

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

December 17, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-37

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Youth Recognition: Bergen Davis**

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**

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 2018-47 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

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.

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.

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 rezoning 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 rezoning. 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 rezoning. 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.

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.

- 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.

- 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.

IX. UNFINISHED BUSINESS

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.

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.

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.

- 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.

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

- A. **City Manager Evaluation Committee Recommendation**
- B. **CLIAA Litigation Strategy Update**

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

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

Submitted By

MANAGER'S REPORT:

Submitted By:

Duncan Rorie Watt
City and Borough Manager

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

September 17, 2018 Regular Assembly Meeting 2018-29

ATTACHMENTS:

	Description	Upload Date	Type
▣	September 17, 2018 Regular Assembly Meeting 2018-29	12/13/2018	Minutes

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - September 17, 2018

MEETING NO. 2018-29: 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 Ken Koelsch.

I. FLAG SALUTE**II. ROLL CALL**

Assembly present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, and Mayor Ken Koelsch.

Assembly Absent: None

(Clerk's Note: Former members Beth Weldon and Norton Gregory resigned effective July 31, 2018 and August 13, 2018 respectively in order to file candidacy for Mayor.)

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, Municipal Attorney Robert Palmer; Municipal Clerk Beth McEwen, Community Development Director Jill Maclean, CDD Planning Manager Beth McKibben, Sales Tax Administrator Clinton Singletary, Lands Manager Greg Chaney, Chief Landscape Architect Michelle Elfers

III. SPECIAL ORDER OF BUSINESS**A. Proclamation: Teacher Excellence Fund**

Mayor Koelsch recognized Ms. Laraine Derr and Ms. Amy Skilbred for their efforts with the Juneau Community Foundation and raising money towards the Teacher Excellence Fund at UAS. Ms. Derr said that two years ago, the Assembly challenged the community to donate funds towards the Juneau Community Foundation Teacher Excellence Fund in order to keep the College of Education anchored at UAS. Ms. Derr reported that amount of funding received to date towards the Teacher Excellence Fund was \$1,004,744.00.

Mayor Koelsch then read a proclamation honoring Ms. Derr for this and all her other contributions to the Juneau-Douglas community throughout the years.

B. Special Recognition: Project Playground

Mayor Koelsch recognized the group efforts of the Project Playground Steering Committee and all the community volunteers who helped bring the project to completion.

IV. APPROVAL OF MINUTES

A. August 27, 2018 Special Assembly Meeting No. 2018-26 Minutes

MOTION by Ms. Becker to approve the minutes of August 27, 2018 Special Assembly Meeting 2018-26 and asked for unanimous consent. *Hearing no objection, the motion carried.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Cam Byrnes spoke regarding his concerns that Juneau has met and is now exceeding its capacity for tourists coming via cruise ships in the summer. He relayed his experiences as a Juneau resident for the past 43 years, 24 years of which he has worked downtown as a tour guide in one capacity or another. He and his fellow tour guides are concerned with the number of cruise ship tourists, which this year was at 1.2 million. He said that he feels Juneau is no longer able to offer a quality experience and that the infrastructure and traffic congestion downtown as well as at the Glacier and Auke Bay are beyond capacity. He suggested that if the cruise lines want to bring in 4,000 passenger mega ships, such as the Eclipse, they should have to submit a plan for unloading and loading all those passengers onto the ground transportation and out to all the various excursion venues so they are done in a timely manner and the ship's inadequacies don't reflect poorly on the community.

Mr. Matthew Fred Jr. said he has been a resident of Housing First for approximately 8 months. He said that he was staying at the Glory Hole during the first wave of residents moving to Housing First. He shared his experience with how the community has gotten together to lift each other up and make sure their places are clean for inspection. This past spring, they rallied together and supported each other and were joined by the community during the loss of one of their residents. He expressed his appreciation for the support given to the residents by the Mayor and Assembly and the whole community.

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

MOTION by Mr. Nankervis to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the consent agenda was adopted as presented.*

1. Ordinances for Introduction

- a. Ordinance 2017-06(AZ) An Ordinance Appropriating to the Manager the Sum of \$1,248,099 to Fund the City and Borough of Juneau's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$1,248,099 which is the State's FY18 3.01% on-behalf PERS benefit paid for CBJ. Funding is provided by the Alaska Department of Administration which was authorized by passage of HB57 during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

- b. Ordinance 2017-06(BA) An Ordinance Appropriating to the Manager the Sum of \$1,201,249 to Fund Bartlett Regional Hospital's Fiscal Year 2018 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$1,201,249 which is the State's FY18 on-behalf rate of 3.01% for each FY18 employer payroll and 25.01% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration which was authorized by passage of House Bill 57 (HB57) during the 2017 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

- c. Ordinance 2017-06(BB) An Ordinance Appropriating to the Manager the Sum of \$659,700 as Partial Funding for Various Departments' Fiscal Year 2018 Operating Budgets; Funding Provided by Sales Tax Revenue, and Docks' Revenue.

