Center
- January 26, 2017 – CBJ Lemon Creek Area Plan Steering Committee meeting participation
- March 27, 2019 – Online Public Notice of project update
- May 10, 2019 – Online Public Notice of Switzer Creek Natural Area Park *de minimis* use
- June 14, 2019 – Juneau Empire advertisement notice of Switzer Creek Natural Area Park *de minimis* use
- September 30, 2019 – Online Public Notice of project floodplain impacts

The applicant is currently in the process of defining, appraising, and acquiring the right-of-way necessary for constructing improvements and relocating utilities. Based upon the information provided in the application, staff anticipates less than 2,400 square feet of CBJ land disposal for new sidewalks, pedestrian crossings, bus pullouts, and drainage improvements. Title 53 requires that all negotiated land sales undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges (b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or 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.

Land acquisition for right-of-way expansion is subject to requirements of 49.15.590 - *Right-of-way acquisitions*. A CSP application is necessary for disposal of land. Staff recommends making this a condition of approval.

AGENCY REVIEW

Staff contacted CBJ General Engineering, Transit, Lands and Resources, and Capital City Fire & Rescue (CCFR), and the Alaska Department of Fish and Game (ADF&G). Lands and Resources provided information about the CBJ land disposal associated with CSP2019 0011. The land disposal has not been submitted in a formal CSP application, as CSP2019 0011 focuses on design. Lands asked whether the Planning Commission could provide a recommendation to the Assembly

Planning Commission
File No.: CSP2019 0011
January 6, 2020
Page 5 of 8

on the disposal within the review process for CSP19 0011. Staff's recommendations for CSP2019 0011 are limited to the application submitted, which focuses on design, and not land disposal.

ADF&G expressed that it has been reviewing this project for several years and does not have further comment.

CCFR stated that any fire hydrants that are moved shall be relocated near the original locations for fire protection and fire code requirement purposes. Per the 2012 International Fire Code D102.1, the roundabout and corridor must be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Any replacing or relocating of traffic lights must have traffic light control devices for emergency apparatus use. The applicant clarified that most hydrants will be retained and otherwise relocated in close proximity to the original location. Traffic lights will accommodate emergency use. Regarding load, the applicant explained, "We basically design a pavement section to withstand an anticipated number of what we call Equivalent Axle Load (EAL) with each EAL representing a single axle of 18,000 lbs. As the loading increases, the EAL increases exponentially such that the passage of a single 75,000 fire truck represents 12 EALs. To put that in perspective however, the pavement section was designed for a projected 2.6 million EALs over the design life of 20 years for the project. As heavy as a firetruck is, in the big scheme of things it represents a very small percentage of the total anticipated wear and tear on the pavement." CCFR affirmed that the applicant's response is satisfactory for demonstrating that the design complies with IFC D102.1.

Capital Transit recommends that shelters be behind the sidewalk enough to provide at least five feet of clear sidewalk for pedestrians between shelter and back of curb. CBJ prefers that shelters not have a full open front while still being ADA compliant. Full open front shelters are prone to filling with snow during winter plowing. Staff notes that the applicant is only providing the pads for the bus shelters, and has been in contact with Capital Transit to determine the pad's location and dimensions.

No other comments were received.

PUBLIC COMMENT

Staff mailed public notice to property owners within 500 feet of the project area. No comments were received.

ANALYSIS

All proposed State capital improvement projects must be reviewed for consistency with the CBJ Land Use code (Title 49). Title 49 also provides reference to the CBJ Comprehensive Plan and its officially adopted plans.

Planning Commission
 File No.: CSP2019 0011
 January 6, 2020
 Page 6 of 8

49.15.580 (b) - State project review: *The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.*

Conformity with Adopted Plans

The proposed project implements goals and actions of several adopted plans. In addition to excerpts referenced in the application narrative, the following plan sections apply.

2013 Comprehensive Plan of the City and Borough of Juneau

Improved pedestrian and bicycle movement within and between major shopping and employment centers, schools and other concentrations of population are needed. Pedestrian and bicycle facilities are needed to provide safer and more efficient movement within and between neighborhoods and major concentrations of population. These facilities are also important as an aspect of recreation and can contribute to community health by facilitating active transportation and recreation. (pg. 115)

8.6 - IA4 Work with the Juneau School District and other agencies to identify opportunities for improved pedestrian and bicycle access to schools. (pg.114)

Non-Motorized Transportation Plan

When constructing a new street or rebuilding an existing one, walking can be encouraged by considering the walker's experience. Features such as ample sidewalks, street furniture, crosswalks, curb cuts, pedestrian scale lighting, and vegetated buffers between the sidewalk and street make walking safer and more enjoyable. (pg. 19)

Narrower travel lanes – 11 foot lanes are adequate for traffic speeds of 45 mph or less. (pg. 25)

Improve non-motorized facilities on Glacier Highway in Lemon Creek from Sunny Point intersection to Vanderbilt Hill Road- complete sidewalks on south-west side of the street and bring bike lane up to standard... Currently the paved bike lane is variable in width and there is only a sidewalk on one side of the street (#45 and #53). (pg. 10)

Planning Commission
 File No.: CSP2019 0011
 January 6, 2020
 Page 7 of 8

Add or improve crosswalks along Glacier Highway at Anka Street, Walmart and Concrete Way (#48, #49, #47). (pg. 10)

A bike lane should be 6 feet wide and be delineated using a 6 inch solid white line and painted with the standard bicycle paving symbols and directional arrows. In areas where the bike lane is adjacent to a curb face or guardrail, where there is a steep grade or lots of traffic, bike lanes may need to be wider than 6 feet. If there are physical width limitations, or if there is no curb, a minimum of 4 feet may be acceptable. (pg. 42)

Area Wide Transportation Plan

Roundabouts have the potential to improve safety at several of Juneau's intersections, while providing for all movements with less congestion and delay. Drivers enter a roundabout at a slow speed and move to the right around a large center island. Exiting the roundabout is completed by a low speed turn to the right away from the center island. Instead of crossing the center island, pedestrians walk around the roundabout, using crosswalks at each entrance and exit. Bicyclists have the option to travel with pedestrians on these paths instead of sharing the travel lane with motor vehicles. (pg. 26)

Juneau Renewable Energy Strategy (2018)

Short Term Actions: Update road and street standards to include wider sidewalks, traffic calming measures in high-pedestrian areas, and shortened pedestrian crossing distances. (pg. A15)

The increased use of renewable energy needs to be encouraged to offset energy consumption of non-renewable sources. This should be accomplished in two manners: conservation of energy consumption with more efficient application and reduced need; and increased development of renewable resources. Programs to reduce energy consumption including building envelope heat loss reduction; application of heat pump technology, biomass and other technologies; and LED lighting application, all of which should be supported. (pg. 28)

2012 Juneau Safe Routes to School Plan

This plan has several recommendations to improve safety for pedestrians, especially children commuting between home and school. The plan does not explicitly mention Dzantik'I Heeni Middle School, but the proposed improvements are in keeping with the general ideas of adding more separated pedestrian paths to protect pedestrians.

Planning Commission
 File No.: CSP2019 0011
 January 6, 2020
 Page 8 of 8

Habitat

The proposed development is exempt from the Coastal Management program per 49.70.950(f):

*All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; **provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy**, (emphasis added) and provided further, uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement. The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.*

Drainage features will capture stormwater runoff from the Anka Street industrial area and convey to a new drainage ditch in order to slow stormwater that that may contain sediment and allow for infiltration before entering Vanderbilt Creek. Fish barriers will be used during construction to avoid direct fish mortalities. Fish will be removed or transported by ADF&G or the Alaska Department of Transportation and Public Facilities (DOT&PF). DOT&PF will conduct a fish passage analysis for culverts and hydraulic analysis for Switzer and Vanderbilt Creeks. Baffles will be installed to allow fish passage and gravel retention in the lined fish pipes. Drainage improvements will involve work within floodplains identified by the 2013 Special Flood Hazard Area Map or below the base flood elevation. Work is expected to be minor and not change the base flood elevation.

FINDINGS

Staff finds the proposed construction of a new roundabout and improvements on Glacier Highway from Glacier Highway Access Road to Vanderbilt Hill Road consistent with CBJ adopted plans and Title 49.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2019 0011 consistent with adopted local plans and polices as required by CBJ 49.15.580, and approve CSP2019 0011 to construct one (1) new roundabout and improvements on Glacier Highway from Glacier Highway Access Road to Vanderbilt Hill Road with the following condition:

1. Submit an application for the review of the necessary right-of-way acquisition plat following conclusion of negotiations regarding all easements and land sales in the project area per CBJ 49.15.590.

DEVELOPMENT PERMIT APPLICATION

Project Number 597010011	CITY and BOROUGH of JUNEAU	Date Received: 10/21/19
Project Name (City Staff to Assign Name)		

Project Description		
Reconstruct Glacier Highway/Lemon road between Glacier Highway Access Road and Twin Lakes Road. Includes: resurfacing the roadway, constructing a roundabout at Renninger Street, adding a traffic signal at Davis Avenue, adding a sidewalk on the seaward side, upgrading the illumination, adding pedestrian crossings at various locations, relocating and improving bus pullouts, addressing drainage needs.		
PROPERTY LOCATION		
Street Address	City/Zip Juneau	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Glacier Highway/Lemon Road (CDS Route 296229) between Glacier Highway Access Road (CDS Milepoint 1.590) and		
Assessor's Parcel Number(s)		
LANDOWNER/ LESSEE		
Property Owner's Name Alaska Department of Transportation and Public Facilities	Contact Person: Charles Tripp	Work Phone: 907-465-4439
Mailing Address 6860 Glacier Hwy, PO Box 112506, Juneau, AK 99811-2506	Home Phone:	Fax Number: 907-465-4414
E-mail Address chuck.tripp@alaska.gov	Other Contact Phone Number(s):	
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
X	_____ Landowner/Lessee Signature	_____ Date
X	_____ Landowner/Lessee Signature	_____ Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name SAME	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X	_____ Applicant's Signature	10/21/2019 Date of Application

	☒ Permit Type	***SIGN	Date Received	Application Number(s)
STAFF APPROVALS	Building/Grading Permit City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			
	***Public Notice Sign Form filled out and in the file.			
Comments: _____ _____				Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications

Revised November 2009

Attachment A - Application



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY Reconstruct Glacier Highway/Lemon road between Glacier Highway Access Road and Twin Lakes Road. Includes: resurfacing the roadway, constructing a roundabout at Renninger Street, adding a traffic signal at Davis Avenue, adding a sidewalk on the seaward side, upgrading the illumination, adding pedestrian crossings at various locations, relocating and improving bus pullouts, addressing drainage needs.
	TYPE OF PROJECT REVIEW: ☐ City Project Review ☐ City Land Acquisition /Disposal ☒ State Project Review
	PROJECT NUMBERS ASSOCIATED WITH PROPOSAL: Is this project associated with any other Land Use Permits? ☐ YES Case No.: _____ ☒ NO Capital Improvement Program # (CIP) _____ Local Improvement District # (LID) _____ State Project # <u> Z681240000 </u>
	ESTIMATED PROJECT COST: \$ 15,784,000
	ALL REQUIRED MATERIALS ATTACHED ☒ Complete application ☐ Pre-Application notes (if applicable) ☐ Narrative including: ☐ Current use of land or building(s) ☐ Proposed use of land or building(s) ☐ How the proposed project complies with the Comprehensive Plan ☐ How the proposed project complies with the Land Use Code (Title 49) ☒ Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1600</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>CSP20190011</u>	<u>10/21/19</u>

Attachment A - Application

DOT narrative

This project is consistent with the following land use plan:

CBJ Comprehensive Plan 2013

and with the following transportations plans:

CBJ Area wide Transportation Plan 2001,

CBJ Non-motorized Transportation Plan, 2009.

CBJ Comprehensive Plan 2013

This project conforms with the planning objectives outlined in the Lemon Creek, Switzer Creek, and Salmon Creek section of the CBJ Comprehensive Plan 2013 beginning on page 117.

Specifically, this project implements Implementing Action 8.8 IA7 A which reads as follows:

- A. Develop a complete sidewalk system and separated pedestrian/bicycle path throughout the Lemon/Switzer Creek neighborhood, connecting residential land uses to schools, playgrounds, employment centers, retailers, and transit facilities;**

The project constructs sidewalk on the seaward side of Glacier Highway within the project corridor. In addition the project will have a bike lane of uniform width on both sides of the project corridor.

The project also implements Implementing Action 8.8 IA7 E which reads as follows:

- E. Crosswalks across Glacier Highway in mid-block or unsignalized locations should utilize medians for mid-crossing pedestrian refuges; the existing center turn lane should be eliminated except where it is needed for vehicles to queue for left turns off of Glacier Highway at major intersections. Medians should be used to reduce the number of locations where left turns onto Glacier Highway are possible. Snow removal and storage need to be considered in redesigning the roadway; and,**

The project constructs pedestrian refuge medians at six separate locations as well as a refuge specifically for cyclists at the Vanderbilt Hill Road/Glacier Highway intersection and in addition to the roundabout at Renninger. The continuous center turn lane is replaced with a center median between Bilardi Drive and the Renninger. The ability to make left turns is eliminated between Alaway and Renninger.

The project also implements Implementing Action 8.8 IA7 F which reads as follows:

- F. Pedestrian-scale illumination, "bulb-outs" at intersections, medians, and other design treatments which provide visual cues to drivers regarding crossing locations and which lead drivers to adjust their speed accordingly.**

Each of the pedestrian crossings within the project corridor will have the benefit of illumination to increase the visibility of pedestrians at night in the cross-walks. There are no bulb-outs as part of this project however refuge medians will provide visual cues to drivers to the existence of a crossing and will have something of a traffic calming effect in the vicinity of the crossing. They will allow pedestrians to cross Glacier Highway one stream of traffic at a time.

