

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

March 4, 2019 7:00 PM

Assembly Chambers

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Proclamation - American Legion Centennial

IV. APPROVAL OF MINUTES

A. December 17, 2018 Assembly Meeting #2018-37 Minutes

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. Ordinance 2019-09 An Ordinance Amending the Public Finance Code Relating to Investments and Collateral.

This ordinance would amend the CBJ investment code. The CBJ investment code and policy were last updated in 2007 and 2009. The CBJ operates a "Central Treasury" for the management of all municipal

finances including the school district and enterprise funds. Over the past few years the amount of cash in Central Treasury has varied from \$170 - \$220 million; a portion of those funds are deemed available for longer term investments in order to maximize additional earnings potential. The existing code requires that an external manager be contracted for managing a portion of intermediate term portfolio, and the remaining portion to be managed by the Finance Director/staff internally.

Using policies from the Government Finance Officers Association (GFOA) and other Alaskan communities as a guide, this ordinance revises CBJ 57.25 to allow more effective management of CBJ investments, directs the Finance Director to implement investment code, requires an independent third party custodian to control investment securities, and prioritizes the investment objectives. This code also sets up the rules for investment of Long Term/Endowment Funds managed by CBJ.

The Assembly Finance Committee reviewed these amendments at its meetings on November 7, 2018, and January 9, 2019, and recommended adoption of these code amendments.

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

- b. **Ordinance 2018-11(AE) An Ordinance Appropriating to the Manager the Sum of \$600,000 as Funding for the Bartlett Regional Hospital Rainforest Recovery Center Detox Addition Capital Improvement Project; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.**

This ordinance would appropriate \$600,000 from the Bartlett Regional Hospital (BRH) fund balance to supplement CIP B55-078 Rainforest Recovery Center (RCC) Detox Addition. The additional \$600,000 will increase the funds in this CIP to \$3,100,000, allowing the project to be advertised for construction in the spring of 2019.

The RCC Detox Addition project will demolish approximately 2400 SF of the west wing of the existing facility and will construct approximately 4400 SF of new space in its place. The new addition will house a four-patient detox suite, an ADA compliant main entry, a waiting area, an addiction assessment area, and five administrative staff offices. The project also includes roof replacement for the entire facility and a new power supply from the BRH main electrical room, eliminating the need for a separate back-up generator at the facility.

The project will allow detox and addiction treatment to be removed from BRH and integrated adjacent to the Rainforest Recovery Center's

residential care program creating a coordinated, full continuum of addiction care in a single facility.

The Public Works and Facilities Committee referred this ordinance to the Assembly for approval at its meeting on February 25, 2019.

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

c. **Ordinance 2018-12(B) An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY19 School District Operations.**

The FY2019 school enrollment is above the level originally used to determine the Juneau School District (JSD) funding for the FY19 approved school budget.

This results in \$536,284 more of state revenue and an increase of \$122,714 to the contribution amount that CBJ is allowed to fund under the state cap.

The Board of Education passed a budget revision increasing state and local funding for the FY19 District's Operating Fund at its January 8, 2019, meeting.

The Assembly Finance Committee approved this action at its meeting on February 6, 2019.

In the FY19 CBJ budget proceedings, the Assembly also approved additional funding of \$140,000 to JSD for Kinder Ready. As a housekeeping measure, the funding is now being appropriated for FY19 school District operations.

The total increase in expenditures authorized in this ordinance is \$798,998. \$536,284 is funded with state revenue and \$262,714 is funded from local general government revenues.

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

2. Resolutions

a. **Resolution 2846 A Resolution Repealing Resolution 2506 and Disbanding the Juneau Affordable Housing Commission.**

The Assembly established the Juneau Affordable Housing Commission in January 2007, with a three-year sunset expiring in January 2010. In 2009, Resolution 2506 repealed the three-year limit and emphasized that affordable housing was a broad ranging issue for the community and its

municipal government.

Since then, the Juneau Affordable Housing Commission has worked to address many facets of Juneau's affordable housing and homelessness issues. CBJ has adopted a Housing Action Plan to guide affordable housing opportunities, created a Chief Housing Officer and a Homelessness Coordinator position, made land available for housing development, completed small area plans in Auke Bay and Lemon Creek, and has established three housing incentive programs – the Juneau Affordable Housing Fund, the accessory apartment incentive grant program, and the mobile loan down payment assistance program. Additionally, the Planning Commission is looking at providing an additional avenue for developer input into its code amendment process.

The tasks previously assigned to the Juneau Affordable Housing Commission can now be effectively managed by the Chief Housing Officer, the Community Development Department, the Planning Commission, and the Assembly. As the Assembly has taken substantial policy interest in housing topics it is appropriate that the policy discussions be held at Assembly meetings.

The Assembly Human Resources Committee reviewed this matter on January 28, 2019, and on February 11, 2019, and recommended disestablishing the Affordable Housing Commission as it has completed its mission.

The City Manager recommends this resolution be adopted.

b. Resolution 2848 A Resolution Authorizing the Manager to Convey an Access Easement at Chicken Yard Park as Part of a Settlement Agreement.

Legal vehicle access to 626 Fifth Street has been uncertain for a number of years. The current property owners alleged they had lawful vehicle access through Chicken Yard Park because of an easement by prescription, easement by estoppel, inquiry notice, and that the CBJ was exposed to an inverse condemnation claim if the CBJ prohibited vehicle access. The CBJ disagreed. Instead of litigating in court, the parties negotiated their positions. The CBJ brought various options to the Parks and Recreation Advisory Committee and the Assembly Lands Committee for comments. Ultimately, the City Manager and the property owners were able to reach a tentative settlement agreement with the following essential terms:

The CBJ would:

- Construct two parking spaces at the entrance to Chicken Yard Park;
- Grant to the owners of 626 Fifth St. exclusive easement to use these

- parking spaces (no public parking will be provided in the park);
- Grant to the owners of 626 Fifth St. non-exclusive use of a driveway to access the parking spaces;
- Grant to the owners of 626 Fifth St. non-exclusive pedestrian access through the park to their home;
- These access rights run with 626 Fifth St.; and
- Provide a one-time payment totaling \$5,000.

The owners of 626 Fifth Street would:

- Disclaim all current and future interests in Lots 5 & 6 (known as Chicken Yard Park), including any claim of access through prescriptive easement. This disclaimer of interest would carry forward to all future owners of 626 Fifth St.; and
- Be responsible for all maintenance of the parking spaces.

This resolution would authorize the City Manager to grant the access easements, which would settle a long standing point of contention in which neither party gets everything they wanted. At the same time, it avoids an uncertain legal process that would prove costly for all parties. Most important, it brings peace to a contentious situation that could divide a neighborhood and the CBJ and its citizens, and allows the Parks & Recreation Department to move forward with long-overdue improvements for a cherished community park. The City Manager intends to recommend additional resources for the renovation of the park through the Capital Improvement Program process.

The CBJ very much appreciates the owners of 626 Fifth Street being willing to work out an agreement on this issue.

The City Manager recommends this resolution be adopted.

- c. **Resolution 2849 A Resolution Authorizing the Manager to Convey Easements to the Alaska Department of Transportation and Public Facilities for Culvert Replacement and Rehabilitation Along Glacier Highway in the Twin Lakes Area.**

The state Department of Transportation and Public Facilities requests to buy these easements as part of a culvert maintenance and repair project. The fair market value of the easements is \$2,750. The Lands Committee passed a motion of support for granting these easements on October 11, 2018. The Planning Commission also passed a recommendation of approval for the easements on January 22, 2019.

The City Manager recommends this resolution be adopted.

3. Liquor License

- a. **Liquor License Renewals for Licenses: #2533, #3720, #2641, #828**

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

Renewal of Liquor Licenses

License Type: Beverage Dispensary, License #2533

Jack D & Arlene D Tripp d/b/a Viking Restaurant & Lounge

Location: 216 Front Street, Juneau

License Type: Beverage Dispensary-Seasonal, License #3720

Goldbelt Aerial Tramway, LLC d/b/a Timberline Bar & Grill

Location: 1800 foot level, Juneau

License Type: Restaurant or Eating Place, License #2641

Saffron LLC d/b/a Saffron

Location: 112 N Franklin St, Juneau

License Type: Package Store, License #828

Thibodeau's Market Inc., d/b/a Thibodeau's Douglas Depot

Location: 1017 3rd Street, Douglas

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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.

VIIIPUBLIC HEARING

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

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

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

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

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. NCL Invitation for 4-day cruise on the Joy for Mayor and Manager

Norwegian Cruise Lines (NCL) has invited the Mayor and City Manager to travel on the 4-day inaugural US cruise on the Joy. NCL established the value of the cruise to be \$99. The CBJ conflict of interest code generally prohibits gifts of more than \$50, except the Assembly may authorize the travel for the Mayor and Manager if four conditions are satisfied. CBJC 01.45.020(b). The attached memo explains the four conditions. If the Assembly determines the four conditions are satisfied, then the Assembly has discretion to authorize the Mayor and Manager to travel on the Joy. Alternatively, the Assembly may deny the travel for any reason or no reason at all.

X. NEW BUSINESS

A. Terraces at Lawson Creek vs. CBJ Assessor; Assembly Appeal

The Clerk's office received a timely filed appeal for the Terraces at Lawson Creek regarding the Assessor's Office denial of a 2019 request for charitable exemption. Recall, this property was recently denied the same exemption for 2018. The property owner was contemplating an appeal of the 2018 decision to superior court, which would have been due today.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal. If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

B. Harris Homes LLC v CDD; Assembly Appeal

The Clerk's office received a timely filed appeal from Harris Homes LLC from a Planning Commission decision to dismiss an appeal of a Community Development Department director decision. The Planning Commission's written decision is dated

February 26, 2019.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal. If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

C. Liquor License Protest - Genuine Ventures LLC d/b/a Tracy's King Crab Shack License #4584

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

Restaurant/Eating Place-Seasonal Liquor License #4584
Genuine Ventures, LLC d/b/a Tracy's King Crab Shack
Location: Lot C1 Juneau Subport, Section 23, Township 31S, Range 67 east

The Finance Department's Collections Division recommends the Assembly protest the renewal of this license until the balance due, along with any finance charges accrued, on a past utility bill from 10/25/2018, is paid in full.

The 60-day comment period for local governing body action ends as of March 30, 2019.

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.

AS OF MARCH 4, 2019: The CBJ removes its protest of the renewal of liquor license #4584. On February 25, 2019 the licensee paid the balance due in full. Memo noting the request for removal of protest included as a red folder item in the HRC and Assembly packets.

- D. AMCO Denial - Taku Lanes, LLC., Liquor License #5095 Renewal**
On February 25, 2019, the City Clerk's Office received notice from the Alcohol and Marijuana Control Office (AMCO) that AMCO had denied Taku Lanes, LLC (LL#5095) its recreational site license in accordance with AS 04.11.330(a)(6) which states:

"An application requesting renewal of a license shall be denied if...renewal of the license would violate the restrictions pertaining to the particular license under this title or the license has been operated in violation of a condition or restriction imposed by the board."

The Alcoholic Beverage Control (ABC) Board determined Taku Lanes did not meet the definition of a recreational site in order to qualify for a recreational site license under AS 04.11.210 which states:

(a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site. (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

Taku Lanes, LLC has 15 days to request an appeal of the ABC Board's decision.

Had AMCO not denied Taku Lanes, LLC's renewal request, this license would have been listed under the consent agenda for Assembly approval. This license has been added to New Business to keep the Assembly up-to-date; no action is needed from the Assembly at this time.

E. Resolution regarding State Budget

The Assembly has requested a strongly worded and diplomatic resolution that expresses its dismay at the budget that has been submitted to the Legislature by the Governor and his administration.

The City Manager recommends that the Assembly review and edit this draft resolution and pass it with unanimous consent.

XI. STAFF REPORTS

XII.ASSEMBLY REPORTS

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

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA

ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 17, 2018

MEETING NO. 2018-37: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

Boy Scouts Pack 6, Den 1 led the Assembly in the Flag Salute.

II. ROLL CALL

Assembly present: Mayor Beth Weldon, Mary Becker, Rob Edwardson, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Carole Triem, Michelle Hale, Wade Bryson.

Assembly Absent: None

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, Municipal Attorney Robert Palmer; Municipal Clerk Beth McEwen, Community Development Director Jill Maclean, Finance Director Bob Bartholomew, Parks and Recreation Manager George Schaaf, Lands Manager Greg Chaney, Housing/Homelessness Coordinator Irene Gallion, Port Director Carl Uchytel

III. SPECIAL ORDER OF BUSINESS**A. Youth Recognition: Bergen Davis**

Alaska Communications Systems (ACS) recognized six youth across Alaska through its *2018 Summer of Heroes* program and Bergen Davis from Juneau was one of those six. ACS granted each of the youth with a \$1,500 scholarship and asked their communities to honor their contributions in their local communities and across the state.

Since early childhood, Bergen has routinely set aside up to 20 percent of all his earnings to buy fresh produce and haul carloads of goods to the Glory Hall Homeless Shelter and Soup Kitchen. He is known for selflessly getting needed groceries, winter coats and blankets all while saving for college and his own daily expenses.

Bergen had always provided his support quietly and alone until this past spring when he realized his voice and actions could positively influence others. He designed and orchestrated a statewide campaign called Sock Sacks for the Homeless to collect basic care items. As a student athlete, he used his platform to share the need for assistance.

IV. APPROVAL OF MINUTES**A. September 17, 2018 Regular Assembly Meeting 2018-29**

B. December 1, 2018 Special Meeting 2018-35 Assembly Retreat Draft Minutes

MOTION by Ms. Becker to approve the minutes of the September 17 and December 1, 2018 Assembly meetings and asked for unanimous consent. *Hearing no objection, the minutes were approved.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested the removal of Transfer T-1007 which he hopes to be brought back at the second regular Assembly meeting in January 2019.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Albert Shaw stated that he was on the original boundary commission and he encouraged the Assembly to continue the annexation proceedings for the north Admiralty Island area. Mr. Shaw said he drew the original borough boundaries and he wanted that area included at the time but it didn't make the final boundary.

Mr. William Quayle encouraged the Assembly to implement two sets of rules pertaining to pedicabs, one that applies in winter and a second one that applies during the summer.

Ms. Connie Hulbert, General Manager at AEL&P, said they would like to work with the Assembly and community in achieving the goals they set for sustainability efforts. She also thanked the community for coming out and celebrating AEL&P's 125 Anniversary. She explained with respect to the Juneau Hydropower project, they had to complete three studies; two of those studies have been completed and they are presently waiting for the third study to be done.

Mr. Bill Leighty said that in light of Judge Holland's decision, he would like to suggest 3 things on how the Assembly should spend the money from the cruise ships:

- 1) Electrify the docks so the ships may burn less fuel while in port;
- 2) Require fuel cell buses and examine the capacity of those cruise ships coming to town; and
- 3) Build a hydroelectric powered fixed guideway system (light rail).

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda with the removal of item T-1007 as requested by the City Manager. *Hearing no objection, the Consent Agenda as amended was adopted.*

1. Ordinances for Introduction

- a. Ordinance 2018-47 An Ordinance Amending the Health and Sanitation Code Relating to Smoking Limitations.

The CBJ has code provisions that restrict smoking. The State recently enacted SB63 to restrict smoking state-wide. Although most of the SB63 provisions are the same or similar to CBJ code, there are slight differences. This ordinance would amend the CBJ code to be consistent with SB63, which minimizes confusion as to where people can smoke and makes it easier for the smoking restrictions to be enforced.

The Committee of the Whole discussed this matter at its meetings on October 22 and November 15, 2018.

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

- b. Ordinance 2018-11(T) An Ordinance Appropriating to the Manager the Sum of \$380,000 as Funding for the Juneau International Airport's Replace Exit Lane System Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance.

The secured exit lane is the primary egress from the departure lounge, and a controlled access point. This project is ineligible for funding through the Airport Improvement Program, and requests for TSA and port grants have been denied.

At its November 13, 2018, meeting, the Airport Board approved this action.

The Public Works and Facilities Committee reviewed this ordinance at its meeting on December 10, 2018 and forwarded it to the full Assembly for approval.

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

2. Resolutions

- a. Resolution 2843 A Resolution Adopting an Alternative Allocation Method for the FY19 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern

Southeast Fisheries Management Area.

This resolution would facilitate the CBJ's participation in the State's FY2019 Shared Fisheries Business Tax Program by certifying that an alternative allocation method fairly represents the distribution of significant effects of fisheries business activity in Fisheries Management Area 17: Northern Southeast Area for calendar year 2017. Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast Area.

Historically, the participating communities in the Northern Southeast Area have agreed to an alternative funding method in which the communities share one half of the funding equally between the respective municipalities and share the other half based upon community population figures. If all of the participating communities in the Northern Southeast Area agree to this alternative method, as suggested in the State application, then the CBJ's anticipated allocation will be approximately \$9,883. If the participating communities in the Northern Southeast Area do not agree to this alternative method, then a standard application would be due no later than February 15, 2019, which documents the costs of fisheries impacts on the CBJ.

The City Manager recommends adoption of this resolution.

3. Bid Award

a. Douglas Highway Water Main Replacement

Bids were opened on this project on December 12, 2018. The bid protest period expired on December 13, 2018. Results of the bid opening are as follows:

Responsive Bidders	Total Bid
Admiralty Construction	\$1,941,090
Coogan Construction	\$2,045,451
Glacier State Contractors	\$2,127,207
Arete Construction	\$2,276,006
Engineer's Estimate	\$2,237,485

The City Manager recommends award of this project to Admiralty Construction, Inc., for the total amount bid of \$1,941,090.

4. Liquor License

a. Liquor License Renewals and A New Liquor License

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

New License Application

License Type: Brewery, License #5729

Forbidden Peak Brewery LLC d/b/a Forbidden Peak Brewery LLC

Location: 11798 Glacier Hwy, Juneau

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Renewal of Liquor Licenses

License Type: Brewery, License #5517

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

Location: 100 N Franklin St. Juneau

License Type: Package Store, License #849

Thibodeau's Market Inc. d/b/a Percy's Liquor Store

Location: 214 Front St. Juneau

License Type: Package Store, License #3352

Costco Wholesale Corporation d/b/a Costco Wholesale #107

Location: 5225 Commercial Way, Juneau

License Type: Beverage Dispensary, License #76

The Narrows Bar, LLC d/b/a The Narrows Bar LLC

Location: 148 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 hardcopy upon request to the Clerk's office.

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

5. Transfers

a. Transfer 1007 A Transfer of \$6,000,000 from Statter Harbor

Improvements - Phase III and Open Space Waterfront Land Acquisition Capital Improvement Projects to Marine Park to Taku Uplands Improvement Capital Improvement Project.

Transfer T-1007 transfers \$4.5 million, of State Cruise Passenger Vessel Excise Tax, from Statter Harbor Improvements Phase III and \$1.5 million, of CBJ Marine Passenger Fees, from Open Space Land Acquisition Fund, to the Marine Park to Taku Uplands Improvement Project.

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is \$23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost \$20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The funding for Phase I consists of:

- 1) \$3.5 million of funds already appropriated
- 2) Appropriating \$11 million via ordinance 2018-11(S) and
- 3) \$6 million of passenger fees to be transferred, via this resolution, from other CIPs.

The City Manager is continuing to review the recent court order from Judge Holland regarding the CLIA litigation and recommends that public hearing on this Ordinance be postponed until the second Assembly meeting in January 2019.

VIIIPUBLIC HEARING

- A. Ordinance 2018-41(c) An Ordinance Amending the Land Use Code Relating to Alternative Residential Subdivisions.

This ordinance would amend the land use code to allow for a new housing option. This ordinance would create reasonable minimum standards and procedures for small-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This ordinance also permits flexibility in the use of land desired by the community; encourages small-lot residential communities; encourages a different type of

housing option; encourages development of quality affordable housing; and encourages residential developments that are in harmony with the surrounding area. Other communities have recently authorized this type of housing option.

The Title 49 Committee and the Planning Commission held multiple hearings on this ordinance. On September 25, 2018, the Planning Commission recommended the Assembly adopt this ordinance. The Assembly Committee of the Whole discussed this matter at its meetings on October 22, November 19, and December 10. The Committee of the Whole recommended that the Assembly adopt version C of this ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:

Mr. Richard Harris spoke in opposition to the ordinance. He asked to use the laptop to show comparisons of condominiums vs. subdivisions and showed code language from Snohomish County, WA and the Anchorage Alternative Residential Subdivision code. He said that he didn't believe any of the builders or developers were part of the creation of this ordinance before the Assembly and that there is a pending appeal before the Planning Commission and he feels that appeal should be resolved before the Assembly considers adopting this ordinance.