The attached ordinance would appropriate \$659,700 for increases in FY18 operations among several CBJ departments. Funding is provided by the sales tax revenues exceeding budget, and Docks' revenues exceeding budget.

Parks & Recreation

Parks & Recreation anticipates exceeding its FY18 Assembly authorized spending authority by \$195,000. The need is due to a shortfall in revenue collected from the Pools & Centennial Hall and Parks/Landscape Maintenance exceeding expenditure authority. Funding will be provided by FY18 sales tax revenues exceeding budget.

-
Docks

The supplemental request would increase the Docks Enterprise spending authority in FY18 by \$35,000. Funding will be provided by FY18 revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its August 30, 2018, regular board meeting.

Engineering

The Engineering Department is anticipating a \$15,300 shortfall due to allocating fewer costs to CIPs than projected in the FY18 operating budget. The anticipated funding for this increase is from sales tax revenues exceeding budget.

Community Development

CDD is anticipated to exceed its bottom line budget by \$30,200 in the current fiscal year. This shortfall is due to the \$80,000 less revenues coming in less than was anticipated, and expenditures were more than \$50,000 under the expenditure budget. The anticipated funding for this increase is sales tax revenues exceeding budget.

-
Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of \$384,200 in the FY18 operating budget. This is due to ambulance billing shortfalls. The FY18 budgeted revenue was increased by \$330,000 (17%) from FY17 budget while actual billable activity was flat. The anticipated funding for this increase is sales tax revenues exceeding budget.

The Assembly Finance Committee reviewed this ordinance at its meeting on September 5, 2018.

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

- d. Ordinance 2018-11(I) An Ordinance Appropriating to the Manager the Sum of \$5,000 as Funding for the Larry Carlson Memorial Bench at Overstreet Park; Donation Provided by the Late Larry Carlson's Wife, Shirley Carlson.

This appropriation of \$5,000 from Mrs. Shirley Carlson to the Manager provides for the fabrication and installation of the Larry Carlson Memorial Bench at Overstreet Park.

The Public Works and Advisory Committee recommended this funding be approved during its meeting on August 6, 2018.

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

- e. Ordinance 2018-11(K) An Ordinance Appropriating to the Manager the Sum of \$634,735 as Funding for the Juneau International Airport Design/Construct Terminal Reconstruction Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$634,735 to the Design/Construct Terminal Reconstruction Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

Local matching funds, and project elements that are determined to be ineligible for federal funding, will be funded with previously appropriated bond proceeds, sales tax, and Passenger Facility Charges.

This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

The Airport Board approved this action at its September 11, 2018, meeting,

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

- f. Ordinance 2018-11(L) An Ordinance Appropriating to the Manager the Sum of \$529,688 as Funding for the Juneau International Airport Snow Removal Equipment Building Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$529,688 to the Snow Removal Equipment Building (SREB) Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to design the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage

building and fueling station. Project funding is 93.75% FAA, 6.25% local. Local match is provided by sales tax previously appropriated to this CIP.

The Airport Board approved this action at its July 10, 2018, meeting,

- This project was presented at the August 6, 2018, Public Works and Facilities Committee meeting.

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

- g. Ordinance 2018-11(M) An Ordinance Appropriating to the Manager the Sum of \$9,985,312 as Funding for the Juneau International Airport Construct Sand/Chemical Building & Fueling Station Capital Improvement Project; Funding Provided by the Federal Aviation Administration.

This ordinance would appropriate \$9,985,312 to the Construct Sand/Chemical Building & Fueling Station Capital Improvement Project (CIP). Funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant.

This funding will be used to construct the second phase of the Snow Removal Equipment Facility, consisting of the sand/chemical storage building and fueling station. Total project funding is 93.75% FAA, 6.25% local. Local match is provided by Passenger Facility Charges (PFC) recently appropriated to this CIP, as well as Airport CIP revolving funds that will be transferred temporarily until a PFC amendment is approved.