The project also implements Implementing Action 8.8 IA7 D which reads as follows:

The project is constructing sidewalk on the seaward side of Glacier Highway. The project is constructing improved pedestrian crossings which will include refuge medians at 6 different locations within the corridor including the three intersections specifically mentioned.

The Non-Motorized Transportation Plan lists three Crosswalk/Intersection improvements that fall within the project area:

Lemon Creek and Twin Lakes (Figure 8)	
47	Glacier Highway at Concrete Way • Add pedestrian activated signal and continental style crosswalk
48	Glacier Highway at Anka Street • Intersection was recently reconstructed • Consider traffic calming along Glacier Highway through this busy commercial and industrial area
49	Glacier Highway at Walmart • Add pedestrian activated signal and continental style crosswalk

A continental style cross walk and a pedestrian activated signal are part of the improvements at Concrete Way. The crossing at the former Walmart entrance will also have a continental style crosswalk and the existing HAWK will be replaced with a pedestrian activated signal. Sidewalk will be constructed on the seaward side of Anka Street intersection.

The Non-motorized Transportation Plan lists one sidewalk and street scape improvement that falls within the project area.

Lemon Creek and Twin Lakes (Figure 8)	
45	Glacier Highway (Sunny Point to Vanderbilt Hill Road) • Complete sidewalks on both sides of the street • Vegetated buffer between street and sidewalk and traffic calming will increase safety for pedestrians

This project will construct sidewalk on the seaward side of Glacier Avenue to provide sidewalks on both sides. It is worth noting however that seaward side sidewalk ends at the Short Street intersection. It does this for two reasons. One is that there are no pedestrian destinations beyond the Short Street intersection. Second is the close proximity of Vanderbilt Creek would make construction of a sidewalk beyond Short Street quite expensive.

This project is NOT constructing a vegetated buffer between the street and sidewalk for reasons of cost and insufficient right of way. The sidewalks will however be separated from vehicular traffic by the bike lane which will have the effect of putting a distance of about 7.5 feet between the pedestrians and the vehicular traffic.

The Non-motorized Transportation Plan lists Bike Facility Improvements for Glacier Highway in the Lemon Creek Area:

Lemon Creek and Twin Lakes (Figure 8)	
53	Glacier Highway (through Lemon Creek) • Shoulder is already paved, but should be a minimum of 6 feet wide • Pavement markings and signage required • Bike lanes at intersections should follow ASHTO standards

STATE OF ALASKA



DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHCOAST REGION



DESIGN STUDY REPORT

JNU – GLACIER HIGHWAY IMPROVEMENTS

(LEMON CREEK AREA)

PROJECT NO. Z681240000 / 0955016

October 2019

Concurrence By:

Tony Roos

10/11/19

Tony Roos, P.E.

Date

Engineering Manager (Consulting Firm)

Submitted By:

Charles Tripp

10/11/19

Charles Tripp, P.E.

Date

Engineering Manager

Recommended for Approval:

Kirk Miller

10/15/19

Kirk Miller, P.E.

Date

Design Group Chief

Approved By:

Pat Carroll

10/15/19

Pat Carroll, P.E.

Date

Regional Preconstruction Engineer

FOR

**JNU – GLACIER HIGHWAY IMPROVEMENTS
(LEMON CREEK AREA)
Project No. 68124 / 0955016**

NOTICE TO USERS

The purpose of this report is to document the Alaska Department of Transportation and Public Facilities (DOT&PF) planning, preliminary design, and development of this project.

This report reflects design decisions as of the date of this document. Changes frequently occur during the design process and those who may rely on the information contained in this document should check with the DOT&PF for the most current design. Please contact the Engineering Manager at (907) 465 – 4439 for this information.

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1 DESCRIPTION OF THE PROJECT

1.1 Location of the Project

This project is located in Juneau, Alaska, which is located at the north-central end of the southeast panhandle. Refer to Figure 1-1 for a project location map.

This project will construct improvements on Glacier Highway (CDS Route 296229) between Vanderbilt Hill Road (CDS milepoint 3.175) and Glacier Highway Access Road (CDS milepoint 1.579) which functions as a transportation corridor for local vehicular access with origin or destination in the Lemon Creek area and as a through corridor for bicycle traffic between Mendenhall Valley and downtown Juneau. See Figure 1-2 for the area wide project vicinity map.

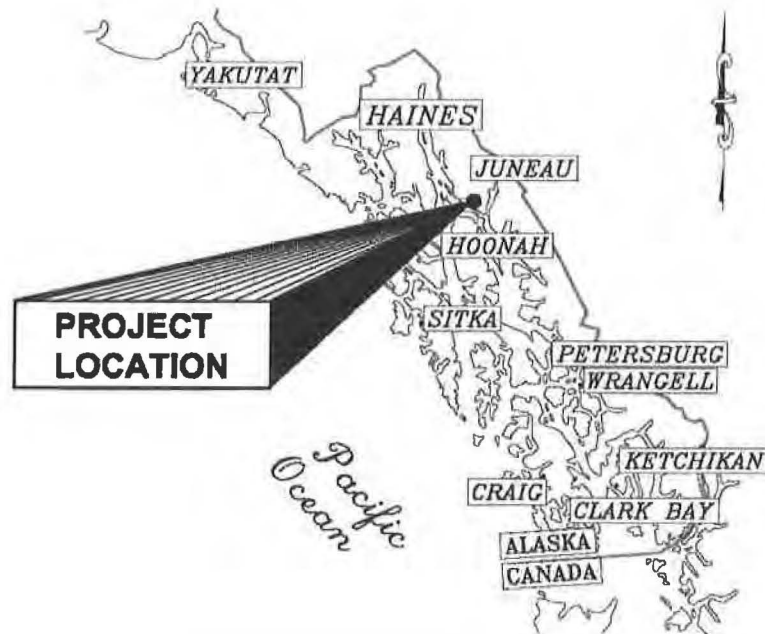


Figure 1-1 Project Location Map

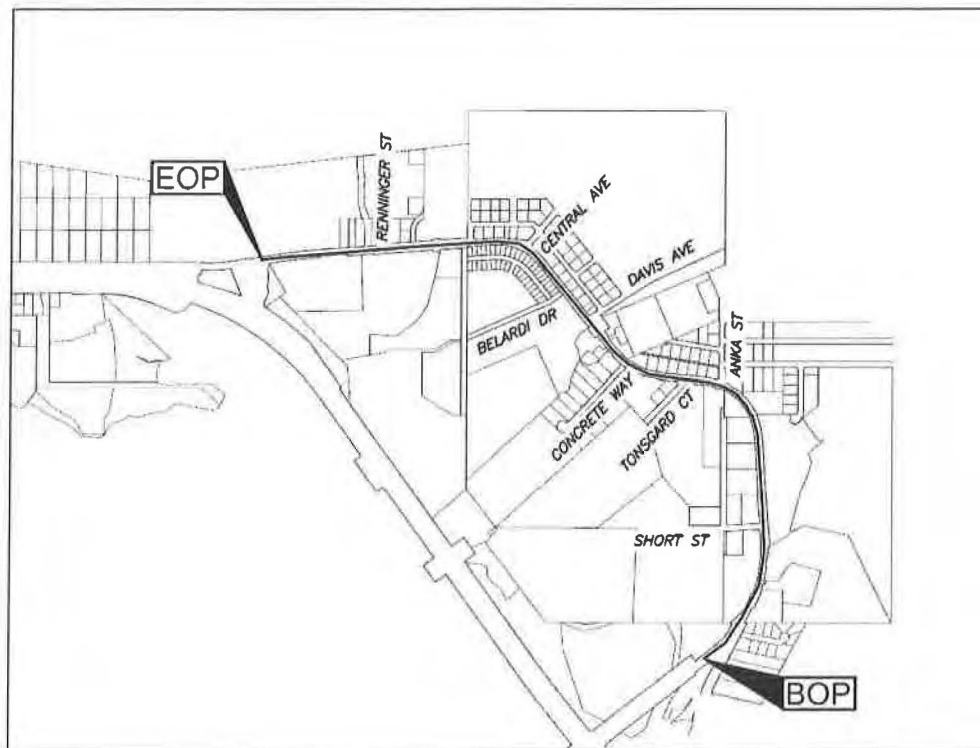


Figure 1-2 Project Vicinity Map

1.2 Existing Facilities

The primary function of Glacier Highway is for local motor vehicle circulation, along with pedestrian and bicyclist travel. It provides for multiple travel purposes: as local vehicular access and circulation route for traffic with origin/destination in the Lemon Creek area; and as a through corridor for bicycle traffic between the Mendenhall Valley and downtown. The corridor also has a significant amount of truck traffic which serves the industrial and commercial needs of the area. In addition there is school bus traffic to and from the residential areas adjacent to the corridor as well as in support of the Dzantik'l Heeni Middle School located on Renninger Street. Public transportation also uses the corridor for many of their routes connecting the Mendenhall Valley with downtown. Many of the residents local to the area rely upon public transportation which transits the area. There is also a significant amount of pedestrian traffic which accesses public transportation, local businesses and schools. This section of Glacier Highway is classified as *Minor Arterial*.

The posted speed limit along the study corridor is 40 miles per hour (mph). The roadway is made up of two 12-foot wide lanes with a 12-foot center turn lane with varying width shoulders on both sides, striped and signed for bikes in some areas.

In general, Glacier Highway consists of a three lane highway (one lane in each direction with a center turn lane) with a continuous sidewalk on the landward side. Except for a short segment near the former Walmart property and between Tongsgard Court and Anka Street, there is no sidewalk on the seaward side of Glacier Highway. Bike lanes exist on both sides of Glacier Highway, although in many locations these lanes are not well defined or properly designated.

There are three intersections with marked crosswalks across Glacier Highway: the former Walmart Driveway, Alaway Avenue, and Anka Street.

The side street approaches and many of the driveways are very wide (from 40 to 70 feet wide). Most of the side streets are stop-controlled, but lack stop bars. In addition, many curbs ramps within the project corridor do not meet current ADA standards.

Transit stops are found at the former Walmart driveway, Alaway Avenue, Davis Avenue, Tonsgard Court, Short Street, and near Western Auto. Almost all of the transit stops have shelters, except the ones at Alaway Avenue, the stop on the west side of Glacier Highway near Short Street, and the stop on the west side of Glacier Highway near Western Auto.

High levels of congestion exist at the intersection of Glacier Highway with Renninger Street, Davis Avenue, Concrete Way and Anka Street, as well as along the Lemon Creek Bridge. This congestion is due to school traffic, narrow bike lanes, unmarked crosswalks, and high numbers of large commercial vehicles.

1.3 Project History

Glacier Highway between Glacier Highway Access Road and Vanderbilt Hill Road was originally constructed in 1960 in FH2-G4 Juneau Grading and Drainage: Glacier Highway. Subsequent pavement improvements were constructed in:

- 1982 RS-0955(1)/R-30671 Lemon Road: Grading, Drainage, Paving, Bridges, Signing and Striping
- 1986 RS-0955(1) Lemon Road: Vanderbilt Hill to Switzer Village
- 1992 70487 Lemon Road Overlay: Paving, Signing, Traffic Marking
- 1993 70469 Salmon Creek to Vanderbilt Hill: Grading, Paving & Drainage
- 1994 71619 Lemon Road Sidewalk
- 1999 67819 JNU-Glacier Highway Overlay & Egan Expressway Acceleration/Deceleration Lane Resurfacing
- 2001 67898 Juneau Glacier Highway/ Anka Street Intersection Improvements
- 2006 71431 Sunny Point Intersection Improvements
- 2009 68837 JNU-FFY09 Area Wide Paving

Design was initiated for this project in 2012. Initial design efforts included a traffic study and public outreach to understand the deficiencies of the corridor and to define the needed improvements. A Categorical Exclusion was signed in May 2017. In November, 2017, Phase 3 and Phase 7 were initiated to begin the process of defining, appraising and acquiring the right of way necessary to construct the improvements and also to relocate utilities impacted by the project. Right of Way acquisition efforts are ongoing.

1.4 Purpose and Need for the Project

The Glacier Highway corridor through Lemon Creek is heavily traveled by industrial and passenger vehicles, pedestrians, and bicyclists. Vehicles have difficulty and delay with left turns from any access onto Glacier Highway. Pedestrians and bicyclists have inadequate crossings and dedicated travel lanes.

This project will improve the flow of vehicular traffic through the project area, including transit, and to make the road more accessible to pedestrians, including those with disabilities.