Mr. Victor Banizak is the President of Southeast Homebuilders and the Vice-President of the Alaska State Homebuilders. He said their main concerns are with the mixing of language when referring to ownership vs. subdivision of land. He noted that Alaska has a high cost of living and cost of homes due to an excess regulation and Juneau specifically is being regulated a lot higher than other areas of the state. He would like to see a better relationship developed with the builders and the city with better communication in the future. He asked the Assembly to table action on this ordinance until the pending appeal process is finished.

Mr. Alan Wilson said he is a local builder, and to give full disclosure he does not build condos or multifamily projects. His comments relate to process. When he tries to recruit builders to come to Juneau, they tend to shake their heads. He recently spoke with two Anchorage builders who stopped building condos due to the adoption of Anchorage's condo regulations and they have gone back to building single family projects. He spoke to a question that Mr. Kiehl had asked about the bonus language in the ordinance as it relates to condos and suggested that if the condo language was removed from the ordinance, those density bonuses would not apply to condos. Mr. Wilson said that he served on the Affordable Housing Commission during the time the cottage housing code language was developed and there was so much concern with undesirable housing being built as a result of that project that the code language was written such that no cottage housing has been built so far. He asked the Assembly to hold off on passing the ordinance and to give the building community additional time to review it.

Ms. Tracy Heaton is an Associate Broker at Juneau Real Estate. She noted that this ordinance is primarily relating to site condos or those that are detached from one another. Other communities have implemented regulations for similar structures. The state has statutes relating to this and she feels that while CBJ can have ordinances pertaining to these, they should not be contrary to state laws. She asked that they not vote in favor of an ordinance that would impact the development of additional housing and that the current code amendment has flaws in it and it may be premature to vote on it at this point. She asked that the Assembly wait until after the pending appeal is resolved. It is difficult in the real estate market to work with buyers/sellers and be able to provide a high quality home. She noted that site condos are the wave of the future for Juneau. When asked by Mr. Bryson to give an example of a site condo, Ms. Heaton said that the Sunset Meadows project across from Safeway would be an example of a site condo. They are close but they do not share a wall and are detached from each other. Ms. Heaton then went on to explain that these are fee simple ownership down to the ground and that the confusion tends to happen in terms of what the ownership is limited to. The land is one lot and owned by a homeowners association. Buyers are looking for new housing that is affordable and these site condos can provide that.

Assemblymembers had a number of questions for the speakers that were answered as part of their testimony.

Ms. Maclean was then asked to come up and answer questions from Assemblymembers. Assemblymembers asked Ms. Maclean to address what the results of potentially removing the language from the ordinance pertaining to condominiums and also to address whether this ordinance has anything to say about site condos or detached condos. Ms. Maclean explained that the language in the ordinance about condos was included so they could provide another option to condo builders. There are other ways condo developers can build condos and that would be either through the minor development process and re apply for a regular building permit or a major development process which would go through the conditional use permit process. Ms. Maclean then went on to explain that they tried to simplify and clarify the density bonuses system language in this ordinance. The topography in Juneau is greatly different from Anchorage and the lower 48 and they tried to craft the ordinance language to provide options for the builders and Planning Commission to provide for open space while still allow for greater density.

Assemblymembers asked Ms. Maclean about the current regulatory process for condos and if she felt delaying adoption of the ordinance or moving the ordinance forward but striking the condo language from it would solve those concerns raised earlier this evening.

Ms. Maclean clarified that state law governs condos regulation, however CBJ regulates all development so whether someone is building a shed, a single family unit, or a site condo, they all have to go through the building permitting process. She stated that what

she heard from those testifying tonight was that they did not wish to have the condo language included in the ordinance and if it was a matter of striking the condo language or delaying the ordinance altogether, she would prefer the Assembly strike the condo language and move forward with the rest of the ordinance to be able to provide those individuals who wished to develop under the ARS system the option to do so. She went on to say that if the Assembly chose to come back and make changes to the ordinance once the pending appeal has run its course that could be an option as well. The ARS ordinance is not just about large developers but also for the individual lot owners who want to develop their own niche using this option.

Ms. Triem asked if they were to strike the language pertaining to condos in this ordinance if that would exclude condo developers from using this ordinance to build condos.

Mr. Palmer stated that there seems to be some confusion and he clarified that the trigger for the ordinance, 49.50.910 would only apply when there is a subdivision if they are creating super small lots. He explained that the critical language in the ordinance is the trigger if someone is subdividing a lot and that whether that lot is being used for condos or other structures, it is the subdivision piece that is relevant part that applies.

Mr Palmer then answered a series of hypothetical questions as to various types of development.

Additional discussion took place regarding the public process that this ordinance has gone through and this ordinance is trying to get to infill development.

Mr. Watt said that the Planning Commission and staff have provided a very intensive process and no one would be required to use this ordinance if they chose not to. He said this would provide additional options for those who would like to subdivide and use this option. Juneau land is scarce and has difficult topography and this is one option for being able to develop what is available.

Assemblymembers and Mr. Palmer discussed interpretation of the ordinance language and also clarification on language pertaining to a "common interest community" and how that might differ from a condominium. Mr. Palmer explained that the State of AK had a common interest community and that language is no longer in the state law and it was replaced with "condo" lanugage but not sure when that change had been made.

Mr. Bryson asked the attorney to give an opinion on the request to postpone action until the pending appeal has been resolved. Mr. Palmer explained that the appeal does not affect the ordinance before them tonight and that he is not going to comment on any issues relating to the appeal itself outside of the appeal process.

When Mayor Weldon asked Mr. Palmer about what difference it would have if condo

language was removed from the ordinance, Mr. Palmer read from the memo to the Assembly COW dated November 9. While that phrase can be eliminated, it may invite some confusion and further disputes.

MOTION by Ms. Gladziszewski to adopt Ordinance 2018-41(c).

Ms. Gladziszewski said this has gone through a lot of review and she doesn't understand why they would take condos out of the ordinance, it only provides additional options.

Mr. Bryson asked to amend the motion to strike the condominium phrase from the ordinance.

AMENDMENT by Mr. Bryson, referring to the language as found in the November 9 memo, to strike the words "including condominium and other common-interest communities." under Code 49.15.900.

Mr. Jones objected to the amendment.

Mr. Kiehl asked if the striking this wording would actually accomplish removal of condos from this ordinance since the language being struck refers to fee simple ownership. Mr. Palmer explained that even if the language is struck, this ordinance may still relate to condos depending on the type of ownership of the land in question.

Mayor Weldon asked for a roll call vote on the Amendment.

Ayes: Bryson, Edwardson

Nays: Becker, Gladziszewski, Hale, Jones, Triem, Kiehl, and Weldon

Motion failed 2:7

Mayor Weldon then asked for a vote on the main motion to adopt Ordinance 2018-41(c). *Hearing no objection, the motion passed by unanimous consent.*

Mayor Weldon called for a break at 8:13 p.m.

B. Ordinance 2018-48 An Ordinance Authorizing the Port Director to Execute a Lease with Harri Commercial Marine for the Auke Bay Boatyard.

This ordinance would authorize the Port Director to execute a lease with Harri Commercial Marine (dba Juneau Marine Services) for the Auke Bay Loading Facility. Harri Commercial Marine has leased the same or similar space from the CBJ since 2008 prior to the existing lease expiring. Harri Commercial Marine recently applied to continue leasing the Auke Bay Loading Facility for 20 more years in two 10-year terms. An appraisal determined the fair market value of this lease to be \$36,000 per year.

The Docks & Harbors Board approved the rental rate at its June 28 meeting and

approved the terms of the proposed new lease at its August 30 regular meeting. On November 5, 2018, the Assembly authorized direct negotiations with Harri Commercial Marine.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

-

MOTION by Mr. Bryson to adopt Ordinance 2018-48 and asked for unanimous consent.

Mr. Jones objected for purposes of asking a question. He asked about how often the price gets reviewed and adjusted under the Docks & Harbors leasing rules.

Mr. Palmer said that the lease renewal that happens with price review and adjustment will occur every five years during the overall lease period as indicated on page 110 of the packet documents.

Mr. Jones removed his objection.

Hearing no further objection, the motion passed.

- C. Ordinance 2018-49 An Ordinance Amending the Official Zoning Map to Rezone Lot 3, Block A, Sherwood Estates, Located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).

Rezoning is governed by 49.75.110-130. The owner of 2500 Sherwood Lane timely applied to request a rezone of a five-acre parcel from Industrial to Light Commercial. Staff reviewed the application, held a neighborhood meeting, and ultimately recommended to deny the proposed rezone. Staff primarily based its denial on its analysis that the residential and non-residential uses allowed in Light Commercial did not substantially conform to the Heavy Industrial designation of the Comprehensive Plan. On October 23, 2018, the Planning Commission disagreed with staff. The Planning Commission discussed whether a Comprehensive Plan map amendment was necessary first, but the Planning Commission ultimately decided to recommend the rezone. The Planning Commission's analysis is summarized in the Whereas clauses of this ordinance.

The Assembly Committee of the Whole discussed this matter at its meeting on November 19, 2018, and recommended not to adopt this ordinance.

The City Manager recommends the Assembly not adopt this ordinance, in accordance with the Committee of the Whole recommendation.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hale to adopt Ordinance 2018-49 and said she would like to discuss it further.

Mr. Jones noted an objection for purposes of discussion.

Ms. Hale stated that the Assembly received an email with some additional information and a photo. She said she also discussed this with individuals who are interested in developing industrial property and that with the salmon stream running through the property it would be difficult to develop the industrial property in this area so it gave her pause on how best to address this rezone request.

Roll call vote on the motion to adopt Ordinance 2018-49.

Ayes: Hale, Bryson

Nays: Triem, Edwardson, Jones, Kiehl, Becker, Gladziszewski, Weldon.

Motion failed 2:7

- D. Ordinance 2018-50 An Ordinance Approving a Land Trade between the City and Borough and Alan and Ellen Rogers for Properties Located on the Southern End of the Mendenhall Peninsula.

This ordinance would authorize the City Manager to execute a land exchange. The Rogers family owns a lot next to CBJ park property on the southern end of the Mendenhall Peninsula. The Rogers applied for a land exchange so that the Rogers could build an accessible home on the upland part of their lot and in exchange the Rogers would convey to the CBJ property of equal value. The property would be added to the park and was determined by appraisal to be 2½ times more valuable than the upland property. Thus, approximately 14,225 square feet of CBJ upland property would be traded for approximately 6,164 square feet of property owned by the Rogers.

The Assembly agreed to the concept at its June 4, 2018 meeting and directed the Manager to negotiate terms for the land trade.

The Parks and Recreation Advisory Committee, the Lands Committee and Planning Commission have all reviewed the proposed land exchange and recommended approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Triem to adopt Ordinance 2018-50 and asked for unanimous consent. *Hearing no objection, the motion passed.*

- E. Ordinance 2018-11(R) An Ordinance Appropriating to the Manager the Sum of up to \$205,000 as Funding for the Community Development Department; Grant Funding Provided by the United States Department of Homeland Security, Federal Emergency Management Agency, FY18 Cooperating Technical Partners Program.

The City and Borough has been awarded up to \$205,000 by the Federal Emergency Management Agency to update information on the landslide and avalanche risk in Juneau. The grant includes \$180,000 for a study, and \$25,000 to develop policy recommendations. The grant will be implemented through two contracts issued following a bidding process. The project will be completed over a period of four years. No additional CBJ funds are required.

Adoption of this ordinance authorizes the CBJ to accept the grant funds.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

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

- F. Ordinance 2018-11(S) An Ordinance Appropriating to the Manager the Sum of \$11,000,000 as Funding for the Downtown Waterfront Improvement Project; Funding Provided by Cruise Passenger Vessel Excise Tax, Port Development Fees, Marine Passenger Fees Fund's Fund Balance, and Dock Fund's Fund Balance.

DOWNTOWN WATERFRONT IMPROVEMENT PROJECT – FUNDING PACKAGE

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty-four months. The total estimated project cost is \$23.5 million. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost \$20.5 million and include the purchase

of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the pilings and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The proposal draws from a variety of funds including: Cruise Passenger Vessel Excise Tax, Marine Passenger Fees, Port Development Fees, Dock Fund Balance and Waterfront Land Acquisition CIP.

The funding for Phase I consists of:

- 1.) \$3.5 million of funds already appropriated,
- 2.) appropriating \$11 million via this ordinance and
- 3.) \$6 million of passenger fees to be transferred in from other CIPs.

The City Manager is continuing to review the recent court order from Judge Holland regarding the CLIA litigation and recommends that public hearing on this Ordinance be postponed until the second Assembly meeting in January 2019.

Mr. Watt recommended the Assembly action and public hearing on this ordinance be postponed to the second meeting in January similar to the postponement of the transfer from the consent agenda.

Public Comment:

Mr. William Quayle stated that this should be put on the back burner. He stated that they should link the B dock with the AJ dock as their first priority.

Assembly Action:

MOTION by Mr. Jones to postpone Assembly action on Ordinance 2018-11(S) until the second Assembly meeting in January 2019. *Hearing no objection, the motion carried.*

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. North Douglas Land Disposal - Applicant Thomas Daugherty

The Division of Lands and Resources received an application to purchase City property from Thomas Daugherty who owns the property located at 9223 North Douglas Highway. The City property has the legal description of USS 3559, Lot 1; and consists of a very large parcel of over 1,100 acres. Thomas Daugherty has requested to purchase a small fraction of City owned property in order to have enough square footage to subdivide his existing lot into two residential lots.

Currently the applicant's lot is 71,438 square feet which is 512 square feet short from the minimum size needed to subdivide. The property that Mr. Daugherty has requested to purchase is a small strip of City land along the back of his property.

The Land Management Plan has this property designated as Retain/Dispose which allows for this type of disposal request. City code 53.09.260 - **Negotiated sales, leases, and exchanges** states that *"The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land."*

On November 19, 2018 the Lands Committee unanimously passed a motion of support to the Assembly to work with the original applicant and dispose of roughly 530 square feet of City property.

The City Manager requests a motion of support to enter into direct negotiations with the original applicant for the disposal of a Fraction of USS 3559.

Mr. Watt explained process of proposals and recommended the Assembly pass a motion of support to direct the manager to enter into direct negotiations with the original applicant for the disposal of a fraction of USS 3559.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Kihel to direct the manager to enter into negotiations with original applicant. *Hearing no objection, the motion carried.*

B. LID Board of Equalization

The Assembly will recess and convene as the Board of Equalization for the purpose of holding public hearing on the assessment rolls, and separate assessments appearing thereon, for LID 62 and LID 97. At the conclusion of the hearing, the Board of Equalization should recommend to the Assembly that it approve the assessment rolls with any revisions or corrections recommended by the Board. The Board will then adjourn and the Assembly will reconvene. The Assembly will consider Resolutions 2841 and 2842 approving the rolls, fixing the time and method of payment, setting the date of levy, and fixing the time of delinquency, and penalties and interest under New Business.

Mayor Weldon recessed the regular Assembly meeting for purposes of convening as the Board of Equalization at 8:48 p.m.

Mr. Palmer explained Board of Equalization process as it relates to Local Improvement Districts (LIDs).

- C. Assembly Action - Resolution 2842 A Resolution Confirming the Assessment Roll for LID No. 97, That Installed a Municipal Water System within the Public Roads of the Eagles Edge Subdivision in the Lemon Creek Area, Fixing the Time and Method of Payment Assessments, Setting the Date of Levy, and Fixing the Time of Delinquency and Penalties and Interest.

This resolution would confirm the assessment roll for Local Improvement District (LID) No. 97, which installed a municipal water system within the public roads of the Eagles Edge Subdivision. This LID was created by Ordinance 2013-07, which proposed an assessment of \$3,300 per lot. As presented in this resolution, each lot in the proposed assessment roll would be assessed \$3,300.

Article IV of CBJ 15.10 governs this assessment roll process. Notices were published in the newspaper and mailed to residents in the LID area, so they would have an opportunity to make their views known to the Assembly at tonight's hearing. For the purpose of this hearing, the Assembly sits as a Board of Equalization to confirm the assessment roll. After hearing all objections and suggestions, the Assembly may correct, revise, raise, lower, change the roll, or set aside the roll and order the remaking of the assessment.

Staff will be recommending the Assembly remove one parcel assessment from the assessment toll. CBJ 15.10.120(a) prohibits a lot from being assessed if the lot did not receive any benefits from the LID. The parcel requested to be removed is the playground and basketball parcel, owned by the Eagles Edge Home Owners association, which did not have sewer or water services to the parcel and was not benefited by this LID.

REMOVE the following property assessment of \$3300. This property was not provided a water service as it is the playground and basketball parcel owned by Eagles Edge Homeowners Association:

<u>Parcel Number:</u>	<u>Owner:</u>	<u>Assessment:</u>	<u>Street:</u>	<u>Address:</u>
5B1301170160	Eagles Edge Sub Homeowners Association	3,300.00	N/A	Chatham

Revised Assessment Roll Total: **\$290,400** (original assessment roll total : \$293,700)

The City Manager recommends the adoption of this resolution as modified by the Board of Equalization.

Mr. Watt recommended the removal of 5B1301170160 from the assessment roll for LID 97 as set out in Resolution 2842.

Public Comment

None.

MOTION by Ms. Gladyszewski to recommended the removal of 5B1301170160 from the assessment roll of LID 97 and asked for unanimous consent. *Hearing no objection, the motion carried.*

Mayor Weldon asked for procedural clarification by the City Attorney. Mr. Palmer recommended the Assembly proceed with item D and hold public hearing on that LID. Once public hearing and any roll adjustments are completed, the Mayor would adjourn the Board of Equalization and reconvene as the Assembly and then proceed with adoption of the Resolutions.

- D. Assembly Action - Resolution 2841 A Resolution Confirming the Assessment Roll for LID No. 62, That Constructed Improvements to the Road Base, Drainage, Pavement and Sidewalks within the Public Roads of the McGinnis Subdivision in the Back Loop Road area, Fixing the Time and Method of Payment Assessments, Setting the Date of Levy, and Fixing the Time of Delinquency and Penalties and Interest.

This resolution would confirm the assessment roll for Local Improvement District (LID) No. 62, which constructed improvements to the road base, drainage, pavement and sidewalks within the public roads of the McGinnis Subdivision area. This LID was created by Ordinance 2015-28, which proposed an assessment of \$3,000 for each parcel in the Moraine Edge Subdivision and \$4,000 for each parcel in the LID but outside the Moraine Edge Subdivision. As presented in this resolution, the lots in the proposed assessment roll would be assessed the same amount as estimated in Ordinance 2015-28.

Article IV of CBJ 15.10 governs this assessment roll process. Notices were published in the newspaper and mailed to residents in the LID area, so they would have an opportunity to make their views known to the Assembly at tonight's hearing. For the purpose of this hearing, the Assembly sits as a Board of Equalization to confirm the assessment roll. After hearing all objections and suggestions, the Assembly may correct, revise, raise, lower, change the roll, or set aside the roll and order the remaking of the assessment.

Staff will be recommending three assessment roll changes due to two property subdivisions and a lot consolidation. CBJ 15.10.120(b) requires the Manager to establish an equitable method of assessing property that is subdivided or consolidated during the pendency of the LID. The specific changes being requested are detailed below.

ADD the following properties to the LID Assessment Roll to be assessed at \$4000 each. These properties were created by property subdivisions after LID 62 was formed:

<u>Parcel Number:</u>	<u>Owner:</u>	<u>Assessment:</u>	<u>Street:</u>	<u>Address:</u>
4B2601100012	Mark W Pincikowski & Jennifer S Urban	4,000.00	4945	Steelhead
4B2601100082	Hi S. Kim	4,000.00	4947	Hummingbird

REMOVE the following property assessment of \$4000. This property was consolidated into the adjacent property 4950 Steelhead:

<u>Parcel Number:</u>	<u>Owner:</u>	<u>Assessment:</u>	<u>Street:</u>	<u>Address:</u>
4B2601100040	Linda C. Kadrlik	4,000.00	N/A	Steelhead

Revised Assessment Roll Total: **\$476,000** (original assessment roll total : \$472,000)

The City Manager recommends the adoption of this resolution as modified by the Board of Equalization.

The Clerk had distributed a letter from Mr. Brakel on behalf of REACH.

Mr. Watt recommended three changes to the assessment roll for LID 62 as set out in his Manager's Report.

Public Comment

None.

MOTION by Ms. Gladziszewski to add parcels 4B2601100012 (Mark Pincikowski and Jennifer Urban) and 4B2601100082 (Hi S. Kim) and asked for unanimous consent. *Hearing no objection, those parcels were added to LID 62 roll.*

MOTION by Ms. Gladziszewski to remove parcel 4B2601100040 (Linda Kadrlik) and asked for unanimous consent. *Hearing no objection, that parcel was removed from the LID 62 roll.*

Mr. Watt noted that with these roll changes, the revised assessment roll will total \$476,000.