This project was approved by the Public Works and Facilities Committee at its August 6, 2018, meeting. The Airport Board approved this action at its August 14, 2018, meeting.

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

- h. Ordinance 2018-11(N) An Ordinance Appropriating to the Manager the Sum of \$140,000 as Partial Funding for the Douglas Harbor Pile Anodes Capital Improvement Project; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities.

The Alaska Department of Transportation and Public Facilities has agreed to fund a \$140,000 FY19 Harbor Facilities Grant.

CBJ Docks & Harbors successfully submitted the grant application for installation of zinc anodes on the pilings in Mike Pusich Douglas Harbor which will extend the useful life of the facility. The Harbor Facilities Grant is a 50-50 match program and Docks & Harbors will match

\$140,000 from Harbor Fund Balance to complete the project.

The Docks & Harbors Board recommended approval of this action at its August 30, 2018, meeting,

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

- i. Ordinance 2018-11(O) An Ordinance Transferring \$30,945 of Unexpended FY18 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$30,945 of unexpended Marine Passenger Fees (MPF) revenues, budgeted for specific purposes in FY18 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY18 budget but were not fully expended by the end of FY18.

Franklin Dock Enterprises	\$ 8,013
Downtown Business Association	3,000
City Manager	6,120
Capital City Fire Rescue	<u>13,812</u>
Total	\$ 30,945

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

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

- j. Ordinance 2018-44 An Ordinance Amending the Penal Code General Provisions Relating to Avoidance of Ignition Interlock Device.

The CBJ has code provisions that require the use of an ignition interlock device upon a conviction for certain offenses. However, the CBJ does not have a code provision to penalize the failure to use an ignition interlock device when required. This ordinance would amend the penal code by creating a code section relating to avoidance of ignition interlock device, which is consistent with state law (AS 11.76.140 and AS 12.55.102).

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

- k. Ordinance 2018-45 An Ordinance Amending the Traffic Code Relating to Duties and Responsibilities of Drivers and Others.

This ordinance would amend the traffic code by making the code sections relating to duty of an operator to give information and render assistance consistent with State law (AS 28.35.050 and AS 28.35.060), and by making the penalties to be imposed consistent with State law.

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

2. Resolutions

- a. Resolution 2832 Authorizing the Manager to Execute a Utility Easement with Rainforest Telecom, Inc. across City and Borough Property.

The Manager received an application requesting a utility easement across a fraction of Lot 1, U.S. Survey 3810 from Rainforest Telecom, Inc. for power and communications cables servicing a communications tower which is located on the adjacent Forest Service property. This utility easement would start across from the Auke Bay Ferry terminal near 13445 Glacier Highway.

The Lands Committee, at its meeting on August 27, 2018, unanimously passed a motion of support for the Assembly to grant this easement. At the June 12, 2018 meeting the Planning Commission recommended that the CBJ Assembly approve the easement.

This easement has a term of 20 years and will automatically terminate on June 30, 2038. Grantee shall have the option to renew the easement for up to one additional ten-year renewal period. An appraisal was complete on July 8, 2018 and Rainforest Telecom has agreed to pay the City and Borough \$500.00 per year. The fee will be adjusted every five years based on the Anchorage Consumer Price Index.

The City Manager recommends this resolution be adopted.

- b. Resolution 2833 A Resolution Celebrating the Installation of Bronze House Posts and Juneau's Multi-Cultural History and Naming of Heritage Square.

The Sealaska Heritage Institute (SHI) recently installed three bronze house posts at the corner of Front and Seward Streets. The installation continues SHI's progress toward developing Juneau as the center of Pacific Northwest Coast Arts.

The house posts are located in front of SHI's Walter Soboleff Building

and across the street from the planned Native arts campus.

The intersection of Front and Seward Streets represents the symbolic center of Juneau's cultural, historical and economic fabric, located near the Capitol, the Sealaska Corporation and Heritage Institute, City Hall, the downtown business district and the cruise ship docks and is on the original shoreline.

After consulting with SHI officials, the Mayor requested that a resolution designating the area as Heritage Square, be drafted and scheduled for Assembly action.

The City Manager recommends this resolution be adopted.

- c. Resolution 2834 A Resolution Approving the Juneau International Airport Sustainability Master Plan.

The Juneau International Airport Sustainability Master Plan develops a framework for future airport development based on forecasted aviation demand, while considering environmental and socioeconomic impacts. The draft plan went out for public comment from March through May 2018. The FAA approved the aviation forecast and completed its review in August. This plan reviews, revises and reprioritizes the existing master plan with the added sustainability components for the next 20 years.