2 DESIGN STANDARDS

The Design Designation is: *Minor Arterial* and is contained in Appendix A. The following design standards will be used:

1. *American Association of State Highway and Transportation Officials (AASHTO) publications: A Policy on Geometric Design of Highways and Streets, 2001 (Also known as the Green Book).*
2. *American Association of State Highway and Transportation Officials (AASHTO) publications: Guide for the Development of Bicycle Facilities, 1999*
3. *American Association of State Highway and Transportation Officials (AASHTO) publications: Roadside Design Guide 4th Edition, 2012*
4. *American Association of State Highway and Transportation Officials (AASHTO) publications: Roadway Lighting Design Guide, as amended 2010*
5. *DOT&PF publications: Highway Preconstruction Manual (PCM), as revised August 2014*
6. *DOT&PF publications: Alaska Highway Drainage Manual, as revised June 2006.*
7. *DOT&PF publications: Alaska Standard Drawings, as revised May 2013.*
8. *DOT&PF publications: Alaska Traffic Manual (ATMS), as revised December 2009.*
9. *DOT&PF publications: Alaska Sign Design Specifications, as revised January 2015.*
10. *DOT&PF publications: Department Policy 05.05.020 Establishment of Speed Limits and Zones, July 2012.*
11. *DOT&PF publications: LRFD Bridge Design Specifications 7th Edition, 2015.*
12. *Federal Highway Administration (FHWA): Urban Drainage Design Manual Hydraulic Engineering Circular No.22 Third Addition , August 2013*
13. *Federal Highway Administration (FHWA): Roadway Lighting Handbook , August 2012.*
14. *Federal Highway Administration (FHWA): Code of Federal Regulations, Title 23, Highways, April 2012.*
15. *Institute of Transportation Engineers (ITE): Traffic Engineering Handbook, 6th Edition, March 2009.*
16. *US Architectural and Transportation Barriers Compliance Board (USATBCB): American with Disabilities Act Accessibility Guidelines, 2010.*
17. *US Architectural and Transportation Barriers Compliance Board (USATBCB): Proposed Guidelines for Public Rights-of-Way, 2011.*

18. *Transportation Research Board (TRB): Highway Capacity Manual, 2010.*
19. *National Cooperative Highway Research Program (NCHRP): NCHRP Report 672 Roundabouts: An Informational Guide, 2nd Edition.*
20. *State of Alaska Department of Environmental Conservation (ADEC) publication: Alaska Storm water Guide, 2011.*
21. *State of Alaska Standard Drawings Manual March 31, 2015.*
22. *Current electrical codes and guidelines required by local utility companies Alaska Electric Light & Power, and GCI.*
23. *Street Lighting: The new street lighting system shall comply with the applicable IES roadway lighting standards, AASHTO Publication "An Informational Guide for Roadway Lighting" (IGRL).*
24. *State of Alaska publication: Alaska Administrative Code. 18 AAC 80 Drinking Water, as amended May 20, 2011.*
25. *State of Alaska publication: Alaska Administrative Code. 18 AAC 72 Wastewater Disposal, as amended December 23, 2009.*
26. *Design Loading HS-20*
27. *National Association of City Transportation Officials Urban Bikeway Design Guide, April 2011.*

The project Design Criteria form can be found in Appendix A.

3 DESIGN ALTERNATIVES

3.1 Alternative A - No Build

This alternative provides for no improvements and for the continued operation and maintenance of the facility in its current condition and configuration.

Pros: None other than funds that would be spent on this project would be available for other projects.

Cons: The deficiencies of the corridor would continue unaddressed.

Cost Estimate – Alternative A: \$0

3.2 Alternative B – Baseline Corridor Vision

This alternative would add median refuge islands for pedestrian crossings at Short Street, Concrete Way, Davis Avenue, Belardi Drive, Alaway Avenue, and Renninger Street. Pedestrian activated flashing beacons would be installed at Concrete Way, Davis Street, and Renninger Street. A bicycle only refuge median crossing with an RRFB will be installed at Vanderbilt Hill Road.

In addition to this, the project would: narrow travel lanes from 12 to 11 feet wide; provide defined bicycle lanes; add continuous curb, gutter, sidewalk, and street lighting on both sides of the highway; add bus shelters, pull outs, and crosswalks at transit stops; add ADA compliant curb ramps at all intersections; install stop bars and marked crosswalks at all side streets; and resurface the pavement.

Pros: Pedestrian improvements would better enable the corridor to accommodate pedestrian traffic. The refuge medians at Short Street, Concrete Way, Davis Avenue, Belardi Drive, Alaway Avenue, and Renninger Street would enable pedestrians to cross Glacier Highway more safely and with minimal impacts to vehicular traffic. This alternative would reconfigure the corridor to better accommodate bike traffic while minimizing right of way impacts and impacts to the level of service for traffic. Improvements would rehabilitate the pavement surface. Though some right of way would be required to construct this alternative, this alternative does not require the acquisition and demolition of any buildings.

Cons: This alternative would not attempt to address the low levels of service that occur at the Renninger Street intersection.

Cost Estimate – Alternative B: \$6,185,000

3.3 Alternative C – Enhanced Baseline Vision

This alternative builds upon the Alternative B by through additional pedestrian crossings, more extensive access management from adjoining properties and more extensive medians. The crosswalk at the former Walmart main driveway would be moved to the west leg of the driveway intersection and the Pedestrian Hybrid Beacon replaced with a flashing beacon. A crosswalk with a median refuge will be installed at Central Avenue.

DESIGN STUDY REPORT

Z681240000 GLACIER HIGHWAY (LEMON CREEK AREA) BICYCLE & PED IMPROVEMENTS PAGE 1-4

Attachment A - Application

Pros: Raised medians increase access management of pedestrians, and the new crosswalk with median refuge would increase pedestrian safety.

Cons: The raised medians and median refuge islands would increase winter maintenance issues.

Cost Estimate – Alternative C: \$10,250,000

3.4 Alternative D – Roundabout Corridor Vision

This alternative builds upon Alternative C by adding a single lane roundabout at Renninger Street.

High-visibility (“zebra-style”) pavement markings and signed pedestrian crossings with center median refuge area at:

- the south side of the intersection with Vanderbilt Hill Road,
- the north side of Short Street intersection, the east side of Concrete Way intersection,
- the west side of Bilardi Drive Intersection,
- the east side of the Central Avenue intersection,
- the west side of the Alaway Avenue intersection.
- the Renninger roundabout on all four legs
- the west side of the main driveway entrance to the former Walmart.

Pedestrian activated flashing beacons will be added at the following intersections:

- Vanderbilt Hill Road
- Concrete Way
- Renninger intersection.
- Former Walmart Driveway

In addition, median will be added between Bilardi Drive and the Central Avenue, between Central Avenue and Alaway Avenue intersections as a 200 foot segment, and between Alaway Avenue and Renninger.

The curb radii at Anka Street intersection would be increased to facilitate the frequent truck turning movements at that location. Bicycle detection will also be added as part of a modernized traffic signal installation.

A bicycle only refuge median crossing will be installed at Vanderbilt Hill Road. A traffic signal would be added at the Davis Avenue intersection. Driveway access will be consolidated where appropriate. Drainage needs would be addressed and slip line culverts added as needed along the project, including a culvert extension at Switzer Creek.

As with Alternatives B and C, this alternative narrows travel lanes from 12 to 11 feet wide; provides defined bicycle lanes; adds continuous curb, gutter, sidewalk, and street lighting on both sides of the highway; adds bus shelters, pull outs, and crosswalks at transit stops; adds ADA compliant curb ramps at all intersections; installs stop bars and marked crosswalks at all side streets; and resurfaces the pavement.

Pros: The Renninger roundabout will improve the level of service especially during the busy school drop-off/pick-up periods.

Cons: The roundabout and raised medians can potentially require increased winter maintenance. The roundabout requires acquiring additional ROW and moving one powerline at the intersection, increasing utility relocation costs.

Cost Estimate – Alternative C: **\$16,290,000**

4 RECOMMENDED ALTERNATIVE

The recommended alternative is Alternative D – Roundabout Corridor Vision

Alternative A – No Build, would cause future traffic delays and would not address the needs of pedestrians and bicyclists.

Alternative B – Baseline Corridor Vision, would not attempt to address the current low level of service at the Renninger Street intersection.

Alternative C – Enhanced Baseline Corridor Vision, would not attempt to address the current low level of service at the Renninger Street intersection.

Alternatives B, C, and D provide for improved safety for pedestrians and bicycles. Only Alternative D provides for increasing the current low level of service at the Renninger Street intersection.

5 TYPICAL SECTION FOR THE RECOMMENDED ALTERNATIVE

5.1 Typical Sections

Typical sections developed for this project comply with a functional classification: *Minor Arterial* per *AASHTO Policy on Geometric Design of Highways and Streets (Green Book)* and *AASHTO Guide for the Development of Bicycle Facilities*. In general the existing cross slopes which vary between 0 and 3% will be maintained with minor modifications to address drainage. Cut and fill slopes will generally be 2:1.

5.2 Glacier Highway Typical Sections

5.2.1 Glacier Highway Access Road to Vanderbilt Hill Road

In general, the typical section will consist of two 11 foot travel lanes with a 12 foot middle turn lane/median and with 5.5 foot bike lanes and 4 foot sidewalk in both directions.

In addition, 10.5 foot wide bus pullouts will be added at all bus stops. (See Figure 5.1).

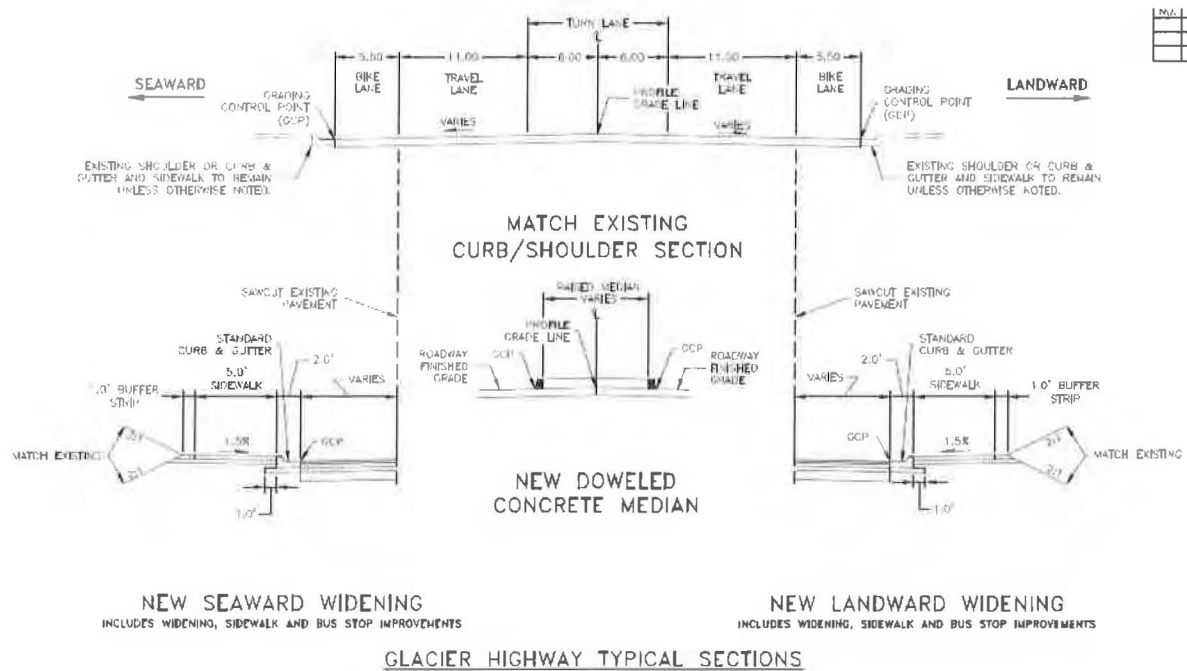


Figure 5-1 Typical Section

5.2.2 Superelevated Sections

The project will preserve existing superelevation on curves along the project corridor to help correct line of sight and reduce speed issues. Maximum superelevation is 4%. The existing road superelevates about the inside gutter edge instead about the centerline which is the most common method in Southcoast region roadways.

5.2.3 Lemon Creek Bridge.

No structural modifications will be made to Lemon Creek Bridge (See Figure 5.4). Sidewalk 5.5 feet wide will be added to the seaward side of the bridge while the existing 7.33 foot sidewalk on the landward side will be replaced with 5.5 foot wide sidewalk.

The bridge railing will also be replaced on both sides.

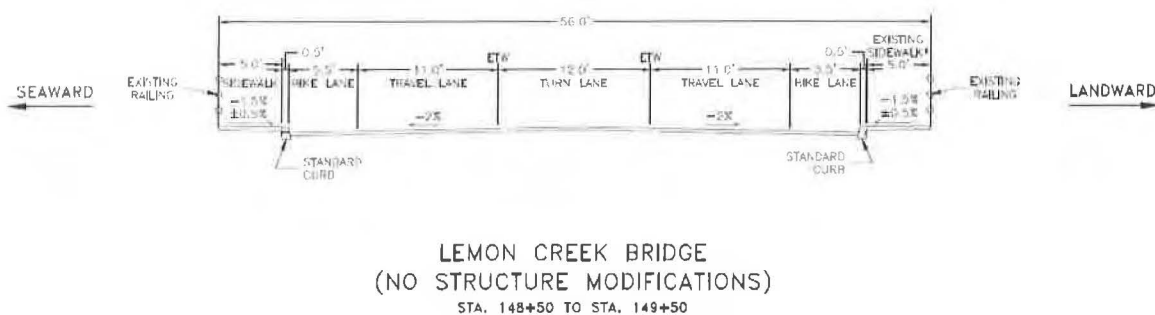
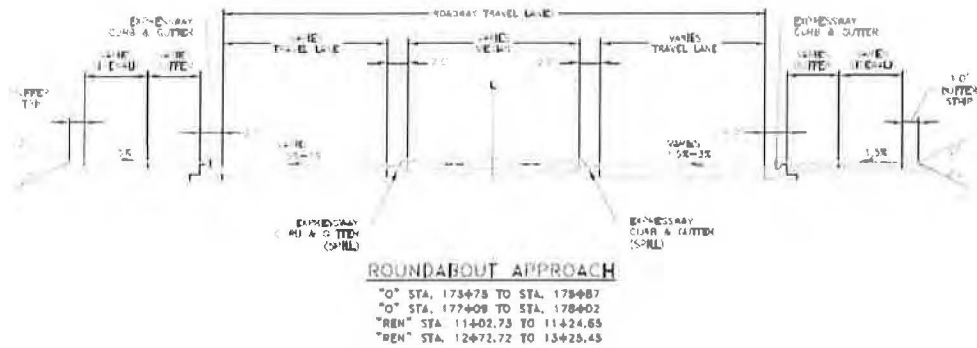


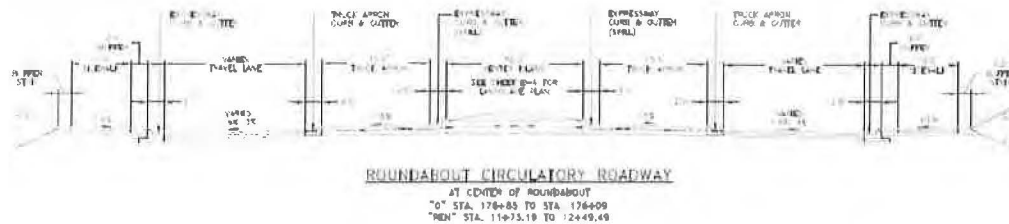
Figure 5-2 Typical Section - Lemon Creek Bridge (Bridge No. 0793)

5.2.4 Renninger Street Roundabout

At Renninger Street there will be a single lane roundabout. The roundabout approaches (See Figure 5.3) will have a splitter islands varying from 5 to 20 feet wide. The travel lanes will widen from 11 to 24 feet wide as they enter the roundabout. Sidewalks will widen to 10 feet in width and will also have a 2 foot buffer between the sidewalk and the traveled way. Bicyclists approaching the roundabout will have the option of either getting onto the sidewalk by way of a ramp and navigating through the roundabout as would a pedestrian or merging into the traffic lane and maneuvering through the roundabout as would any other vehicle.