Ms. Weldon asked the City Attorney to address the letter from REACH, Inc. asking to be removed from LID 62.

Mr. Palmer stated that CBJ Code 15.10.110 specifically addresses this and states that all property, including property that is exempt from taxation, shall be liable for the cost of a local improvement unless they are exempted by state or federal law. He said that he does not know of any specific exemption in state or federal law for a non-profit to be exempt from the LID.

Mayor Weldon adjourned the Board of Equalization and reconvened the Assembly meeting at 8:59 p.m.

MOTION by Ms. Becker to adopt Resolution 2841 with the changes to the roll with the added parcels 4B2601100012 (Mark Pincikowski and Jennifer Urban) and 4B2601100082 (Hi S. Kim) and the removal of parcel 4B2601100040 (Linda Kadrlik) and asked for unanimous consent. *Hearing no objection, the motion carried.*

MOTION by Ms. Becker to adopt Resolution 2842 with the removal of parcel 5B1301170160 (Eagles Edge Sub. Homeowners Assoc.) asked for unanimous consent. *Hearing no objection, the motion carried.*

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon reported that it has been a busy month already and she wished everyone Happy Holidays and Happy New Year as they get ready to enjoy a well deserved break from meetings.

She reported that she, along with Mr. Kiehl and Ms. Triem met with the female Cub Scouts. She and staff also met with the Juneau Legislative Delegation where Mr. Kiehl was wearing a different hat. She said she also attended the Kensington Advisory Group and Capital Committee meetings. She reported that since the last Assembly meeting, they held the Assembly retreat where they finalized their goals for the coming year.

Other community events she attended included the Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHITA) luncheon, First Friday Gallery Walk, Chief Petty Officer's Senior Citizen Dinner, Fireman's Ball, and the JDHS Art show. She rang a bell for the Salvation Army in their annual fundraiser efforts.

She, along with Manager Watt and his mother Pat Watt, welcomed Governor Dunleavy

to town at the Governor's Open House. She and Manager Watt spoke with Pete Carran on KINY, and she spoke at the DARE graduation. She and staff also met with the Alaska Marine Highway folks about possible crew quarter upgrades on the new vessels coming online.

At the conclusion of the Mayor's report, Mayor Weldon recognized City Manager Duncan Rorie Watt for his work on behalf of CBJ for the past 25 years. She presented Mr. Watt with a certificate of appreciation.

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

Ms. Gladziszewski reported that there was a Committee of the Whole (COW) on December 10 and they discussed many of the topics that were before the Assembly on this agenda including the Alternative Residential Subdivision Ordinance, the Archipelago property, they heard from Tom Mattice Emergency Planning Manager regarding emergency planning following the Anchorage earthquake. They finalized the goals as developed at the retreat and they heard a litigation update.

Ms. Becker reported that the Lands Committee did not meet last Monday. She stated that the Chamber of Commerce continues to meet each Thursday and this Thursday will be the last meeting at the Moose and then they will be moving to the Hangar Ballroom during the Legislative Session. The Docks and Harbors Board has their regular board meeting scheduled for this Thursday. She met with representative from the JACC. The Alaska Committee is working on Legislative Reception which she invite everyone to attend on January 16, 2019.

Mr. Kiehl reported that the Assembly Finance Committee met this past Wednesday at which they reviewed the old revolving loan fund agreement with JEDC. They directed the manager to take whatever steps were necessary to give JEDC more flexibility with those funds. They reviewed two potential changes to senior sales tax exemption and they had a lot of questions relating to those for staff. They received an extensive update on CBJ's financial position and major revenue and also received info on collective bargaining coming up along with innovated ideas with respect to senior housing. They then held an executive session to discuss upcoming negotiations with unions on employee compensation.

Switching to liaison reports and comments, he also attended many of the same events and also participated in the Floyd Dryden outdoor skills training that was put on with cooperation with the Juneau School District, U.S. Forest Service, State Department of Fish & Game and it is a great partnership safety program that they put on each year. He visited a Montessori kindergarten class and talked about Hanukkah. He also visited with a high school government class and discussed political parties in the nature of government in general. Mr. Kiehl mentioned that there is some kind of religious holiday coming up next week and he wished everyone a good time in celebrating it.

Mr. Jones reported that the Public Works and Facilities Committee met last week. They discussed the remodel of exit lanes at Airport (which was introduced tonight). They also discussed a resolution which will be coming to the Assembly to support a grant request for DOT/PF brotherhood bridge repair across Montana Creek. He noted that grant program has changed, and while we used to apply for and receive the grant, do the work and then request reimbursement, that has changes such that we apply for the grant funding but the State runs and administers the project.

Mr. Jones reported that the Assembly Childcare Committee has met three times this past month. They have come up with a problem statement they want to address and they have invited guest speakers/stakeholders to attend the January 11 and January 25 meetings which are open to the public. Those meetings begin at 12:15p.m. and if anyone is interested in their work, there is a webpage under the Assembly Committee website where the committee's meeting information is being posted.

Mr. Jones also reported that he attended the Juneau School Board worksession for candidate profiles on December 11. They held an online survey from which they received approx 150 comments. Their next meeting is scheduled for January 8, 2019 at which they will vote to either name the interim superintendent as their permanent choice, or decide whether to conduct a national search or an internal search. The other item of interest that will come before them on January 8 is a proposal to consider adding a Tlingit name to Juneau Douglas High School. That proposal had its first reading at the December 11 meeting.

Mr. Jones then reported that the DBA met since the last Assembly meeting and they received an update on the downtown phase 3 streets project from Mike Vigue and Lori Sowa. There was also a little bit of discussion about the DOT project from Main Street to Egan Drive. they also discussed Gallery Walk (which he attended) and the Kids Day program and although he didn't attend that, he heard it was a big success. He attended a JEDC Visitor Product Cluster meeting where they also talked about the DOT/PF Main Street/Egan Drive project. What they learned at both those meetings was that the bid came in \$6 Million over the estimate so they have not heard from anyone as to what DOT/PF will do about the overage and their administrative is in transition. They received an update on Southeast group's report on the Roadless Rule. They briefly touched on the CLIA lawsuit but neither he nor the CLIA rep said anything about the subject. He attended the Auke Bay Plan Implementation Committee meeting and CDD Planner Allison Eddins handled it very well. He said that he was surprised by all the number of people in attendance who were ignorant of the entire previous process.

He said the first Downtown Blueprint Steering Committee meeting was held on December 12 and the Assembly was in its Finance Committee meeting that night. The next public meeting is scheduled for January 24, 2019 at Centennial Hall. He said he doesn't know when the next Steering Committee meeting is but in speaking with Ms. Maclean she indicated that they will not schedule it for a night that the Assembly is

meeting elsewhere. In other events, Mr. Jones reported that he spent the last two weekends judging the Lego League event (elementary school age) and the FIRST Tech Challenge which was the high school level event attended by teams from across the state. He highly recommended anyone interested to get involved. He said that FIRST is not just a number but is an acronym "For Inspiration and Recognition in Science and Technology." He wished everyone a great holiday and is leaving to attend three more days of Marijuana Control Board meetings followed by a family holiday trip.

Mr. Edwardson reported that he was happy to attend an event on December 12 on behalf of the Mayor and Assembly where CCFR and JPD signed an agreement for the PaYS program with the Army Reserve. He said the PaYs program is an agreement between organizations around the country who recognize people who have gone through military training to give them a guaranteed interview for those agencies who participate. He said it also works for reserve officers as well as other active duty members leaving the service.

Mr. Edwardson reported that the next meeting of the Eaglecrest Board is scheduled for January 3 and he was unable to attend the last Eaglecrest Board meeting. The LEPC met on December 12 and talked about their annual report which they delivered to the Assembly HRC earlier this evening. One of the things they brought up in their report was a little bit of defunding from the Coast Guard and they will likely come to the Assembly for additional funding for their preparedness weekend. He said the payoff of the small amount of funding vs. the return on investment is substantial. He said that the LEPC will be coming forward through the HRC in the future to request some changes to their membership seats to add a Health seat as well as changing the name of their "vulnerable population" seat.

The practice of the LEPC is that if a primary seat opens, the alternate steps up into the primary seat and a new individual is appointed to the alternate seat. Mr. Edwardson asked the Assembly to look at the memo dated December 13, 2018 and approve the seat appointments as outlined in the memo. The Clerk noted that a corrected version of the memo was posted in the online HRC packet and a hard copy was given to the Clerk by the Deputy Clerk just prior to the start of the Assembly. The Clerk read the memo into the record with the seat assignments as follows:

Seat 4 – General Public Seat [Primary Member] {seat formerly held by Lindsey Peterson} Destiny Sargeant moving from alternate seat to primary, same end date of 12/31/2020.

Seat 4a – General Public Seat [Alternate Member] {seat formerly held by Destiny Sargeant} replacing her is Ben Murray start date immediately, end date 12/31/2020. (To be confirmed by Assembly)

Seat 6 – Media Seat [Primary Member] Bill Legere start date 3/5/2012, end date

12/31/2021.

Seat 6a – Media Seat [Alternate Member] Mikko Wilson start date 1/28/2013, end date 12/31/2018, Mikko Wilson has stepped down from the LEPC, replacing him is Warren Russell start date 1/1/2019, end date 12/31/2021.(To be confirmed by Assembly)

Seat 8 – Owner/Operator of a Facility Subject to the Right to Know Act 1986 [Primary Member] Dan Garcia start date 2/1/2007, end date 12/31/2021. Current LEPC Chair

Seat 8a – Owner/Operator of a Facility Subject to the Right to Know Act 1986 [Alternate Member] Nicholas Zito (to be confirmed by Assembly) start date 9/27/2017, end date 12/31/2021.

Seat 9 – Community Group Seat [Primary Member] Karen Wood start date 10/1/2017, end date 12/31/2021.

Seat 9a – Community Group Seat [Alternate Member] Ed Williams start date 3/16/2009, end date 12/31/2021.

Seat 11 – Vulnerable Population Representative Seat [Primary Member](seat formerly held by Jason Burke) Zachariah Fisher moving from alternate seat to primary, same end date 12/31/2019.

Seat 11a – Vulnerable Population Representative Seat [Alternate Member] {seat formerly held by Zachariah Fisher} replacing him is Paul Chisholm (to be confirmed by Assembly) start date immediately, end date 12/31/2019.

Hearing no objection, the motion carried.

Mr. Edwardson noted that the HRC also recommended the following appointments to Boards and Commissions. *Hearing no objections, the following appointments were approved:*

Building Code Advisory Committee - Chris Gianotti and Doug Murray reappointment to a term beginning immediately and expiring on November 30, 2021.

Juneau Human Rights Commission - Ibn Bailey appointment to a term beginning immediately and expiring on May 31, 2021.

Mr. Edwardson stated that with respect to Jesse Kiehl's Assembly seat, advertising began for applicants November 30 and will be closing on January 2 and interviews have

been scheduled for January 10. As far as questions go, he and the Mayor have been working on the questions for the applicants to answer in writing. He asked anyone wishing to include their questions to send those to the Clerk's office. He and the Mayor are discussing process on how and when those will be provided to the applicants.

He noted that due to his illness, Mr. Jones presided at the December 13 meeting of the Full Assembly sitting as the HRC to interview applicants for the Planning Commission and Bartlett Regional Hospital Board. He announced that 19 candidates were interviewed for the two boards and the following appointments were made:

Bartlett Regional Hospital Board - Kenny Solomon-Gross, Deborah Johnston, Lindy Jones and Marshal Kendziorek.

Planning Commission - Nathaniel Dye, Ken Alper, Shannon Crossley, and Travis Arndt.

Ms. Triem said that she forgot Travel Juneau updates at the last Assembly meeting. They are undertaking a community assessment under the Destination Next program which all the Assemblymembers should have received an email about. She said they are working with the Yukon Travel Association working on travel marketing documents to pull together the Western Yukon Territory with Southeast Alaska and they had 175 guests at their First Friday event with carolers and letters to Santa. The Affordable Housing Commission is continuing to discuss board governance and continuing that theme, the Aquatics Board has also been discussing governance. The Aquatics Board has been working with the City Manager and agreed to a change to their authorizing ordinance which will be coming to the Assembly in the next month. Ms. Triem reported that she met with the female cub scouts along with the Mayor and Mr. Kiehl and said, without offense to the Assemblymembers, that has been the most adorable Assembly related event she has had the privilege to attend so far. She also attended a Narcane kit building session organized by the Juneau Opioid workgroup in conjunction with the state's Project Hope. They convened a number of service providers to build the kits and then had a good round table discussion about their experiences with handing out Narcane kits to people in Juneau.

Ms. Hale reported that she attended a couple of Juneau Commission on Sustainability (JCOS) meetings and events. She noted that CBJ Engineering and the Airport has requested an exemption from the LEED requirements and that because of the timing of the airport expansion, that has become problematic. JCOS is working with the Airport on this. JCOS appreciated the Assembly adding the goals relating to sustainability. She said she still hasn't connected with JCOA due to scheduling conflicts. She was able to attend the BRH meeting this last week where they received information about the audit which was good. She noted that the GASBY 75 retirement accounting really affects their bottom line but they are in the black this year even without the Rural Demonstration Grant, their revenues are exceeding expenses. As Mr. Edwardson said, they now have

several new members on the BRH Board. One of the recent things the BRH has been looking at is exploring the possibility of robotic surgery and looking hard at that to see if it would be cost efficient and provide the needed services. There has been real improvement in psychiatric staff and the medical staff is quite pleased with that.

Ms. Hale reported that she attended the Chamber luncheon where the Mayor spoke and did a great job. She also attended the Governor's open house and she commended Mr. Jones on the great job he is doing so far with the Childcare Committee.

Mr. Bryson reported that at the November 27 meeting of the Planning Commission, they passed a planned urban development project on Douglas, the Birch Lane repavement. He said that even though the Jetty Condos item passed, it was coming back at the January 8 meeting. They discussed code changes pertaining to Right of Ways (ROW) in temporary cul-de-sacs. They discussed their CIP priorities and they had a recommendation they approved. He said that at the end of the month, he met with Director Maclean and she brought him up to speed on how all things at CDD work. He attended the Auke Bay Rezone public meeting. He said that the couple who were the most vocal contacted him immediately to share their concerns with him. He then met back with Director Maclean to try to get the answers to those folks. He said that JEDC met on December 5 and they are exploring winter economic activities. They passed a resolution for a heat pump initiative, they elected board members and those were the same as last year. They appointed some folks to the Alaska Development Corporation which is a subset of JEDC.

Mr. Bryson reported that on December 5 he also met with JPD union representatives and on December 6 he met with CCFR union representatives and both groups had passion pleas for more resources. He said he too has been hanging out with Mr. Jones in the Childcare Committee meetings but he really had to applaud Mr. Jones for leading their 19 interviews of board applicants and only being 9 minutes off schedule.

Mr. Bryson said that the Planning Commission met again on December 11 first as Committee of the Whole and discussed the legal, non-conforming status, and the rebuild capabilities of non-conforming properties. At their regular PC meeting, the Tlingit & Haida cultural project on Thane passed and the "Cinderella House" had some requirements that also passed. The ROW improvements in sub street development moved on and will be coming to the Assembly as an ordinance.

Mr. Jones asked about the process on the LEED exemption and the roles of the JCOS, Assembly, and Airport Board in that process. Mr. Watt provided an explanation on the process and suggested that it may be appropriate for this proposal to ultimately come back to the PWFC before final action by the Assembly. Additional discussion took place regarding the process and Mr. Watt read the code language setting out that process to the Assembly.

C. Presiding Officer Reports

XIII CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

MOTION by Ms. Gladziszewski to enter into Executive Session to discuss pending litigation strategy and also the City Manager Evaluation.

Hearing no objection from the public or Assembly, they recessed into Executive Session at 9:49 p.m. They then returned from Executive Session at 10:58p.m.

Mr. Kiehl reported that during Executive Session, they heard an update regarding the CLIAA lawsuit from the City Attorney and the City Manager and gave direction to both.

MOTION by Mr. Kiehl to extend the time of the Assembly by 3 extra minutes and asked for unanimous consent. *Hearing no objection, the motion carried.*

Mr. Jones reported that the City Manager Evaluation Committee met and is recommending the following action:

MOTION by Mr. Jones to provide a 2% raise to the manager's salary effective back to July 1, 2018 consistent with the MEBA raise. Further, effective July 1, 2019, to increase the manager's pay by 2.2% which equals half a longevity step plus any increases provided to the MEBA as a result of contract negotiations, and asked for unanimous consent. *Hearing no objection, the motion carried.*

A. City Manager Evaluation Committee Recommendation

B. CLIAA Litigation Strategy Update

XV. ADJOURNMENT

There being no further business to come before the body, Mayor Weldon adjourned the meeting at 11:02 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Beth A. Weldon, Mayor

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-09

An Ordinance Amending the Public Finance Code Relating to Investments and Collateral.

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. Repeal and Reenactment of Chapter. Chapter 57.25 Investments and Collateral, is repealed and reenacted to read:

Chapter 57.25

INVESTMENTS AND COLLATERAL

- 57.25.005 Scope.
- 57.25.010 Definitions.
- 57.25.015 Management of municipal funds.
- 57.25.018 Investment objectives.
- 57.25.020 Authorized investments.
- 57.25.030 Security on nonnegotiable certificates of deposit.
- 57.25.040 Ownership and encumbrance of collateral.
- 57.25.050 Acceptable collateral.
- 57.25.100 Addition, substitution or change of collateral.
- 57.25.110 Security agreements on collateral.
- 57.25.120 Reports and access to records of banks bidding on or holding nonnegotiable certificates of deposit.
- 57.25.130 Noncompliance.
- 57.25.140 Certificate of deposit restrictions.

57.25.005 Scope.

The finance director is responsible for the administration of the provisions of this chapter. This chapter applies to the investment of short-term operating funds and long-term funds.

57.25.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bank means a state or federally chartered commercial or mutual bank, or credit union located in the United States and having insurance of accounts through the appropriate federal insuring agency of the United States.

Benchmark (also Portfolio Benchmark) means an industry recognized standard index which shall be used to measure the performance of the investment portfolio.

Capital means combined capital, surplus and undivided profits. The term also means reserves for loan losses when applied to commercial banks, mutual savings banks, or credit unions.

Certificate of deposit means a negotiable or nonnegotiable security instrument or depository agreement.

Delinquent means the failure of the bank to return invested funds to the City and Borough on the maturity date and after demand for the funds has been made.

NASD means National Association of Securities Dealers. A self-regulatory securities industry organization responsible for the operation and regulation of the Nasdaq stock market and over-the-counter markets.

NASDAQ means National Association of Securities Dealers Automated Quotation. A computerized system established by the NASD to facilitate trading by providing broker/dealers with current bid and ask price quotes on over-the-counter stocks and some listed stocks. All trading on the Nasdaq exchange is done over a network of computers and telephones.

NRSRO means Nationally Recognized Statistical Rating Organization. NRSRO is a credit rating agency (CRA) that issues credit ratings that the U.S. Securities and Exchange Commission (SEC) permits other financial firms to use for certain regulatory purposes.

Portfolio means the combined holding of more than one stock, bond, commodity, cash equivalent, or other asset by an investor. The purpose of a portfolio is to reduce risk by diversification.

Rated bank means:

- (1) A bank all of whose debt issues are rated A or higher or its equivalent by a nationally recognized rating service;
- (2) A bank whose letters of credit secure third-party debt issues rated A or higher or its equivalent by a nationally recognized rating service; or

(3) A bank which is a subsidiary of a one-bank holding company all of whose commercial paper has the highest rating given by a nationally recognized rating service or whose debt issues are rated at least an A or its equivalent by a nationally recognized rating service.

Securities mean marketable, negotiable financial instruments that hold some type of monetary value. They represent an ownership position in a publicly-traded corporation (via stock), a creditor relationship with a governmental body or a corporation (represented by owning that entity's bond), or rights to ownership as represented by an option.

Value means the monetary measurement of the worth of collateral to the City and Borough as described in this chapter.

Weighted average life means the portfolio value derived by multiplying the book value of each investment by its maturity period, then dividing the sum of these products by the total book value of the portfolio.

57.25.015 Management of municipal funds.

(1) Pooling of Funds. The finance director will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration.

