

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

April 22, 2019 7:00 PM

Assembly Chambers
Meeting No. 2019-20

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Children's Day proclamation**

B. **Public Service Recognition Week proclamation**

IV. APPROVAL OF 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 2018-11(Q) An Ordinance Appropriating to the Manager the sum of \$23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.**

This ordinance would appropriate \$23,992.23 in bond interest income that was earned on general obligation bond proceeds allocated to the projects

listed below. Per CBJ Charter and direction of Bond Counsel, the interest income is available to: 1) cover original projects expenditures, 2) pay bond debt service & IRS arbitrage fees or 3) other eligible Capital Improvement Projects. The proposed expenditures are in compliance with the guidance.

Gastineau Elementary Reno CIP	\$ 1,332.83	To Bond Debt
Eaglecrest Learning Center CIP	\$ 203.50	To Bond Debt
Centennial Hall Reno CIP	\$ 191.32	To Bond Debt
Dimond Loop Field Repair CIP	\$ 3,033.40	To Bond Debt
Waterfront Seawalk II CIP	\$13,430.24	To Bond Debt
Bond Debt Subtotal	\$18,191.29	
Restrooms, Paving & Concessions CIP	\$ 1,233.30	IN CIP
New Terminal Reno CIP	\$ 4,567.64	IN CIP
TOTAL	\$23,992.23	

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

- b. **Ordinance 2018-11(AH) An Ordinance Appropriating to the Manager the Sum of \$1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.**

This ordinance would appropriate \$1,150,367 to the Capital Improvement Projects (CIPs) listed below.

Rehabilitate Runway:	\$713,745
Terminal Reconstruction:	\$214,634
Taxiway A, E, D-1:	\$200,000
Sand/Chemical/Fuel Facility Construction:	\$21,988

Funding is provided by Passenger Facility Charge (PFC) collections. It will be used to provide new construction funds, and reimburse forward-funded amounts in these CIPs.

At their April 8, 2019 meeting, the Public Works and Facilities Committee approved this action.

At their April 9, 2019 meeting, the Airport Board approved this action.

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2018-11(AI) An Ordinance Appropriating to the Manager the Sum of \$190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.**

The State of Alaska, Department of Public Safety was allotted funds for crime prevention and response and equipment. Through this program, they have approved reimbursing the Juneau Police Department for \$190,643. This includes \$183,643 for a 3D scanner, supporting equipment, software and training. In addition, the remaining \$7,000 funding will be used to purchase a new thermal imager.

A 3D scanner is a tool used to accurately map complex crime scenes and locations. Use of a 3D scanner significantly reduces the time spent at an investigation, and increases the accuracy of the forensic data collected, improving the efficiency and accuracy of an investigation.

Thermal imagers are used at night or in dark locations to locate suspects, or people who are unable to verbally respond. JPD has a thermal imager; however, it is near the end of its life cycle.

There is no match requirement for this reimbursement agreement.

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

- d. **Ordinance 2018-11(AJ) An Ordinance Appropriating to the Manager the Sum of up to \$35,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.**

The CBJ Docks and Harbors Board requests approval of an appropriation ordinance to transfer \$35,000 from the Docks Fund's Fund Balance for construction of a new visitor information kiosk. The kiosk project is currently under construction. During the course of excavation for the foundation and drainage system unknown underground utilities including phone, data, and electrical vaults and cabling were discovered. The management of these systems within the design required additional work to prepare the site for the completion of the project. The Docks Fund's Fund Balance is currently \$2M.

The Docks and Harbors Board will consider this item at its regular meeting on April 24, 2019.

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

- e. **Ordinance 2018-11(AK) An Ordinance Appropriating to the Manager the Sum of \$175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.**

Increased public use of the Waste Management Program has resulted in higher operational costs that require supplemental funding of \$175,000 in FY19. The CBJ Junk Vehicle Disposal Program, operated by Channel Construction, saw an 84% increase in vehicles surrendered to date for FY19, and we expect to see similarly higher usage April through June. \$100,000 is requested to keep this program working for the remainder of FY19. The recycling program contract with Capitol Disposal Inc. has experienced increased shipping costs, and as a result of global market pressures, revenue from the sale of the recyclable material is down \$75,000 from the prior year. Both of these programs are important to keeping Juneau clean and extending the remaining life of the landfill.

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

2. Resolutions

- a. **Resolution 2853 A Resolution Authorizing the City Manager to enter into a Memorandum of Agreement with the Alaska Department of Transportation & Public Facilities for the Conveyance of the Brotherhood Park Parking Area.**

This resolution would authorize the Manager to accept the conveyance of the Brotherhood Bridge parking lot from ADOT&PF. ADOT&PF received federal funds to replace the bridge and relocate the parking lot area, which substantially improved traffic safety, access, and the parking lot for CBJ residents. The parking lot is the main access point for Brotherhood Park and the Kaxdigoowu Heen Dei Trail. The access road from Wildmeadow Lane is already owned by CBJ. CBJ ownership of the parking lot will simplify the realignment of the trail and relocation of the trailhead to the northwest end of the parking lot due to erosion at the Mendenhall River bank. Ownership of the parking lot will also help the Parks and Recreation Department manage use in the area.

The federal fund investment requires that the project be maintained for 20 years. After 20 years, the CBJ would own the property free and clear of the federal maintenance obligation. This resolution would allow the CBJ to become the owner of the parking lot in exchange for maintaining the parking lot for 20 years. The CBJ's maintenance obligations would still be subject to appropriations by the Assembly.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. **Liquor License Renewals for Licenses: 447, 816**

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

Renewal of Liquor Licenses

License Type: Beverage Dispensary, License #447

David McGivney, no d/b/a

Location: No Premises

License Type: Restaurant or Eating Place, License #816

El Sombrero Inc., d/b/a El Sombrero Mexican & American Food

Location: 157 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 these applications. Copies of the documents associated with each license are in the Assembly's e-packet or available in hard-copy upon request to the Clerk's Office.

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

4. Transfers

a. **Transfer T-1012 A Transfer of \$281,001 from the 'PRISM Core Financial Conversion II' CIP D12-017 to the 'Accounting Systems Upgrade' CIP M15-004.**

This request is to transfer \$281,001 of funds remaining in a completed financial systems conversion project to a project to upgrade the Land Management & Revenue Enterprise Software system (MS Govern). The intent is to sign an agreement with Govern by the end of April 2019. Signing the agreement commits both CBJ and the vendor to start the project in January 2020.

These CIP proceeds in conjunction with the Key Bank lease proceeds, approved with Appropriating Ordinance 2018-11(AG), provide sufficient funds to sign an agreement with Govern.

The City Manager recommends this transfer be approved.

b. **Transfer T-1013 A Transfer of \$35,000 from the Parks Deferred**

Building Maintenance CIP to the Centennial Hall Renovation Phase 2 CIP.

This transfer of \$35,000 of Temporary Sales Tax from P44-088, Deferred Building Maintenance CIP, to P47-073, Centennial Hall Renovation Phase 2 CIP, will provide funding to assess the long range facility needs to maintain current Centennial Hall uses and improve its marketability for larger group use, develop a conceptual plan for the desired improvements, and develop a cost estimate for a capital improvement project.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- c. **Transfer T-1016 A Transfer of \$300,000 from the ‘Deferred Building Maintenance’ CIP P44-088 to the ‘JSD Deferred Building Maintenance & Minor Improvements’ CIP S02-102.**

This transfer will provide temporary funding to enable the Juneau School District to award summer 2019 work projects, in particular the Marie Drake School Fan Replacement & HVAC Control Upgrades project. The transfer is to be repaid to P44-088 when the Juneau School District receives their FY2020 maintenance funding allocation.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019. The Juneau School Board recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- d. **Transfer T-1017 A Transfer of \$675,000 from the the Airport Revolving Capital Improvement Projects including, ‘Airport CIP Project Design’ CIP A50-001 & from the ‘Airport Construction Cont. Reserve’ CIP A50-031 & from the ‘Airport Revolving Capital Reserve’ CIP A50-033 to the ‘Terminal Construction’ CIP A50-102.**

This Ordinance transfers \$675,000 from the Airport CIP Revolving Funds to the Airport Terminal Design & Construction CIPs. It provides temporary funding for design and construction activities, in advance of the sale of approved bonds for the Terminal project; the temporary funding will be returned at that time.

At its April 8, 2019 meeting, the Public Works & Facilities Committee approved this transfer.

At its April 9, 2019 meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

- e. **Transfer T-1018 A transfer of \$83,754 from the ‘Under Thunder Trail’ CIP P46-091 to the ‘Trail Improvements’ CIP P46-102 CIP.**

This transfer of sales tax funds, will provide funding for upgrades and improvements to Juneau trails.

This funding was planned to extend the Under Thunder Trail to Glacier Highway. This phase of the project was contingent on securing access through private property, which was not possible. Transferring these funds to the Trail Maintenance CIP is consistent with the voters’ intent for temporary 1% sales tax funds, and will simplify the administration of these CIP projects.

The Parks and Recreation Advisory Committee recommended approving the transfer at its April 2, 2019, meeting.

The Public Works and Advisory Committee recommended approving the transfer at its April 8, 2019, meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

- A. **Ordinance 2019-08 An Ordinance Amending the Land Use Code Related to Street Standards.**

This ordinance would amend the Land Use Code regarding standards for temporary cul-de-sacs and stub streets. A temporary cul-de-sac and stub street are used when the street design of a new subdivision ends at an adjoining property that could be developed. Currently, the land use code requires a developer of a subdivision designed with a stub street to construct it or provide a financial guarantee for five years to cover construction of it. This ordinance would remove that five-year financial guarantee requirement and clarify the procedures and standards for when a temporary cul-de-sac and a stub street are required.

The Planning Commission recommended the Assembly adopt this ordinance at its meeting on December 11, 2018. Public Works and Facilities discussed this on February 25, 2019.

The City Manager recommends this ordinance be adopted.

- B. **Ordinance 2019-12 An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.**

Dockless transportation devices (scooters and e-bikes) have become a growing management and policy concern in communities in the lower 48. The dockless nature of these devices can clutter sidewalks. Additionally, while the scooters can be operated in a more nimble fashion than bikes, they are not well designed for

uneven surfaces which can result in riders being thrown from the devices. There are positives to dockless transportation devices as well. For example, they can extend the comfortable range of pedestrian commutes.

This proposed ordinance would institute a temporary moratorium for commercial use of dockless vehicles to give the community an opportunity to develop reasonable regulations.