The roundabout approach transitions into the roundabout circulatory roadway (See Figure 5.4). The roundabout itself will have a landscaped and mounded center island 44 feet in diameter surrounded by a truck apron 15.5 feet wide plus a truck apron curb and gutter. The circulatory roadway will be 20 to 25 feet wide with an expressway curb between it and the sidewalk.



6 ALIGNMENT FOR THE RECOMMENDED ALTERNATIVE

6.1 Horizontal Alignment

The horizontal alignment essentially follows the existing alignment. The design alignment was established based upon the existing landward side curb and gutter/sidewalk and the seaward side pavement edge. Additional widenings of the cross section were necessary at the following locations:

- On the seaward side, just west of the Glacier Highway/Vanderbilt Hill Road intersection, to provide a connection between the bicycle lane and the bicycle only refuge median crossing
- Bus pullouts
 - On the seaward and landward sides near the Short Street intersection (Station 119+00)
 - On the seaward and landward sides, just east of the Tonsgard Court intersection (existing bus turnouts)
 - On the landward side, just west of the Davis Avenue intersection
 - On the seaward side, just east of the Belardi Drive intersection
 - On the seaward side, just east of the Alaway Avenue intersection
 - On the landward side, just west of the Alaway Avenue intersection
 - On the seaward side, just east of the former Walmart driveway (existing bus turnout)
 - On the landward side, just west of the former Walmart driveway
- On the seaward side, just east of Concrete Way, to provide the raised center median refuge at the designated pedestrian crossing
- Between Stations 174+36 and 178+00 for the Renninger Street roundabout

6.2 Vertical Alignment

The existing vertical alignment will be maintained as close as possible for the project. Small areas of cut and fill will be utilized to facilitate drainage at intersections and other minor areas where the project is being retrofitted to match existing.

6.3 Bridge Alignment

There is an existing 100 foot long bridge centered at Station 149+00. The horizontal and vertical position of the bridge does not change.

7 EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control Plan (ESCP) will be prepared in accordance with the Alaska Highway Drainage Manual, Chapter 16 Erosion and Sediment Control.

8 DRAINAGE & HYDROLOGY

Glacier Highway currently drains into approximately 50 inlets throughout the corridor which in turn empty into roadside ditches that then flow into Vanderbilt Hill Creek, Lemon Creek, and Switzer Creek.

The roadside ditches which flow into both Switzer Creek and Vanderbilt Creek on the seaward side will be filled in and replaced with drainage pipe to accommodate the new sidewalk.

The Vanderbilt Creek drainage will be routed into a 950 foot long water quality ditch located on the landward side of Glacier Highway before discharging into Vanderbilt Creek.

This drainage will include runoff from the Anka Street industrial area which currently crosses Glacier Avenue to the seaward side near Bobcat and Wells Fargo (near sta. 132+00) and then flows via road side ditch until it joins Vanderbilt Creek near the intersection with Short Street (near sta. 119+00). With the roadside ditch being filled in, the runoff from the Anka Street industrial area will be directed to the above mentioned water quality ditch not only to improve water quality but to improve drainage efficiency as well.

9 SOIL CONDITIONS

The Lemon Creek area is a scoured valley that has been filled with marine sediments and glacial deposits. The recent geologic history of the region is one of cycles of glaciation, with multiple advances and retreats, followed by seawater inundation and slow rising of the land due to isostatic rebound. During interglacial periods marine and alluvial sediments filled the valley. The surficial deposits in the project area primarily consist of modern alluvium, and intertidal deposits. There is no bedrock exposed within the project area.

Soils in the project site generally consist of embankment fills classified as poorly graded to well graded sand with gravel. These embankment soils vary in thickness but are generally 4 feet or more thick. The native soils beneath the fills are a mixture of sand and gravel beach deposits which are differentiated from the fill by the presence of fine fibrous organics and sometimes have a more mottled appearance. In some areas peat was encountered below the fill and often included bark fragments and even logs. These peat layers typically varied between 5 and 10 feet thick. Below the peat the soils return to sand and gravel deposits.

10 ACCESS CONTROL FEATURES

Glacier Highway's functional classification is that of a *Minor Arterial* with controlled access. This portion of the Glacier Highway corridor has eight 3-way intersections: Walmart Driveway, Renninger Street, Alaway Avenue, Central Avenue, Belardi Drive, Davis Avenue, Short Street and Vanderbilt Hill Road. There are two 4-way intersections: Concrete Way, and Stark/Anka Streets. There are approximately 37 driveways within the project corridor.

Three driveways will be relocated in the vicinity of the roundabout at Renninger Street. Two driveways on the landward side of Glacier Highway near Renninger will be relocated onto Renninger Street. In addition, the truck driveway to the former Walmart property will be relocated to become the fourth leg of the roundabout at Renninger Street.

11 TRAFFIC ANALYSIS

The project corridor is classified as a *Minor Arterial*. The majority of vehicles are residential commuters, however there is a high volume of large trucks using the area especially at the Anka Street and Concrete Way intersections.

Average annual Daily Traffic counts ranged between 7,050 and 9,782 within the project corridor for 2017.

A traffic study which included consultation with the public revealed a number of areas of traffic related concerns within the corridor:

- The Renninger Street/Glacier Highway intersection serves as the access to the Dzantik'I Heeni Middle and experiences school related congestion, particularly for vehicles turning left from Renninger Street onto Glacier Highway and for pedestrians crossing Glacier Highway.
- The Davis Avenue intersection with Glacier Highway experiences significant delay for left turning vehicles during the p.m. rush hour.
- High truck traffic between Anka Street and Concrete Way resulting in a high number of trucks making the following turning movements:
 - Right turn off Anka Street onto Glacier Highway,
 - Left turn off Glacier Highway onto Concrete Way,
 - Right turn off of Concrete Way onto Glacier Highway,
 - Left turn off of Glacier Highway onto Anka Street.
- Truck drivers also stated that left turns onto Anka Street and right turns off of Anka Street are very constrained in terms of space.
- High number of both turning vehicle and crossing pedestrians at the Concrete Way intersection at lunch time.
- Insufficient illumination within portions of the corridor.
- Inadequate crossings for pedestrians,
- Inconsistent widths and pavement deterioration on the bike lanes.

What follows is a series of descriptions of modifications to the traffic patterns that will be implemented as part of this project.

Roundabout at Renninger Street

The project will replace the side-stop controlled Renninger Street intersection with a roundabout.

Level of service analysis shows that the Renninger Street/Glacier Highway intersection operates most efficiently as a roundabout rather than as a side-stop controlled intersection. In addition, it provides for safer crossing of Glacier Highway for pedestrians and more fully implements the intent of CBJ's Safe Routes to School Plan for Dzantik'I Heeni Middle School.

The roundabout at the Renninger Street intersection will modify traffic patterns in other ways as well:

- The freight driveway for the former Walmart property will be shifted eastwards to become the fourth leg of the roundabout.
- The left turn onto Northwood drive from Glacier Highway will be removed because of the presence of the splitter island on Glacier Highway.
- Two driveways on properties adjacent to the Renninger Street intersection will be relocated from Glacier Highway to Renninger Street.

Traffic Signal at Davis Avenue

The project will replace the side-stop controlled Davis Avenue intersection with a traffic signal controlled intersection.

Capital Transit had reported high peak hour delay at Davis Avenue, hindering bus schedule reliability and lengthening run times. Observed delay for left turning vehicles off of Davis Avenue were significantly higher than predicted with traffic modeling with observed average delay of 52 second during the PM Peak Hour and up to 4 vehicles in the queue.

The Davis Avenue intersection does not meet MUTCD warrants using HCM procedures for predicting delay. However, given the observed delay in addition to considering factors such as limited line of sight, we were able to conclude that the benefits of a traffic signal outweigh the negative effects.

In addition, it is anticipated that a traffic signal at Davis Avenue along with the traffic signal at Anka Street will create gaps which will improve the performance of the Concrete Way intersection which has an average p.m. peak hour delay of 25 seconds.

12 SAFETY IMPROVEMENTS

This project includes a number of improvements that will improve the safety of the corridor:

- The pedestrian refuge medians will be installed at several locations to allow pedestrians to cross Glacier Highway in two stages without the aid of a traffic signal.
- The bike lane widths will be made uniform throughout the corridor to allow cyclists to more safely travel through the corridor rather than at times share the right lane with vehicular traffic.
- A refuge median specifically for bicycles will be installed at the intersection with Lemon Road to give bicyclists another option for crossing Glacier Highway.
- Illumination will be reconstructed within the corridor to eliminate areas of insufficient illumination particularly at pedestrian crossings. The existing High Pressure Sodium lighting will be replaced with LED lighting which will help provide more efficient and uniform lighting.
- The traffic signal system at the Anka Street intersection will be replaced.
- A new traffic signal system will be installed at the Davis Avenue intersection
- The roundabout at Renninger Street will improve the safety of that intersection by allowing pedestrians cross more safely and improve access to nearby school while at the same time improve the efficiency of the intersection.
- The high-visibility (“zebra-style”) pavement markings and signed pedestrian crossings will improve pedestrian visibility along the corridor.

13 RIGHT OF WAY

Right of way will be required from up to 42 separate parcels. Up to 43 partial parcels will be permanently acquired for the project. These acquisitions are needed for bus pullouts, drainage improvements, pedestrian crossings, addition of sidewalks and bike path, and the roundabout at Renninger Street. In addition, the project would also require approximately 42 temporary easements during construction to allow for driveway improvements, drainage, and construction access. Two of these two temporary easements are for detours that will be required during the construction of the Roundabout at Renninger Street.

14 PEDESTRIAN / BICYCLE FACILITIES & HANDICAP ACCESSIBILITY

14.1 Sidewalks

Sidewalks will be constructed to a 5 foot width throughout both sides of the corridor with the exception of the Renninger Street roundabout where sidewalks will be constructed to a 10 foot width.

The sidewalks will be constructed to comply with Americans with Disability Act (ADA) requirements. The pedestrian pushbuttons will emit a brief flash and an audible “beep” when pressed. The pedestrian signal indications will include count-down timers.

Refuge medians will be constructed at the following locations:

- the north side of Short Street intersection,
- the east side of Concrete Way intersection,
- the west side of the Belardi Drive intersection,
- the east side of Central Avenue intersection,
- the west side of the Alaway Avenue intersection
- all four legs of the roundabout at Renninger Street,
- the west side of the driveway entrance to the former Walmart.

14.2 Bike Lanes

The corridor will have a bike lane in each direction.

The bike lanes will be 5.5 feet wide and designed in accordance with AASHTO's *Guide for the Development of Bicycle Facilities 1999*.

The design of the corridor will include two features to accommodate a wider range of skill leveled bicyclists.

At the Vanderbilt Hill Road intersection, bicyclists will have two options to make the left turn onto the Lemon Road portion of Glacier Highway. One will be to take the left turning lane and make the left turn as would a vehicle. In addition, a bicycle only refuge median crossing will be in place which will allow bicyclists the option make the left turn onto the Lemon Road portion of Glacier Highway in two stages, reducing the potential for conflicts with motor vehicles.

On the approaches to the roundabout, bicyclists will have to option of either accessing the sidewalk and maneuvering through the roundabout as a pedestrian or moving out into the approach lane and maneuvering through the roundabout as a vehicle.

15 UTILITY RELOCATION AND COORDINATION

There are utility relocations involved with this project.

15.1 Water

Up to approximately 2 fire hydrants will be relocated to accommodate the change in cross-section. Up to approximately 13 water-valves within the corridor will have to be adjusted to the new final grade elevations.

15.2 Sewer

In advance of this project, City and Borough of Juneau has replaced a pressure sewer main running from Anka Street to Davis Avenue. The pressure main starts at the Anka pump station and runs under the south lane to the old driveway entrance of Hildre Sand and Gravel (just before Concrete Way) and then shifts to the north lane, runs across the Lemon Creek Bridge, and into a manhole on the north side of Davis Avenue.

The Gruening Park lift station, a force main and gravity flow sewer system, will be relocated outside of DOT&PF's right of way.

Up to approximately 26 manhole lids will be adjusted to finish grade

15.3 Electric and Communications

A power pole at Renninger Street will be relocated to accommodate the roundabout.