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- (2) Investment decisions shall be guided by this section and by the City and Borough of Juneau Investment Policy. Material changes to the Investment Policy shall be brought to the assembly finance committee by the city manager for review.
- (3) The finance director will choose which investment portfolio is most appropriate for funds based on the objectives at hand. Portfolio types are outlined in the Investment Policy.
- (4) Appropriate benchmarks shall be selected by the finance director based upon portfolio goals and holdings of the portfolio. Benchmark selection shall be approved by the city manager as a function of the Investment Policy Statement.
- (5) Safekeeping and Custody.
- (A) Delivery vs. Payment. All trades of marketable securities will be executed using the delivery vs. payment (DVP) method to ensure that securities are deposited in an eligible custody account prior to the release of funds.
- (B) Safekeeping. Securities will be held by a centralized, independent third-party custodian selected by the City and Borough, as with all securities held in the City and Borough's name. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Statement of Auditing Standards No. 70, or SAS 70).
- (6) Restricted Funds shall be deposited into separate and restricted alternative investments, bank accounts or other accounts which may be interest-bearing and held by financial institutions for the benefit of the municipality, with all revenues and expenses associated with such funds allocated to such investments or accounts.

Restricted funds may be commingled with other similarly restricted funds within the discretion of the finance director.

(7) The finance director may obtain the services of such investment managers, advisors, custodians and other professionals as are reasonably prudent and necessary to manage all municipal funds.

(8) Investment portfolio performance reports shall be prepared and posted to the City and Borough website on a quarterly basis. These reports shall be addressed with the assembly finance committee on a semi-annual basis.

57.25.018 Investment objectives.

Investment portfolios will be selected to achieve the overall investment objectives. The primary objectives of investment activities shall be safety, liquidity, and return:

(a) *Safety.* Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk. The finance director and hired contractors, if any, shall manage investment funds exercising the judgment and care under the circumstances then prevailing which an institutional investor of ordinary prudence, discretion, and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation but in regard to the permanent disposition of funds, considering probable safety of capital as well as probable income.

(1) *Credit Risk.* The City and Borough will minimize credit risk, which is the risk of loss of all or part of the investment due to the failure of the security issuer or backer, by:

(A) Limiting investments to the types of securities listed in Code Section 57.25.020.

(B) Pre-qualifying and conducting ongoing due diligence of the financial institutions, broker/dealers, intermediaries, and advisers with which the City and Borough will do business.

(C) Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

(2) *Interest Rate Risk.* The municipality will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

(A) Structuring the investment portfolio so that security maturities match cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

(B) Investing operating funds primarily in shorter-term securities, money market mutual funds, exchange-traded funds (ETF) or similar investment pools and limiting individual security maturity as well as the average maturity of the applicable portfolio.

(b) *Liquidity.* The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets to meet

unanticipated demands (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds, ETFs, or local government investment pools which offer same-day liquidity for short-term funds.

(c) *Return.* The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity with the following possible exceptions:

- (1) A security with declining credit may be sold early to minimize loss of principal;
- (2) Selling a security and reinvesting the proceeds that would improve the quality, yield, or target duration in the portfolio may be undertaken; or
- (3) Unanticipated liquidity needs of the portfolio require that the security be sold.

57.25.020 Authorized investments.

To provide maximum security for the investment of public funds and to provide the greatest interest revenue consistent with safety, funds may be invested only in the following instruments:

- (1) Obligations of, or obligations insured or guaranteed by, the United States or agencies or instrumentalities of the United States;

- (2) Commercial paper issued by corporations or businesses and rated at least A1/P1 by a nationally recognized statistical rating organization (NRSRO), and collateralized commercial paper with no time limit;
- (3) Negotiable certificates of deposit issued by rated banks;
- (4) Repurchase agreements secured by obligations insured or guaranteed by the United States or agencies or instrumentalities of the United States;
- (5) Bank obligations insured by the appropriate federal insurance agency, including nonnegotiable certificates of deposit secured as provided in Section 57.25.030;
- (6) Custodial money market funds and other mutual funds so long as the nature of the fund is generally consistent with all other provisions of this section of the code;
- (7) U.S. dollar denominated corporate bonds rated investment grade or higher by a nationally recognized rating agencies at the time of purchase;
- (8) Mortgage-backed securities and collateralized mortgage obligations (CMOs) issued and insured or guaranteed by the United States or agencies or instrumentalities of the United States;
- (9) Asset-backed securities that are publicly traded and rated AAA by a NRSRO at the time of purchase;
- (10) Domestic Fixed Income Mutual Fund or ETF: Securities issued in the United States matching security types, quality and maturity ranges contained in the Bloomberg Barclays Aggregate Index;
- (11) Domestic Equity Mutual Fund or ETF: Common and preferred stock issued by companies domiciled in the United States, and traded on a domestic stock exchange, or traded through the NASDAQ system;

- (12) International Equity Mutual Fund or ETF: Common and preferred stock issued by companies domiciled outside the United States, primarily in developed countries, as defined by the Financial Times Stock Exchange;
- (13) Loans to specified funds of the City and Borough for the purpose of capital acquisition, made as provided in section 57.05.045;
- (14) An investment pool for public entities authorized by AS 37.23; or
- (15) Other investment types or asset classes as provided in the Investment Policy and consistent with all other provisions of this section of the code.

57.25.030 Security on nonnegotiable certificates of deposit.

Nonnegotiable certificates of deposit must be fully secured at all times as to the payment of principal and interest due on the maturity of the nonnegotiable certificate of deposit. The insured portion must be secured by insurance of accounts through the appropriate federal insurance agency. The portion in excess of the bank's insurance of accounts must be secured by collateral valued in a manner determined by the City and Borough, and conforming to the requirements of sections 57.25.040 through 57.25.110, at 102 percent.

57.25.040 Ownership and encumbrance of collateral.

Pledged collateral must be owned by the bank issuing the certificate of deposit. Except for the assignment required under section 57.25.110, the bank must keep the pledged collateral free and clear of liens, security interests or encumbrances. The bank shall not release, assign, sell, mortgage, lease, transfer, pledge or grant a security interest in, encumber, substitute or

otherwise dispose of or abandon all or any part of the pledged collateral without the prior written authorization of the City and Borough.

57.25.050 Collateral valued at current market.

The City and Borough may accept the following types of collateral placed at current market value by a bank if that bank's valuation process is consistent with methods used in preparing its federal or state bank reports:

- (1) Obligations of, or obligations insured or guaranteed by, the United States or agencies or instrumentalities of the United States;
- (2) General obligation bonds and notes issued and insured or guaranteed by the state, or a political subdivision of the state;
- (3) Revenue bonds issued by the state or an agency or instrumentality of the state;
- (4) Revenue bonds issued by a political subdivision of the state which are rated A or its equivalent or higher by a nationally recognized rating service;
- (5) Corporate debt securities rated AA or its equivalent or higher by a nationally recognized rating service;
- (6) General obligation bonds issued by a state or a municipality in the United States other than the state, rated A or its equivalent or higher by a nationally recognized rating service;
- (7) The insured portion of a federally insured or guaranteed loan; or
- (8) Negotiable certificates of deposit issued by a rated bank.

57.25.060 Reserved.

57.25.070 Reserved.

57.25.080 Reserved.

57.25.090 Reserved.

57.25.100 Addition, substitution or change of collateral.

(a) The City and Borough reserves the right to review any and all collateral proposed or submitted by a bank to secure nonnegotiable certificates of deposit. If the City and Borough determines that the collateral does not meet the requirements of this chapter, or determines that City and Borough funds are not adequately secured by the collateral, the City and Borough may demand additional collateral or substitution of collateral.

(b) The bank must notify the City and Borough immediately, and confirm in writing within three business days, of any decline in value below required levels of its pledged collateral, and must immediately offer sufficient additional collateral, if:

(1) The value of the federally insured portion of nonnegotiable certificates of deposit pledged as collateral is less than the amount of principal and interest due upon maturity;

(2) Any collateral described in section 57.25.050 or section 57.25.060 pledged by the bank as collateral is no longer eligible as collateral.

57.25.110 Security agreements on collateral.

- (a) A bank issuing nonnegotiable certificates of deposit must enter into a security agreement with the City and Borough for all uninsured loans or collateral pledged.
- (b) The security agreement shall include all of the following terms and conditions:
 - (1) That the bank must assign its interest in the collateral to the City and Borough and must transfer the collateral within two days of a collateralized investment award;
 - (2) The security agreement shall specify the authority of the City and Borough to:
 - (A) Demand a substitution of collateral;
 - (B) Exercise assignment or other rights under the security agreement; and
 - (C) Take other action as provided under this chapter;
- (c) That the bank issuing the nonnegotiable certificates of deposit shall pay all costs and expenses associated with the depository agreement and the depository account.
- (d) All collateral pledged by a bank must be kept in depository accounts with another bank to be known as the trustee bank.
- (e) The City and Borough may accept the trustee bank in a tri-party agreement between the bank pledging collateral, the trustee bank and City and Borough. The tri-party agreement shall include all of the following terms and conditions:
 - (1) All those terms and conditions set forth in subsection (b) of this section;
 - (2) The City and Borough shall have control over pledged collateral submissions to and withdrawals from the depository account; and
 - (3) The trustee bank must send a depository receipt to the finance director promptly after the transfer or substitution of collateral.

57.25.120 Reports and access to records of banks bidding on or holding nonnegotiable certificates of deposits.

(a) *Reports required.* The following reports must be submitted to the City and Borough by banks bidding on or holding outstanding nonnegotiable certificates of deposits:

(1) A copy of the bank's balance sheet and profit and loss statement must be submitted within 45 days after the end of each fiscal quarter as follows:

(A) The financial statements must be prepared under generally accepted accounting principles; or

(B) The financial statements must be prepared under state or federal regulatory requirements, if the bank does not use generally accepted accounting principles;

(2) On or before the tenth day of each month, the bank must submit a report listing the then current principal balance of loans pledged as collateral. The report must be prepared as of the last day of the previous month and must be prepared as of the last day of the previous month and must be certificated by a bank officer.

(b) *Information available upon request.* Upon request by the City and Borough, the following information shall be made available by banks bidding on or holding outstanding nonnegotiable certificates of deposit:

(1) The originals or certified copies of any papers and instruments relating to any or all of the collateral pledged to secure the nonnegotiable certificates of deposit;

(2) Reports of examinations by state or federal agencies, and reports by the bank's independent auditors, to the extent not expressly prohibited by law;

(3) Upon seven days' notice, such other information as the City and Borough may require.

(c) *Access to information.* To the extent not expressly prohibited by law, the City and Borough shall have full access to, the right of inspection of, and the right to make extracts from, any records of the bank relating to all or any part of the collateral pledged to secure the nonnegotiable certificates of deposit.

57.25.130 Noncompliance.

(a) If a bank defaults in the payment of principal or interest due upon maturity of a nonnegotiable certificate of deposit for any investor, or fails to comply with the security, tri-party, or depository agreements provided for in this chapter, or otherwise fails to comply with the provisions of this chapter, the City and Borough may:

(1) Without penalty, call all or a portion of the nonnegotiable certificates of deposit issued by the bank;

(2) Sell, exchange, transfer, or otherwise dispose of the pledged collateral to recover the principal and interest due upon maturity of the nonnegotiable certificate of deposit and all costs incurred by the City and Borough as a result of such sale, exchange, transfer or disposal;

(3) Take other action available under the security, tri-party, or depository agreements; and

(4) Take such other action as may be available at law or equity.

(b) To the extent not expressly prohibited by law, the bank must indemnify and hold the City and Borough harmless from any forfeiture or loss of interest or other penalty or costs,

including attorney's fees, imposed upon or incurred by the City and Borough by reason of its early withdrawal of any or all nonnegotiable certificates of deposit issued by the bank.

57.25.140 Certificate of deposit restrictions.

After reviewing a bank's financial position and determining that a limit is necessary to ensure the safety of City and Borough funds, the City and Borough may limit any increase or award on all future certificates of deposits issued by that bank.

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: March 4, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AE)

An Ordinance Appropriating to the Manager the Sum of \$600,000 as Funding for the Bartlett Regional Hospital Rainforest Recovery Center Detox Addition Capital Improvement Project; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$1,300,000 for the BRH Rainforest Recovery Detox Addition CIP.

Section 3. Source of Funds

Bartlett Regional Hospital Fund's Fund Balance	\$600,000
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: March 4, 2019
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-12(B)

An Ordinance Appropriating and De-Appropriating Funds from the Treasury for FY19 School District Operations.

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

Section 2. Estimated Funding Sources. This Ordinance will make the following changes to the City and Borough of Juneau School District Operating Budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

Estimated Revenue	
State Support:	\$ 536,284
CBJ Transfers	
Operations:	\$ 122,714
Special Revenue:	\$ 140,000
Total Changes	\$ 798,998

Section 3. Appropriation. The following amounts are hereby changed for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

General Operations:	\$ 658,998
Kinder Ready Program:	\$ 140,000
Total Changes	\$ 798,998

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

Adopted this _____ day of _____, 2019.

 Beth A. Weldon, Mayor

Attest:

 Elizabeth J. McEwen, Municipal Clerk

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2846

A Resolution Repealing Resolution 2506 and Disbanding the Juneau Affordable Housing Commission.

WHEREAS, Resolution 2390 created the Juneau Affordable Housing Commission for a three-year term starting in January 2007, to identify opportunities that increase affordable housing; and

WHEREAS, in 2009, Resolution 2506 repealed the three-year limit of the Juneau Affordable Housing Commission and emphasized that affordable housing was a broad ranging issue for the community and its municipal government; and

WHEREAS, the Juneau Affordable Housing Commission, the Juneau Homeless Coalition, and community members have made substantial progress in identifying opportunities that increase affordable housing; and

WHEREAS, the community now has a Housing Action Plan to guide affordable housing opportunities; and

WHEREAS, the Assembly has created and funded the Chief Housing Officer position, which was a top priority of the Housing Action Plan to ensure affordable housing opportunities are identified and implemented in the community; and

WHEREAS, the community now has a Homelessness Coordinator at the CBJ, a winter emergency shelter, and an expanding 32-room housing and support services facility for some of the most chronically homeless community members; and

WHEREAS, the Assembly, upon recommendation by the Planning Commission, has provided for affordable housing opportunities by amending the zoning and land use regulations related to alternative residential subdivisions, energy efficiency improvements, street construction standards, shared access standards, administrative variances, and a subdivision regulation overhaul; and

WHEREAS, the Assembly has provided affordable housing opportunities by making land available for affordable housing development in the Pederson Hill Subdivision, Lena Point, and Renninger Subdivision; and

WHEREAS, the community now has area plans for Auke Bay and Lemon Creek, the community is developing an area plan for downtown Juneau, and more are programmed; and

WHEREAS, the community now has an accessory apartment grant program and a mobile home down payment assistance program; and

WHEREAS, the tasks previously assigned to the Juneau Affordable Housing Commission tasks can now be effectively managed by the Chief Housing Officer, the Community Development Department, the Planning Commission, and the Assembly.

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

Section 1. Repeal of Resolution. Resolution 2506 is hereby repealed.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 11/23/2009
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2506

A Resolution Reestablishing the Juneau Affordable Housing Commission for the Purpose of Removing the Sunset Date, and Repealing Resolution 2390.

WHEREAS, there is a public need for affordable housing in Juneau, housing for which a household pays no more than thirty percent of its gross income; and

WHEREAS, there is a public need to eliminate homelessness in this community; and

WHEREAS, the Assembly acknowledges the continued work of the Affordable Housing Commission and the Juneau Homeless Coalition; and

WHEREAS, affordable housing is not an isolated issue and should be considered in many aspects of the community and its municipal government; and

WHEREAS, there is expertise in the community willing to volunteer to work on these important issues; and

WHEREAS, the Assembly would like to tap that expertise and put it to work to identify and pursue public and private funding opportunities, advise the Assembly, and identify and advocate for regulatory, procedural and legal action in support of affordable housing; and

WHEREAS, the Assembly originally established the Juneau Affordable Housing Commission on January 8, 2007, through the adoption of Resolution 2390, with a three-year sunset date of January 31, 2010; and

WHEREAS, the Juneau Affordable Housing Commission finds that the work of the Commission needs to continue indefinitely; and

WHEREAS, at its meeting on November 2, 2009, the Human Resources Committee reviewed Resolution 2506 and recommended that it be forwarded to the Assembly for adoption.

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

Section 1. Affordable Housing Commission Reestablished. There is hereby reestablished the Affordable Housing Commission.

Section 2. Membership. The commission shall consist of nine members appointed by the Assembly to serve for three-year staggered terms; provided the terms of the initial commission members shall be as follows:

- (a) 3 members shall be appointed for a three-year term;
- (b) 3 members shall be appointed for a two-year term;
- (c) 3 members shall be appointed for a one-year term.

Commission members serving at the time of the adoption of this resolution shall serve out their terms.

The commission membership shall be drawn from the public, with appropriate expertise including, but not limited to, homelessness issues, land management, real estate, construction, financial, taxation, permitting, and energy and environmental efficiency to be appointed by the Assembly based on the recommendation of the Human Resources Committee.

The commission may also include non-voting liaison members from the Juneau Homeless Coalition and other agencies of similar expertise, as needed.

Section 3. Duties. The commission shall make recommendations to the CBJ Assembly through the Lands Committee, on all aspects of affordable housing.

Section 4. Staff Liaison. The Manager shall designate a staff liaison to the Commission.

Section 5. Procedure. The commission shall operate pursuant to the CBJ Advisory Board Rules of Procedure, as such may be amended from time to time.

Section 6. Repeal of Resolution. Resolution 2390 is hereby repealed.

Section 7. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this day of 2009.

Bruce Botelho, Mayor

Attest:

Laurie J. Sica, Clerk

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2848

**A Resolution Authorizing the Manager to Convey an Access Easement
at Chicken Yard Park as Part of a Settlement Agreement.**

WHEREAS, the City and Borough of Juneau (CBJ) acquired Chicken Yard Park in 1950, which is located near 635 Sixth Street in Juneau, and also described as Lots 5 and 6, Block 113, Juneau, Alaska; and

WHEREAS, legal vehicle access to an adjacent property located at 626 Fifth Street, and also described as Lot 3 and part of Lot 4, Block 113, Juneau, Alaska, has been uncertain for a number of years; and

WHEREAS, the current property owners of 626 Fifth Street alleged they had lawful vehicle access through Chicken Yard Park because of an easement by prescription, easement by estoppel, inquiry notice, and that the CBJ was exposed to an inverse condemnation claim if the CBJ prohibited vehicle access; and

WHEREAS, instead of litigating in court, the parties negotiated their positions, and the Manager brought various options to the Parks and Recreation Advisory Committee, the Assembly Lands Committee, and the Planning Commission for review and comment; and

WHEREAS, the Manager and the property owners were able to reach a tentative settlement agreement with the following essential terms:

The CBJ would:

- Construct two parking spaces at the entrance to Chicken Yard Park;
- Grant to the owners of 626 Fifth Street an exclusive easement to use these parking spaces (no public parking will be provided in the park);
- Grant to the owners of 626 Fifth Street non-exclusive use of a driveway to access the parking spaces;
- Grant to the owners of 626 Fifth Street non-exclusive pedestrian access through the park to their home;
- These access rights run with 626 Fifth Street; and

- Provide a one-time payment totaling \$5,000.00.

The owners of 626 Fifth Street would:

- Disclaim all current and future interests in Lots 5 and 6 (known as Chicken Yard Park), including any claim of access through prescriptive easement. This disclaimer of interest would carry forward to all future owners of 626 Fifth Street; and
- Be responsible for all maintenance of the parking spaces.

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

Section 1. Easement Authorization. The Manager is authorized to negotiate and execute the parking and access easement identified above to the owners Lot 3 and part of Lot 4, Block 113, Juneau, Alaska. The easements shall be subject to the essential terms and conditions outlined in Section 2, below.

Section 2. Essential Terms and Conditions.

- 1) The CBJ grants two parking spaces at the entrance to Chicken Yard Park;
- 2) All the easements are perpetual and run with the land owned by the owners of 626 Fifth Street;
- 3) The CBJ grants the owners of 626 Fifth Street an exclusive easement to use these parking spaces;
- 4) The CBJ grants the owners of 626 Fifth Street non-exclusive use of a driveway to access the parking spaces;
- 5) The CBJ grants the owners of 626 Fifth Street non-exclusive pedestrian access through the park to their home;
- 6) The CBJ provides a one-time payment of \$5,000.00;
- 7) The CBJ intends to improve and construct the parking spaces with the upcoming Capital Improvement Program work at Chicken Yard Park before the end of 2020;
- 8) The owners of 626 Fifth Street disclaim all current and future interests in Lots 5 and 6 (known as Chicken Yard Park), including any claim of access through prescriptive easement. This disclaimer of interest carries forward to all future owners of 626 Fifth Street; and

- 9) The owners of 626 Fifth Street are responsible for all maintenance of the parking spaces.
- 10) The Manager may include other terms and conditions deemed to be in the public interest.