The Committee of the Whole discussed this topic at its meeting on February 25, 2019. The Planning Commission reviewed this ordinance on April 9, 2019.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2019-16 An Ordinance Authorizing the Manager to Convey Approximately 600 Square Feet of Property Located at Lot 1, USS 3559 to the Owners of the Adjacent Property Located at 9223 North Douglas Highway.

Thomas Daugherty requested to purchase a small fraction of City owned property in order to have enough area to subdivide his existing lot into two residential lots. Mr. Daugherty's lot is approximately 512 square feet below the minimum size needed to subdivide and requests buying 600 square feet of City property. The Land Management Plan allows for this type of disposal. The Lands Committee provided a motion of support at the November 19, 2018 meeting. The Planning Commission recommended that the Assembly approve the sale at the January 22, 2019 meeting. The value of this property has been determined by the Manager and Assessor to be \$2,400. The applicant will pay market value and all surveying, subdivision, recording and closing costs.

The City Manager recommends this ordinance be adopted.

D. Ordinance 2019-17 An Ordinance Authorizing the Sale of Four City and Borough Parcels Located at Lena Point Near 16550 Ocean View Drive and 16550 Pt. Lena Loop Road and Establishing the Terms and Conditions Related to the Sale.

The South Lena Subdivision was recorded in 2006 and set aside a large lot to protect an eagle nest. The plat included a note describing that if the eagle nest was abandoned, the lot may be subdivided and developed. In 2017, the United States Fish and Wildlife Service determined the eagle's nest had been abandoned. The lot was then subdivided into four lots. The four lots were appraised and determined to have fair market values between \$90,000 and \$101,000.

This ordinance would authorize the sale of the four lots by sealed bid. Sealed bids for the lots are tentatively scheduled to be accepted until July 12. Details are available at CBJ's Lands and Resources web page or by calling 586-5252.

If any lot remains unsold after the sealed competitive bid sale, an over-the-counter sale of the remaining lots would be authorized.

The Lands Committee passed a unanimous motion of support to sell these lots at its meeting on January 14, 2019.

The City Manager recommends this ordinance be adopted.

E. Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of CBJ property for construction of the building known as People's Wharf. Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. The proposed additional leased area was appraised to have a fair market value of \$6,405 per year. If the Assembly adopts this ordinance, the Port Director intends to issue an early entry authorization, pursuant to CBJC 53.09.310, so the leased area can be used when the first large cruise ship arrives on April 28.

The applicant has also received a license for the last two years to use 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment and is governed by a different process. (CBJC 53.09.350).

The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission reviewed this matter on April 9, 2019.

The City Manager recommends this ordinance be adopted.

F. Ordinance 2018-11(AG) An Ordinance Appropriating to the Manager the Sum of \$800,000 as Partial Funding for the Upgrade of the City and Borough of Juneau's Land Management and Revenue Enterprise System; Funding Provided by Lease Proceeds.

This ordinance provides up to \$800,000 in funding for the project to upgrade the core Land Management & Revenue Enterprise Software system (MS Govern). The funding for this increase will be provided through our master lease arrangement with Key Bank. We are planning on entering into a 4-year lease. A 4-year lease would result in annual lease payments of approximately \$200,000 plus interest. The actual interest cost and total lease amount will be determined at the time of leasing.

The total projected project cost is between \$900,000 and \$1.08 million. There is \$280,000 of funding remaining in a technology upgrade CIP, which will be transferred to this project.

The lease payments are proposed to be funded from the voter approved (2017 election) 1% sales tax program. The voters approved \$2 million to be allocated to CBJ technology infrastructure upgrades.

Staff is currently negotiating with the vendor, MS Govern. Negotiations are anticipated to be complete by the end of April. In order to sign the contract full funding needs to be secured. The lease provides an immediate source of project cash and the repayment can be spread out over 4 years, while the sales tax is being collected.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Proposed Regulation Amendment of 20 CBJAC 40 Related to Class C Permits (Pedicabs).

Currently, the Commercial Passenger Vehicle Regulations only allow for annual certificates. Class C certificates only apply to human powered vehicles, like pedicabs. This regulation proposal would reduce the length of operation for Class C certificates from an annual certificate to a six month summer certificate. This change would also reduce the certificate fee for Class C businesses from \$1500 to \$750 and set Class C renewal dates consistent with the six month certificate.

If this regulation amendment is adopted, two items may be of interest. First, the Manager will refund \$750 for any Class C business that paid the \$1500 fee for the 2019 season prior to this regulation taking effect. Second, consistent with CBJC (CBJ Code of Ordinances) 01.60.330, this regulation would take effect in seven days, which could be April 30. The only authority for a regulation to take effect sooner than seven days is for an emergency regulation “necessary for the immediate preservation of the public peace, health, safety, or general welfare,” CBJC 01.60.420, and such emergency regulations are only effective for 120 days. CBJC 01.60.430. This regulation amendment does not qualify as an emergency regulation. Thus, the earliest this regulation can be effective is April 30.

In reviewing proposed regulations, CBJC 01.60.260 provides that the Assembly may:

1. Allow the regulation to take effect. (The Assembly’s historical practice is to move ‘orders of the day,’ requiring the body to consider the next item on its agenda without active consideration of the regulation.)
2. Take affirmative action to approve the regulation.
3. Take affirmative action to disapprove the regulation. (The Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)

4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

The City Manager recommends that this regulation proposal be approved.

B. Liquor License Protest - Sandbar Inc., d/b/a The Sandbar License #2844

The following 2019-2020 liquor license renewal application is being recommended for protest by the Finance Department/Collections Division.

License Type: Beverage Dispensary, License #2844

Sandbar Inc., d/b/a The Sandbar

Location: 2525 Industrial Blvd, Juneau

The Finance Department/Collections Division is recommending the Assembly protest this license renewal due to 2018 Real Property Tax and Utility Billing having outstanding balances.

The 60-day comment period for local governing body action ends as of April 28, 2019. The licensee has reached out to CBJ and will contact AMCO as well. The licensee stated that the balance due will be paid in full but is unable to pay before the CBJ protest period ends.

The next meeting of the AMCO Board is April 29-30, 2019. The board agenda has not yet been posted to show whether liquor license #2844 is on the AMCO April agenda.

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

The City Manager recommends the Assembly follow the Assembly Human Resources Committee recommendation.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

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

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

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

Presented by: The Manager
 Introduced: 4/22/19
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(Q)

An Ordinance Appropriating to the Manager the sum of \$23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

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. Appropriate. There is appropriated to the manager the sum of \$23,992 for bond debt, and various capital improvement projects.

Bond Debt	\$18,191
Restrooms, Paving & Concession	1,233
New Terminal Renovation	<u>4,568</u>
Total	\$23,992

Section 3. Source of Funds

General Obligation Bond Interest Income	\$ 23,992
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2019.

 Beth A. Weldon, Mayor

Attest:

 Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: 4/22/2019
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AH)

An Ordinance Appropriating to the Manager the Sum of \$1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

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 \$1,150,367 as reimbursement for forward funding previously provided and/or as funding for the following Juneau International Airport Capital Improvement Projects.

Rehabilitate Runway 8/26	\$713,745
Terminal Construction	\$214,634
Taxiway A, E, D-1	\$200,000
Construct Sand, Chemical & Fueling Facility	<u>\$ 21,988</u>
Total	\$1,150,367

Section 3. Source of Funds

FY18/FY19/FY20 Passenger Facility Charge (PFC9) collections: \$1,150,367

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 22, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AI)

An Ordinance Appropriating to the Manager the Sum of \$190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.

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 \$190,643 for a 3D scanner, with accessories, and a thermal imager for the Juneau Police Department.

Section 3. Source of Funds

State of Alaska, DPS	\$190,643
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 22, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AJ)

An Ordinance Appropriating to the Manager the Sum of up to \$35,000 as Funding for the Visitor Information Kiosk Replacement Capital Improvement Project. Funding Provided by Dock 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 \$30,000 as Funding for the Visitor Information Kiosk.

Section 3. Source of Funds.

Dock Fund's Fund Balance	<u>\$35,000</u>
Grand Total	\$35,000

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: April 22, 2019
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AK)

An Ordinance Appropriating to the Manager the Sum of \$175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management'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 \$175,000 for the following Department's Fiscal Year 2019 operating budgets:

<u>Department</u>	<u>Amount</u>
Waste Management	\$175,000
Total	\$175,000

Section 3. Source of Funds

<u>Department</u>	<u>Source of Funds</u>	<u>Amount</u>
Waste Management	Waste Management's Fund Balance	\$175,000
Total		\$175,000

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: April 22, 2019
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2853

A Resolution Authorizing the City Manager to enter into a Memorandum of Agreement with the Alaska Department of Transportation & Public Facilities for the Conveyance of the Brotherhood Park Parking Area.

WHEREAS, the Alaska Department of Transportation & Public Facilities (“ADOT&PF”) owns certain real property legally described as Lot 1, Brotherhood Park, according to Plat 2014-20, Juneau Recording District, First Judicial District, State of Alaska; and

WHEREAS, the above-described property consists of the current Kaxdigoowu Heen Dei trailhead, scenic overlook, and the parking area for Brotherhood Park (collectively the “Brotherhood Park parking area”), which were constructed as part of a federal aid project; and

WHEREAS, following the development of the Brotherhood Park parking area, ADOT&PF requested to convey the area to the City and Borough of Juneau (“CBJ”) at no cost but under the terms set forth under a proposed Memorandum of Agreement (“MOA”), attached as Attachment A; and

WHEREAS, such a conveyance would be subject to the CBJ assuming ADOT&PF’s maintenance obligations of the Brotherhood Park parking area, as required for projects utilizing Federal Highway Administration (“FHA”) funds; and

WHEREAS, the obligations required for the use of FHA funds would be for a period of twenty years, after which the obligations would cease and the federal maintenance obligations for the Brotherhood Park parking area would terminate; and

WHEREAS, CBJ 53.04.030 provides that real property to be acquired as a grant or as a part of a program of grants or which is offered to the City and Borough as a gift, or at less than fair market value and which is not required for an approved project, may be accepted only upon the approval of the Assembly by resolution; and

WHEREAS, acquisition of the Brotherhood Bridge parking area benefits the CBJ by giving the CBJ more ability to manage use of the parking lot and more control of the Kaxdigoowu Heen Dei trailhead.

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

Section 1. Authorization to Accept Conveyance. The Manager may accept the conveyance and associated operation and maintenance obligations for Brotherhood Park parking area under the terms and conditions provided in Attachment A.