Major elements of the plan include:

- Existing Conditions: Current and Historical Activity, Environmental Conditions and Community Demographics
- Sustainability Focus: Economic Viability, Operational Efficiency, Environmental and Social Responsibility
- Forecast of Aviation Demand: Passengers, Aircraft Operations, Mail and Cargo
- Facility Requirements: Terminal and Gates, Hangar Development, Airfield/Runway Capacity and Use, Protection of Airspace, Aircraft Rescue/Fire Fighting and Aviation/Airport Support Services
- FAA Requirements/Criteria (Safety, Runway Incursion Mitigation)
- Airport Layout Plan: Planned Development of the Airport
- Financial Implementation Plan: Capital Improvement Program

The final draft of the plan, which would be adopted by this resolution, may be found at the Airport's website.

The City Manager recommends this resolution be adopted.

- d. Resolution 2835 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$11 million in harbor grant funding since the program's inception. CBJ was recently notified of a \$140,000 Tier II grant for zinc anode installation at Douglas Harbor.

Docks & Harbors has submitted applications this year for \$2,000,000 for the next phase of Aurora Harbor and \$120,000 for installation of zinc anodes in Harris Harbor. The CBJ and the municipalities of the City of Ketchikan, the City and Borough of Sitka, the Municipality of Anchorage and the City of Angoon have offered to contribute \$7,409,439 in local match funding for FY2020 towards seven harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its special board meeting on September 10, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Docks & Harbors Bid Award

This project would clean, prepare, and apply new corrosion protecting coating to the steel sheet pile wall adjacent to Marine Park on the water side. Installation of the protective coating will complete a series of projects to protect the steel pilings and sheet pile wall of the downtown docks.

A public bid opening was held on August 30, 2018. The bidders and their total bids were as follows:

Bidders	Total Bid
Purcell P&C LLC	\$260,000.00
Dama Industrial LLC	\$374,074.00
Engineer's Estimate	\$192,000.00

The Docks and Harbors Board reviewed the bids at its regular public board meeting on August 30, 2018 and recommended the Assembly approve the bid from Purcell P&C, LLC.

The City Manager recommends the total bid be awarded to Purcell P&C, LLC in the amount of \$260,000.

4. Liquor License

- a. New Liquor License, Restaurant Eating Place L.L., AMCO License #5706, Canton Asian Bistro, LLC., DBA Canton Asian Bistro, located at: 8585 Old Dairy Road #105, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities) and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest this new license application. Copies of the documents associated with this 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 AMCO license 5706 liquor license application.

5. Other Items for consent

- a. AMCO Marijuana License Applications-NEW

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license applications [Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office]:

- ***Retail Marijuana Store, License #16213, Alaskan Kush Company LLC, DBA Alaskan Kush Company, located at: 159 S. Franklin St., Juneau***
(The 60-day comment period for local governing body action expires Sunday, September 30, 2018.)
- ***Retail Marijuana Store, License #15246, Borealis Mountain, Inc., DBA Thunder Cloud 9 located at: 5310 Commercial Blvd 2B, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)
- ***Standard Marijuana Cultivation Facility, License #15245, North Star Gardens, Inc., DBA North Star Gardens, located at: 5310 Commercial Blvd 2A, Juneau***
(The 60-day comment period for local governing body action expires Saturday, September 22, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

As to CDD's recommendations; although Alaskan Kush Company, LLC, does not yet have a local license, CDD recommends allowing the applicant to move forward to obtain their state license and although Borealis Mountain, Inc. dba: Thunder Cloud 9, does not yet have a local license or conditional use permit, CDD recommends allowing the applicant to move forward to obtain their state license. However, neither entity will be allowed to operate in the borough until city requirements are met.