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2849

A Resolution Authorizing the Manager to Convey Easements to the Alaska Department of Transportation and Public Facilities for Culvert Replacement and Rehabilitation Along Glacier Highway in the Twin Lakes Area.

WHEREAS, the State of Alaska Department of Transportation and Public Facilities (DOT&PF) has submitted an application to the Lands and Resources Office for the Twin Lakes Drive-Lemon Road culvert rehabilitation project; and

WHEREAS, the DOT&PF will be replacing and rehabilitating culverts and is requesting that the City and Borough of Juneau (CBJ) grant two temporary access easements, four permanent easements, and a temporary construction easement; and

WHEREAS, the Manager received an application requesting the following permanent and temporary easements:

Permanent easements:

E-5: A portion of Alaska Tidelands Survey 868, Records of the Juneau Recording District, First Judicial District, State of Alaska totaling 218 square feet

E-5A: A portion of Alaska Tidelands Survey 868, Records of the Juneau Recording District, First Judicial District, State of Alaska totaling 345 square feet

E-5D: A portion of Alaska Tidelands Survey 868, Records of the Juneau Recording District, First Judicial District, State of Alaska totaling 469 square feet

E-5E: A portion of Alaska Tidelands Survey 868, Records of the Juneau Recording District, First Judicial District, State of Alaska totaling 223 square feet

Temporary easements:

TAE-2: Portions of United States Survey 1861 and Alaska Tidelands Survey 868 according to the official plats thereof, Juneau Recording District, State of Alaska. Said temporary access easement contains 2,707 square feet

TAE-5: A portion of Alaska Tidelands Survey 868 according to the official plats thereof, Juneau Recording District, State of Alaska. Said temporary access easement contains 16,372 square feet

TCE-12: A portion of United States Survey 1210 according to the official plat thereof, Juneau Recording District, First District, State of Alaska. Said temporary access easement contains 487 square feet

WHEREAS, the permanent easements are being requested to correct existing easements where the culverts extend beyond the recorded easements; and

WHEREAS, the temporary easements are being requested to provide access which will allow persons and equipment to traverse the area to and from the culvert that is being improved; and

WHEREAS, temporary construction easements are functional areas adjacent to requested permanent easements that allow for the DOT&PF to perform activities associated with installation and repairs of culverts during construction; and

WHEREAS, the DOT&PF is required to identify the fair market value of any property interest that must be acquired in relation to projects and has included market valuations with the updated application submitted on December 13, 2018; and

WHEREAS, the market value of the easements is \$2,750.00; and

WHEREAS, on October 11, 2018, the Lands Committee passed a motion of support for the easements to be granted to DOT&PF for fair market value; and

WHEREAS, on January 22, 2019, the Planning Commission forwarded a recommendation to grant the easements to DOT&PF, at market value.

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

Section 1. Easement Authorization. The Manager is authorized to negotiate and execute the four permanent easements and two temporary easements and one construction easements identified above, and depicted in Exhibit A, to the Alaska Department of Transportation and Public Facilities. The easements shall be subject to the essential terms and conditions outlined in Section 2, below.

Section 2. Terms and Conditions.

- 1) The four permanent easements shall be perpetual.

- 2) The temporary construction easement and two temporary access easements shall expire on December 31, 2024, or upon completion of the project unless extended in writing and approved by the Manager.
- 3) The easements are not exclusive. The CBJ may grant other overlapping easements.
- 4) The DOT&PF is responsible for construction and maintenance of any improvements.
- 5) The CBJ reserves the right of public access along the easements.
- 6) The DOT&PF shall provide an as-built survey of the easements once construction is complete.
- 7) The DOT&PF shall obtain all authorizations and permits necessary for construction.
- 8) All CBJ property subject to a temporary easement shall be returned to its original condition after construction is complete unless waived in writing by the Manager.
- 9) DOT&PF shall pay the CBJ fair market value for the easements as follows, which total \$2,750.00.
 - a. \$650.00: E-5, E-5A, E-5D and E-5E
 - b. \$300.00: TAE-2
 - c. \$1,700.00: TAE-5
 - d. \$100.00: TCE-12.

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

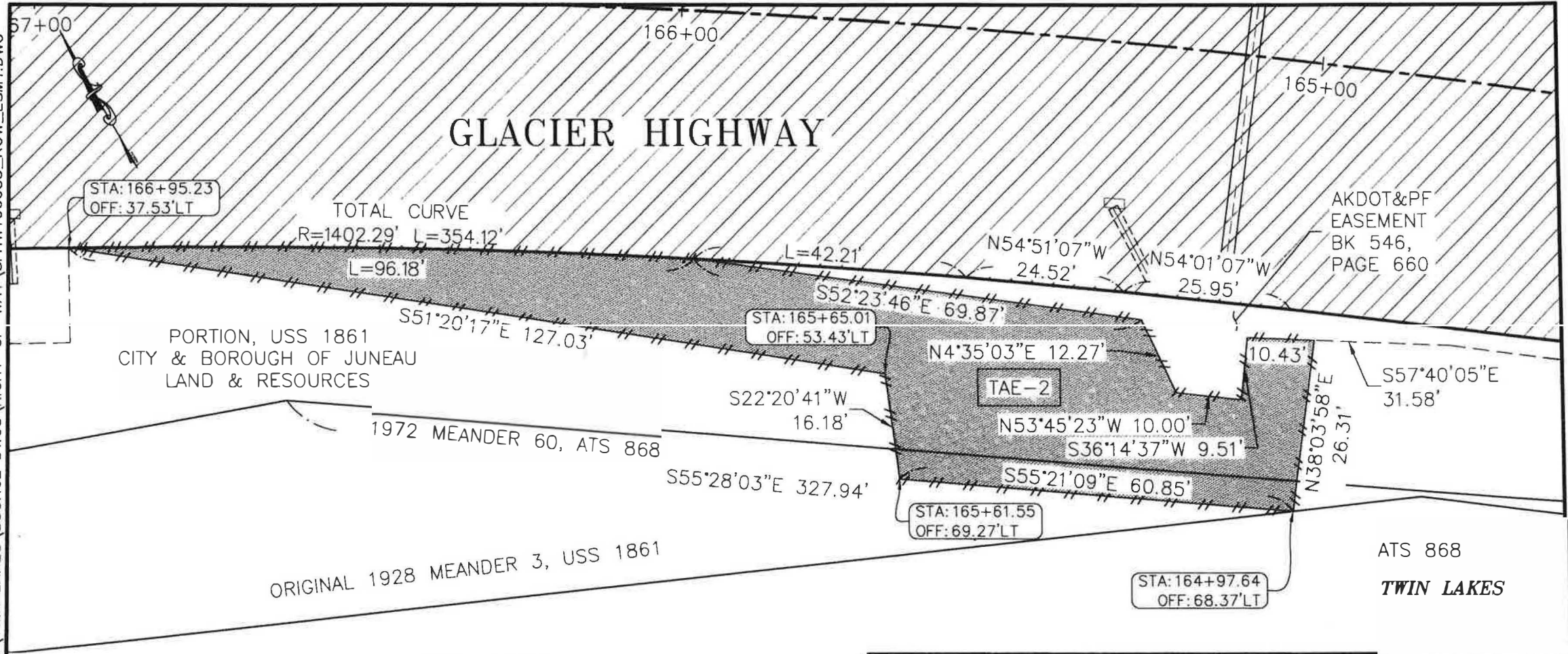
Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

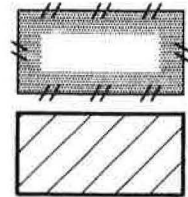
Attest:

Elizabeth J. McEwen, Municipal Clerk

Q:\JNU\SFHWY00083\RW\TWIN LAKES\SOURCE DWGS\RIGHT-OF-WAY\SFHWY00083_ROW_ESMT.DWG



AKDOT&PF
EASEMENT
BK 546,
PAGE 660



PARCEL REQUIRED
EXISTING RIGHT OF WAY

NOTE: STATION & OFFSET SHOWN HEREON ARE REFERENCED TO THE DESIGN CENTERLINE DEPICTED IN AKDOT&PF PROJECT RS-M-0955(8), RECORDED AS PLAT 2001-34, JUNEAU RECORDING DISTRICT

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY REQUIRED FOR JNU GLACIER HWY/TWIN LAKES DR- LEMON RD CULVERT ASSESSMENT	
OWNER'S INITIAL: _____		0955(019)/SFHWY00083	
ATTACHED TO: _____		PARCEL NO. <u>TAE-2</u> DATE: <u>08/22/2018</u>	
PAGE ____ OF ____ DATE: _____		AREA PARCEL: <u>2707 S.F.</u> SCALE: <u>1"=20'</u>	
DRAWN BY: <u>RJG</u> CHECKED BY: <u>Dml</u>		TOTAL LOT: <u>25177 S.F.</u> SHEET <u>1</u> OF <u>1</u>	

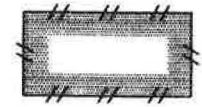
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NOTE: STATION & OFFSET SHOWN HEREON ARE REFERENCED TO THE DESIGN CENTERLINE DEPICTED IN AKDOT&PF PROJECT RS-M-0955(8), RECORDED AS PLAT 2001-34, JUNEAU RECORDING DISTRICT

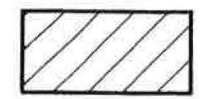
ATS 868
CITY & BOROUGH
OF JUNEAU LANDS
AND RESOURCES

ATS 868
CITY & BOROUGH
OF JUNEAU LANDS
AND RESOURCES

Line Table		
Line #	Length	Direction
L1	68.15'	S20°20'51"E
L2	69.50'	S34°17'04"E
L3	17.89'	S30°17'07"E
L4	19.38'	S50°21'57"E
L5	42.12'	S38°04'15"E
L6	107.06'	S49°47'23"E
L7	63.85'	S62°41'38"E



PARCEL REQUIRED



EXISTING RIGHT OF WAY



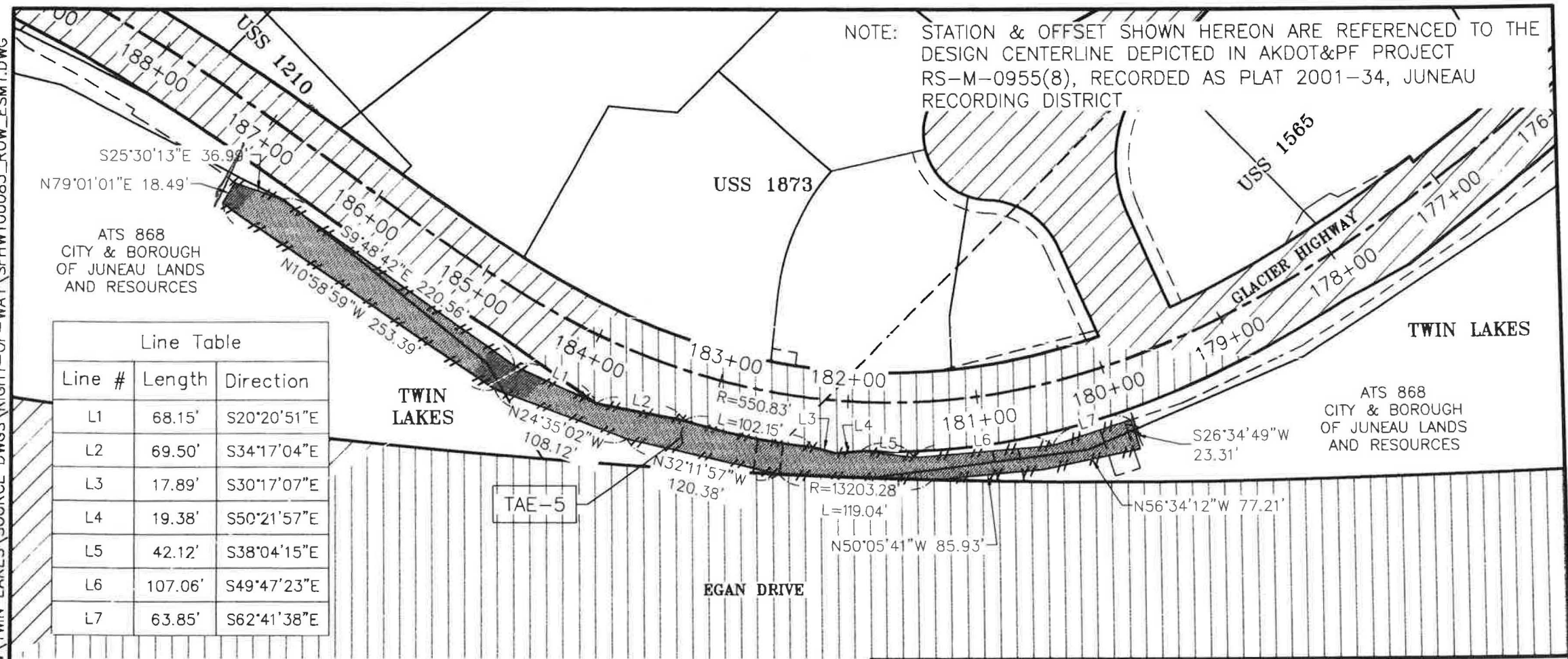
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

OWNER'S INITIAL: _____
ATTACHED TO: _____
PAGE ____ OF ____ DATE: _____
DRAWN BY: RJG CHECKED BY: [Signature]

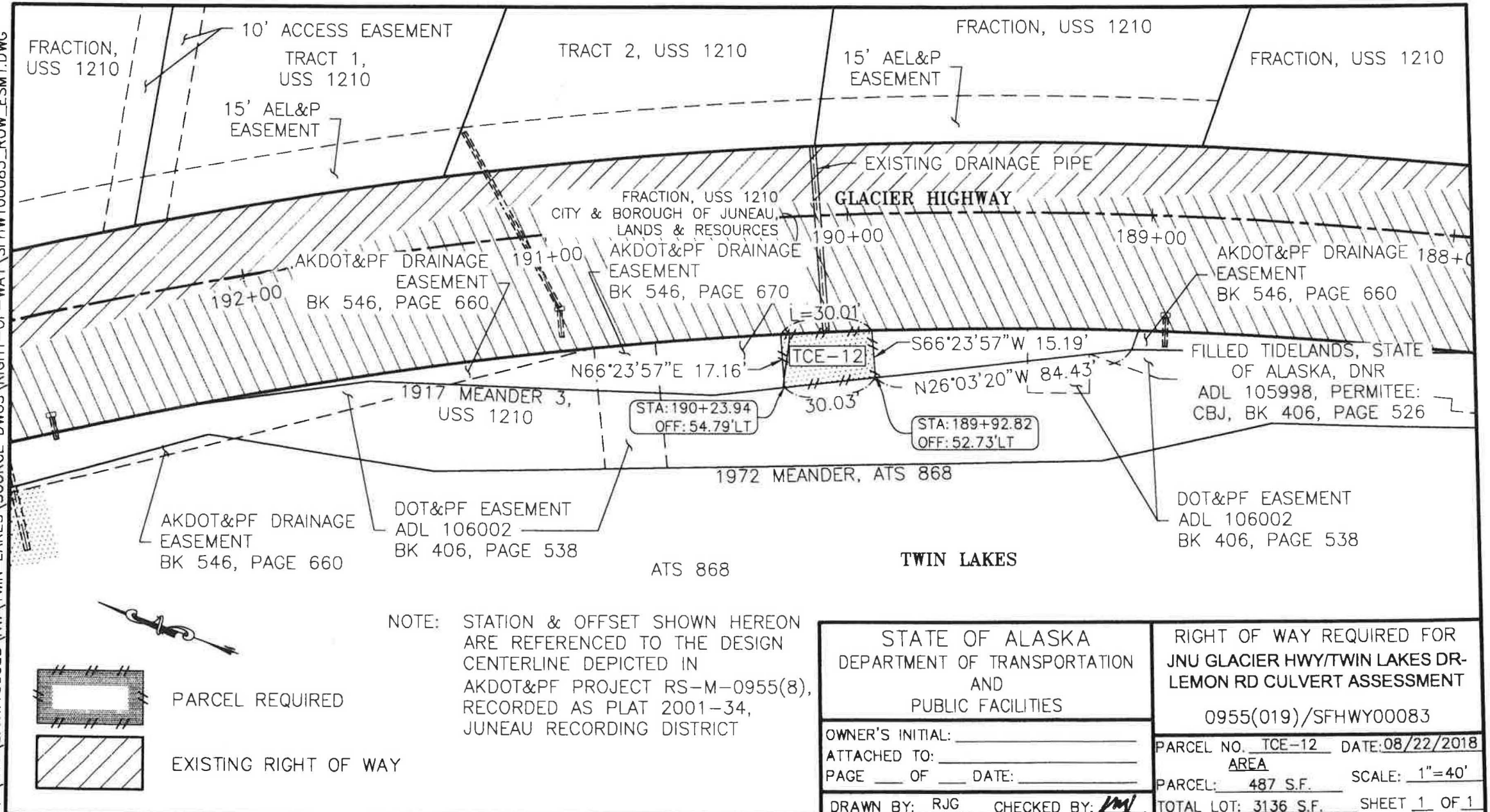
RIGHT OF WAY REQUIRED FOR
JNU GLACIER HWY/TWIN LAKES DR-
LEMON RD CULVERT ASSESSMENT

0955(019)/SFHWY00083

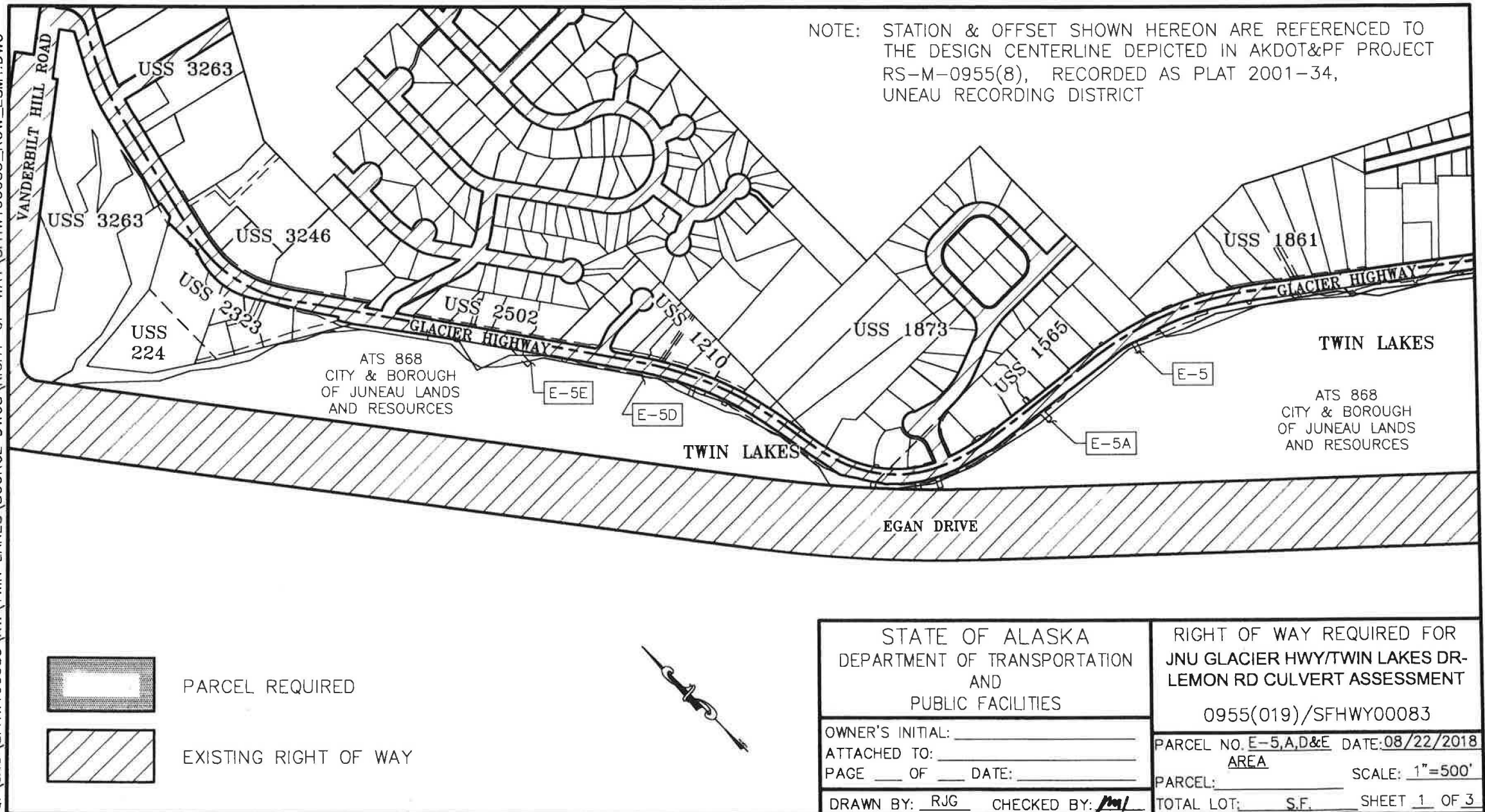
PARCEL NO. TAE-5 DATE: 08/22/2018
AREA
PARCEL: 16372 SF SCALE: 1"=100'
TOTAL LOT: _____ S.F. SHEET 1 OF 1