Section 2. Essential Terms and Conditions. The operation and maintenance responsibilities required by the agreement are conditioned on and subject to appropriation by the Assembly.

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM OF AGREEMENT
Between the
CITY AND BOROUGH OF JUNEAU
and the
ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
for the
BROTHERHOOD PARK PARKING LOT

I. INTRODUCTION

The Alaska Department of Transportation and Public Facilities (DOT&PF or Department) and the City and Borough of Juneau (CBJ or City), an Alaska municipality, mutually agree to the terms and conditions of this Memorandum of Agreement (MOA). Alaska Statute 19.22.020 authorizes DOT&PF to acquire and develop publicly owned rest and recreation areas adjacent to a state highway right-of-way to accommodate the traveling public. Alaska Statute 44.42.020 authorizes DOT&PF to cooperate, coordinate, and enter into agreements with the federal government and municipalities in the exercise of DOT&PF's powers and duties. Under those authorities DOT&PF developed the Brotherhood Park parking area, and delegates the ownership, operation, and management of that parking area to the CBJ.

II. CONVEYANCE OF PROPERTY AND DELEGATION OF RESPONSIBILITY

The Department will convey to the City the entire parking area for Brotherhood Park (Lot 1 of Brotherhood Park Subdivision according to Plat 2014-20, Juneau Recording District, First Judicial District, State of Alaska as shown on Exhibit A). The conveyance will be in the form of a Commissioner's Quitclaim Deed, a draft of which is attached hereto as Exhibit B.

The Department reserves the right of ingress and egress for construction, maintenance and repair of state right of way and the Brotherhood Bridge. The right of access to state equipment shall not be impeded.

In accepting this conveyance, the City agrees to operate and maintain the parking area as a federal-aid facility and according to certain requirements set out in the next section. These requirements exist by virtue of the fact that the access road, Kaxdigoowu Heen Dei trailhead and

scenic overlook, and parking area for Brotherhood Park were constructed as part of a federal-aid project. The parties acknowledge that the City may choose to charge commercial tour operators reasonable user fees for use of the facility.

III. RIGHT-OF-WAY, OPERATIONS, AND MAINTENANCE OBLIGATIONS

The CBJ's right-of-way, operations, and maintenance duties and responsibilities shall commence on the date of the CBJ's acceptance of the Commissioner's Quitclaim Deed. In order to maintain the facility for public use, the CBJ agrees that its obligations, with regard to the Brotherhood Park parking area's right-of-way, operations, and maintenance, include the following:

A. The CBJ agrees to perform, at its own expense, subject to appropriation, those right-of-way, operations, and maintenance obligations required by the use of Federal Highway Administration (FHWA) funds. In carrying out these obligations, the CBJ's duties include:

1. Those identified in 23 C.F.R. §1.23 ("Rights-of-Way") and 23 C.F.R. §1.27 ("Maintenance"), which would otherwise be required of the DOT&PF if the DOT&PF owned the federal-aid constructed Brotherhood Park parking area ;
2. Maintain the three decorative bronze medallions installed in the railing at the Kaxdigoowu Heen Dei trailhead and scenic overlook (See, Exhibit C). If one or more of the medallions ever need to be removed from the installed location, the medallion(s) shall be immediately reinstalled or delivered to the Regional Director of Department for safekeeping;
3. Maintain the two interpretive display panels installed at the Kaxdigoowu Heen Dei trailhead and scenic overlook (See, Exhibit C). If one or more of the display panels ever need to be removed from the installed location, the display panel(s) shall be refurbished and reinstalled or delivered to the Regional Director of the Department for safekeeping;
4. Maintain parking opportunities for the travelling public's access to and enjoyment of the scenic overlook, Kaxdigoowu Heen Dei trail, Brotherhood Park and the West Mendenhall Valley Greenbelt trail system;
5. Maintain parking opportunities for commercial tour operators' access to and enjoyment of the scenic overlook, Kaxdigoowu Heen Dei trail, Brotherhood Park and the West Mendenhall Valley Greenbelt trail system. The CBJ may collect reasonable fees from commercial tour operators for use of the Brotherhood Park parking area

upon the following conditions:

- a) The CBJ shall account for the deposit of all fees collected for the use of the parking area facility for Brotherhood Park separately from other fees within the CBJ accounting system. The CBJ may only use the proceeds of this fund on eligible FHWA funded projects. The CBJ shall have full discretion regarding the allocation of the fund proceeds for the local match fund requirement(s) for FHWA funded project(s); and,
 - b) The CBJ agrees that records of this fund will be available upon request to either representatives of the Department or the Federal Highway Administration;
 - c) The CBJ agrees to provide written notice to DOT&PF in the event that they begin to collect additional fees—other than those previously mentioned—for the use of the Brotherhood Park parking area;
- 6. Allow no encroachments within the Brotherhood Park parking area without the prior consent of the DOT&PF and the FHWA;
 - 7. Refrain from selling or conveying any portion of the Brotherhood Park parking area; and
 - 8. Issue permits and authorizations as required by the foregoing duties, and assume sole responsibility for enforcement of all terms and conditions of such permits and authorizations.

B. The CBJ shall perform all operation and maintenance activities required by this MOA at its own expense, subject to appropriation, and without reimbursement from the DOT&PF. Maintenance activities shall include, but are not limited to:

- 1. Planning, scheduling, administration, and logistics of maintenance activities;
- 2. Traffic control and safety;
- 3. Embankment protection, including erosion control, to as-built conditions;
- 4. Snow and ice control and associated tasks as may be required for the safe and timely passage of the public;

5. Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
6. Parking area marking and repainting as required to maintain performance of their intended function;
7. Removal of debris, rubbish, and dead animals in a reasonable and timely manner;

IV. TERM

This MOA shall become effective on the date of the last signature and shall apply for a period of twenty years, at which time the federal-aid obligation for the development of the Brotherhood Park parking area will be satisfied and this agreement shall terminate. The ownership, operation, and management of the parking area will be solely the right and responsibility of the CBJ.

V. PENALTY FOR BREACH OF MAINTENANCE OBLIGATIONS

A. Notification and Opportunity to Cure

If notified by the DOT&PF in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, the CBJ shall have thirty days from the date of such notification to remedy the violation; or, if the remedy will take in excess of thirty days to complete, the CBJ shall promptly take or develop a plan of responsive action necessary to achieve a satisfactory remedy as close as possible to the thirtieth day from DOT&PF's initial notice.

The CBJ's failure to cure a violation that is remediable within thirty days or its failure to take responsive action necessary to promptly resolve a violation that is not remediable within thirty days constitutes a substantial breach of this MOA. If the CBJ is in breach, DOT&PF may elect to terminate the MOA. In addition, the CBJ's breach may adversely affect the viability of current and future municipal capital projects. See 17 AAC 05.175(I).

B. Remedies

In the event of breach of the CBJ's obligations to own, operate, and maintain the Brotherhood Park parking area, City shall make every effort to develop a mutually satisfactory remedy with DOT&PF. The two parties agree to negotiate in good faith and present such invoice to the CBJ Assembly. The parties recognize and agree that the CBJ has no appropriation currently available to pay any invoices under this agreement and that enactment of an appropriation in the future to fund a payment under this agreement remains in the sole discretion of the CBJ

Assembly. The CBJ Assembly's failure to make such an appropriation creates no further liability or obligation of the CBJ.

Subject to the above, should DOT&PF make material improvements to the facility on behalf of CBJ, the Department may take the following actions, including, but not limited to:

1. DOT&PF may invoice the CBJ for any costs incurred by the Department which are related to fulfilling the commitments contained in this MOA; and
2. DOT&PF may recommend withholding approval of future federal-aid projects until such time as the CBJ puts the Brotherhood Park parking area in a state of compliance with this MOA.

VI. MISCELLANEOUS PROVISIONS

A. Amendment or modification of Agreement

This MOA may only be modified or amended by written agreement signed by authorized representatives for both Parties.

B. The Whole Agreement

This MOA constitutes the entire agreement between the Parties. There are no other understandings or agreements between the Parties, either oral or memorialized in writing regarding the matters addressed in this MOA. This MOA may not be amended by the Parties unless an amendment is agreed to in writing, with the both Parties signing through their authorized representatives.

C. Assignment

Without the written consent of the DOT&PF, this MOA is not assignable by the CBJ either in whole or in part.

D. Third Parties and Responsibilities for Claims

Nothing in this MOA shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the Parties named in this MOA, whether such rights, privileges, immunities, duties or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this MOA shall be construed as creating any legal relations between the DOT&PF and any person performing services or supplying any equipment, materials, goods, or supplies for the Project.

E. Duty of Cooperation

The CBJ agrees to provide reasonable access to the Brotherhood Park parking area and to relevant records for authorized representatives of the DOT&PF or U.S. Government. The CBJ further agrees to cooperate in good faith with inquiries and requests for information relating to the Brotherhood Park parking area or the CBJ's obligations under this MOA.

F. Necessary Approvals

In the event that any election, referendum, ordinance, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable the CBJ to enter into this MOA or to undertake the Project, or to observe, assume or carry out any of the provisions of the MOA, the CBJ will initiate and consummate, as provided by law, all actions necessary with respect to any such matters so requisite.

G. Joint Drafting

This MOA has been jointly drafted by the Parties, and each party has had the ability and opportunity to consult with its legal counsel prior to signature. The MOA shall not be construed for or against either party.

H. Third Party Beneficiary Status

The CBJ is not an intended beneficiary of any contracts between the DOT&PF and any contractors, subcontractors or consultants or any other third parties, and has no contractual rights with respect to such contracts or any provisions thereof, unless expressly stated otherwise.

I. Force Majeure

The CBJ will perform the obligations identified within this MOA unless the performance is prevented or delayed by a Force Majeure Event. A "Force Majeure Event" is any natural event beyond the control of the CBJ that delays or prevents the performance of the obligations despite CBJ's best efforts to fulfill the obligations. A Force Majeure Event includes, but is not limited to: an act of God requiring reconstruction of the facility; or erosion of all or a substantial part of the parking lot by natural re-channelization of the Mendenhall River.

VII. CONTACTS

The DOTPF's contact is the Greg Weinert, Right-of-Way Chief for the Southcoast Region (greg.weinert@alaska.gov ; 907 465-4541), or as may be re-designated in writing from time to time. The CBJ's contact is Dan Bleidorn (Dan_Bleidorn@juneau.org; 907 586-0224), Assistant Director, CBJ Lands and Resources, or as may be re-designated in writing from time to time.