A communications pedestal will have to be relocated to accommodate the new bus pullout on the Switzer Village (near sta. 183+00).

16 PRELIMINARY WORKZONE TRAFFIC CONTROL

16.1 Determination of “Significant Project”

This project is not a Category 1 significant project as Glacier Highway is not an Interstate Highway.

This project also does not meet any of the criteria for a Category 2 significant project as the corridor does not have Average Annual Daily Traffic in excess of 30,000, the project will not close an arterial for an hour or more with no practical alternate route, and the project will not require greater than normal attention to traffic control to eliminate sustained work zone impacts greater than what would be considered acceptable.

16.2 Traffic Control

The construction of project exclusive of the roundabout at Renninger has three general phases:

1. Widening of the road embankment on the seaward side to accommodate the new sidewalk followed by construction of the sidewalk itself,
2. Reconstruction of sidewalk where necessary on the landward side of the project followed by paving,
3. Construction of the median.

Within the above mentioned phases, there is also the construction of the drainage improvements, and the illumination and traffic signals.

The roundabout has its own set phasing of construction to minimize impacts to traffic to and from Dzantik'i Heeni Middle School. The goal is to complete construction of the roundabout while school is out during the summer. The phasing would roughly follow the sequencing below:

- Pre-Stage 1: Construct widen the shoulders of the northern side of the intersection to accommodate one lane of traffic in each direction,

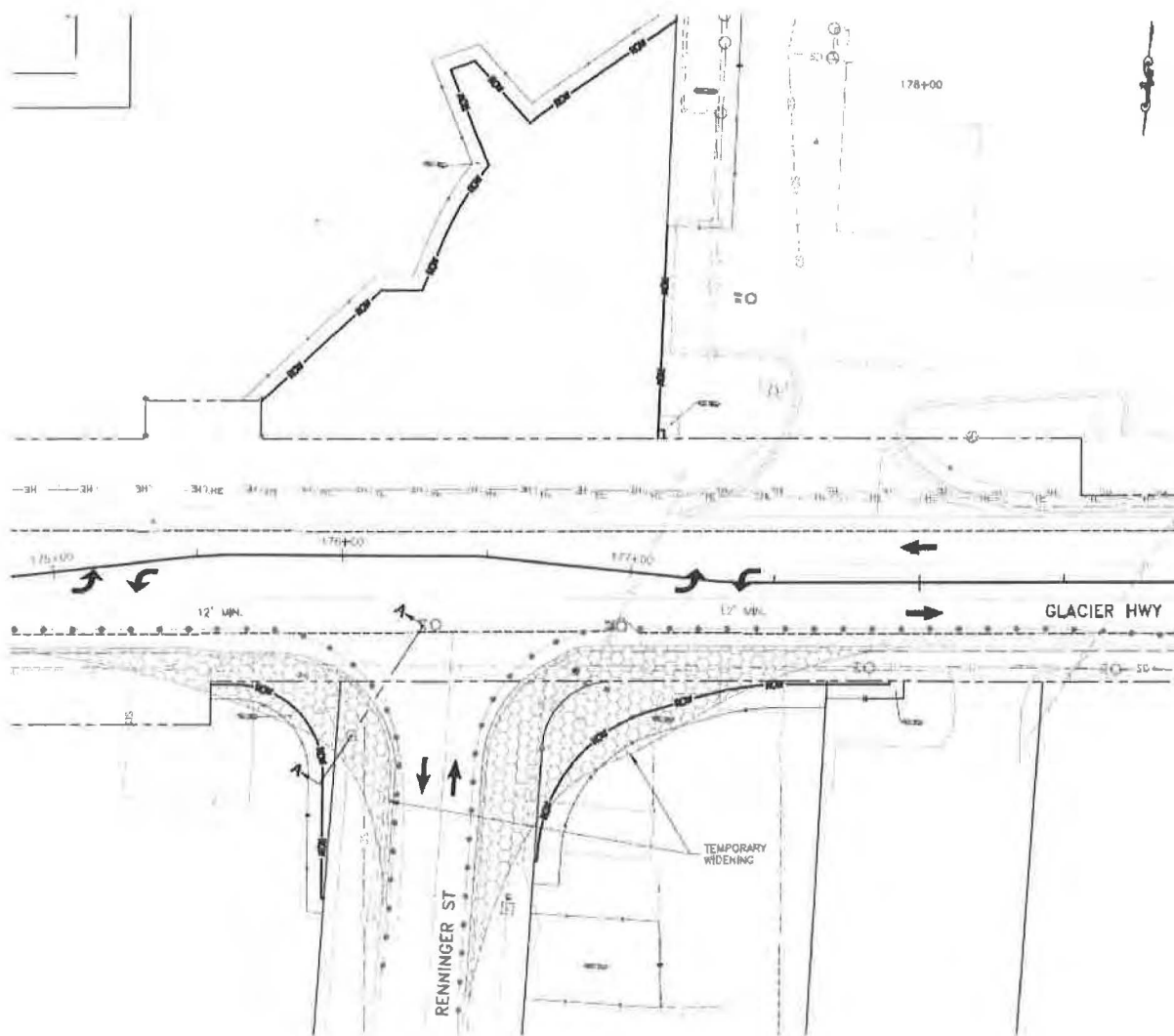


Figure 16-1 Renninger Roundabout Construction - Pre-Stage 1

- Stage 1. Construct the center island of the roundabout and everything on the seaward side. Both lanes of traffic flow on the north side of the intersection using the widened shoulders constructed in Pre-stage 1.

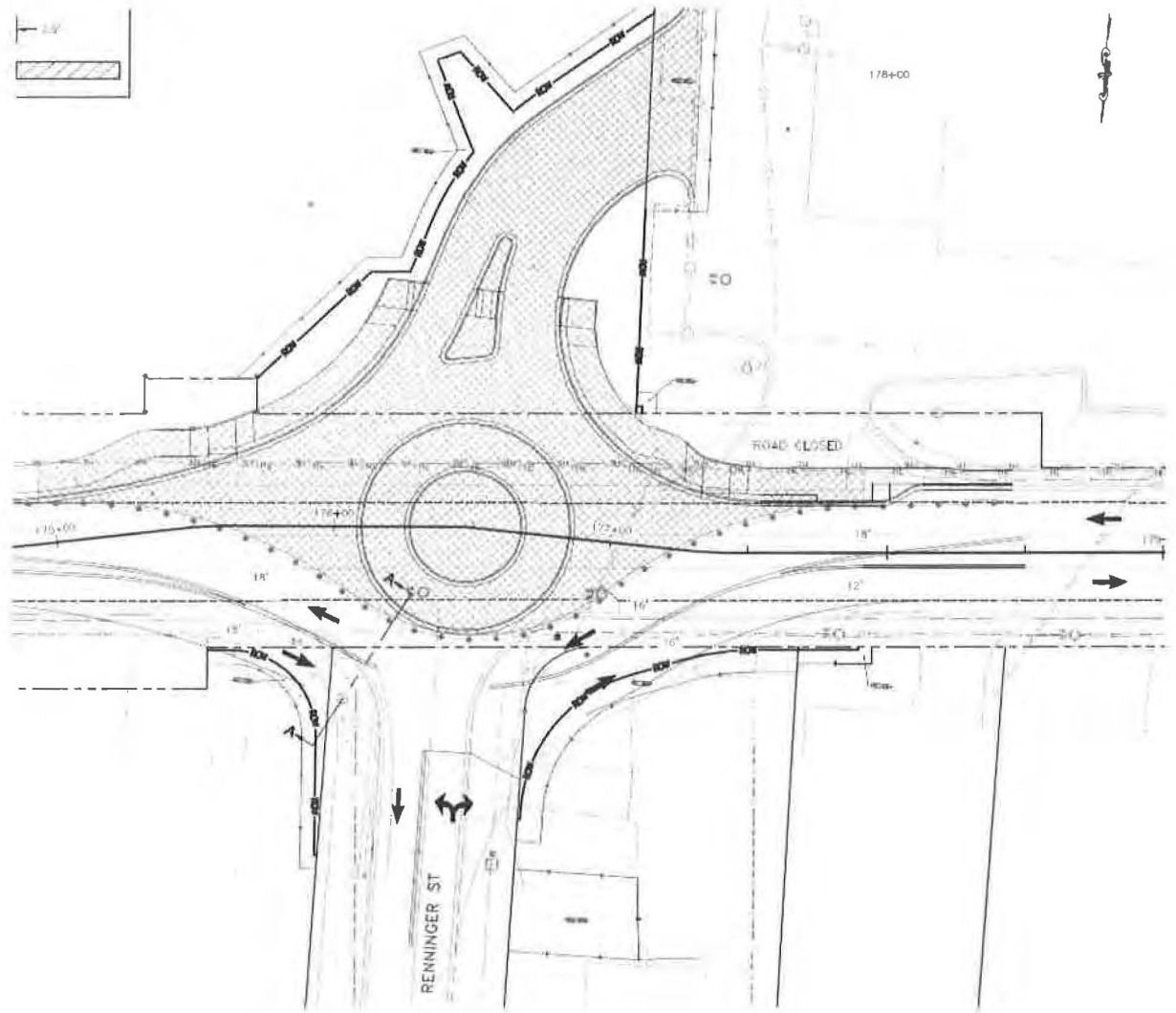


Figure 16-2 Renninger Roundabout Construction - Stage 1

- Stage 2. Construct inner half of the landward side of the roundabout. West bound traffic will continue to use the temporary bypass on the landward side while east bound traffic will use the new construction on the seaward side.



Figure 16-3 Renninger Roundabout Construction - Stage 2a

- Stage 2b. Construct the outer half of the landward side of the roundabout including sidewalk splitter island on Renninger Street and remove the temporary bypass. West bound traffic will use the inner portion of the roundabout while east bound traffic will continue to use the new construction on the seaward side. Renninger traffic will detour to other nearby intersections via temporary easements purchased for this purpose.

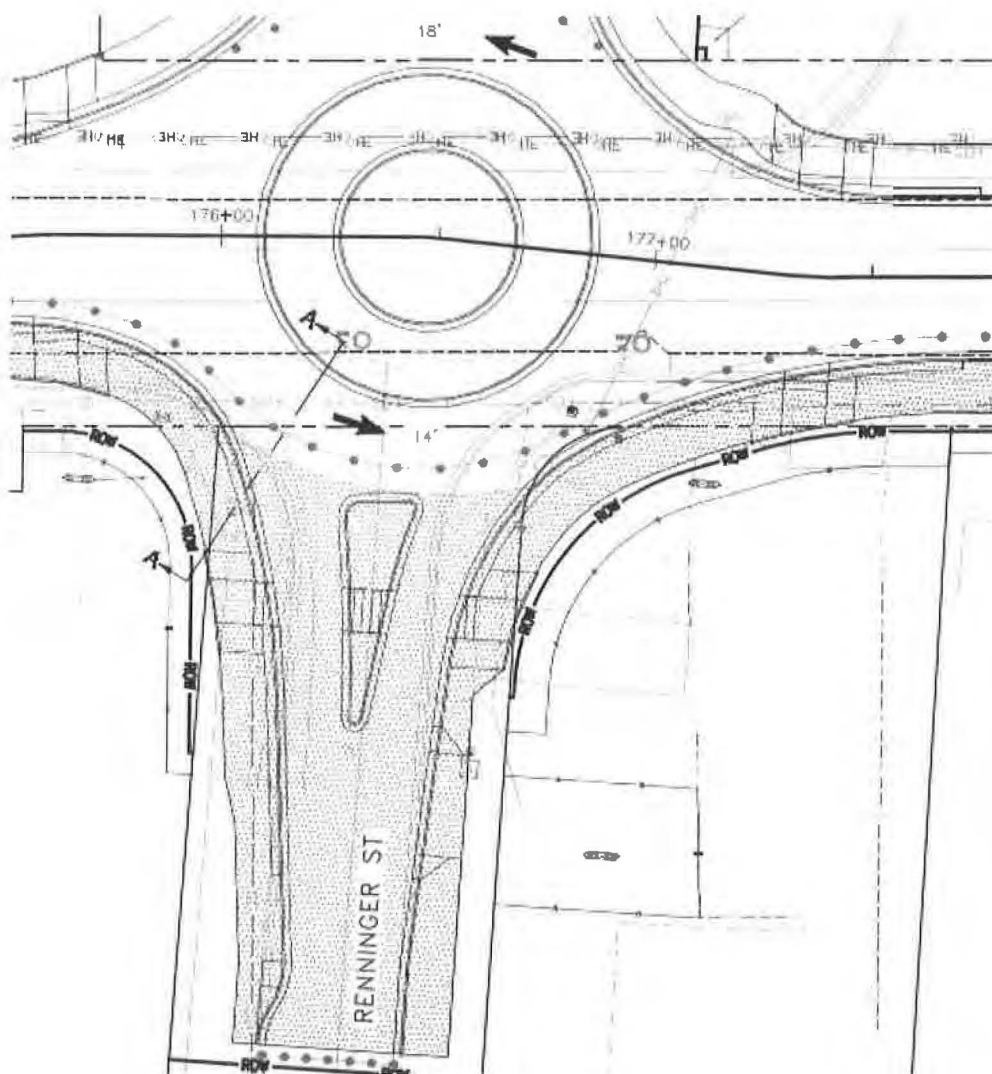


Figure 16-4 Renninger Roundabout Construction - Stage 2b

- Stage 3. Construct the splitter islands on Glacier Avenue.

17 PAVEMENT DESIGN

The existing pavement structure is the result of multiple projects over the years and consists of pavement thickness generally ranging between 10 and 12 inches overlaying undifferentiated fill 2.0 to 2.5 feet thick.