The City Manager recommends the Assembly waive its right to protest the issuance of the following AMCO marijuana licenses: License #16213, License #15246, and License #15245.

b. AMCO Marijuana License-RENEWALS

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal applications [*Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office*]:

- ***Renewal License, Standard Marijuana Cultivation Facility, License #11605, Always Redeye LLC, DBA Stoned Salmon Farms, located at: 2005 Anka Street, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 13, 2018.)
- ***Renewal License, Retail Marijuana Store, License #13217, ForgetMeNot Enterprises, Inc., DBA Glacier Valley Shop, located at: 8505 Old Dairy Road Suite 1, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #13221, ForgetMeNot Enterprises, Inc., DBA Green Valley Enterprises, located at: 8505 Old Dairy Road Suite 2, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)

- ***Renewal License, Marijuana Product Manufacturing Facility, License #13222, ForgetMeNot Enterprises, Inc., DBA Southeast Essentials, located at: 8505 Old Dairy Road Suite 3, Juneau***
(The 60-day comment period for local governing body action expires Saturday, October 20, 2018.)
- ***Renewal License, Standard Marijuana Cultivation Facility, License #10026, Rainforest Farms LLC., located at: 5763 Glacier Hwy., Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)
- ***Renewal License, Retail Marijuana Store, License #10050, Rainforest Farms LLC, located at: 216 2nd Street, Juneau***
(The 60-day comment period for local governing body action expires Tuesday, October 9, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the renewal of the following AMCO marijuana licenses: License #11605, License #13217, License #13221, License #13222, License #10026 and License #10050.

6. Transfers

- a. A Transfer Request of \$90,000 from the Cruise Ship Uplands Staging Area Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.

The request is to transfer \$90,000 to an existing CIP account to allow the completion of a three phased project providing corrosion protection of key components of the downtown dock facilities. Phase III of the project will provide new corrosion protective coatings to the steel sheet pile wall waterside of Marine Park.

The low bid for the project was \$260,000. The existing account (H51-104) currently has \$240,342.71. The requested \$90,000 would cover the bid amount plus engineering services for construction administration and inspection; project contingency; and staff times to manage the project.

If the transfer is approved account H51-104 would have sufficient funds to complete the project and account H51-114 would be closed.

The Docks and Harbors Board recommended the Assembly approve this transfer request at a special Docks and Harbors Board meeting on September 10, 2018. The Chair of the Public Works & Facilities Committee was consulted and concurred with staff recommendation to forgo the PWFC process to expedite the project award.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

- A. Ordinance 2018-11(J) An Ordinance Appropriating to the Manager the Sum of \$1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC); Funding Provided by the Sales Tax Fund's Fund Balance, the Tobacco Tax Fund's Fund Balance and the General Fund's Fund Balance.

This funding is to provide match for the Alaska Housing Finance Corporation's FY2019 Special Purpose GOAL Round Notice of Funding Availability (NOFA) for supportive housing, issued May 24, 2018, with applications due on October 5, 2018. This funding opportunity was not anticipated and has a tight timeline for applications. This NOFA will provide grants, zero interest loans, tax credits and rental assistance to successful respondents who will acquire, rehabilitate, construct, or otherwise expand housing opportunities for Alaskans who have few, if any, housing options due to chronic homelessness, disability and/or histories that present barriers to accessing mainstream housing. These populations must require intensive support service delivery needs, though this is not a program to provide treatment or correctional facilities. The original Phase 2 request from Housing First included a \$1.5 million grant and a \$2.7 million loan. Based on experience from the first phase, the Assembly opted to provide a grant.

This ordinance was requested by the Assembly Committee of the Whole at its meeting on August 9, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment:

Dr. Heidi Broshus, a lifelong resident of Juneau and lifelong social worker spoke in favor of the adoption of Ordinance 2018-11(J). Dr. Broshus said in her previous job at UAS, she was the evaluator in looking at the data for Housing First. She provided the following statistics regarding the effects of Phase I of Housing First including a decrease

in the needs of service in a six month period.

- 236 fewer Emergency Room visits equaled 1.32 fewer complex patients daily;
- 436 fewer JPD contacts equaled 2.42 fewer police contacts daily;
- 1.9 fewer persons assisted daily at the Rainforest Recovery Center (sleep off center);
- 2.8 fewer transports daily by Capital City Fire and Rescue.

She said this translates into real time alleviation of the burdens Juneau has experienced. It is a model that has worked other places and this shows that it has worked in Juneau as well. She encouraged the Assembly to jump on this opportunity to expand on the success and encouraged them to put money into expanding the Housing First program in its next phase.

Ms. Janette Lacy Dunn stated that she is a Housing First boardmember and also the Director of Case Management at BRH and oversees the case managers that work in the BRH Emergency Department. She began the case management program at BRH ER in 2011. One of the main reasons they began the program was to work with the high utilizers of the ER. She said that while it can't be put in terms of direct savings, for Quarters 1 & 2 of 2018 they had 41 individuals experiencing homelessness that were high utilizers of the ER totaling \$1.8 million in services. JEMA, the Juneau Emergency Medical Association, reported that they had \$256,000 denials in Medicaid for charges for those visits. They expect similar numbers going into the future and stressed that they want to promote safety at BRH. The residents of Housing First benefit from better health care because they have a home to go to for recovery. JEMA offered \$15,000 and BRH contributed \$250,000 towards the next phase of Housing First and she encouraged the Assembly to adopt this ordinance.