The undersigned agree to the terms of this Memorandum of Agreement:

**STATE OF ALASKA, DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITIES**

Dated: _____ By: _____
D. Lance Mearig
Director, Southcoast Region

SUBSCRIBED AND SWORN TO OR AFFIRMED before me by D. LANCE MEARIG, who is Director for the Southcoast Region of the Alaska Department of Transportation & Public Facilities, an agency established under Alaska law, on this ____day of _____, 2019.

Notary Public for State of Alaska
My commission expires: _____

CITY AND BOROUGH OF JUNEAU

Dated: _____ By: _____
Duncan Rorie Watt
City Manager

SUBSCRIBED AND SWORN TO OR AFFIRMED before me by DUNCAN RORIE WATT, who is City Manager of the City and Borough of Juneau, a Municipality established under Alaska law, on this ____day of _____, 2019.

Notary Public for State of Alaska
My commission expires: _____

Filed for Record at the Request of and Return to:

State of Alaska – DOT&PF
P.O. Box 112506
Juneau, Alaska 99811-2506
State Business-No Charge



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

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

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

March 6, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2019/2020 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	447
Licensee:	David McGivney		
Doing Business As:	No DBA/No Premises		

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 cursive script that reads "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 Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

March 4, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2019/2020 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License Number:	816
Licensee:	El Sombrero Inc		
Doing Business As:	El Sombrero Mexican & American Food		

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 cursive script that reads "Erika McConnell".

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

Presented by: The Manager
Introduced: 4/22/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1012

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$281,001 be transferred:

From: CIP

D12-077	PRISM Core Financial Conversion II	\$281,001
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To: CIP

M15-004	Accounting Systems Upgrade	\$281,001
---------	----------------------------	-----------

The \$281,000 consists of:

PRISM Lease Proceeds	\$281,001
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 4/22/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1013

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$35,000 be transferred:

From: CIP

P44-088	Deferred Building Maintenance	\$35,000
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To: CIP

P47-073	Centennial Hall Renovation Phase 2	\$35,000
---------	------------------------------------	----------

The \$35,000 consists of:

Sales Tax	\$35,000
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 4/22/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1016

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$300,000 be transferred:

From: CIP

P44-088	Deferred Building Maintenance	\$300,000
---------	-------------------------------	-----------

To: CIP

S02-102	JSD Deferred Maint & Minor Improvements	\$300,000
---------	---	-----------

The \$300,000 consists of:

Sales Tax	\$300,000
-----------	-----------

Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: 4/22/2019
 Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
 ALASKA

SERIAL NUMBER T-1017

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$675,000 be transferred:

From: CIP

A50-001	Airport CIP Project Design CIP	\$188,687
A50-031	Airport Construction Cont. Reserve CIP	\$47,151
A50-033	Airport Revolving Capital Reserve CIP	\$439,162

To: CIP

A50-102	Terminal Construction CIP	\$675,000
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The \$675,000 consists of:

General Funds	\$188,687
Sales Tax Funds	\$47,151
F560 Funding	\$439,162

Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 4/22/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1018

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$83,754 be transferred:

From: CIP

P46-091	Under Thunder Trail	\$83,754
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To: CIP

P46-102	Trail Improvements	\$83,754
---------	--------------------	----------

The \$83,754 consists of:

Sales Tax	\$83,754
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Jan. 28, 2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-08

An Ordinance Amending the Land Use Code Related to Street Standards.

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

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

Section 2. Amendment of Section. CBJ 49.35.240 Improvement standards, is amended to read:

49.35.240 Improvement standards.

...

(g) *Cul-de-sacs.*

(1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.

(2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can practically logically be extended in the near future to provide for connecting streets into an adjoining undeveloped land, is located in a right-of-way or in an easement for public access, and if the following are met:

(A) The temporary portions of the cul-de-sac ~~turnaround~~ shall must be shown on easements on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated. The easements shall not contribute towards lot area.

(B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (G) below.

(C) The CBJ will record a release of the easements for the temporary portions of the ~~cul-de-sac turnaround~~ at the state recorder's office at Juneau at the time the ~~cul-de-sac turnaround~~ is removed and the street improvements have been extended.

(D) Easement lines for the temporary ~~cul-de-sac turnaround~~ will be considered front property lines for determining building setbacks.

(E) All improvements, including utilities and private driveways, must be designed to accommodate the eventual extension of the street and reversion of the temporary ~~cul-de-sac turnaround~~ to adjoining properties. The construction plans shall demonstrate those improvements connecting through a temporary cul-de-sac will still comply with CBJ standards after the temporary cul-de-sac is removed.

(F) Temporary cul-de-sacs must provide required access and minimum frontage on a publically maintained right-of-way to all lots using the cul-de-sac as access. If the cul-de-sac is not extended to the adjoining property, the maximum length of an unconstructed right-of-way between the temporary cul-de-sac and the adjoining property shall be the minimum lot width for the zoning district. If the right-of-way is located in more than one zoning district, the shortest minimum lot width shall be used. The right-of-way between the constructed temporary cul-de-sac and the adjoining property shall be subject to the stub street requirements of this Title. ~~be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right of way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 3).~~

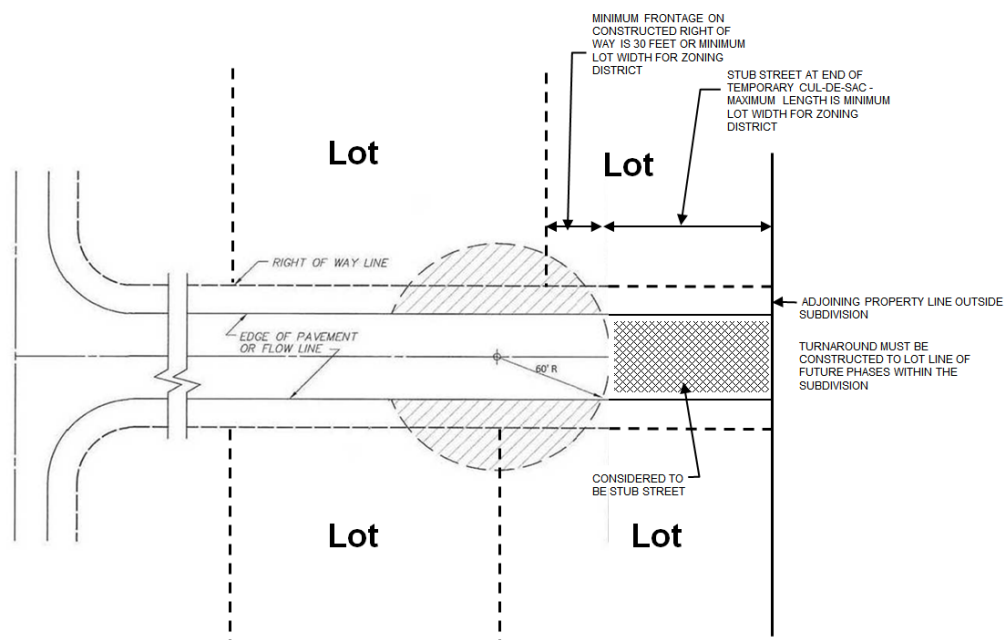


Figure 3 [Instruction for Municode, delete existing figure and insert new figure as depicted above]

(G) The temporary cul-de-sac may be located on property within the subdivision intended for future subdivision phases in conjunction with a platted right-of-way. It may also be located outside the subdivision boundary entirely within an easement. See Figure 4. If the temporary cul-de-sac turnaround is constructed on property outside of the subdivision boundary, then curb, gutter, and sidewalks are not required for the temporary cul-de-sac turnaround.

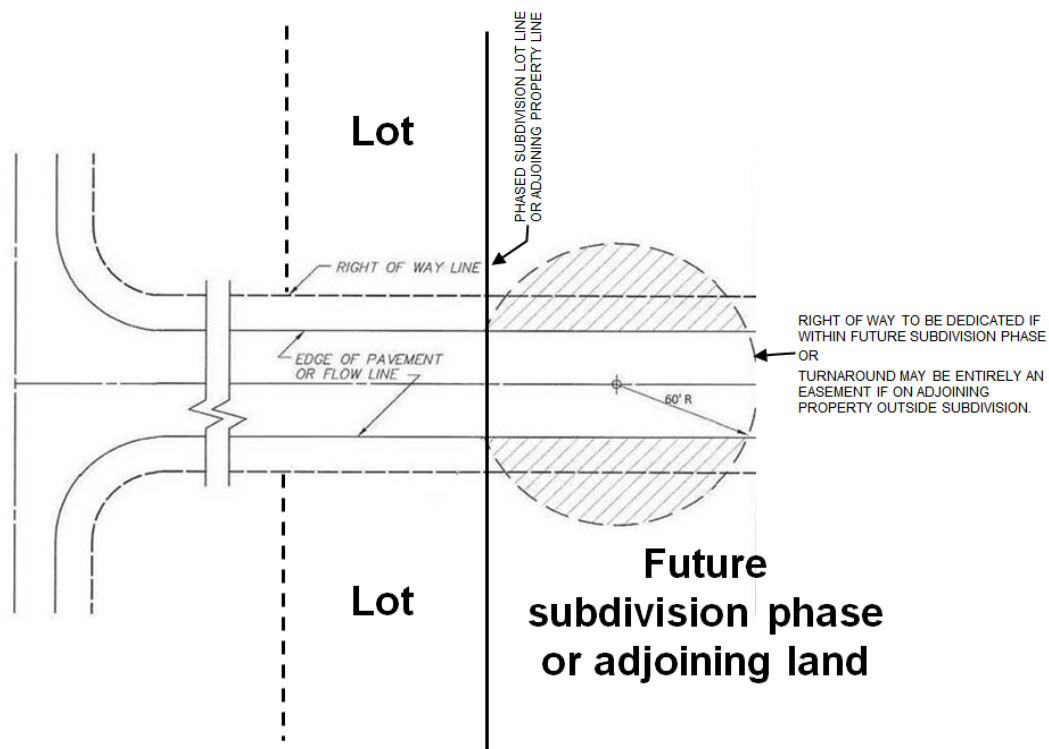


Figure 4

(H) The plat shall include the following note “Temporary cul-de-sac easement shall be vacated upon extension of street unless the director determines all or a

~~portion of the cul-de-sac may remain.” Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the developer can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.~~

(I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, the temporary portions of the cul-de-sac shall be removed. The director, after considering public safety, costs, and recommendations of the director of engineering and public works department and of the fire marshal, shall determine if the developer may leave all or part of the temporary portions of the cul-de-sac. If any temporary cul-de-sac portion is removed, then the resulting constructed right-of-way shall conform to CBJ standards.~~and the temporary cul-de-sac has not been extended as authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.~~

(3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

...