The pavement design takes advantage of the existing pavement structure except where pavement is visibly failing. In areas of sound pavement, the pavement structure will be cold planed to 4 inches below finished grade and paved with two 2 inch layers of Hot Mix Asphalt. This differs from the Geotechnical Recommendations Report which recommended cold planing to finish grade minus 2 inches and repaving with 2 inches. We are proceeding with the cold planing of 4 inches and repaving with 4 inches to provide better continuity with areas of reconstruction and with areas of pavement widening.

Base and subbase thickness could not be determined from the as-built information. The base was 8"-12" thick and often visually differentiated from the subbase. The soils were predominately gravel containing varying amounts of sand and silt. The soils varied from well graded and poorly graded with gravel and silt (SW-SM and SP-SM) to well graded to poorly graded gravels with sand and silt (GW-GM and GP-GM). The P-200 content varied from 4.5% to 13.6%, and gravel content ranged from 21% to 57%.

The average rut depth over the past 10 years is 0.21 inches with the average of the last 3 years being over 0.26 inches. The average International Roughness Index (IRI) for the last 10 years is 103 with the last 3 years being 106. An IRI greater than 170 is considered requiring repair.

The Southcoast materials section followed the Alaska Flexible Pavement Design Manual to develop the following recommended structural pavement section recommendations:

AS-BUILT	SIDEWALK WIDENING	NEW PAVEMENT	RECONSTRUCT	MILL & OVERLAY
Existing 10-12" HMA	NEW - 4" Concrete	NEW - 4" HMA	NEW - 4" HMA	NEW - 2" HMA
EXISTING 7" Base Course	NEW 4" Base Course	NEW 4"ATB	NEW 4"ATB	Existing 8-10" HMA
	NEW 20" Select A	NEW 4" Base Course	NEW 6" Base Course	EXISTING 7" Base Course
		NEW 16" Select A		
EXISTING Subbase Variable Thickness	EXISTING or NEW Embankment as Needed to Meet Grade	EXISTING or NEW Embankment as Needed to Meet Grade	EXISTING Subbase Variable Thickness	EXISTING Subbase Variable Thickness

Table 17- 1 Recommended Pavement Sections

18 COST ESTIMATES

The cost estimate is summarized below:

Phase 3 - Right of Way	\$814,500
Construction	\$13,670,565
Construction Engineering	\$1,367,056
ICAP	\$745,866
Total Phase 4 - Construction	\$15,783,487
Phase 7 – Utility Relocation	\$497,883

Table 18- 1 Total Project Costs

19 ENVIRONMENTAL

19.1 General

The project was classed as a “d” list Categorical Exclusion (CE). The original CE was approved May 22, 2017.

19.2 Required Permits

Project would require permits from the USACE and ADEC for the following:

- There will be approximately 0.04 acres of streams temporarily impacted during culvert lining and extension. This includes excavation of 660 square feet and 70 cubic yards of fill placement (60 cubic yards above ordinary high water (OHW) and 10 cubic yards below OHW).

DOT&PF intends to request authorization under Nationwide Permit 23

Project would require a ADF&G Fish Habitat Permit (title 16.05.871 and title 16.05.841) for the following:

- There are three cataloged anadromous streams within the project area: Vanderbilt Creek (111-40-10125), Lemon Creek (111-40-10100), and Switzer Creek (111-40-10070).
- Approximately 450 linear feet of seasonal fish habitat would be permanently filled to allow for sidewalk and 0.04 acres of streams would be temporarily impacted during culvert lining and extension. Construction phase impacts of the project on EFH species could include a short term reduction in migration or productivity in the surrounding area caused by turbidity from suspended sediment in the water column, and disturbance or displacement of fish caused by placement of fill, excavation activities, and placement of the liner within the waterway.

Project would require a Construction Noise Permit from the City and Borough of Juneau (CBJ 42.20.095) for the following:

- In the event heavy equipment usage was required before 7 am or after 10 pm on weekdays, or before 9 am or after 10 pm on weekends.

19.3 Environmental Commitments

DOT&PF has committed to comply with the following all environmental commitments and mitigation measures as part of this project:

1. Conduct a fish passage analysis for a Tier 2 design culvert at Vanderbilt Creek, a tributary to Vanderbilt Creek, and Switzer Creek, per the Memorandum of Agreement between DOT&PF and ADF&G
2. Conduct structural and/or passage analysis and maintain anadromous fish passage within DOT&PF right-of-way
3. Construct a drainage ditch to capture stormwater runoff from the Anka Street industrial area and allow for natural sedimentation and infiltration prior to entering Vanderbilt Creek, an impaired waterbody, with the following stipulations:
 - a. Approximately 4 feet wide at the bottom
 - b. Terraced design
 - c. No check dams within 300 feet of Vanderbilt Creek
 - d. Vegetative mat would be salvaged and replanted, if possible
4. Plant Bluejoint Reedgrass (*Calamagrostis Canadensis*) in disturbed ditches
5. Reseed disturbed soils on CBJ property (Switzer Creek Natural Area Park) near Switzer Creek with weed-free native species
6. Limit access for construction to Glacier Highway for all construction adjacent to the Switzer Creek Natural Area Park
7. 1 year post-construction monitoring to ensure the survival rate of plants in terraced ditches
8. No construction of check dams in the ditch connecting Vanderbilt Creek at Short Street
9. Install a velocity dissipater at the outflow of a pipe, prior to entering Switzer Creek
10. Utilize perforated pipe, where possible
11. Install baffles in liners for fish streams
12. Stockpile and reuse existing infill for slip-lined culverts
13. Remove invasive plant species in disturbed areas in accordance with DOT&PF's Disposal & Control of Invasive Plant Species (2014)
14. Maintain access to businesses during construction
15. Limit nightwork near residential areas

20 BRIDGE IMPROVEMENTS

20.1 Lemon Creek Bridge

Bridge No. 0793 crosses Lemon Creek at Station 149+00. Per the Bridge Section Bridge Inspection Report dated 6/5/2017 the bridge is in “Good” condition with a structural rating (SR) of 92.0 and is considered “Not Deficient.” Per the bridge report there are six work candidates that will be incorporated into this project.

1. Install missing FEUS transition bolt.
2. Install missing NEDS steel spacer.
3. Replace FEDS BCT and damaged w-beam.
4. Replace FEUS post, steel spacer, and w-beam.
5. Cut brush from road to 5 foot behind approach rails.
6. Smooth bump at sidewalk ends.

The cross slope of the sidewalks on the bridge matches the superelevation of Glacier Highway at the bridge which is approximately 2% which is not in compliance with ADA. The cross slope of the sidewalks will be modified to comply with ADA.

20.2 Retaining Walls

The project will construct 5 block walls and 1 mechanically stabilized earth wall. In three instances, the walls are 2.0 or less in height and are intended to prevent proposed fill from covering an existing manhole. In another instance, the wall is intended to prevent the road widening from impacting a building which is located very close to the property line adjacent to the right of way. Finally, the MSE wall beginning at station 150+84.7 is intended to minimize impacts to private property resulting from a widening of the road prism to accommodate a bus pullout.

Wall	Type	Starting Station	Side	Length	Height	Comment
A	Block	132+12.5	LT	7.3	1.3	Manhole
B	Block	133+26.0	LT	8.7	2.0	Manhole
C	Block	144+52.5	RT	39.7	4.4	Driveway
D	Block	144+95.0	LT	139.7	6.0	Building
E	MSE	150+84.7	RT	128.3	7.0	Bus Pullout
F	Block	170+04.5	RT	3.5	2.0	Manhole

Table 20-1 Mechanically Stabilized Earth Walls

21 IDENTIFICATION AND JUSTIFICATION OF EXCEPTIONS TO DESIGN STANDARDS

No exceptions to design standards in this project.

22 MAINTENANCE CONSIDERATIONS

The landscaped roundabout splitter mound at the Renninger Street roundabout will require new year round maintenance.

The pedestrian refuge medians and the bicycle only jug-handle may require hand clearing of snow in winter. We will consult with Operations and Maintenance to reconfigure to reduce or eliminate the need for hand clearing of snow.

23 PROJECT SCHEDULE

PIH Review	May 2017
PS&E Review	October 2018
ATA/Advertise	March 2020
Construction	Spring 2020 – Fall 2021

Table 23- 1 Project Schedule

Jack Scholz

From: Haynes, Emily R (DOT) <emily.haynes@alaska.gov>
Sent: Wednesday, December 11, 2019 8:42 AM
To: Amy Liu
Cc: Tripp, Charles M (DOT); Miller, Kirk D (DOT); Storey, Benjamin M (DOT)
Subject: RE: Public/Agency Involvement - Z681240000 JNU Glacier Highway Improvements (Lemon Creek Area)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Amy,

Kirk Miller (Design Group Chief) let me know of additional outreach efforts (in blue below):

2013

- February 5, 2013 – Stakeholder meeting and public meetings held
- November 5, 2013 – Open House

2014

- January 24, 2014 – Online Public Notice of project
- January 30, 2014 – Juneau Empire ad notice of project

2015

- May 2015 – Meetings with AML and Capital Transit

2016

- February 5, 2016 – Online Public Notice of project update and of public meeting
- February 9, 2016 – Juneau Empire ad notice of project update and of public meeting
- Poster noticing public meeting posted at local businesses
- Juneau Empire article including public meeting information
- March 3, 2016 – public meeting held at Gruening Park Recreational Center

2017

- January 26, 2017 – CBJ Lemon Creek Area Plan Steering Committee meeting participation

2019

- March 27, 2019 – Online Public Notice of project update
- May 10, 2019 – Online Public Notice of Switzer Creek Natural Area Park *de minimis* use
- June 14, 2019 – Juneau Empire ad notice of Switzer Creek Natural Area Park *de minimis* use
- September 30, 2019 – Online Public Notice of project floodplain impacts

Emily R. Haynes
 Environmental Analyst
 Department of Transportation & Public Facilities
 907.465.1826 | cell: 907.903.1491

“Keep Alaska Moving through service and infrastructure.”

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated November 3, 2017 and executed by FHWA and DOT&PF.

From: Haynes, Emily R (DOT)
Sent: Wednesday, December 11, 2019 7:35 AM
To: 'amy.liu@juneau.org'
Cc: Tripp, Charles M (DOT) ; Miller, Kirk D (DOT) ; Storey, Benjamin M (DOT)
Subject: Public/Agency Involvement - Z681240000 JNU Glacier Highway Improvements (Lemon Creek Area)

Hi Amy,

Thanks for the call yesterday. The Alaska Department of Transportation and Public Facilities Z681240000 JNU Glacier Highway Improvements (Lemon Creek Area) included public involvement and agency coordination which I'll try to summarize here.

2014

- January 24, 2014 – Online Public Notice of project
- January 30, 2014 – Juneau Empire ad notice of project

2016

- February 5, 2016 – Online Public Notice of project update and of public meeting
- February 9, 2016 – Juneau Empire ad notice of project update and of public meeting
- Poster noticing public meeting posted at local businesses
- Juneau Empire article including public meeting information
- March 3, 2016 – public meeting held at Gruening Park Recreational Center

2019

- March 27, 2019 – Online Public Notice of project update
- May 10, 2019 – Online Public Notice of Switzer Creek Natural Area Park *de minimis* use
- June 14, 2019 – Juneau Empire ad notice of Switzer Creek Natural Area Park *de minimis* use
- September 30, 2019 – Online Public Notice of project floodplain impacts

No public comments were received for public involvement efforts in 2014 or 2019. In 2016, we received 9 comments from the public. I've attached a spreadsheet of those. We also have a project website (http://dot.alaska.gov/sereg/projects/jnu_glacier_hwy-lemon_ck/index.shtml) which should include copies of all of the notices.

We also coordinated and consulted with various agencies.

Our project would require the following permits (all permits would be obtained prior to construction):

- USACE Nationwide Permit
- ADF&G Fish Habitat Permits
- ADEC 401 Certification
- ADEC APDES Permit

Mitigation and Enhancement measures (from various agency consultations):

We agreed to plant with a weed free native species. For impacts for wetlands, fish habitat, and temporary streams, we would capture stormwater runoff from the Anka Street industrial area and convey to a new drainage ditch for the purpose of slowing stormwater that that may contain sediment and allow for infiltration before entering Vanderbilt Creek. DOT&PF would place fish barriers during construction to avoid direct fish mortalities. Fish would be removed or transported by ADF&G, or DOT&PF if ADF&G was not available. DOT&PF would conduct a fish passage analysis for culverts. DOT&PF would conduct hydraulic analysis for Switzer and Vanderbilt Creeks. We would install baffles to allow for fish passage and gravel retention in the lined fish pipes. We would not construct check dams within 300' of Vanderbilt Creek and would monitor improvements to ensure survival rate of plants in the terraced ditch.

I've attached the most recent floodplain consultation, with our hydraulics engineer. The project would encroach into the flood plain but is not anticipated to be longitudinal, significant, or to raise the base flood elevation.

I've also included the approved Switzer Creek Natural Area Park *de minimis* finding with CBJ concurrence.

Hopefully, I've gathered everything you need to complete your review. If there's anything else, please reach out. Chuck will return on Monday, as well.

Emily R. Haynes
Environmental Analyst

Department of Transportation & Public Facilities
Southcoast Region | Design & Engineering Services
Physical: 6860 Glacier Hwy | Juneau, AK
Mail: PO Box 112506 | Juneau, AK 99811-2506
907.465.1826 | fax: 907.465.4414



The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated November 3, 2017 and executed by FHWA and DOT&PF.