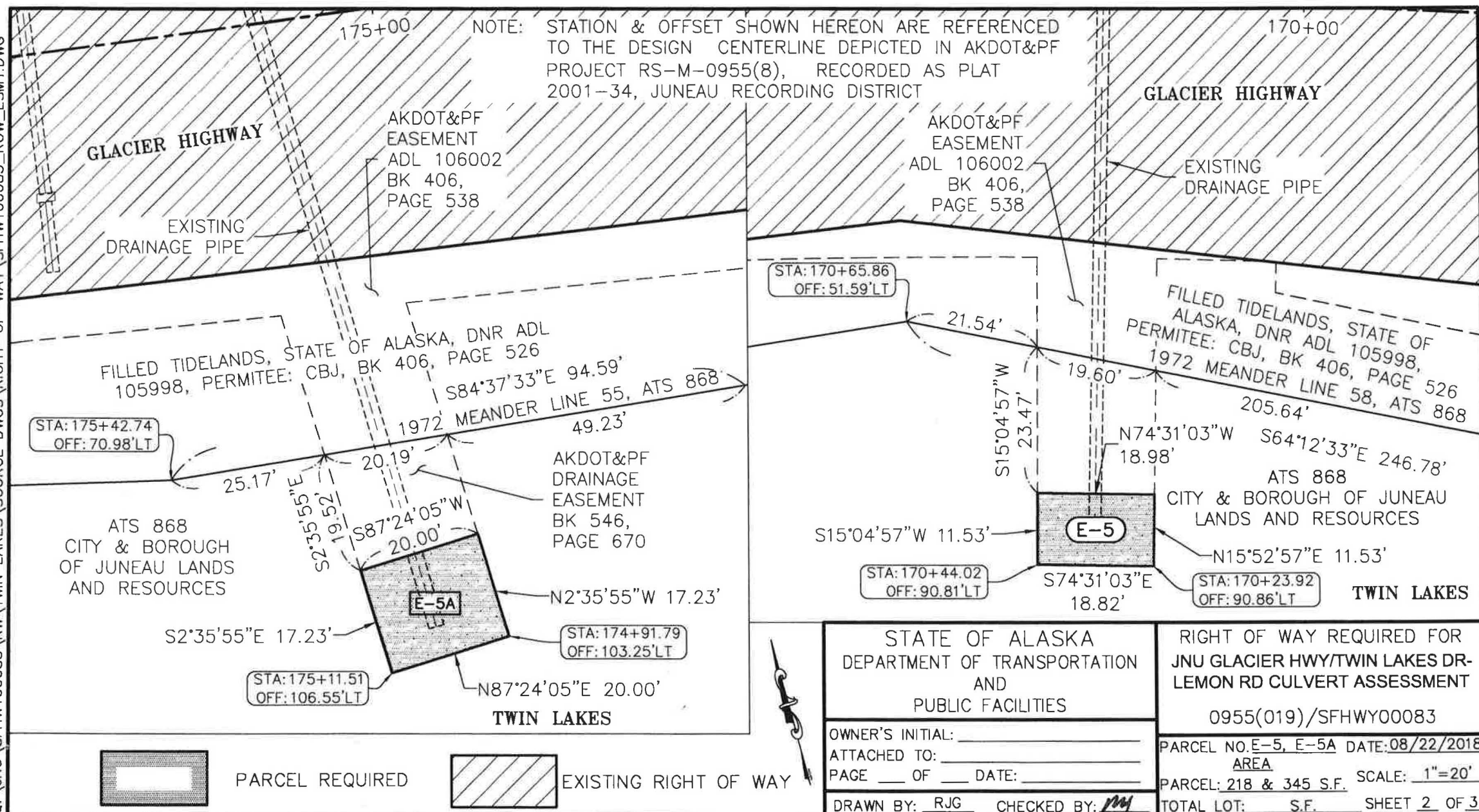
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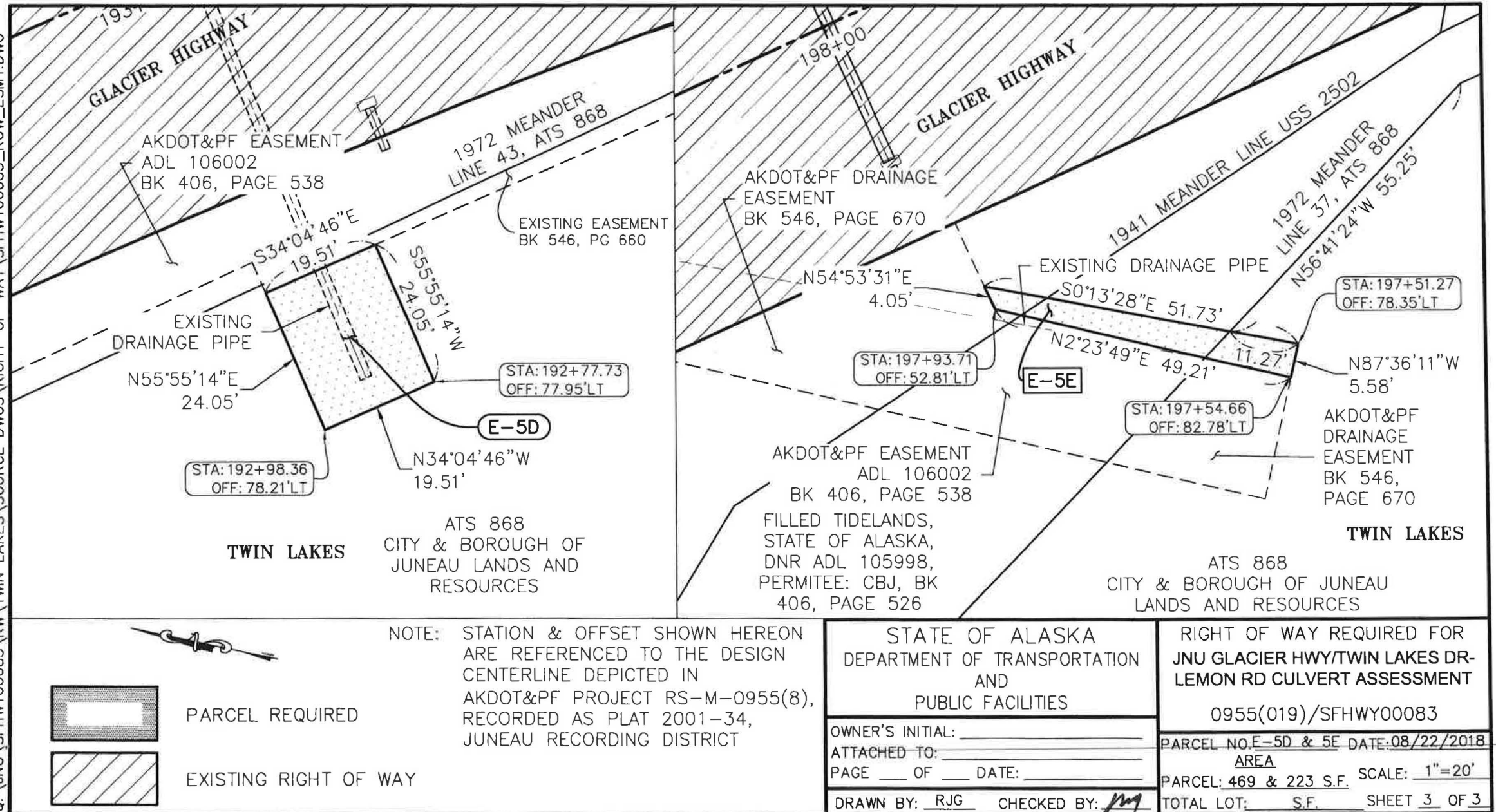
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O:\JNU\SFHWY00083\RW\TWIN LAKES\SOURCE DWGS\RIGHT-OF-WAY\SFHWY00083_ROW_ESMT.DWG





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

February 5, 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:	2533
Licensee:	Jack D and Arlene D Tripp		
Doing Business As:	Viking Restaurant & Lounge		

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

January 22, 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 – Seasonal	License Number:	3720
Licensee:	Goldbelt Aerial Tramway, LLC		
Doing Business As:	Timberline Bar & Grill		

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

January 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:	2641
Licensee:	Saffron, LLC		
Doing Business As:	Saffron		

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

January 10, 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:	Package Store	License Number:	828
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Thibodeaus Douglas Depot		

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: February 11, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AD)

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

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 \$1,300,000 for the BRH Pharmacy Cleanroom Renovation CIP.

Section 3. Source of Funds

Bartlett Regional Hospital Fund's Fund Balance	\$1,300,000
--	-------------

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



MEMORANDUM

DATE: February 26, 2019
 TO: Assembly
 FROM: Robert H. Palmer III, Municipal Attorney
 SUBJECT: Guidance for Mayor and Manager to Travel on the Inaugural NCL Joy cruise.

The Assembly has discretion on March 4 to authorize two municipal officials to travel on the inaugural cruise of the Joy. The following provides guidance on the conflict of interest issue.

General Rule, CBJ 01.45.020(a): A municipal officer is prohibited from accepting a gift, including travel and hospitality, “under circumstances in which it could reasonably be inferred that the gift is intended to influence the officer in the performance of the officer's official duties or constitutes a reward for any official action by the officer.”

Travel Exception, CBJ 01.45.020(b): A municipal officer can accept an offer of travel if the following four items are answered in the affirmative:

- (1) The benefits to the public resulting from the travel clearly outweigh the detriment caused by the absence of the officer;
- (2) The nature and extent of the transportation and hospitality provided to the officer is economical, businesslike and necessary;
- (3) The officer is not eligible to take personal leave during the travel; and
- (4) The officer submits a pre-travel request and post-travel report for approval by the body of which he or she is a member or, in the case of employees, the City and Borough Manager.

If the Assembly decides that any one of those items cannot be answered in the affirmative, then the Assembly must deny the travel. Or, the Assembly may deny the travel for any reason or no reason at all.

Context: Norwegian Cruise Lines has invited the Mayor and the City Manager to go on the inaugural U.S. cruise of the Norwegian Joy from Vancouver BC to Los Angeles on April 26-29, 2019. The Joy is a Breakaway-Plus class ship (similar to the Bliss) that is being deployed to the Alaska market. NCL has invited representatives from other west coast ports to participate on this cruise. NCL’s purpose for the inaugural cruise is to generate positive attention to the deployment of the ship to the western North American market.

The potential benefit of sending the Manager and the Mayor would be the opportunity to meet with executive representatives of Norwegian Cruise Lines and public officials from other west coast US port communities. The Mayor and Manager could learn about the regulatory structures, fee structures, services provided, and community issues in those other ports.

As the relationship between CBJ (and other ports in Southeast Alaska) has been harmed by the ongoing litigation with CLIAA, there may be public benefit to having our local officials better understand the specific viewpoint, plans, and strategies of one of the member lines of CLIAA. (March 26 is the litigation deadline for attorney fees and notice of appeal, if any.).

The potential detriment of sending the Manager and the Mayor would be the possible negative public perception of sending local officials on what could be perceived as an unnecessary excursion and the potential negative public perception that the Mayor and the Manager would be unduly influenced by the trip. NCL has established a value of \$99 for guests who cannot accept the free offer or those that prefer to pay for the cruise.

CBJ 01.45.020 - Gifts.

- (a) No municipal officer shall, directly, or indirectly, solicit or accept any gift to the officer's benefit, whether in the form of money, service, loan, travel, entertainment, hospitality, promise, or otherwise under circumstances in which it could reasonably be inferred that the gift is intended to influence the officer in the performance of the officer's official duties or constitutes a reward for any official action by the officer.
- (b) Travel, even if intended to influence an officer, shall not be regarded as a gift to the officer's benefit if:
 - (1) The benefits to the public resulting from the travel clearly outweigh the detriment caused by the absence of the officer;
 - (2) The nature and extent of the transportation and hospitality provided to the officer are economical, businesslike and necessary;
 - (3) The officer is not eligible to take personal leave during the travel; and
 - (4) The officer submits a pre-travel request and post-travel report for approval by the body of which he or she is a member or, in the case of employees, the City and Borough manager.
- (c) Any officer who accepts a gift having a value in excess of \$50.00 shall report such gift to the officer's supervisor if the officer may take or withhold action that affects the giver. The supervisor shall forward a copy of the report to the City and Borough attorney who shall maintain the report in a public file. As used in this section, "gift" includes any series of gifts from the same donor within any 12-month period, other than meals reciprocated by the officer.
- (d) Violation of this section is a Class B misdemeanor.



Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Kenneth R. West
Direct Dial (202) 467-8814
Direct Fax (202) 533-9009
Email krwest@vorys.com

Packet Page 79 of 117
1909 K Street NW, Suite 900
Washington, D.C. 20006-1152

CBJ CLERK

202.467.8800 | www.vorys.com

Founded 1909

FEB 15 2019

RECEIVED

February 13, 2019

VIA COURIER

City and Borough of Juneau
Office of the Municipal Clerk
155 S. Seward Street, Room 202
Juneau, AK 99801

Re: Notice of Appeal
Juneau I VOA LLC, Juneau II VOA LLC and Intrepid VOA LLC

Dear Sir / Madam:

Please find enclosed in accordance with CBJ 01-50 of the Municipal Appellate Code, the Notice of Appeal of the Decision of the Assessor dated February 1, 2019 and a firm check in the amount of \$500.00 in satisfaction of the filing fee. The Decision of the assessor is attached to the Notice of Appeal as Schedule "A". The notarized statement of representation is attached as Schedule "B".

Very truly yours,

Kenneth R. West

KRW/ris
Enclosure



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: city.clerk@juneau.org

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.¹ Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

☒ Agency Appealed From:

Office of the Assessor for the City and Borough of Juneau

☒ Description and Date of Decision:

The Assessor's decision, dated February 1, 2019, denied requests for real property tax exemption pursuant to Alaska Statute 29.45.030 (a)(3), which provides exemption for "property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes." Terraces at Lawson Creek (owned by Juneau I VOA LLC, Juneau II VOA LLC and Intrepid VOA LLC) is appealing the Assessor's decision pursuant to CBJC 15.05.041 and 15.05.160, which provides for an appeal period of 30 days from the date of the decision

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

☒ Party Filing Appeal

Terraces at Lawson Creek, owned by
Juneau I VOA LLC, Juneau II VOA LLC and
Intrepid VOA LLC

Mailing Address

1660 Duke Street
Alexandria, VA 22314

Telephone

703.341.5089

Fax

Email

cfitzgerald@voa.org

☒ Parties Who Won the Decision Appealed

Robin Potter
Assessor for the City and Borough of Juneau

Mailing Address

155 S. Seward St., Rm 114
Juneau, AK 99801

Telephone

907.586.5220

Fax

907.586.4520

Email

robin.potter@juneau.org

¹ 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
- (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
- (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.

(b) The burden of proof is on the appellant. (Serial No. 92-36

☐ 2 (part), 1992).

-over-

CBJ CLERK

FEB 15 2019

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2016 - Appeal Form
Page 2 of 2

Issues on Appeal²

Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

- 1) The Assessor's decision erroneously concludes that the property (identified as parcels 2D040C050073 and 2D040C050075) fails to qualify as being used exclusively for charitable purposes because "the Articles of Incorporation [do not] include any charitable program or purpose statements to establish the purpose of the organization as charitable." The property is owned by limited liability companies with operating agreements rather than by corporations with articles of incorporation. The operating agreements set forth the charitable purpose and use of the properties.
- 2) The Assessor's decision draws an erroneously as to the definition of "tax exempt use" within the Code by the Internal Revenue Service ("IRS"), as referenced in the operating agreements of Juneau I VOA LLC and Juneau II VOA LLC, as support for denying the requested real property tax exemption pursuant to Alaska Statute 29.45.030(a)(3). The IRS definition of "tax exempt use" is not controlling with regard to determining real property tax exemption for under Alaska Statute 29.45.030(A)(3).
- 3) The Assessor's decision failed to recognize that the properties are operated in a manner that furthers the charitable purposes of providing decent, safe, sanitary, and affordable housing for low-income persons and families (including the elderly or physically handicapped, as applicable) as set forth in sections 1.06 of the operating agreements of Juneau I VOA LLC and Juneau II VOA LLC.
- 4) The Assessor's decision fails to account for the overarching, charitable purposes of the beneficial owner, Volunteers of America National Services, Inc.
- 5) the Assessor's decision erroneously denied real property tax exemption for the subject property pursuant to Alaska Statute 29.45.030(a)(3) without any legal reasoning or analysis. Specifically, the Alaska Supreme Court in Dena Nena Henash, 88 P.3d at 130, set forth a two-part analysis: "first, whether there is a nonprofit, charitable purpose, and second, whether the property is being exclusively used for an exempt purpose.

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

The Appellants respectfully requests the Assembly to grant the requested real property tax exemption pursuant to Alaska Statute 29.45.030(a)(3) or, alternatively, remand the matter back to the Assessor for further consideration.

The Appellants respectfully requests that the Clerk place this matter on hold pending a determination of prior year appeals at the Superior Court.



Signature

2/13/19

Date

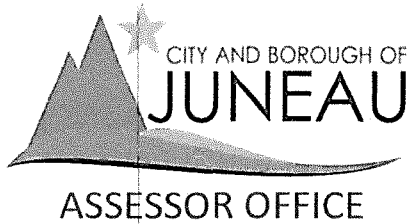
If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

KENNETH R. WEST

201.50.030(b)(5) COMMENCEMENT OF ACTION.

The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.

-over-



Address: 155 Municipal Way, Juneau, AK 99801
Phone: 907-586-5220, Fax: 907-586-4520

February 1, 2019

RE: 2019 exemption applications for VOA parcels 2D040C050073 and 2D040C050075

Dear Ms. Houston,

I received the non-profit applications you submitted for the two parcels listed above.

My decision is to deny both applications for 2019 based on the final decision in 2018-1 VOA v. CBJ Assessors, dated January 17, 2019 and adopted by the Assembly on January 28, 2019.

Regards,

Robin Potter ACAA V

Assessor, Finance Department

City & Borough of Juneau

155 S. Seward Street

Juneau, AK 99801

907.586.0333

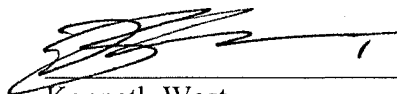
http://www.juneau.org/financeftp/assessor_main.php

cc: Teresa Bowen CBJ attorney

Beth McEwen CBJ city clerk

STATEMENT OF REPRESENTATION

Vorys, Sater, Seymour and Pease, LLP and Kenneth West are authorized legal representatives of Juneau I VOA LLC, Juneau II VOA LLC and Intrepid VOA LLC.



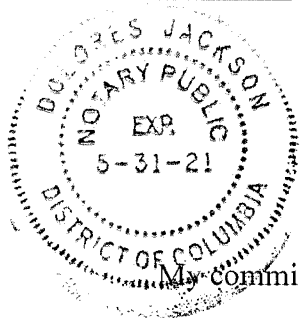
Kenneth West
Vorys, Sater, Seymour and Pease, LLP
1909 K Street, N.W., 9th Floor
Washington, D.C. 20006
(202)-467-8800
Kwest@vorys.com

ACKNOWLEDGEMENT

DISTRICT OF COLUMBIA

)
) ss:
)

The foregoing instrument was acknowledged before me this 13th day of February, 2019 by Dolores Jackson.





Notary Public

DOLORES JACKSON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31, 2021

My commission expires: May 31, 2021

VORYS, SATER, SEYMOUR AND PEASE LLP

Check Date

Check No.

02/12/19

Packet Page 84 of 117
20177529

Reference	Voucher No.	Invoice Date	Invoice No.	Description	Net Amount
RUSH R. SHERMAN	66041	02/11/19	01	CRINV Fee to file Notice of	500.00
TOTAL					500.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND-NOT A WHITE BACKGROUND

VORYS, SATER, SEYMOUR AND PEASE LLP

56-389
412

1909 K Street NW, Suite 900

Washington, D.C. 20006

Vendor Payables Account

Check Date

02/12/19

Check No.