(i) *Street waivers.* The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:

(1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:

(A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.

(B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering and public works the feasibility of constructing a public street at the location of the relocated right-of-way.

(C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.

(D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.

(E) No additional lots are being platted.

(2) *Stub streets.*

(A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. A developer requesting a stub street waiver shall demonstrate in the construction plans that a street can reasonably be constructed to CBJ standards in the right-of-way. The commission

or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 54).

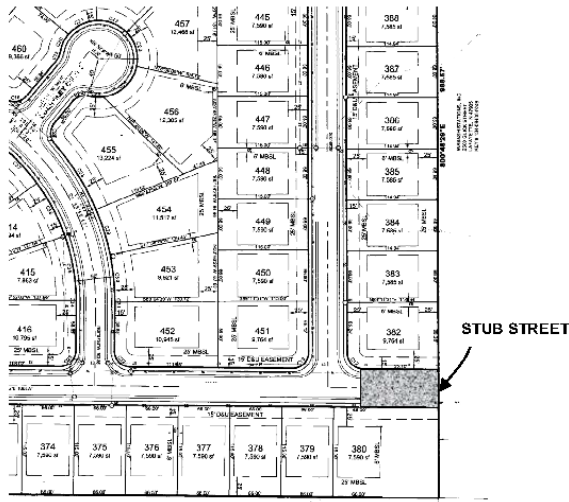


Figure 54

~~(B) Reserved.— In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five year period, the financial guarantee will be released.~~

(C) When the developer subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through

~~subsection (B) of this section~~, then the developer ~~subdivider~~ of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

...

Section 3. Amendment of Section. CBJ 49.80.120, Definitions, is amended to read:

49.80.120 Definitions.

...

Cul-de-sac means a dead-end street that provides for a required vehicle turnaround. ~~the turnaround at the end of a dead-end street.~~

...

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



DATE: February 21, 2019

TO: Michelle Hale, Chair
Public Works and Facilities Committee

FROM: John Bohan, Chief CIP Engineer and Water Superintendent

SUBJECT: Ordinance 2019-08 - Land Use Code Amendment – Stub Streets and Cul-de-sacs

Ordinance 2019-08 was introduced at the January 28, 2019, Assembly meeting and referred to the PWFC. This ordinance would amend the Land Use Code regarding the standards for temporary cul-de-sacs and stub streets. A temporary cul-de-sac and stub street are used when the street design of a new subdivision ends at an adjoining property that could be developed. Currently, the land use code requires a developer of a subdivision designed with a stub street to construct it or provide a financial guarantee for five years to cover construction of it. This ordinance would remove that five-year financial guarantee requirement and clarify the procedures and standards for when a temporary cul-de-sac and a stub street are required.

The Planning Commission unanimously recommended the ordinance to the Assembly at the December 11, 2018, regular meeting.

Recommendation

Staff recommends the Committee forward Ordinance 2019-08 to the full Assembly for approval.

Presented by: The Manager
Introduced: April 1, 2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-12

An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.

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.

//

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//

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 February 1, 2020.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: April 1, 2019
 Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-16

An Ordinance Authorizing the Manager to Convey Approximately 600 Square Feet of Property Located at Lot 1, USS 3559 to the Owners of the Adjacent Property Located at 9223 North Douglas Highway.

WHEREAS, Thomas Atlin Daugherty and Lisa Daugherty (“applicants”) are owners of certain real property located in a D-1 Single Family Residential zoning district, located at 9223 North Douglas Highway and described as Lot 182, USS 3544, Juneau Recording District, First Judicial District, State of Alaska (“Lot 182”); and

WHEREAS, the applicants would like to subdivide Lot 182 in to two residential lots, but are 512 square feet below the minimum square footage required to accomplish such a subdivision; and

WHEREAS, the City and Borough owns real property adjacent to Lot 182, described as Lot 1, USS 3559 Juneau Recording District, First Judicial District, State of Alaska (“Lot 1”); and

WHEREAS, the applicants have asked to purchase a 600 square foot strip of Lot 1 located along the back of the applicants’ property (the “CBJ Property”) in order to meet the minimum standards for the applicants’ proposed subdivision; and

WHEREAS, the Planning Commission reviewed this proposed disposal of the CBJ Property at its meeting on January 22, 2019, and recommended that the Assembly approve the sale of 600 square feet of Lot 1 to the owners of Lot 182; and

WHEREAS, the Lands Committee reviewed this proposed CBJ land disposal at its meeting on November 19, 2018, and passed a motion of support to the Assembly to direct the Manager to negotiate the sale of the CBJ property to the applicants; and

WHEREAS, the Manager has determined the fair market value of the CBJ Property to be \$4.00 per square foot, for a total value of \$2,400.00 more or less.

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 to Convey. The Manager is authorized to negotiate and execute the sale of a fraction of Lot 1, USS 3559, Juneau Recording District, First Judicial District, State of Alaska, constituting 600 square feet more or less, as shown on the attached Exhibit A.

Section 3. Purchase Price. The purchase price of the property shall be the fair market value, which has been determined by the Manager to be \$4.00 per square foot. Applicants will be responsible for all surveying, platting, closing costs and recording fees.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

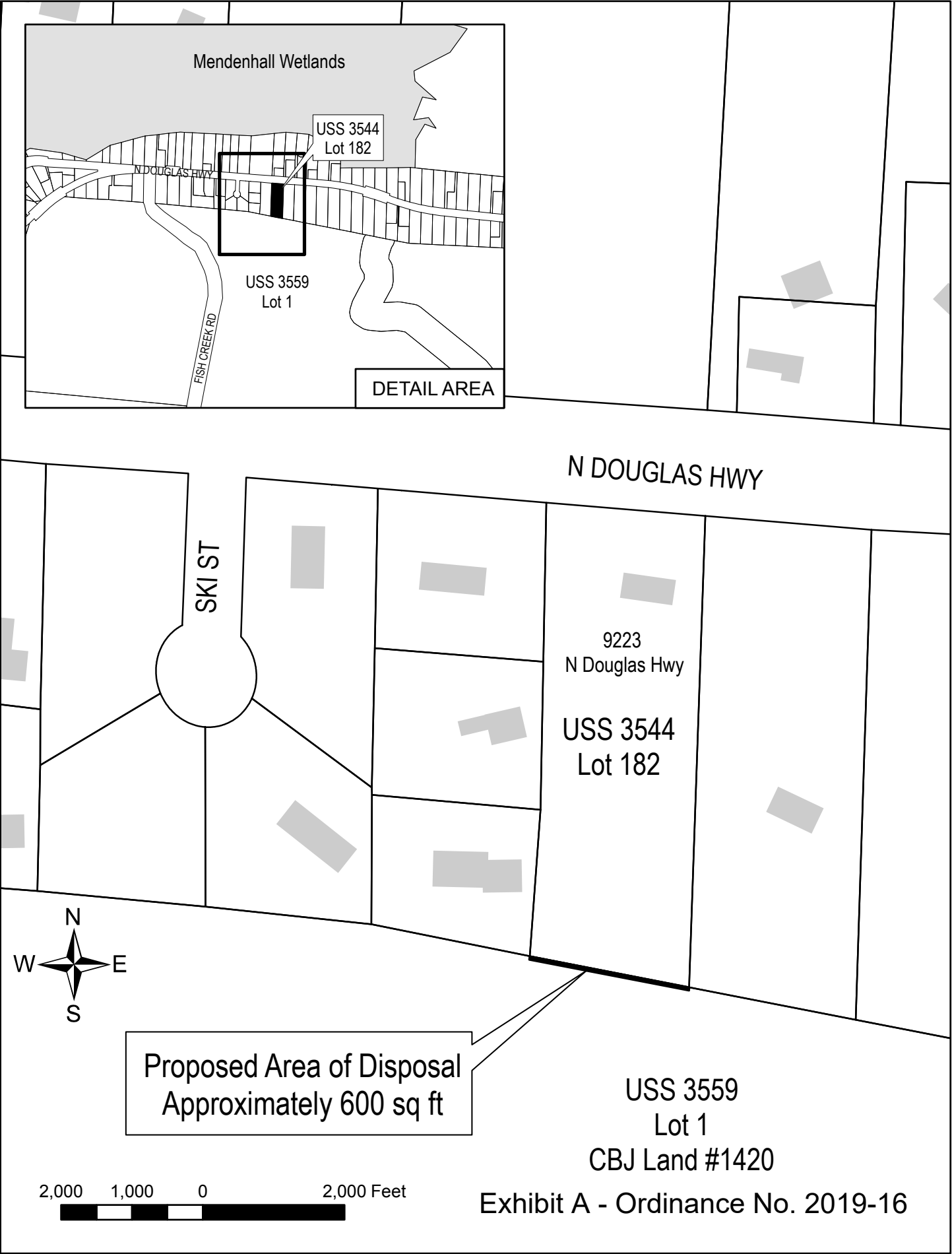


Exhibit A - Ordinance No. 2019-16

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-17

**An Ordinance Authorizing the Sale of Four City and Borough Parcels
Located at Lena Point Near 16550 Ocean View Drive and 16550 Pt. Lena
Loop Road and Establishing the Terms and Conditions Related to the Sale.**

WHEREAS, the final plat for the subdivision known as the South Lena Subdivision was recorded on October 11, 2006; and

WHEREAS, the recorded plat states, in plat note # 5 that “upon the existing eagle nest within Lot 1, Block B being abandoned, the lot may be subdivided and developed with up to four (4) lots”; and

WHEREAS, this property has been included for disposal in the 2016 Land Management Plan, adopted May 23, 2016; and

WHEREAS, U.S. Fish and Wildlife personnel determined in 2017, and recently reconfirmed, that the eagle’s nest on Lot 1, Block B is unoccupied and has not been used in several years; and

WHEREAS, in 2018, Lot 1 Block B, South Lena Subdivision was subdivided to create four lots: Lot 1A, Lot1B, Lot 1C and Lot 1D; and

WHEREAS, these four lots have not been included in any previous land sales; and

WHEREAS, the Lands Committee at its meeting on January 14, 2019, passed a unanimous motion of support for a sealed competitive bid sale of the lots; and

WHEREAS, if any of the lots remain unsold after the sealed competitive bid sale, a fair market value over-the-counter sale should be considered under CBJ 53.09; and

WHEREAS, the disposal of these lots would assist the Assembly in meeting its goal of making land available for additional housing units in Juneau; and

WHEREAS, terms and conditions of this land sale are set forth below; and

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. The Manager is authorized to dispose of Lot 1A, Lot 1B, Lot 1C and Lot 1D, Block B, South Lena Subdivision (the “lots”).