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 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Lands and Resources
STAFF PERSON/TITLE: Dan Bleidorn/Deputy Manager
DATE: 12/3/19
APPLICANT: DOT&PF
TYPE OF APPLICATION: City-State Project

PROJECT DESCRIPTION:

A City-State project for improvements on Glacier Hwy from Glacier Hwy Access Rd to Twin Lakes Rd. Improvements include roundabout at Renninger St, new sidewalk, new pedestrian crossings, new traffic signal, bus pullouts improvements, and resurfacing.

LEGAL DESCRIPTION: NA
PARCEL NUMBER(S): NA
PHYSICAL ADDRESS: NA

SPECIFIC QUESTIONS FROM PLANNER:

Do you have questions or comments about the project and related to your department?

AGENCY COMMENTS:

The Division of Lands and Resources has received an application from the ADOT to acquire City property in order to complete this project. In order for the improvements in this project to be completed, the City Assembly will need to adopt an ordinance to authorize the sale of City property. The square footage of property being requested by the ADOT to complete this project as presented is 2,368 square feet. The process for Land disposals includes Planning Commission review. Does CSP-19-11 also allow for the Planning Commission to provide a recommendation to the Assembly in regards to this disposal request?



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155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Capital Transit
STAFF PERSON/TITLE: Ed Foster and Sergie Niehaus
DATE: 12/3/19
APPLICANT: DOT&PF
TYPE OF APPLICATION: City-State Project

PROJECT DESCRIPTION:

A City-State project for improvements on Glacier Hwy from Glacier Hwy Access Rd to Twin Lakes Rd. Improvements include roundabout at Renninger St, new sidewalk, new pedestrian crossings, new traffic signal, bus pullouts improvements, and resurfacing.

LEGAL DESCRIPTION: NA
PARCEL NUMBER(S): NA
PHYSICAL ADDRESS: NA

SPECIFIC QUESTIONS FROM PLANNER:

Do you have questions or comments about the project and related to your department?

AGENCY COMMENTS:

I can't find any narrative about bus shelters, but the drawings indicate there are bus shelters at each bus pull out. However, the shelters appear to be located on the sidewalk, impairing pedestrian flow. The shelters need to be behind the sidewalk enough to provide at least five (5) feet of clear sidewalk for pedestrians between shelter and back of curb.

Has it been determined what make/model of bus shelter is going to be used? CBJ has a preference for ease and efficiency of maintenance. Keeping in mind they must be ADA accessible, and not have a full open front. The full open front shelter is filled with snow in the winter when plows go by, making them useless. Close coordination with Capital Transit during this project will be essential to keep service delays to a minimum.



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155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: CCFR
STAFF PERSON/TITLE: Dan Jager and Sven Pearson
DATE: 12/3/19
APPLICANT: DOT&PF
TYPE OF APPLICATION: City-State Project

PROJECT DESCRIPTION:

A City-State project for improvements on Glacier Hwy from Glacier Hwy Access Rd to Twin Lakes Rd. Improvements include roundabout at Renninger St, new sidewalk, new pedestrian crossings, new traffic signal, bus pullouts improvements, and resurfacing.

LEGAL DESCRIPTION: NA
PARCEL NUMBER(S): NA
PHYSICAL ADDRESS: NA

SPECIFIC QUESTIONS FROM PLANNER:

Do you have questions or comments about the project and related to your department?

AGENCY COMMENTS:

Any fire hydrants that are moved shall be relocated near the original location(s) for fire protection and fire code requirement purposes.

The roundabout must have a surface that can handle the weight of up to 75,000 pounds being driven onto a partial or entire area of roundabout for emergency apparatus purposes if necessary.

Any replacing or relocating of traffic lights must have traffic light control devices for emergency apparatus use.

Any questions regarding fire code need to be directed to the fire marshal office at 586-0260 or 586-0642.

From: [Jill Maclean](#)
To: [Dan Bleidorn](#); [Amy Liu](#)
Cc: [Greg Chaney](#); [Roxie Duckworth](#)
Subject: RE: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements
Date: Thursday, December 12, 2019 11:51:00 AM
Attachments: [image001.jpg](#)

I'd suggest putting this into Lands comments when it goes to you for agency review.

From: Dan Bleidorn
Sent: Thursday, December 12, 2019 10:41 AM
To: Amy Liu ; Jill Maclean
Cc: Greg Chaney ; Roxie Duckworth
Subject: RE: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements
 Can the PC recommend a project design on City property without first agreeing to dispose of that property?
 As part of the design, they've included reconstructing the highway on City owned property, which they have no authority to use yet. If we OK the design focus before the Lands disposal, what happens if the design is approved and then the PC reviews the land disposal, later, and they don't want to dispose of this property?
 Does the entire design have to be updated then brought back to the PC? Or if the PC approved the design, does that automatically include the land disposal and whatever is designed on that property?
 I've been working with Kelly Harp and Greg Weinert. I don't know that the ADOT understands the CBJ process enough to make a good decision to bring the Lands Disposal back later.
 Thanks,
 Dan

From: Amy Liu <Amy.Liu@juneau.org>
Sent: Thursday, December 12, 2019 10:30 AM
To: Dan Bleidorn <Dan.Bleidorn@juneau.org>; Jill Maclean <Jill.Maclean@juneau.org>
Cc: Greg Chaney <Greg.Chaney@juneau.org>; Roxie Duckworth <Roxie.Duckworth@juneau.org>
Subject: RE: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements
 Dan,
 I spoke with Emily Haynes because Chuck Tripp is out of town this week. I doesn't sound like they are considering doing the land disposal CSP concurrently with the design-focused CSP. I think this is what Jill meant too.
 The design-focused CSP is still moving along.
 Amy Liu

From: Dan Bleidorn <Dan.Bleidorn@juneau.org>
Sent: Thursday, December 12, 2019 10:28 AM
To: Jill Maclean <Jill.Maclean@juneau.org>; Amy Liu <Amy.Liu@juneau.org>
Cc: Greg Chaney <Greg.Chaney@juneau.org>; Roxie Duckworth <Roxie.Duckworth@juneau.org>
Subject: RE: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements
 The entire project isn't ready to move forward? Or just the land disposal?
 Thanks,
 Dan

From: Jill Maclean <Jill.Maclean@juneau.org>

Sent: Wednesday, December 11, 2019 3:38 PM

To: Dan Bleidorn <Dan.Bleidorn@juneau.org>; Amy Liu <Amy.Liu@juneau.org>

Cc: Greg Chaney <Greg.Chaney@juneau.org>; Roxie Duckworth <Roxie.Duckworth@juneau.org>

Subject: RE: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements

Hi,

I asked Amy to follow up with DOT. It doesn't sound like they're ready for this move with the current application.

Jill

From: Dan Bleidorn <Dan.Bleidorn@juneau.org>

Sent: Thursday, December 5, 2019 2:34 PM

To: Jill Maclean <Jill.Maclean@juneau.org>; Amy Liu <Amy.Liu@juneau.org>

Cc: Greg Chaney <Greg.Chaney@juneau.org>; Roxie Duckworth <Roxie.Duckworth@juneau.org>

Subject: FW: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements

Hello,

Can a request from the DOT to purchase CBJ property and a request for easements for this project be added to this same CSP? We are working on a request to acquire City property from ADOT in order to work on this section of highway as described in the SCP19-11. Some of their improvements will need to be located on City property.

We just got authority to negotiate with the original applicant at the last assembly meeting and it will go back to Lands Committee before drafting an ordinance for the acquisition request and a resolution for the easements.

Maybe we can discuss this next week?

From: Amy Liu <Amy.Liu@juneau.org>

Sent: Tuesday, December 3, 2019 1:10 PM

To: Dan Bleidorn <Dan.Bleidorn@juneau.org>

Subject: Review and Comment CSP20190011, Glacier Hwy Roundabout and Improvements

Good afternoon,

The application for CSP20190011, and a comment form are attached are attached for your review and feedback. If you have input, please reply by December 17. Thanks, and let me know if you have questions.

Amy Liu | Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0764

CBJ_EmailLargeColorLogo





Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: January 9, 2020

File No.: CSP2019 0011

Alaska Department of Transportation & Public Facilities
PO Box 112506
Juneau, AK 99811-2506

Proposal: State Project Review for a State project for a new roundabout and improvements on Glacier Highway from Glacier Highway Access Road to Vanderbilt Hill Road

Legal Description

OR ROW name: Glacier Highway

Hearing Date: January 8, 2020

The Planning Commission, at a Special public meeting, adopted the analysis and findings listed in the attached memorandum dated January 6, 2020, and approved the roundabout and other improvements to be conducted as described in the project description and drawings submitted with the application in accordance with the following conditions:

1. An application for the review of the necessary right-of-way acquisition plat must be submitted per CBJ 49.15.590.

Attachments: January 6, 2020 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding CSP2019 0011.

Effective Date: The permit is effective upon approval by the Commission, January 8, 2020. This decision is final 90 days from the date the application was received, or January 19, 2020 unless modified or disapproved by the Assembly.

This Notice of Decision does not authorize construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

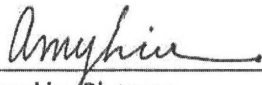
Alaska Department of Transportation & Public Facilities

File No.: CSP2019 0011

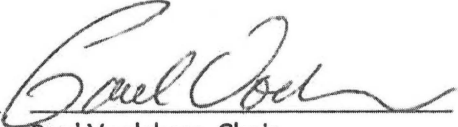
January 9, 2020

Page 2 of 2

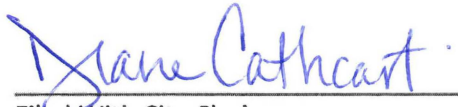
Project Planner:

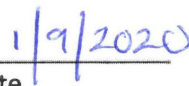

Amy Liu, Planner

Community Development Department


Paul Voelckers, Chair

Planning Commission


Filed With City Clerk


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 State Government 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.

Presented by: The Manager
Introduced: Dec. 16, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(P)

An Ordinance Appropriating to the Manager the Sum of \$10,000 as Partial Funding for the Housing and Homelessness Services Coordinator Project; Grant Funding Provided by the Alaska Mental Health Trust Authority.

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 \$10,000 for the Housing and Homelessness Services Coordinator Project in the Manager's Office.

Section 3. Source of Funds

Alaska Mental Health Trust Authority	\$10,000
--------------------------------------	----------

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 12/16/19
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-02

An Ordinance Regulating Commercial Rental, Provision, and Use of Shared Micromobility Devices.

WHEREAS, the Assembly enacted Ordinance 2019-12, which temporarily prohibited the commercial rental or provision of dockless vehicles until February 1, 2020, to research how the City & Borough of Juneau should regulate these vehicles; and

WHEREAS, City & Borough of Juneau staff presented their research and recommendations to the Assembly Committee of the Whole on December 2, 2019; and

WHEREAS, the Assembly Committee of the Whole considered interests and concerns regarding the commercial rental of the devices, including, but not limited to, business interests, tourism, types of devices, topography, infrastructure design and capacity, parking, life-span of devices, device storage and disposal, accessibility, traffic congestion, and aesthetics; and

WHEREAS, when considering these factors, it was apparent that similar interests and concerns facing the deployment of dockless vehicles in Juneau were present with docked vehicles and commercial tours with micromobility devices; and

WHEREAS, consistent with the direction from the Assembly Committee of the Whole, the following regulatory structure best balances the economic, health, safety, and welfare concerns related to commercial rental, provision, and use of micromobility devices in the City & Borough of Juneau, and

WHEREAS, the Assembly recognizes micromobility device technology and the shared economy market is rapidly changing such that the regulations created by this ordinance should be reviewed as the need arises.

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 20, Business Regulations, is amended by adding a new chapter to read:

20.20 Micromobility Devices

20.20.010 Applicability of Chapter

This chapter does not apply to the following:

- (a) use of a micromobility device on private property;
- (b) a business located on private property within the area described in section 20.20.030 from renting or providing micromobility devices for use outside the area described in section 20.20.030;
- (c) a micromobility device provided to a person with a mobility disability;
- (d) a person—unaffiliated with a commercial tour—using a micromobility device in the area described in section 20.20.030;
- (e) a business that picks up or drops off customers provided no use of a micromobility device occurs in the area described in section 20.20.030;
- (f) commercial passenger vehicles with a Class C endorsement pursuant to chapter 20.40; or
- (g) a permit issued pursuant to Title 19 or Title 49 related to use of private property.

20.20.020 Prohibitions

(a) No permit, lease, license, or similar authorization may be issued from the City & Borough of Juneau for locating or operating a business to rent, to provide, to offer or lead tours with, or to use micromobility devices on City & Borough of Juneau property or right-of-ways in the area described in section 20.20.030. Any permit, lease, license or similar authorization related to micromobility devices is void.

(b) No person or business may

(1) rent or provide a micromobility device from a dockless or docked facility,

(2) offer or lead tours with micromobility devices, or

(3) engage in the commercial business of renting or providing for use a micromobility device,

on public property or right-of-ways within the area described in section 20.20.030.

20.20.030 Commercial Micromobility Device Prohibition Area

(a) The Commercial Micromobility Device Prohibition Area Map described in Exhibit A to Ordinance 2020-02 depicts the prohibition area as the public land, streets, parks, sidewalks, seawalk and similar public facilities bound between the following streets, including the outermost sidewalks, and Gastineau Channel of:

(1) Jacobsen Drive from the AJ Dock to Mt. Roberts Street,

(2) Mt. Roberts Street from Jacobsen Drive to Thane Road,

(3) Thane Road at Mt. Roberts Street through Franklin Street to Fifth Street,

(4) Fifth Street from Franklin Street to Main Street,

(5) Main Street from Fifth Street to Egan Drive,

(6) Egan Drive from Main Street to 10th Street.