Mr. Doug Harris of JAMHI health and wellness said that JAMHI operates the medical clinic adjacent to Forget-Me-Not Manor. He has been on the board and has seen the results and he would never have guessed that the results would be as good as they are.

Mr. Bruce Denton spoke to Ms. Dunn's comments and said that there are residents ready to move into Phase II and would likely have already moved into it if it had been built at the same time as Phase I. He looks at Housing First as the gift that keeps on giving.

Mr. Norton Gregory, speaking on his own behalf and not that of his employer, Tlingit Haida Regional Housing Authority, spoke in favor of the ordinance and for CBJ support of Housing First. He annually attends the Housing and Homeless Conference and during those conferences, Juneau has been shown as the one community doing the most on behalf of the homeless.

Assembly Action:

MOTION by Ms. Gladziszewski for adoption of Ordinance 2018-11(J) and asked for unanimous consent. *Hearing no objection, the motion carried.*

- B. Ordinance 2017-06(AY) An Ordinance Appropriating to the Manager the Sum of Up to \$16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).

The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff to cover the cost of rent to operate the CBJ Cold Weather Emergency Shelter program from Dec. 1, 2017 to April 15, 2018. Total rental costs for this time period were \$16,425 which is the amount covered by the grant.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Jones, to adopt Ordinance 2017-06(AY). *Hearing no objection, it was so ordered.*

- C. Ordinance 2018-11(H) An Ordinance Appropriating to the Manager the Sum of \$74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.

Various community members and organizations are donating \$74,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to CBJ. These donated funds will be appropriated into the Playground Rebuild Capital Improvement Project, P41-095. The Public Works & Facilities Committee forwarded this request to the full Assembly at its August 6, 2018, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Mr. Kiehl, to adopt Ordinance 2018-11(H). *Hearing no objection, it was so ordered.*

- D. Ordinance 2018-38(b) An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.

Alaska Statute 29.35.148(b) was recently amended by SB14 to allow municipalities the ability to require transportation network companies (TNCs) to collect and pay the municipal sales tax on behalf of transportation network company

drivers. SB14 was needed due to the low level of compliance by individual drivers in registering with municipal sales tax offices and remitting municipal sales tax. Consistent with SB14, this ordinance would update the CBJ sales tax code so that TNCs are held to the same filing and remittance requirements that the TNC drivers and other sellers are normally held to.

After introduction at the July 23, 2018, Assembly meeting, CBJ staff had multiple discussions with the two TNCs that are currently operating in Juneau. Numerous questions were raised and generally resolved during these discussions. Only one topic resulted in a suggested amendment to the original ordinance.

In version (b) of the ordinance, CBJ staff no longer believes a sentence in CBJ 69.05.070(a), page 5 line 24 through page 6 line 2, is currently necessary. The sentence is now denoted with strikethrough and underlining. The sentence was initially proposed to require a TNC to submit the names and addresses of its drivers to the CBJ. Both TNCs expressed concern that this requirement would pose a direct conflict with their disclosure limitations in the contracts with the TNC drivers but the TNCs are able to require their drivers to register with the CBJ tax office before being eligible to drive for the TNC. Given the self-imposed enforcement assurances and the other amendments in this ordinance, CBJ staff believes the suggested amendment in version (b) deleting a sentence is reasonable. If version (b) is adopted and sales tax compliance with TNC drivers is still low, a subsequent ordinance could be considered that imposes more reporting requirements.

The City Manager recommends this ordinance be adopted.

Mr. Watt noted the differences between the initial version of the ordinance as introduced and version (b) of the ordinance which strikes the below sentence.

~~In addition to the information required above, transportation network companies shall submit the name and address of all transportation network drivers who provided rideshare services through the transportation network company for the filing period.~~

Mr. Watt also brought their attention to a letter that was received from Lyft which requested an amendment to **69.05.170 Registration**.

Mr. Watt recommended including Lyft's suggested amendment language to the ordinance and try it for a one year period.