Section 3. Title 53 and Land Management Plan. The sale of the lots is deemed to comply with the intent of, and meet or exceed the standards set forth in CBJ Title 53, which prescribes the process for classifying, planning, and disposing of City and Borough land, and CBJ Ordinance 2016-18, which adopted the City and Borough’s Land Management Plan.

Section 4. Method of Sale. Each lot shall be sold by sealed competitive bid to the highest qualified bidder.

Section 5. Minimum Bid. The minimum bid for each lot shall be determined by the City and Borough assessor or a licensed real estate appraiser.

Section 6. Bidder Qualifications. Notwithstanding Title 53, bidders must be 18 years or older, if filing as individuals, or a business or business entity licensed to do business in the State of Alaska.

Section 7. Bid. Notwithstanding CBJ Title 53, bids must be accompanied by an earnest money payment in the amount of \$500.

Section 8. Competitive Bid Procedures. The qualified bidder having the highest bid amount will be named the apparent high bidder.

Section 9. Award. (a) Apparent high bidders will be sent an “Award Notification” letter by certified mail. The letter shall provide the successful bidders 30 days to submit the following:

- (1) Completed Declaration of Intent;
- (2) A non-refundable \$150.00 document-handling fee;
- (3) Notwithstanding CBJ Title 53, a down payment equal to ten percent of the bid amount. The \$500 earnest money submitted with the bid shall be applied toward the down payment;
- (4) If a business or business entity, proof of current business license in the State of Alaska, and signatory authority of the person submitting the bid; and

(5) Any other documents or items requested in the Award Notification letter.

(b) If a successful bidder fails to comply with the requirements in the award notification letter, the bidder shall forfeit the \$500 earnest money and all rights to the parcel, and the second highest bidder will then be awarded the opportunity to purchase the parcel.

(c) A bidder may purchase more than one parcel. Only the highest bid amount for each parcel will be made public. All other bids will remain confidential until after closing. Earnest money shall be returned to unsuccessful bidders.

Section 10. Payment and Financing. Purchasers of City and Borough parcels may elect to use City and Borough financing, paying the balance owed over a period of ten years, in annual, quarterly, or monthly payments at an interest rate of ten percent. The City and Borough shall not subordinate its security interest to other lenders. No bidder or purchaser may sell or assign his or her interest in a parcel until the City and Borough has been paid in full.

Section 11. Reoffering. The Manager may sell any unsold parcels as over the counter sales. The sale price shall be fair market value as determined by appraisal, or by the minimum bid from the preceding sealed competitive bid sale.

Section 12. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

Section 13. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

SURVEYOR'S CERTIFICATE

I, Scot A. Menzies, in my capacity as a professional land surveyor in the State of Alaska, certify that this plat represents the survey made by me or under my direct supervision, that the accuracy of the survey is within the limits required by Title 49 of the code of the City and Borough of Juneau, that all dimensions and relative bearings are correct and that monuments are set in place and noted upon this plat as presented.

Date 12/5/18 Registration Number: LS-10398

Scot A. Menzies
Registered Land Surveyor

LEGEND

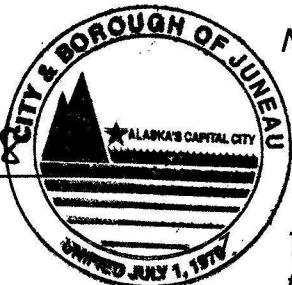
Original G.L.O./B.L.M. monument recovered	⊗
Primary monument recovered	⊕
Secondary monument recovered	●
Monument set this survey	⊙
Easement boundary created this survey	---
Easement boundary N.A.P. this survey	---
Existing property line N.A.P. this survey	---
Existing property line this survey	---
New property line this survey	---
Right-of-Way Centerline	---
Boundary dimension-Record	(307.80')
Boundary dimension-Found	307.80'
Juneau Recording District	J.R.D.
Not A Part	N.A.P.

COMMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL

I hereby certify that the plat hereon has been found to comply with Title 49 of the Code of the City and Borough of Juneau, and is approved by the City and Borough of Juneau, Department of Community Development, for recording in the office of the Juneau Recording District, Juneau, Alaska.

Jill Maclean Date 12/14 2018
Jill Maclean, Director
City and Borough of Juneau
Community Development Department

Attest:
Greg Chaney 12/14/2018
Municipal Clerk
City and Borough of Juneau



OWNERSHIP CERTIFICATE

The City and Borough of Juneau hereby certifies that the City and Borough of Juneau is the owner of the property shown and described hereon and that it hereby adopts this plat of subdivision with its free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date: December 13 2018
Greg Chaney, Manager
City and Borough of Juneau
Lands and Resources Department

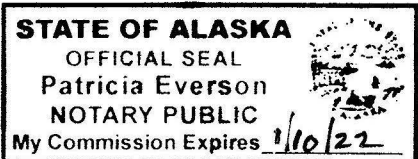
NOTARY ACKNOWLEDGEMENT

United States of America)
State of Alaska) SS

This is to certify that on the 13 day of December, 2018, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared to me Greg Chaney, known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

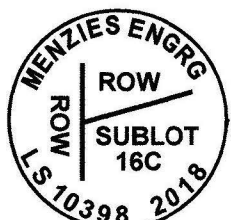
Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska *Patricia Everson*
My Commission Expires 11/10/22

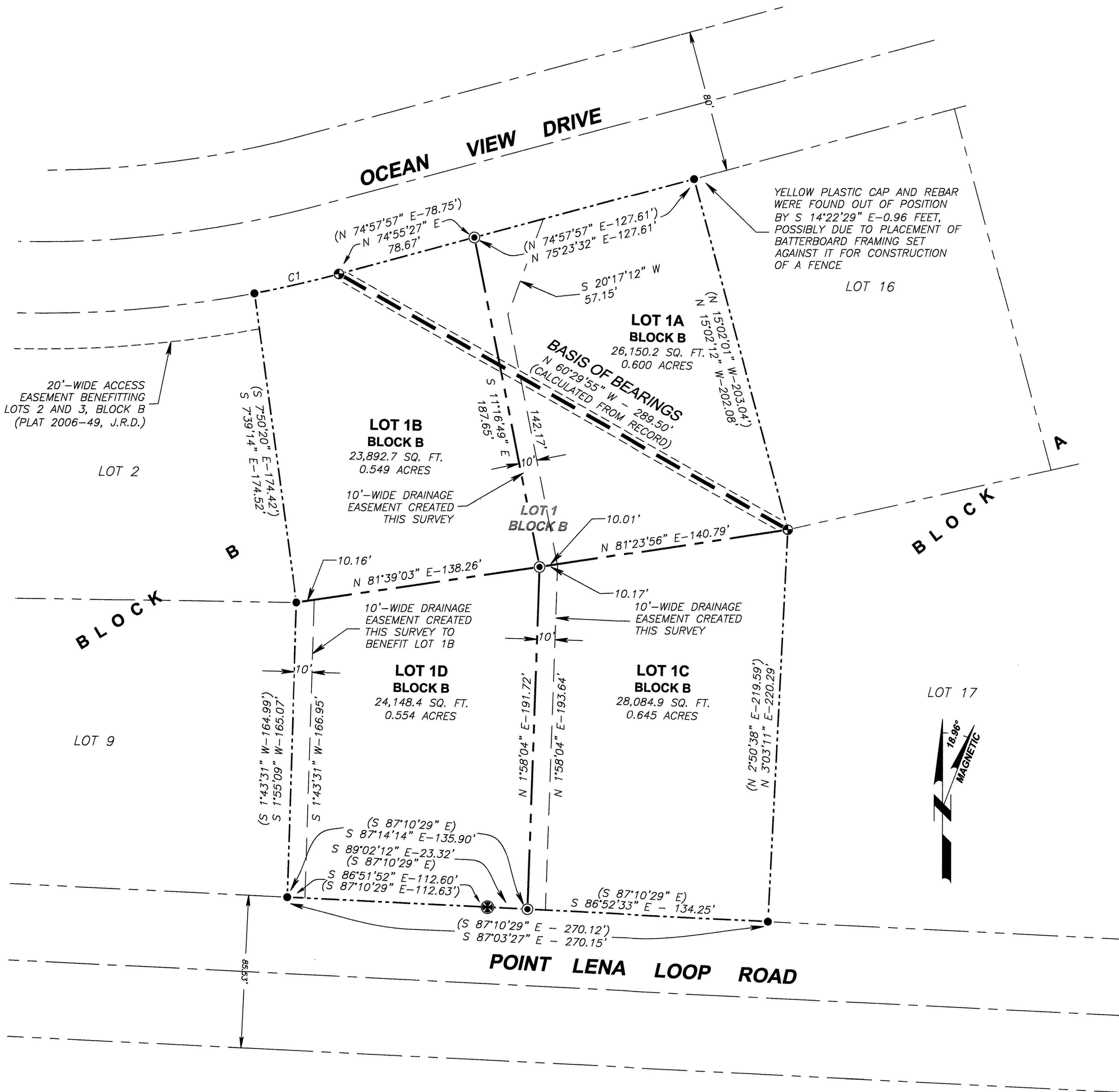


GENERAL NOTES

- The basis of bearings for this plat is a bearing calculated from the official Amended Plat of the South Lena Subdivision, dated June 9, 2006, between found primary monuments which mark the southeast corner of Lot 1A and the Point of Curvature on the Ocean View Drive right-of-way boundary, also the north boundary of Lot 1, Block B, of the Amended Plat of the South Lena Subdivision as shown on this plat, having a calculated record bearing of North 60°29'55" West and a calculated distance of 289.50 feet.
- Where record survey courses (bearings and/or distances) differ from measured and/or computed courses by this survey, the record survey course is shown in parentheses and the field measured and/or computed course is shown without parenthesis.
- All distances and dimensions are in U.S. Survey Feet and reduced to their horizontal values.
- Field closure for conventional horizontal traverse does not exceed 1:10,000.
- The field survey was conducted using conventional on-the-ground surveying methods utilizing a Topcon fully robotic IS total station and ranging prism.
- This plat subdivides Lot 1, Block B, of the Amended Plat of the South Lena Subdivision into four lots.
- The Alaska Dept. of Environmental Conservation has suspended their program of subdivision review. Owners of lots shown on this plat should contact that department to ensure compliance with regulations before development.
- Domestic water provided by the City and Borough of Juneau.
- On-site wastewater disposal per approval of the Alaska Department of Environmental Conservation.
- Ground cover shall be retained for 25 feet bordering Lena Loop Road unless it is demonstrated to the Community Development Department staff that wetlands can be preserved through other means.
- Maximum fill in areas of mapped wetlands shall not exceed 12,000 square feet for combined house and drainfield fill pads (exclusive of driveways). Additional fill may be permitted on individual lots if approved by the Planning Commission. Any fill on any lot in excess of that allowed by the U.S. Army Corps of Engineers permit POA-1996-19-M must be approved in advance by the U.S. Army Corps of Engineers.
- The toe of on-site septic system drainfields built on these lots shall be set back from the nearest down-slope property line using the following formula:
Percent of ground slope = Setback in feet
Examples: 15% ground slope = 15 foot setback
20% ground slope = 25 foot setback
50% ground slope = 50 foot setback
- Monuments set this survey are 2-inch diameter aluminum monuments set on 5/8-inch diameter rebar driven 36 inches or to refusal.