20.20.040 Penalty

Any person violating section 20.20.020(b) shall be subject to civil fine as follows:

(1) First Offense: \$100

(2) Second Offense: \$300

(3) Third Offense and subsequent offense is the maximum fine imposed: \$500

(4) Each day that a violation continues is a separate offense.

20.20.050 Definitions

The following words and phrases, when used in this chapter, shall have the meaning respectively ascribed to them in this section unless the context clearly indicates otherwise.

Bicycle shall have the same meaning as set under CBJ 72.28.010.

Commercial renting, using, or provisioning of a micromobility device means using a micromobility device, marking or otherwise apparently making available for use a micromobility device for the transportation of a person for compensation.

Electric Assist means an electric motor affixed to a mobility unit that assists the efforts of the driver upon pedaling or steering the mobility unit.

Scooter shall mean a mobility unit consisting of a footboard mounted on two or more wheels that is designed to be stood upon when riding and that has handlebars.

Micromobility device means a bicycle, a bicycle with an electric assist, a scooter, a scooter with an electric assist, and similar micromobility devices.

Section 3. Amendment of Section. Section 03.30.070, Violations civil fines, is amended by adding the following:

CBJ	Type of Violation	Civil Fine
<u>20.20</u>	<u>Micromobility Devices</u>	
<u>20.20.020(b)</u>	<u>Commercial rental, offer, tour, provision, or use of micromobility device in prohibited area</u>	
	<u>1st offense</u>	<u>100.00</u>
	<u>2nd offense</u>	<u>300.00</u>
	<u>3rd and subseq.</u>	<u>500.00</u>

Section 4. 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

EXHIBIT A
Ord. 2020-02



Presented by: The Manager
Introduced: 12/16/19
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-03

An Ordinance Extending the Sunset Date Relating to the Prohibition of Commercial Rental or Provision of Dockless Vehicles and the Imposition of a Permit Moratorium.

WHEREAS, new businesses have popped up in other municipalities that rent dockless vehicles or provide dockless vehicle services to people over the internet without direct human interaction; and

WHEREAS, commercial rental or provision of dockless vehicles has caused significant public harm in other municipalities without a comprehensive regulatory structure; and

WHEREAS, commercial rental or provision of dockless vehicles have cluttered sidewalks leading to pedestrian conflicts, blocked access for individuals with mobility disabilities, and created aesthetic harm in other municipalities; and

WHEREAS, commercial rental or provision of dockless vehicles create safety issues for riders due to lack of safety equipment provided at the time of rental; and

WHEREAS, commercial rental or provision of dockless vehicles may be inappropriate in certain areas because of congestion or terrain; and

WHEREAS, the City and Borough of Juneau intends to solicit public comment and prepare a comprehensive regulatory package to allow commercial use and rental of dockless vehicles in 2020; and

WHEREAS, this ordinance does not apply to a business that occupies a regular place of business to rent bicycles or scooters in which the bicycle or scooter is picked up and returned to the same place of business during business hours; and

WHEREAS, Ordinance 2019-12 initially imposed a moratorium through February 1, 2020; and

WHEREAS, the Assembly Committee of the Whole discussed this topic on December 2, 2019, and more policy discussion may be necessary before a regulatory package is adopted; and

WHEREAS, until a comprehensive regulatory package is adopted, the public interests are best balanced by extending the moratorium.

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. Definition. Dockless vehicle includes a bicycle, a bicycle with an electric assist, a scooter, a scooter with an electric assist, and similar micromobility devices, which (a) are available for use by the public for short term rentals, and (b) are picked up from, left at, or returned to a location in which the vehicle is not locked to a docking station or similar secured facility for that vehicle. Dockless vehicle does not include a micromobility device provided to a person with a mobility disability.

Section 3. Prohibition. Commercial rental or provision of a dockless vehicle is prohibited.

Section 4. Permit Moratorium. Notwithstanding any provision of the City and Borough of Juneau Code, including but not limited to Title 53 (CBJ Land Management), Title 62 (Right of Ways), and Title 49 (Land Use), no permit application shall be accepted or approved pertaining to commercial rental or provision of a dockless vehicle.

Section 5. Sunset Date. This ordinance shall be automatically repealed on July 9, 2020.

Section 6. 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: December 2, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(O)

An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the River Road Car Cleanup; 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 \$250,000 as funding for the River Road Car Cleanup.

Section 3. Source of Funds

Waste Management Fund's Fund Balance	\$250,000
--------------------------------------	-----------

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



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

DATE: January 6, 2020

TO: City and Borough Assembly

FROM: Allison Eddins, Planner II
 Community Development Department

RE: *Juneau Historic and Cultural Preservation Plan* (draft)

BACKGROUND

The Comprehensive Plan identifies the need for a historic and cultural preservation plan for Juneau (see *Compliance with Comprehensive Plan* section below). The *Juneau Historic and Cultural Preservation Plan* is meant to guide efforts to preserve and protect the valuable historic and cultural resources in the community. The Plan establishes goals and action items that the community has determined to be important. The Plan is intended to guide CBJ's preservation activities for the next 20 years, with progress reviews taking place every two years and an update of the Plan taking place after 10 years. The development of the Plan was made possible through a Federal Historic Preservation Fund matching grant administered by the Alaska Office of History and Archaeology.

PUBLIC PROCESS

The process of developing the Plan began in late 2016, with a series of public meetings and focus groups. Participants were asked to share their vision for preservation in Juneau, identify issues and concerns regarding the preservation of historic and cultural resources in the community, and to identify goals for the future of preservation. For more details on the public process, see page one of the Plan.

The Planning Commission held two public hearings regarding the Plan on November 12 and 26, 2019. Public testimony was taken, and all who spoke were in favor of the Plan. The Planning Commission recommended minor changes to the draft Plan and those changes have been incorporated.

The Assembly has received two updates throughout the planning process. The first update was given at an Assembly Committee of the Whole meeting on August 26, 2016. This update was given to inform the Assembly on the upcoming public outreach efforts for 2016 – 2018. The second update was given on September 24, 2018 to present the public outreach data.

REGULATORY CONTEXT

In 1966, the United States Congress passed the National Historic Preservation Act in order to preserve historical and archaeological sites within the United States. This act created the National Register of Historic Places, the list of National Historic Landmarks and State Historic Preservation Offices (SHPO). A later amendment to the act created the Certified Local Government (CLG) program. The CLG program is way for states and the federal government to empower and support preservation efforts at the local level. Juneau became an Alaska CLG member in 1988. With this distinction comes numerous benefits including technical expertise from the Alaska SHPO, eligibility to apply for federal CLG earmarked funding and priority consideration for non-CLG grant funding. In order to maintain CLG status, CBJ must meet the following minimum requirements: 1) enforce appropriate state and local legislation for designation and protection of historic properties; 2) establish an adequate and qualified historic preservation review commission by local legislation; 3) develop a local historic preservation plan providing for identification, protection and interpretation of the area's significant cultural resources; 4) maintain a system for the survey and inventory of historic properties; 5) provide for adequate public participation in the local historic preservation program; and 6) satisfactorily perform the responsibilities delegated to it under the National Historic Preservation Act.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2013 Comprehensive Plan (Chapter 16) identifies the need to protect Juneau's historic resources and one of the best ways to do that is by adopting and implementing a preservation plan. The 2013 Comprehensive Plan states (page 221): *The existing policy regarding historic preservation, although a basic good start toward recognizing and protecting valuable historic resources, no longer provides the complete protections necessary given the dramatic rise of cruise ship tourism and the resulting pressure on historic resources from the heritage tourism trades. The CBJ government should update and adopt its draft version of the Historic and Cultural Preservation Plan, as well as continually evaluate its existing historic design standards and update its design review process, in order to better integrate preservation activities into broader community and land use planning efforts.*

Policy 16.1. To identify, preserve and protect Juneau's diverse historic and cultural resources, and to promote historic preservation and accurately represent Juneau's unique heritage through publications, outreach and heritage tourism.

Policy 16.2. To identify historic resources within the CBJ and to take appropriate measures to document and preserve these resources.

Policy 16.3. To increase public awareness of the value and importance of Juneau's archaeological and historic resources, and to educate, encourage, and assist the general public in preserving heritage and recognizing the value of historic preservation.

Policy 16.4. To preserve and protect the unique culture of Juneau's native peoples including buildings, sites, artifacts, totems, traditions, lifestyles, languages and histories.

Policy 16.5. To promote responsible heritage tourism that accurately represents Juneau's unique history while protecting the resources from overuse or harm.

Historic preservation is also mentioned in the Housing Element chapter of the Comprehensive Plan (Chapter 4) and the Economic Development chapter (Chapter 5).

Policy 4.7. To encourage preservation of residential structures that are architecturally and/or historically significant to the CBJ and which contribute to the historic and visual character and identity of the neighborhood.

Policy 5.5. To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.

If adopted, the *Historic and Cultural Preservation Plan* would be an addendum to the Comprehensive Plan. Where the preservation plan and the Comprehensive Plan conflict, or where the *Historic and Cultural Preservation Plan* is more specific, the preservation plan supersedes the Comp Plan.

COMPLIANCE WITH OTHER PLANS

CBJ currently has area plans adopted for the Auke Bay neighborhood and the Lemon Creek neighborhood. Both of these area plans include specific goals and actions that relate to preservation. See pages 18 and 19 of the draft *Historic and Cultural Preservation Plan* for the specific policies from each of the area plans.

Auke Bay Area Plan Chapter 3: Cultural and Historic Significance and Resources

Goal 1: Identify Auke Bay's historical sites and structures

Goal 2: Preserve and protect Auke Bay's history

Goal 3: Promote Auke Bay's rich culture and history

Lemon Creek Area Plan Chapter 2: Historic and Community Character

Goal 3: Recognize the Lemon Creek area's cultural diversity

Blueprint Downtown

CBJ is currently working on an area plan for Downtown Juneau. The study area includes eight of Juneau's nine historic neighborhoods, and many of Juneau's historic resources are located in this area. Blueprint Downtown will include a Historic Context chapter with goals and action items, many of which will likely be similar to the action items in this plan.

RECOMMENDATION

At its November 26, 2019 Regular meeting, the Planning Commission recommended that the Assembly review and adopt the Juneau *Historic and Cultural Preservation Plan*.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET, JUNEAU ALASKA 99801

DATE: December 19, 2019

TO: Duncan Rorie Watt
City Manager

FROM: Renee Loree *Renee Loree*
Purchasing Officer

SUBJECT: **Recommendation to Award Bid No. 20-128
River Road Clean-Up**

Scope of Work: The City and Borough of Juneau Public Works, RecycleWorks Division seeks bids from qualified persons or firms to provide clean-up on property located on River Road. Services required will include the collection, processing, packaging and shipping to dispose of approximately 275 vehicles and associated debris in a properly licensed and permitted facility located outside of the City and Borough of Juneau.

Bids opened on the subject project on December 10, 2019. The Protest period ended 4:30 pm on December 12, 2019. The following bids were received:

Bidder	Total Bid
Island Contractors, Inc.	\$330,000.00
Tideline Contractors, LLC.	\$390,060.00

Buyer: Shelly Klawonn, Senior Buyer

Funding Source: By appropriation Ordinance 2019-06(O) provided by the Waste Management Fund Balance.

Commitment: \$330,000.00

With the concurrence of Stuart Ashton, Recycle Works Ops Manager, the Purchasing Division recommends award to Island Contractors, Inc. on the basis of having the lowest responsive and responsible bid price in the amount of \$330,000.00 based on Total Bid.

Approved: _____

Duncan Rorie Watt, City Manager

Date of Assembly Approval: _____





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

January 8, 2020

MEMO

To: City & Borough of Juneau Assembly

From: Jill Maclean, AICP, Director *Jill Maclean*
Community Development Department

RE: River Road Cleanup Status

Background

The CBJ Community Development Department (CDD) began enforcement at 4650 River Road in 2016. The 3.5-acre property is located in a D3 zoning district, which primarily allows for single-family / duplex uses. The property contains a single-family dwelling and a detached garage. The property owner, Mr. Dale Losselyong, lives at the property.

Until recently, the Mr. Losselyong owned Capital Towing LLC, and towed vehicles to his private property at River Road, creating a junk yard in violation of CBJ Code Title 49 – Land Use. In addition to operating a prohibited junk yard, the property owner has been conducting other activities including vehicle sales, vehicle maintenance and repair work, and vehicle storage; again, in violation of CBJ Code Title 49 – Land Use. In addition to these prohibited activities, the property owner has impeded public safety and health by blocking River Road with equipment, and conducting operations outside the hours permitted by the CBJ noise ordinance. His activities have negatively impacted his neighbors and the community.

CDD's Compliance Officer issued the first enforcement orders in September 2016. CDD initially sought voluntary compliance and worked diligently to try to address the violations. Due to the lack of compliance and inadequate response from Mr. Losselyong, CBJ initiated a court action, filing a Complaint with the Superior Court in April of 2019. CBJ was granted a status hearing in early July 2019. Per that status hearing, CBJ was granted the authority to conduct site visits. Upon the first site visit, it was discovered that the number of illegal junk vehicles numbered over 420. Status hearings have taken place on a monthly basis; all Court orders have required Mr. Losselyong to take action. He has failed to comply with Court orders and given that, in September 2019 the Court permitted CBJ to issue and procure bid(s) to cleanup on the property at the property owner's expense, as the owner failed to take remedial actions. On January 9, 2020, the Code Compliance Officer conducted a site visit and found 260 vehicles remaining on the property.

CBJ issued a request for bids to clean up the property on November 5, 2019 and is now seeking to award the bid. The anticipated completion of the project is 60-120 days from awarding the bid (est. May month, 2020).