Public Comment:

Ms. Erica Qureshi spoke to recent circumstances under which she ordered a Lyft ride for her parents who recently traveled to Juneau. She stated that the Transportation Network Companies (TNCs) provide a service to the community and that Juneau has been a difficult place for TNC drivers and if ordinance passes as it is, the services won't be

able to be offered in Juneau.

Assembly Action:

MOTION by Mr. Nankervis to adopt Ordinance 2018-38(b).

AMENDMENT by Mr. Nankervis to include the language in 69.05.170 as proposed by Lyft:

69.05.170 Registration.

A person, firm, copartnership, corporation, or other business entity, including a transportation network company driver, shall register with the manager before making retail sales, rendering services or making rentals within the City and Borough. A transportation network company that collects and remits sales tax on behalf of a transportation network company driver shall notify such transportation network company driver of the registration requirement under this section. Nothing in this section shall be construed to require a transportation network company to register with the manager.

Discussion took place with Assemblymembers asking a number of questions of staff about the current practices relating to the registration, collection, and reporting of sales taxes by TNC drivers. Sales Tax Administrator Clinton Singletary explained that currently TNCs are operating but currently drivers are not collecting sales tax due to the manner in which the apps are structured. He said less than half the number of drivers are registered and less than half of those are collecting and remitting sales tax.

Assemblymembers and staff discussed the legalities involved, what can and cannot be required with respect to registration under the state law.

Roll Call vote on the Amendment:

Yeas: Becker, Edwardson, Gladziszewski, Kiehl, Koelsch.

Nays: Nankervis, Jones

Amendment passed 5:2

Roll Call vote on adoption of Ordinance 2018-38(b) as amended:

Yeas: Becker, Edwardson, Gladziszewski, Kiehl, Koelsch. Nankervis

Nays: Jones

Motion passed 6:1

IX. UNFINISHED BUSINESS

- A. Request for Reconsideration of Assembly Decision re: Tom Williams vs. Airport Board, Appeal 2018-04

Mr. Williams filed an appeal of an Airport Board vote. On August 13, the

Assembly decided not to accept the appeal. At the Special Assembly meeting on August 20, Mr. Williams petitioned the Assembly to reconsider its decision pursuant to the CBJ Appellate Code, 01.50.180. On August 24, the Municipal Clerk formally notified Mr. Williams of the Assembly's August 13 decision and notified Mr. Williams that his petition for reconsideration would be placed on the Assembly's September 17 meeting agenda.

The Assembly may reconsider its August 13 decision. As stated in 01.50.180(a), "Unless granted by an affirmative vote of the appeal agency, the petition for reconsideration is deemed denied."

As this is a quasi-judicial matter, the City Manager has no recommendation.

MOTION by Mr. Kiehl to reconsider its decision not to take up the appeal of Tom Williams vs. Airport Board, Appeal 2018-04.

Mr. Kiehl stated that this is a close call in his view and the question the Assembly is looking at is at which point someone can bring a decision of an empowered board to the Assembly. He said that there are rational arguments on both sides. He sees it as the Airport Board pointed the apparatus of the city in a direction and a citizen paid the fee and asked the Assembly to check that. Mr. Kiehl said that Mr. Williams had many grounds that he laid out and the only appealable point should be if money is spent or property gets taken. He said the question is, "Is there something appealable?" and he feels it is close but he thinks there is.

Ms. Becker said this project went through a lot of discussion in public meetings and the board has approved the action. She does not feel the Assembly would be making a good decision by taking this up again; it was resolved by the board and the public and she encouraged the Assembly to continue to uphold the Airport Board.

Mr. Edwardson said he understands and sympathizes with what Ms. Becker says but that there is nothing more fundamental than the ability to appeal a record decision. He was on the fence and remained silent during the last discussion the Assembly had on this. However, the more he thought about this, the more he thought he would err on the side of allowing someone to take an appeal to the Assembly. He doesn't believe that hearing an appeal is showing a lack of support for the Airport Board but he does think that it is important when there is a record decision, that an individual who is affected has an avenue to appeal.

Mr. Jones asked the City Attorney some process questions. He noted that after the Assembly made a decision not to hear the appeal, the Airport provided a presentation to the Assembly on the issues that were part of the appeal. At that meeting, the Assembly asked questions and while the Assembly didn't give the Airport any direction, they didn't say no, they didn't say yes but rather took it all as information. Mr. Jones asked if there was a conflict since they had heard from the Airport Board and they had a chance to ask

all the questions they could have asked given Mr. Williams' initial appeal, they didn't ask those questions, does that now present a conflict for considering this appeal?