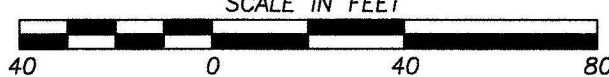
Typical monument set this survey



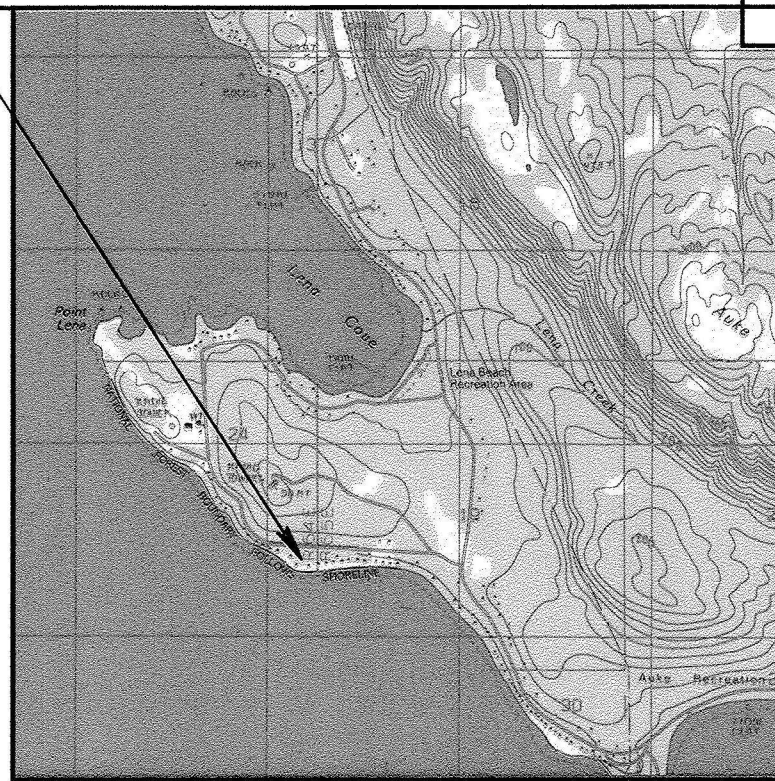
PLAT NOTES

No. of Lots before this plat: 1
No. of Lots after this plat: 4
Zoning before this plat: D3 (Single Family/Duplex)
Zoning after this plat: No change
Right-of-way dedicated: None
Total area of plat: 102,293 Square Feet
2.348 Acres

GRAPHIC SCALE



PROJECT LOCATION



VICINITY MAP
SCALE: 1" = 1 MILE
GRAPHIC SCALE
SCALE IN MILES
0 1

CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	BEARING	DISTANCE
(1)	640.00'	48.78'	4°22'02"	S 77°08'51" W	48.77'	
				S 77°18'04" W	48.56'	

RECORD INFORMATION

Record information for this subdivision is derived from official plats:
South Lena Subdivision, Juneau Recording District dated October 11, 2006 (Plat 2006-49) (R1); Amended Plat of South Lena Subdivision, Juneau Recording District dated December 15, 2006 (R2); U.S. Survey 3809, Juneau Recording District dated March 3, 1960 (R3).

2018-59
Plat #
Juneau
Rec Dist
12-14 2018
Date
Time 1:50 PM



PLAT OF
LOTS 1A, 1B, 1C & 1D
A SUBDIVISION OF
LOT 1, BLOCK B, SOUTH LENA SUBDIVISION
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
STATE RECORDER'S OFFICE AT JUNEAU

<u>OWNER:</u> CITY AND BOROUGH OF JUNEAU 155 S. SEWARD STREET JUNEAU, ALASKA 99801		<u>SURVEYOR:</u> MENZIES ENGINEERING GRP. 9337 MID BAY ROAD, SUITE 301 KETCHIKAN, ALASKA 99801 PH: (907) 220-9424
PROJECT NO. 18711	SCALE: 1" = 40'	DRAWN BY: S.A.M.
CKD BY: S.A.M.	DATE: 12/5/18	SHEET 1 OF 1

Presented by: The Manager
Introduced: 04/03/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-18

An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

WHEREAS, on October 9, 2006, the CBJ Assembly passed Ordinance 2006-32, approving a thirty-five (35) year lease with William C. Heumann ("Applicant"), for 466 square feet of land within Alaska Tidelands Survey No. 3, immediately adjacent to Lot 12, Block 83, which is owned by the Applicant; and

WHEREAS, under the lease, the Applicant is currently paying \$5,950.00 per year in rent, as adjusted since 2006, in accordance with CBJC 53.20.190(d); and

WHEREAS, since 2017, the Applicant applied for and received a permit for the seasonal use of approximately 62 square feet on People's Wharf for temporary food services related to the operation of Tracy's King Crab Shack; and

WHEREAS, the Applicant used the space for outdoor crab cookers and propane tanks; and

WHEREAS, under the permit, the Applicant posted a \$5,000.00 bond for the removal of the propane tanks and storage, and paid rent of \$144.00 per month as the result of an appraisal setting the value of the space at \$22.00 per square foot per year; and

WHEREAS, in early 2019, the Applicant applied for an amendment to the 2006 lease, requesting to expand the 62 square foot area to 305 square feet for additional seating and waiting area; and

WHEREAS, as the result of the request, an appraisal concluded the fair market value of the requested amended leased is \$6,405.00 per year (\$21.00 per square foot per year); and

WHEREAS, the appraisal further included approximately 400 square feet of land being utilized in the right-of-way under the authority of CBJC 53.09.350 for \$8,400.00 per year (\$21.00 per square foot per year), which is not subject to this lease amendment; and

WHEREAS, per the lease amendment, the additional leased area is only to be used for crab pot cookers, propane tank(s), waiting area, and additional seating by the Applicant for food services; and

WHEREAS, if the Applicant ceases to use the additional leased area for the purposes contemplated under the lease, the CBJ shall have the right to terminate the lease; and

WHEREAS, all other terms and conditions required by Ordinance 2006-32 and the resulting lease remain unchanged and control; and

WHEREAS, on March 28, 2019, the Docks and Harbors Board recommended approval of the lease amendment.

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 to Amend Lease. The Port Director is authorized to execute a lease amendment to William C. Heumann for the operation of an outdoor retail food service.

Section 3. Description of Amended Lease Property. The real property to be leased is located on or near the People's Wharf and more particularly described as follows:

Approximately 305 square feet located on a fraction of Lots 13A and 13B, Block 83 of the Tidelands Addition to the City and Borough of Juneau within A.T.S. No. 3, Juneau Recording District, First Judicial District, State of Alaska, more particularly described in Exhibit A

Section 4. Minimum Essential Terms and Conditions. The lease is subject to the following minimum terms and conditions:

- A. The leased property shall be utilized only for the operations of an outdoor food service. Unless approved by the City and Borough of Juneau, any utilization or development of the leased property for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation.
- B. The Port Director is authorized to execute a lease amendment to commence on May 21, 2019. CBJC 53.09.310 provides authority for the Port Director to authorize early entry prior to April 28, 2019.
- C. The annual lease payment under the amended lease shall be \$6,405.00 per year for the additional leased area, in addition to the current \$5,950.00 being paid per year under the original lease, for a new rent of \$12,355.00 per year under the amended

lease, with the first payment due as of the effective day of the lease amendment, plus sales tax.

- D. Beginning with the first year after the initial five-year period of the term of the amended lease, the Port Director will re-evaluate and adjust the annual lease payment for the leased property, equipment, and improvements for the next five-year period of the term in accordance with CBJC 53.20.190(2). The new annual lease payment amount shall be paid retroactively to the beginning of the lease payment adjustment period. Lessee shall pay all appraisal costs associated with re-evaluating and making adjustments to the annual lease payment.
- E. Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers and employees for any claims related to or arising out of Lessee's use, operation, maintenance of the leased property, equipment, improvements, and any further development of the leased property or improvements by Lessee.
- F. The lease shall include all provisions of the standard City and Borough land lease form not in conflict with this ordinance, and any other provisions that the Port Director determines to be in the public interest.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