20177529

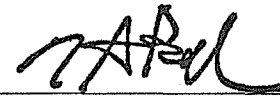
PNC Bank, N.A. . 070
Ashland, Ohio

PAY FIVE HUNDRED AND 00/100 Dollars

\$*****500.00

TO THE
ORDER OF

CITY AND BOUROUGH OF JUNEAU (CBJ)
THE OFFICE OF MUNICIPAL CLERK
155 S SEWARD STREET ROOM 202
JUNEAU, AK 99801



AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK-HOLD AT AN ANGLE TO VIEW

⑈20177529⑈ ⑆041203895⑆ 4239714206⑈

CBJ CLERK

FEB 15 2019

RECEIVED



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202

Phone: (907)586-5278 Fax: (907)586-5385

eMail: Laurie_Sica@ci.juneau.ak.us

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals. Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$250.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

- ☐ Agency Appealed From: Planning Commission
- ☐ Description and Date of Decision: Decision of Planning Commission dismissing appeal n APL 2018 0003 dated January 28, 2019

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

- | | | | | |
|--|---|-----------|-----|---------------|
| ☐ Party Filing Appeal | Mailing Address | Telephone | Fax | Email |
| Harris Homes, LLC | c/o Gruening & Spitzfaden, P.O. Box 33259 | 586-8110 | | spitz@gci.net |
| ☐ Parties Who Won the Decision Appealed | Mailing Address | Telephone | Fax | Email |
| CBJ Community Development Department | 155 South Franklin St. Juneau, AK 99801 | 586-5242 | | |

2002 - Appeal Form
Page 2 of 2

Issues on Appeal¹

Concisely describe the errors in the decision appealed. Do not argue them: argument will be heard later.

See attached.

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

Order overturning dismissal and reinstating the appeal

Certificate of Representation: Robert S. Spitzfaden certifies he is counsel for and represents Harris Homes, LLC.


Signature

2-11-19
Date

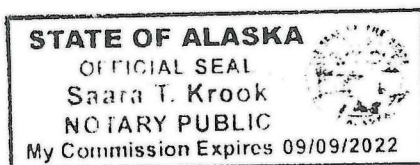
If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

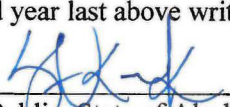
NOTARY

STATE OF ALASKA)
 : ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 11 day of February 11, ²⁰¹⁹~~2014~~, personally appeared before me Robert S. Spitzfaden, to me known to be the person who executed the foregoing Certificate of Representation, freely and voluntarily.

GIVEN UNDER MY HAND and official seal the day and year last above written.




Notary Public, State of Alaska
My commission expires: 09/09/2022

1 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
 - (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
 - (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
- (b) The burden of proof is on the appellant. (Serial No. 92-36 □ 2 (part), 1992).1

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Issues On Appeal

Harris Homes, LLC provides the following issues on appeal to the Assembly:

1. The Planning Commission erred in determining the appeal of USE 2011 0015 (herein the Appeal) was moot.
2. The Planning Commission erred in not determining it was reasonable to be expected that the behavior at issue could be expected to occur.
3. The Planning Commission erred in not determining that the public interest exception to mootness applied so that the Appeal should not have been dismissed.
4. The Planning Commission erred in not determining that CDDD was estopped to raise the mootness issue because it had already accepted the Appeal before CDDD raised the mootness issue.
5. The Planning Commission/Hearing Officer erred in allowing CDDD to file a reply brief and refusing to allow Harris Homes, LLC to file a supplemental brief addressing the CDDD's reply brief.
6. The Planning Commission erred in determining it had no jurisdiction over the Appeal.
7. The Planning Commission erred in determining appeal items 1,2,3, and 5 were advisory.
8. The Planning Commission erred in determining appeal item 4 is moot, there was no public interest in resolving appeal item 4, and a recently passed City ordinance mooted appeal item 4.
9. The Planning Commission erred in determining a recently passed City ordinance mooted appeal item 4 without providing Harris Homes notice and an opportunity to be heard on the issue.

Bob Spitzfaden

From: Brenwynne Grigg <Brenwynne.Grigg@juneau.org>
Sent: Tuesday, January 29, 2019 4:26 PM
To: Rich Harris; Bob Spitzfaden; Jill Maclean; Jane Mores
Cc: Teresa Bowen
Subject: Recording of Decision on APL18-03
Attachments: 2019_0128_Special PC Meeting to Dismiss Appeal (2).mp3

Hello all,

Per the request of Mr. Harris, I am distributing the recording of the decision from the Special Planning Commission meeting, held on January 28, that met to decide the issue of whether or not to dismiss APL2018 0003, Harris Homes, LLC vs. CDD.

Have a good evening,

Brenwynne Grigg | Administrative Officer

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0766 | Cell: 907.723.8072



BEFORE THE PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU

HARRIS HOMES, LLC	)	
Appellant,	)	
	)	
vs.	)	
	)	APL2018 0003
CITY AND BOROUGH OF JUNEAU,	)	
COMMUNITY DEVELOPMENT	)	Appeal of:
DEPARTMENT DIRECTOR	)	
	)	USE2011 0015
	)	CDD Director Decision,
	)	dated 7/10/18

Transcript of Planning Commission Dismissing Appeal

Back as the Board of Adjustment

Do we have a Motion?

I would make the motion that we grant the motion to dismiss appeal 2018-003 Harris Homes v. CBJ-CBD Director

I make the motion on the grounds that appeal items 1, 2, 3, and 5 are purely advisory, and condition 4 at this point we found to be mute because the new plat 2018-35 supersedes plat 2018-7 and since the plat is been is no longer the current plat 2018-7 and there is no specific mention in the arguments that the plat would revert back to 7 from 35 if the appeal is to proceed forward, that there is no jurisdiction

So ... and also furthermore that the public benefit for proceeding after mute is not met because due to changes in legislative matters there is other avenues to proceed that would allow other developers to move forward in similar circumstances

Thank you Mr. Day

Any other Discussion

Mr. Volkers

I would speak briefly in favor of the motion I'd also add that it seems that the new ARS ordinance recently adopted by the assembly would allow future opportunity for phases two and three of this subject property moving forward

Any other discussion?

I will slightly add to that the question in Issue no 4 is not in dispute and the question of no 4 in the previous plat there is no public purpose in answering it right now because of the passage of the recent ordinance, therefore I agree with the dismissal of this appeal

Any other Discussion?

Any Objection to Motion? I see no Objection to the Motion - the Motion Passes

Note for the record that we will prepare a written order memorializing the Board of Adjustments findings and we will do so as quickly as we can get it done

This concludes the Board of Adjustments meeting

BEFORE THE PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU

HARRIS HOMES, LLC,

Appellant,

vs.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL 2018 0003

Appeal of:

USE2011 0015

CDD Director's Decision dated

July 10, 2018

ORDER DISMISSING APPEAL

On January 28, 2019, the Planning Commission convened as the Board of Adjustment to deliberate Appellee CBJ Community Development's ("CDD") Motion to Dismiss the Appeal. Based on the motion, Appellant Harris Homes, LLC's ("Harris Homes") opposition, CDD's reply thereto, and a careful review of the record, the appeal filed by Harris Homes is **DISMISSED**.

I. Background

This appeal concerns a development project undertaken by Harris Homes called Sunset Meadows. Sunset Meadows is intended to be developed in three phases.¹ The underlying plat for the development, Plat 2018-7, was recorded as a condominium plat of Sunset Meadows on March 8, 2018.² Restated and amended declarations for this plat were recorded on April 10, 2018.³ The amended declarations purported to provide air, surface, and subsurface rights to the owners of the parcels.⁴

Based on the plat and amended declarations, the CDD Director sent a notice of violation to Harris Homes on July 10, 2018.⁵ The notice informed Harris Homes that it had recorded a subdivision without review and approval of the platting authority. CDD provided Harris Homes

¹ R. 124-155

² R. 157

³ R. 123

⁴ R. 125

⁵ R. 183

several options to correct this violation, including the option to refile the condominium plat and associated declarations as were previously reviewed and approved under USE2011 0015.⁶

Harris Homes filed a notice appealing the CDD Director's decision on July 30, 2018, as authorized under CBJ 49.20.110. In its notice, Harris Homes raised the following questions for appeal:

- 1) Does the CBJ regulate condominiums?
- 2) Is the Director's interpretation of subdivision wrong?
- 3) Does state law regulate condominiums?
- 4) Is Sunset Meadows a subdivision or condominium?
- 5) Are the Director's actions a proper way to handle this situation?

The Planning Commission accepted Harris Homes' appeal at its regular meeting on August 28, 2018.

Subsequent to filing the appeal, on August 7, 2018, Harris Homes submitted a revised plat and amended declarations for CDD review.⁷ The revised plat, 2018-35, was filed and recorded on August 10, 2018.⁸ The First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sunset Meadows Condominiums ("first amended and restated declarations") were recorded on August 13, 2018.⁹ CDD accepted the revised plat and first amended and restated declarations on August 16, 2018, approving Phases I, II, and III of the Sunset Meadows development, but conditioning such approval on the phases remaining a condominium development.¹⁰ Prior to this acceptance, the City approved certificates of occupancy for Phase I of the development.¹¹

⁶ R. 184

⁷ R. 283-317

⁸ R. 237, recorded under document no. 2018-003471-0.

⁹ This document was cited in the record at pg. 243. Review of the record makes it clear that this document is not exactly the same as the first amended and restated declarations that were recorded on August 13, 2018 under document no. 2018-003507-0. The recorded declarations contain language under Paragraph Z, Section 7 that is not present in the declarations included in the record. This section reads as follows:

Section 7. Duress. Harris Homes, L.L.C. is filing these revised and restated declarations under duress and forced by the CBJ. These declarations have been reviewed, altered and approved by CBJ.

Though neither party identified the error, there are references to this language contained elsewhere in the record, and it is clear this document is part of the record as defined under CBJ 49.20.110. Therefore, all references to the first amended and restated declarations in this order will refer to recorded document no. 2018-003507-0.

¹⁰ R. 684

¹¹ R. 671

The parties met on September 14, 2018 for a pre-hearing conference to discuss scheduling and briefing for the appeal. Following this conference, the record was completed and a series of motions were filed and decided. On November 15, 2018, CDD moved to dismiss the appeal, arguing the Planning Commission lacked subject matter jurisdiction because the appeal was moot. Harris Homes filed its opposition on November 19, 2018, and CDD filed its reply on November 20. Deliberation on the motion was stayed pending Harris Homes' Motion to Disqualify Planning Commission Members. On January 8, 2019, the CBJ Assembly affirmed the Planning Commission's decision to deny the request for disqualification, and the stay was lifted. CDD and Harris Homes were notified that the Planning Commission would undertake deliberation of the Motion to Dismiss as its next order of business, and the parties were invited to request a hearing on this motion. Harris Homes affirmatively waived a hearing and requested that the Planning Commission decide the motion at its next regularly scheduled meeting. The Planning Commission met in its quasi-judicial capacity as the Board of Adjustment on January 28, 2019 to deliberate the Motion to Dismiss. Following deliberations, the Planning Commission voted unanimously to dismiss the appeal.¹²

II. Legal Analysis

The parties' briefing focuses on CDD's primary argument that, by filing amended Plat 2018-35, Harris Homes rendered the appeal moot. This argument goes to issue number four raised in Harris Homes' appeal ("Is Sunset Meadows a subdivision or condominium?"). In order to grant the motion to dismiss, the Planning Commission must also address the other four issues. As explained below, those questions (1, 2, 3, and 5) request advisory determinations that the Planning Commission cannot provide.

A. Points on Appeal Requesting an Advisory Opinion

Quasi-judicial bodies may not issue advisory opinions or resolve abstract questions of law as part of the appeal process.¹³ A party must have an interest that is sufficiently adversely affected by the dispute to maintain standing, and without it, the quasi-judicial body is without subject

¹² The Planning Commission voted 8-0 to dismiss the appeal. Commissioner Campbell was not present during deliberations and did not vote on this matter.

¹³ State v. American Civil Liberties Union of Alaska, 204 P.3d 364, 368-369 (Alaska 2009) (*quoting Bowers Office Products, Inc. v. Univ. of Alaska*, 755 P.2d 1095, 1097-98 (Alaska 1988)).

matter jurisdiction to decide the appeal.¹⁴ Four of Harris Homes' points on appeal request the Planning Commission to issue such an opinion. These questions will be discussed briefly, as Harris Homes has not provided any argument regarding these points or demonstrated how the Planning Commission may offer Harris Homes concrete relief if it should decide them in Harris Homes' favor.

1. Does the CBJ regulate condominiums?

This question is purely academic in nature and does not present a justiciable controversy between the parties. Deciding this question will not offer the parties concrete and specific relief, and the Planning Commission, therefore, cannot hear it.

2. Is the Director's interpretation of subdivision wrong?

This question does not present a real and substantial controversy on which the Planning Commission can provide "specific relief to the parties through a decree of conclusive character."¹⁵ No argument or other information is presented to distinguish this general question from the more specific one posed in issue number 4: whether Sunset Meadows is a subdivision or condominium.

3. Does state law regulate condominiums?

This question is the inverse of the first question posed above asking whether the CBJ regulates condominiums. It, likewise, requests an advisory decision and cannot be heard by the Planning Commission.

5. Are the Director's actions a proper way to handle this situation?

Providing an opinion regarding the propriety of conduct by a City employee is outside the authority of the Planning Commission and not germane to the appeal.

B. Is Sunset Meadows a subdivision or condominium?

The remaining question on appeal is whether Sunset Meadows is a condominium or subdivision. CDD argues this question was rendered moot when Harris Homes filed Plat 2018-35. In response, Harris Homes argues that its filing of the amended plat did not render the appeal moot because the violation could be expected to reoccur and that Harris Homes could seek relief by amending the plat back to its configuration under Plat 2018-7 if it prevailed. Harris Homes further argues that the public interest exception to the mootness doctrine applies and that CDD is estopped

¹⁴ 755 P.2d at 1098.

¹⁵ Aetna Life Ins. Co. of Hartford, Conn. V. Haworth, 300 U.S. 227, 241 (1937).

and has waived its right to argue mootness.

1. Estoppel or Waiver

Harris Homes argues that CDD is estopped and waived any right to raise mootness once the Planning Commission accepted the appeal. Harris Homes does not present any legal authority for this position, nor could it. Subject matter jurisdiction may be raised at any time during a proceeding, even by the quasi-judicial body if noticed and not raised by one of the parties.¹⁶ Subject matter jurisdiction is the quasi-judicial body's authority to adjudicate a dispute, and if such jurisdiction is not present, the dispute must be dismissed "*sue sponte* if necessary."¹⁷ Because subject matter jurisdiction is not waivable, it can be raised at any time, even very late in the proceedings.¹⁸

While the Planning Commission accepted Harris Homes' notice of appeal, it cannot agree to hear an appeal that it does not have authority to decide, nor can it estop either party from challenging that lack of authority. Harris Homes' argument regarding estoppel and waiver, therefore, is without merit.

2. Mootness as to Sunset Meadows

At the center of the dismissal request is whether the appeal was rendered moot when Harris Homes abandoned disputed Plat 2018-7 and recorded Plat 2018-35, which was subsequently accepted by CDD. As further discussed below, there is no active controversy that can be decided by the Planning Commission, which renders the appeal moot and necessitates dismissal.

a. Mootness

An appeal is moot "if it is no longer a present, live controversy, and the party bringing the action would not be entitled to relief even if it prevails."¹⁹ If facts arise during an appeal that renders the legal issues moot, the quasi-judicial body must refrain from deciding the appeal.²⁰ Without a live controversy, the Planning Commission does not have subject matter jurisdiction to decide an appeal based on the lack of "an actual controversy involving a genuine relationship of

¹⁶ Hydaburg Co-op. Ass'n v. Hydaburg Fisheries, 925 P.2d 246, 248 (Alaska 1996).

¹⁷ Douglas Indian Association v. Central Council of Tlingit and Haida Indian Tribes of Alaska, 403 P.3d 1172, 1178 (Alaska 2017) (*quoting* Pistor v. Garcia, 791 F.3d 1104, 1111 (9th Cir. 2015)).

¹⁸ 925 P.2d at 259.

¹⁹ Bridges v. Banner Health, 201 P.3d 484, 290 (Alaska 2008). *See also* Alaska Railroad Corp. v. Native Village of Eklutna, 142 P.3d 1192, 1198 (Alaska 2006); Fairbanks Fire Fighters Ass'n, Local 1324 v. City of Fairbanks, 48 P.3d 1165, 1167 (Alaska 2002).

²⁰ O'Callaghan v. State, 920 P.2s 1387, 1388 (Alaska 1996); Alpine Energy, LLC v. Matanuska Elec. Ass'n, 369 P.3d 245, 256 (Alaska 2016).

adversity between the parties.”²¹ As Alaska Courts have noted, “the basic requirement for standing in Alaska is adversity.”²²

Because mootness is a jurisdictional question, the merits of the appeal have not been considered or debated.²³ The only question before the Planning Commission is if there is a live legal controversy between the parties on which the Commission is empowered to issue a decision and grant relief. As a result, the Planning Commission has not considered the underlying dispute and will not render any judgment regarding the legality of CDD’s or Harris Homes’ actions in this matter.

Through the filing of Plat 2018-35, both parties are in agreement that Sunset Meadows is a condominium. While there was a dispute regarding Plat 2018-7, this plat has been abandoned. On the surface, therefore, the dispute regarding Plat 2018-7 appears to be moot. A more thorough investigation verifies this conclusion.

b. Voluntary Cessation

Harris Homes argues that its filing of the amended plat and declarations does not render the appeal moot, as voluntary cessation does not render a dispute moot unless subsequent events make it clear that the alleged wrongful behavior cannot reasonably be expected to occur. Harris Homes’ argument appears to be that, though it filed an amended plat and declarations, its disputed action-filing a plat that includes surface, subsurface and airspace in a condominium unit- can be expected to reoccur. This argument thoroughly misinterprets the relevant law. The rule regarding voluntary cessation applies to the alleged wrongdoer, not the aggrieved party.²⁴ CDD has not argued that it voluntarily ceased any challenged practice that could create a future cause of action if repeated. The voluntary cessation exception to the mootness doctrine cannot be used to set aside Harris Homes’ own actions that led to mooting its appeal.

c. Future Relief

²¹ Myers v. Robertson, 891 P.2d 199, 203 (Alaska 1995). Subject matter jurisdiction applies to “quasi-judicial bodies to ensure that they do not overreach their adjudicative powers” (Hawkins v. Attatayuk, 322 P.3d 891, 895 (Alaska 2014)).

²² 48 P.3d at 1167.

²³ Angleton v. Cox, 238 P.3d 610, 615 (Alaska 2010).

²⁴ Slade v. State, Dept. of Transp. & Public Facilities, 336 P.3d 699, 700 (Alaska 2014), *see also* Parents Involved in Community Schools v. Seattle School Dist. No. 1, 551 U.S. 701, 719 (2007) (*citing* Friends of Earth v. Laidlaw Environmental Services (TOC), Inc., 528 U.S. 167, 189 (2000)).

Harris Homes argues that if the Planning Commission rules in its favor, it may amend Plat 2018-35 as provided under the first amended and restated declarations. However, the first amended and restated declarations do not provide support for this argument. Despite the language contained in Paragraph Z, Section 7 of the first amended and restated declarations (claiming the declarations were filed under duress and force),²⁵ the declarations do not contain provisions that would allow reversion back to the form of Plat 2018-7 at the sole election of Harris Homes should the Planning Commission decide in its favor.²⁶

Moreover, the relief claimed would not be available to Harris Homes for the units already sold to third parties that have issued certificates of occupancy. Such relief would necessarily change the boundaries of each unit, requiring consent of the unit owners.²⁷ No unit owner has intervened in this appeal, and there is no evidence or support to demonstrate that the unit owners would approve such relief. Harris Homes cannot unilaterally amend the Plat back to the way it was, as Harris Homes is no longer the owner of the units where certificates of occupancy have issued.

Finally, Harris Homes has offered no evidence to demonstrate that it would seek to revert back to the previous form of Plat 2018-7. Nor has Harris Homes provided a declaration or any other demonstration of harm suffered by the new form of the Plat or how that harm would be addressed or alleviated by a reversion back to the old form.

d. Legislation

The Planning Commission cannot wholly ignore the fact that during the course of this appeal, the CBJ Assembly enacted Ordinance 2018-41(c), which amended the CBJ Land Use Code to provide for Alternative Residential Subdivisions. As it applies to future development in Sunset Meadows, Harris Homes may avail itself to the newly enacted provisions of CBJ 49.15.900 *et. seq.* which appear to allow for the type of development proposed in Plat 2018-7.

²⁵ CDD challenged these assertions within the record. R. 319, 625.