PEOPLE'S WHARF LEASE APPLICATION

Plan Depicting Lease Addition Locations and Dimensions

January 17, 2019

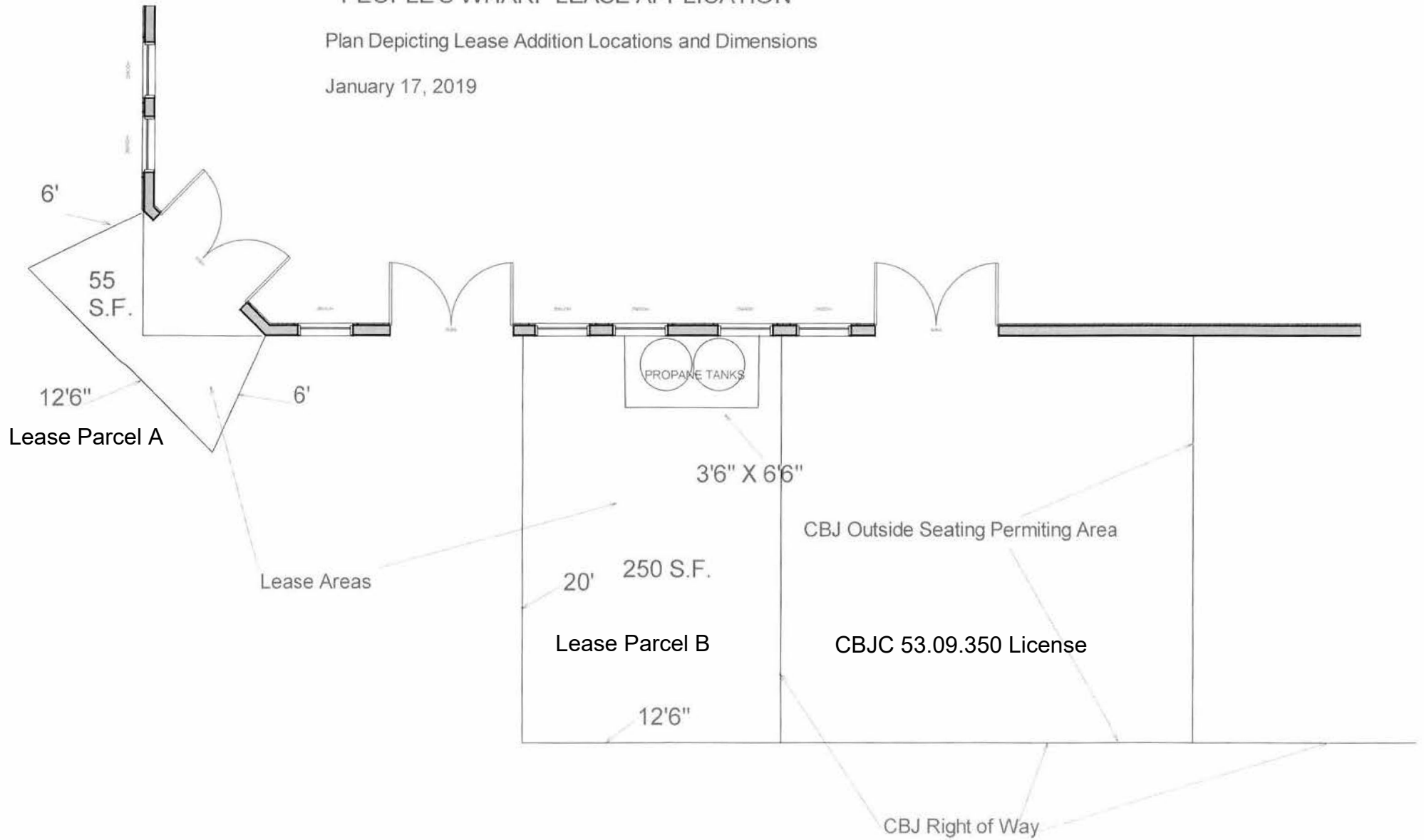




Exhibit "A"

**Lease Parcel Easement "A" within portions of Lot 13B, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to the **POINT OF BEGINNING**;

Thence a bearing of N46°35'54"E, a distance of 6.98 feet, to a point; thence a bearing of S17°42'01"E, a distance of 6.98 feet, to a point; thence a bearing of N87°22'33"W, a distance of 14.55 feet, to a point; thence a bearing of N22°56'54"E, a distance of 6.98 feet, to a point; thence a bearing of S41°21'00"E, a distance of 6.98 feet, to the **POINT OF BEGINNING**.

This lot contains 55 square feet, or 0.001 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



P:\2019\19101JN-CBJ_Wharf\L\19101JN-Lease Parcels ABI 83_13B-ATS 3-Legal description.docx



Exhibit "A"

**Lease Parcel Easement "B" within portions of Lot 13A, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to a point; Thence a bearing of N46°35'54"E, a distance of 33.37 feet, to the **POINT OF BEGINNING**;

Thence a bearing of S43°24'06"E, a distance of 20.00 feet, to a point; thence a bearing of S43°35'54"W, a distance of 12.50 feet, to a point; thence a bearing of N43°24'06"W, a distance of 20.00 feet, to a point; thence a bearing of N46°35'54"E, a distance of 12.50 feet, to the **POINT OF BEGINNING**.

This lot contains 250 square feet, or 0.006 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



P:\2019\19101JN-CBJ_Wharf\L\19101JN-Lease Parcels ABI 83_13B-ATS 3-Legal description.docx

Anchorage | Fairbanks | **Juneau** | Palmer | Soldotna
6205 Glacier Hwy., Juneau, Alaska 99801
907.780.6060
www.pdceng.com

Presented by: The Manager
Introduced: 4/1/2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AG)

An Ordinance Appropriating to the Manager the Sum of \$800,000 as Partial Funding for the Upgrade of the City and Borough of Juneau's Land Management and Revenue Enterprise System; Funding Provided by Lease Proceeds.

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. Appropriate. There is appropriated to the Manager the sum of \$800,000, for the upgrade of the City and Borough of Juneau's core financial system.

Section 3. Source of Funds.

Lease Proceeds	\$ 800,000
----------------	------------

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

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 20, Chapter 40 COMMERCIAL PASSENGER VEHICLES

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE MANAGER ADOPTS THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 20.40.130(b).

Section 2. Amendment of Regulations. 20 CBJAC 40.120(a), relating to fees, is amended to read:

20 CBJAC 40.120 Fees.

Fees are established as follows:

(a) Fees for permit application:

(1) *Driver's permits:*

(A) Professional driver's permit, two-year permit \$75.00

(B) Class C driver's permit, ~~one-year permit~~ \$25.00

(2) *Vehicle approval:*

(A) Inspection fee per motorized vehicle \$50.00

(B) Re-inspection fee (required for missed bi-annual inspection) \$25.00

(C) Application fee per non-motorized vehicle \$25.00

(3) *Certificate of public convenience and necessity and endorsement fees:*

(A) Engage in business ~~.....\$1,500.00~~

(i) Class A and Class B \$1,500.00

(ii) Class C....\$750.00

...

Section 3. Amendment of Regulations. 20 CBJAC 40.320, relating to Class C Driver's permit, is amended to read:

20 CBJAC 40.320 Class C driver's permit.

- (a) *Application.* An application for Class C driver's permit shall be made in writing upon an approved form filed with the administrator, and shall include all required attachments. Renewal applications shall be submitted by March 15~~30 days prior to the expiration date of the current permit~~. The form shall require at least the following information from the applicant:
 - (1) Name and address;
 - (2) Place or places of residence for the past ten years;
 - (3) Age, height, color of eyes and hair;
 - (4) A statement that the applicant has read CBJ 20.40 and these regulations; and
 - (5) A complete driving record covering the past ten years, provided by the State of Alaska and any other jurisdiction as necessary.
- (b) *Approval.* The administrator shall approve the application and issue a Class C driver's permit if the administrator finds that the applicant:
 - (1) Is at least 18 years of age;
 - (2) Is able to speak the English language;
 - (3) Meets the standards set forth in CBJ 20.40.220—20.40.230;
 - (4) Was not subject within the preceding two years to administrative sanctions under this chapter which resulted in a permit revocation; and
 - (5) Has submitted a complete application, with appropriate fees.
- (c) *Issuance.* Upon approval of an application for a Class C driver's permit, the administrator shall issue to the applicant a permit, which shall bear the name, address, age, signature, and photograph of the applicant. Such permit shall be in effect from April 15 to October 15~~for 12 months from date of approval~~.

Section 4. Amendment of Regulations. 20 CBJAC 40.500, relating to Certificate of public convenience and necessity, is amended to read:

20 CBJAC 40.500 - Certificate of public convenience and necessity.

- (a) *Contents.* The administrator shall issue certificates of public convenience and necessity. Each certificate shall be endorsed for Class A, Class B, or Class C.
- (b) *Applications.* ~~An application to renew a current certificate for continuous operation shall be submitted between December 1 and January 31 and shall become effective on March 15.~~
 - (1) *Class A and B.* An application to renew a current certificate for continuous operation shall be submitted between December 1 and January 31 and shall become effective on March 15.
 - (2) *Class C.* An application to renew a certificate shall be submitted by March 15 and shall become effective April 15.
- (c) *Term.* ~~Certificates with an effective date of March 15 shall be valid for one year. Any certificate with an effective date after March 15, and any endorsement thereto, shall be valid only until the following March 14.~~
 - (1) *Class A and B.* Certificates with an effective date of March 15 shall be valid for one year. Any certificate with an effective date after March 15, and any endorsement thereto, shall be valid only until the following March 14.
 - (2) *Class C.* Certificates shall be valid only from April 15 to October 15.
- (d) *Records.* Holders shall designate and maintain a single depository for all records required by this chapter, and shall make such records available for inspection during normal business hours.
- (e) *Amendment to conditions of endorsement.* Certificate holder shall notify the administrator in writing of changes in driver registration, vehicle registration, route, or stops.
- (f) *Late applications* will be subject to a late fee and may take up to 30 days to process.

Section 5. Amendment of Regulations. 20 CBJAC 40.540, relating to Class C endorsement, is amended to read:

20 CBJAC 40.540 Class C endorsement.

- (a) A Class C endorsement shall authorize operation of one or more commercial passenger vehicles subject to the following conditions:

- (1) Operation of Class C vehicles shall be limited to daylight hours. Class C vehicles are restricted to the downtown area, from 10th and Egan to Mill Street, excluding Egan Drive from Willoughby Avenue to 10th Street.
- (2) Operators of Class C vehicles may not stop for passengers at any location that obstructs traffic or causes a safety hazard to passengers or others.
- (3) Operation of a Class C vehicle is prohibited between October 16 and April 14.

(b) Violation of subsection (a) above is an infraction.

Section 6. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on March 27, 2019, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

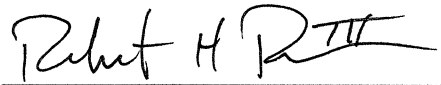
After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: 4/18/19 
Duncan Rorie Watt
City Manager

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 4/18/19 
Robert H. Palmer III
Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of April 22, 2019. They were adopted by the Assembly.

Date: _____
Elizabeth J. McEwen, Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

- 1. These regulations were accepted for filing by the office of the clerk at ____:____ a.m./p.m. on the _____ day of _____, _____.
- 2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
- 3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
- 4. Effective date: _____.

Date: _____
Elizabeth J. McEwen, Municipal Clerk