²⁶ Harris Homes cites to Paragraph N for the position that he may amend the Plat back to the original configuration if he prevails as it relates to Phase I and II, and to Paragraph C & Y to support such an amendment for Phase III. The paragraphs do not appear to support this position. As cited, such an amendment will change boundary lines for the developed phases and cannot be unilaterally altered by Harris Homes without vote of the unit owners.

²⁷ Paragraph N, Section 4 of the first amended and restated declarations.

Alaska has determined that an issue is moot if the appellant is able to secure relief, even if the means of relief are different from those argued by the appellant.²⁸ Moreover, if legislative action occurs that may offer relief, the quasi-judicial body cannot assume that the new code will be applied in such a way that will harm an interested party.²⁹ Harris Homes has provided no declaration or other evidence to show that its development would be disadvantaged by complying with the provisions of Ordinance 2018-41(c).

It is acknowledged that Ordinance 2018-41(c) was enacted after the Motion to Dismiss was fully briefed. The implementation of the new ordinance is not the deciding factor in determining that the appeal is moot. The appeal was moot through filing amended Plat 2018-35 and abandoning Plat 2018-7. While this ordinance is not decisive in this appeal, the Planning Commission does recognize that Ordinance 2018-41(c) will provide a path forward for unit site developments such as those originally contemplated under Plat 2018-7.

e. As it Relates to Sunset Meadows, the Appeal is Moot

The record does not demonstrate there is an active controversy between the parties. Through the filing of Plat 2018-35, both parties are in agreement that Sunset Meadows is a condominium. While there was a dispute regarding Plat 2018-7, this plat has been abandoned. As a result, Harris Homes will not receive relief even if he prevails, as the Planning Commission cannot revive Plat 2018-7. The most the Planning Commission may do is offer an opinion regarding the abandoned plat, and such an opinion will not entitle Harris Homes to relief.

C. Public Interest Exception

Finally, Harris Homes argues that even if the Planning Commission determines that the appeal is moot as it applies to Sunset Meadows, the case should still proceed under the public interest exception to the mootness doctrine. In order to demonstrate the public interest exception applies, three factors must exist: “(1) whether the disputed issues are capable of repetition, (2) whether the mootness doctrine, if applied, may cause review of the issues to be repeatedly circumvented, and (3) whether the issues presented are so important to the public interest as to justify overriding the mootness doctrine.”³⁰

²⁸ 48 P.3d at 1168.

²⁹ 755 P.2d at 1099.

³⁰ Akpik v. State, Office of Management and Budget, 115 P.3d 532, 535 (Alaska 2005) (quoting Kodiak Seafood

Harris Homes argues that the question of whether condominiums are an impermissible subdivision by including surface, subsurface, and air rights is capable of repetition as future condominium projects are developed and additional developers take the same course of action. Harris Homes provides no evidence to support this assertion³¹ and, in fact, Harris Homes asserted that it was the first development in Juneau to take the action that led to the original dispute in this appeal.³² A finding that a dispute is capable of repetition cannot be justified wholly from unsupported assumptions and speculation.

Regarding the second factor, Harris Homes argues the disputed issue may be repeatedly circumvented because the economic pressure on a developer is so great that they would be required to amend a disputed plat and associated declarations rather than challenge CDD's actions. Again, no evidence or legal authority is presented to support this argument, and to make such a finding requires the Planning Commission to rely on speculation. Moreover, developers are fully able to avail themselves to the review process outlined under CBJ Title 49 in challenging disputed actions. There is no showing that the appeal process is inadequate or unavailable to future developers.

Finally, as noted above under Section B(2)(d), Ordinance 2018-41(c) complicates Harris Homes' argument for application of the public interest exception. By allowing the sort of development Harris Homes sought to pursue, the new legislation renders the disputed issue in this appeal significantly less capable of repetition, thus defeating the first and second factor of the public interest exception. Further, the legislation went through the public process, enabling potentially interested parties to provide comments on the ordinance to better serve their interest and the public interest. As a result, the third factor is not present to justify overriding the mootness doctrine.

None of the factors to the public interest exception to the mootness doctrine are present in this appeal. The exception, therefore, does not apply.

III. Conclusion

Harris Homes raises five issues on appeal. As explained above, four of those issues seek advisory opinions that the Planning Commission cannot provide. The remaining issue has been

Processors Ass'n v. State, 900 P.2d 1191, 1195 (Alaska 1995). See also Alaska Railroad Corp., 142 P.3d at 1198.

³¹ No affidavit or even unsworn statement from another developer has been provided showing potential future public interest in filing the type of Plat that was originally contested in this matter.

³² R. 119-121

rendered moot, and as a result, the Planning Commission lacks jurisdiction over it and cannot proceed to hear the appeal on its merits.³³ Harris Homes' appeal, accordingly, is **DISMISSED**. Pursuant to CBJ 49.20.120, this decision may be appealed to the CBJ Assembly. Any appeal to the Assembly shall be conducted in accordance with CBJ 01.50 and shall be limited to the issue of subject matter jurisdiction.

DATED this 26th day of February, 2019.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By: _____
Michael LeVine, Presiding Officer

³³ 238 P.3d at 615.



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202

Phone: (907)586-5278 Fax: (907)586-4552

Email: City.Clerk@juneau.org

MEMORANDUM

DATE: March 4, 2019

TO: Rob Edwardson, HRC Chair

FROM: Diane Cathcart, Deputy Clerk

RE: Removal of Protest of Restaurant/Eating Place-Seasonal 2019-2020 Liquor License
Renewal Genuine Ventures LLC d/b/a Tracy's King Crab Shack License #4584

On Monday, March 4, 2019, the City Clerk's Office was notified by Tracy LeBarge that she paid the outstanding balance on Tracy's King Crab Shack sewer bill (account #200844451) in the amount of \$101.55. Staff contacted the Collections and Cash Office to verify that payment was received. The Collections Office noted the outstanding balance had been paid on February 25, 2019.

Background:

On February 21, 2019 the Clerk's Office mailed a certified letter to Ms. LeBarge noting:

"...The Finance Department is recommending the Assembly protest this license renewal due to a past due balance on sewer bill (account #200844451) in the amount of \$101.55 along with any penalties and interest that may be accruing until balance is paid."

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will be considered at the Monday, March 4, 2019 Assembly Human Resources Committee (HRC) meeting at 6:00p.m. in the Assembly Chambers and the HRC will then forward a recommendation to the Assembly for action at its regular meeting that same evening at 7:00p.m. in the Assembly Chambers. You will be given the opportunity to participate in an informal hearing before the Assembly during these meetings if you wish to do so. "

The Assembly Human Resources Committee no longer needs to take action on this liquor license and the Assembly may move forward with approving the renewal as there are no other issues with this liquor license.

Ms. LeBarge was notified the protest had been removed and CBJ could now waive its right to protest her liquor license renewal for license #4584.



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

Department of Commerce, Community,
and Economic Development

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

February 25, 2019

Taku Lanes, LLC
DBA Taku Lanes
608 W Willoughby Ave
Juneau, AK 99801

Re: Taku Lanes, License #5095

Dear Taku Lanes, LLC:

At the February 19, 2019, meeting of the Alcoholic Beverage Control Board in Juneau, Alaska, the Board voted to deny the renewal of your recreational site license in accordance with AS 04.11.330(a)(6) which states, "*An application requesting renewal of a license shall be denied if... renewal of the license would violate the restrictions pertaining to the particular license under this title or the license has been operated in violation of a condition or restriction imposed by the board.*" The board determined that your business operations do not meet the definition of a recreational site in order to qualify for a recreational site license under AS 04.11.210.

Your must immediately cease selling and serving alcoholic beverages.

Because your license renewal has been denied, you have the right to an informal conference with the director or the Board under AS 04.11.510(b)(1), which you may initiate in writing within 15 days of receiving this letter.

The Alaska Administrative Procedure Act, AS 44.62.330 et seq., provides you with a means to appeal the Board's decision. Specifically, AS 44.62.390 allows you to initiate a hearing to determine whether a right, authority, license, or privilege should be granted, issued, or renewed. If you request a formal hearing, the Office of Administrative Hearings will assign an administrative law judge to hear the matter. You may hire an attorney to represent you in such a hearing, but are not required to.

Please consider this letter as a Statement of Issues as required by AS 44.62.370. If you intend to request a formal hearing, you must notify AMCO in writing, within 15 days of receiving this notice. If you request an informal conference, the 15 days to request a formal hearing will be paused until the informal conference is held. A Notice of Defense form is enclosed in order to request a formal hearing; however, you may submit any written notice that meets the requirements of AS 44.62.390.

Taku Lanes, LLC DBA Taku Lanes
February 25, 2019
Page 2

Your Notice of Defense must be sent to:

Administrative Officer
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

If you do not wish to request an informal conference or to appeal the Board's decision, you may file a claim for refund of the \$800 license fee that was paid with your renewal application, by completing the three highlighted fields of the enclosed Claim for Refund form. The completed form must be sent to the address above.

You may contact me with any questions or to request additional information. However, I cannot provide you with any legal advice.

Sincerely,



Erika McConnell
Director

cc: License File
City and Borough of Juneau

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT
ALCOHOL AND MARIJUANA CONTROL OFFICE

In the matter of:)
)
Taku Lanes, LLC)
DBA Taku Lanes)
608 W Willoughby Ave)
Juneau, AK 99801,)
Respondent)
_____) License #5095

NOTICE OF DEFENSE / REQUEST FOR HEARING

The Respondent, pursuant to AS 44.62.390, hereby gives Notice of Defense in this proceeding. A hearing on the matters set forth in the Decision is hereby requested.

I. Respondent Initiating Request

Date: _____ Respondent's Name (printed): _____
Respondent's Signature: _____
Mailing Address: _____

City State Zip Code
Phone Number: _____

OR

II: Attorney Representing Respondent (Note: An attorney is not required for this proceeding.)

Name of Attorney Representing Respondent: _____
Mailing Address: _____

City State Zip Code
Phone Number: _____
Date: _____ Signature: _____

NOTE: This Notice of Defense/Request for Hearing must be signed by or on behalf of Respondent, must set forth Respondent's current mailing address, and must be filed **within 15 days** after the enclosed Decision was mailed or delivered to the Respondent (time period held in abeyance for informal conference). It shall be filed accordingly:

Administrative Officer
Department of Commerce, Community, and Economic Development
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

Department of Commerce, Community
and Economic Development

Alcoholic Beverage Control Board

550 W. 7th Ave, Suite 1600

Anchorage, AK 99501

907-269-0350

CLAIM FOR REFUND

www.commerce.alaska.gov/web/amco

Permit or License Number: **5095**

Year: **2019/2020**

Doing Business As: **Taku Lanes**

Payee's Name and Mailing Address:

Taku Lanes

608 W. Willoughby Avenue

Juneau, AK 99801

Transaction Receipt #: **201801000643**

Date: **12/24/18**

Receipt Detail

License or Permit Fee	800.00	Refundable
Application Fee	300.00	Non-Refundable
Waiver Fee(s)		Non-Refundable
Late Fee		Non-Refundable
Fingerprint Fee(s)		Non-Refundable
Other:		Non-Refundable
Total Refund Amount	800.00	

Reason for Refund: **Renewal was denied.**

Staff Initials: **EBM**

Signature of Claimant

Printed Name of Claimant

Date

THIS SPACE FOR OFFICE USE ONLY

Financial Approver:

Approved By:

Date Approved:

GAX #:



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

January 23, 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:	Recreational Site	License Number:	5095
Licensee:	Taku Lanes LLC		
Doing Business As:	Taku Lanes		

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



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Taku Lanes	License Number:	5095
License Type:	Recreational Site		
Examiner:	<i>Calvin</i>	Transaction #:	1000643

Document	Received	Completed	Notes
AB-17: Renewal Application	12/24	1/16	
App and License Fees	12/24	12/24	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement	12/24		
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	☐	☒
Mailing address and contact information different than in database (if yes, update database)?	☐	☒
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	☒	☐
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	☒	☐

LGB 1 Response:

☐ Waive ☐ Protest ☐ Lapsed

LGB 2 Response:

☐ Waive ☐ Protest ☐ Lapsed



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2019/2020 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site liquor license that will expire on December 31, 2018. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Taku Lanes, LLC	License #:	5095
License Type:	Recreational Site	Statute:	AS 04.11.210
Doing Business As:	Taku Lanes		
Premises Address:	608 W Willoughby Avenue		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	608 W. Willoughby Ave.		
City:	Juneau	State:	AK
		ZIP:	99801

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Cindy Price	Contact Phone:	907-586-1595
Contact Email:	Cindy@TakuLanes.com		

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



Alaska Alcoholic Beverage Control Board

Form AB-17c: 2019/2020 Recreational Site Renewal License Application**Section 2 – Entity or Community Ownership Information**

This top subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). This number is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

Alaska CBPL Entity #:

133816

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

CP

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

Name of Official:	Cindy Price		
Title(s):	Member	Phone:	360-771-7197
Mailing Address:	8928 Duran St.		
City:	Juneau	State:	AK
		ZIP:	99801

Name of Official:			
Title(s):		Phone:	
Mailing Address:			
City:		State:	
		ZIP:	

Name of Official:			
Title(s):		Phone:	
Mailing Address:			
City:		State:	
		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-17c: 2019/2020 Recreational Site Renewal License Application**Section 3 – Sole Proprietor Ownership Information**

This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☒ applicant ☐ affiliate (spouse)

Name:	<u>Cindy Price</u>	Contact Phone:	<u>360-771-7197</u> <u>907-586-1595</u>
Mailing Address:	<u>8928 Duran St.</u>		
City:	<u>Juneau</u>	State:	<u>AK</u> ZIP: <u>99801</u>
Email:			

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:		Contact Phone:	
Mailing Address:			
City:		State:	ZIP:
Email:			

Section 4 – Alcohol Server Education

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

CP

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2017 2018

The license was regularly operated continuously throughout each year.

☒	☒
-------------------------------------	-------------------------------------

The license was regularly operated during a specific season each year.

☐	☐
--------------------------	--------------------------

The license was only operated to meet the minimum requirement of one time during the calendar year.

☐	☐
--------------------------	--------------------------

The license was not operated at all during the calendar year.

☐	☐
--------------------------	--------------------------

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.





Alaska Alcoholic Beverage Control Board

Form AB-17c: 2019/2020 Recreational Site Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2017 or 2018?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

☐

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

☐

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

☐

I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

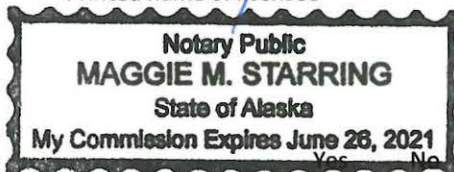
☐

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Signature of Notary Public

Printed name of licensee

Notary Public in and for the State of AlaskaMy commission expires: 06/26/2021Subscribed and sworn to before me this 17th day of December, 2018.Seasonal License? ☐ ☒

If "Yes", write your six-month operating period: _____

License Fee:	\$ 800.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1100.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					1100.00

Taku Lanes LLC
608 W Willoughby Ave
Juneau, AK. 99801

We are a bowling center that holds recreational bowling league play and bowling tournaments.

Fall season starts in August to December, winter season runs from January to May, Summer season starts in April and runs to August.

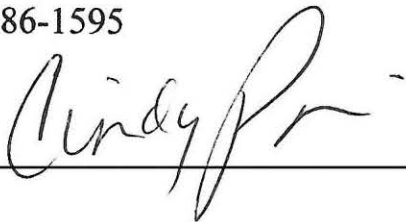
We also hold seasonal dart league play. They have 2 sessions 1st October to December, 2nd January to March.

Hours of operation are Sunday, Monday, Wednesday and Thursday 3 pm to 9 pm

Tuesday, Friday and Saturday are noon to midnight.

Bowling Tournaments are usually held on Saturday and Sunday, Starting at 9am to midnight.

Cindy Price
Taku Lanes
586-1595

A handwritten signature in black ink, appearing to read "Cindy Price", is written over a horizontal line.

AMCO
DEC 24 2018

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Taku Lanes LLC

Entity Type: Limited Liability Company**Entity #:** 133816**Status:** Good Standing**AK Formed Date:** 3/12/2011**Duration/Expiration:** Perpetual**Home State:** ALASKA**Next Biennial Report Due:** 1/2/2019 [File Biennial Report](#)**Entity Mailing Address:** 608 W WILLOUGHBY AVE, JUNEAU, AK 99801**Entity Physical Address:** 608 W WILLOUGHBY AVE, JUNEAU, AK 99801

Registered Agent

Agent Name: CINDY PRICE**Registered Mailing Address:** 4434 COLUMBIA BLVD, JUNEAU, AK 99801**Registered Physical Address:** 4434 COLUMBIA BLVD, JUNEAU, AK 99801

Officials

AK Entity #	Name	Titles	Owned	☐ Show Former
	Cindy Price	Member	100	

Filed Documents

Date Filed	Type	Filing	Certificate
3/12/2011	Creation Filing	Click to View	
6/05/2012	Initial Report	Click to View	
3/27/2013	Biennial Report	Click to View	
11/18/2013	Change of Officials	Click to View	
5/13/2014	Change of Officials	Click to View	

Date Filed	Type	Filing	Certificate
5/13/2014	Agent Change	Click to View	
5/29/2014	Correction	Click to View	Click to View
10/03/2014	Biennial Report	Click to View	
2/18/2015	Certificate of Compliance		Click to View
11/22/2016	Biennial Report	Click to View	
11/22/2016	Agent Change	Click to View	

[Close Details](#)[Print Friendly Version](#)

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2850

A Resolution Urging the Alaska Legislature to Pass a Balanced, Sustainable, and Predictable State Budget to Help Ensure Long Term Fiscal and Economic Stability for the Citizens of the State of Alaska.

WHEREAS, Alaska's reliance on oil revenues to fund state programs and services has been significantly compromised due to lower oil prices and reduced production; and

WHEREAS, there have been significant reductions to state services and restructuring of reserves over the last four legislative sessions; and

WHEREAS, the State has wisely saved and invested oil revenues and placed them into the Permanent Fund which is currently valued at greater than \$60 billion dollars; and

WHEREAS, Alaska's municipalities and economy need budget certainty from the Administration and the Legislature to allow for budget planning and the development of sustainable local budgets that provide predictable public services; and

WHEREAS, the proposed budget from the Governor would have significant adverse impacts to local residents, municipalities, Alaskan businesses, and the local and statewide economy and

WHEREAS, negative impacts to the economy directly reduce existing local revenues like sales and property taxes that fund 90 percent of City and Borough of Juneau's general government services and would drain diligently saved cash reserves; and

WHEREAS, the elimination of School Construction Debt Reimbursement establishes the fear that future Governors and Legislators would not follow through on financial commitments of support that incentivize investment in Alaska; and

WHEREAS, Juneau could lose hundreds of jobs and residents because the Governor's budget prioritizes significantly increased individual dividends over basic state services such as transportation and education; and

WHEREAS, with no time for preparation, the proposed budget from the Governor will require local municipalities, including the City and Borough of Juneau, to abruptly adjust their budgets to support core services such as education and healthcare; and

WHEREAS, the City and Borough of Juneau believes that coordination between state and local government results in effective outcomes; and

WHEREAS, the continued fiscal reality requires the Legislature to demonstrate strong leadership and bold action to pass a budget that creates a vibrant and thriving future for all Alaskans.

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

Section 1. The Assembly of the City and Borough of Juneau appreciates the work the Administration put forth in developing a budget proposal to balance revenues and expenditures.

Section 2. The Assembly of the City and Borough of Juneau calls upon the Alaska State Legislature to take affirmative and immediate action to enact a budget that will provide for a sustainable and predictable balanced state budget for the foreseeable future and the Assembly further calls upon the Governor to partner with the Legislature and support its budget.

Section 3. The Assembly of the City and Borough of Juneau requests a budget that does not shift the funding burden for core services such as education and healthcare from the State to local municipalities. The Governor's budget would force municipalities to raise taxes, which means the Governor is raising taxes on Alaskans. The Assembly is adamantly opposed to the State seizing local sources of revenue from municipalities; if the State determines it needs new revenue sources it should not use the taxation measures that have been given to municipalities.

Section 4. The Assembly of the City and Borough of Juneau requests that if significant reductions are proposed, that a transition plan be presented for consideration and that any transition plan show a proposed implementation over several years to minimize the shock to the economy and the citizens of Alaska.

Section 5. The Assembly of the City and Borough of Juneau calls upon its citizens to respectfully voice their opinions regarding the budget to the Governor and Legislators throughout the State.

Section 6. The Assembly of the City and Borough of Juneau urges that the Alaska State Legislature engage in meaningful discussion of all fiscal options (including broad based state taxes and substantial use of permanent fund earnings as originally intended by the voters in 1976) with the goal of providing a strong future to Alaska citizens and to take an assertive role to implement their duty of appropriation.

Section 7. 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