Mr. Palmer said there are a couple of ways to look at this and Mr. Jones' question is one way to consider it. Another way was that when the Assembly heard the Airport discussion, the request for reconsideration had not yet been made. He noted that as Mr. Jones described, there were no decisions made by the Assembly during that meeting. He went on to explain that just because the Assembly heard that presentation in its legislative capacity, that does not necessarily mean that the Assembly in its quasi-judicial capacity, which is the way it would hear this appeal, would be tainted or biased one way or the other. If the Assembly decides to reconsider and accept the appeal, then there is still an opportunity for the Assembly to provide its own checks and balances if the members believe that they can do so from an unbiased perspective.

Ms. Gladziszewski asked Mr. Palmer to refresh the Assembly as to why the attorney initially opined that this was not an appealable decision. Mr. Palmer said that his recollection was that Ms. Mead indicated that a final decision had not been reached for which there were legal consequences. Mr. Palmer said that there were minutes in the packet associated with the Clerk's letter to Mr. Williams that provide more detail of the attorney's advice.

Mr. Kiehl said that his concern with the attorney's advice is that it leaves a situation like this one where the only thing that constitutes a final decision is when the Assembly appropriates money which is of course not appealable. He said that he has nothing but respect for Ms. Mead but that it leaves the appeals code such that a citizen doesn't have any chance to challenge a decision by a board because it is somehow not a final agency action the way she read the law. He said this is a decision by an empowered board to set the machinery of the City and Borough Juneau in a particular direction and we owe a citizen a hearing on that.

Mr. Palmer said that even if the Assembly were to reconsider and accept the appeal, that doesn't preclude this argument from coming back up if the parties decide to brief it through that process.

Mr. Jones described past appeals to the Assembly as well as his experience serving on the Bartlett Hospital Board. He said that he can't imagine every decision those boards make being subject to appeal. If it is a regulation or interpretation of their own rules about setting rates, he can see it coming to the Assembly on appeal but just a policy decision to move ahead in a certain direction would not be appealable so he is not going to support reconsideration.

Ms. Gladziszewski said she has some of those same concerns and asked Mr. Palmer if he could address those questions. Would everything from one of the empowered boards be considered appealable?

Mr. Palmer said not everything would be appealable. The only decisions that are appealable are those under our code that are 1) final and 2) have some sort of legal implication or relevancy. He said that a policy decision or a project that requires Assembly funding, that probably can't be appealed until the Assembly has fully funded it and then there is the possibility of an opportunity for appeal. He is not quite sure where this one falls. If there is hesitation for opening the flood gates or for reconsideration, that makes this one a tough decision. He said Ms. Mead provided her guidance and he is not going to disagree with that at this point.

Ms. Gladziszewski asked what he meant by "final" or "legal?" Mr. Palmer stated that in our appeal code 01.50.020 it says (a) *"The provisions of this chapter shall apply to the following administrative and quasi-judicial proceedings in which legal rights, duties and privileges or penalties of persons are to be determined..."* it later provides (b) *"...An appeal shall be filed only from a final agency decision. Decisions which are not appealable include, but are not limited to, decisions to recommend, advise, or request an action, even if the recommendation, advice or request is procedurally required as a prerequisite to some other decision, which later decision is dispositive of the matter."* There is a way to read it such that a project that has not been funded and is not been completed through a design process is not a final agency decision and he thinks that is what Ms. Mead was suggesting. However, there are some members on the Assembly that have suggested something a bit different.

Mayor Koelsch called for any further questions/discussion. Hearing none, he asked for the roll call vote and reminded members that it would take 5 votes in the affirmative to reconsider the decision of the appeal Tom Williams vs. Airport Board Appeal #2018-04.

Roll Call Vote

Ayes: Edwardson, Gladziszewski, Kiehl, Koelsch

Nays: Becker, Jones, Nankervis

Motion Failed 4:3

Mr. Jones asked about returning the applicants \$500 appeal fee and if that was something automatically done or if it required affirmative action by the Assembly.

Mr. Palmer said the easiest way to interpret the code is if the Assembly wants the appeal fee to be returned, they should pass a motion to order that to happen.

MOTION by Mr. Jones that the Assembly instruct the Manager to return the appeal filing fee and asked for unanimous consent. *Hearing no objection, the motion carried.*

X. NEW BUSINESS

- A. Margaret Tharp and David Lendrum's Request to Purchase CBJ Property: Lot 3, Bonnie Subdivision, USS 2392.

The Lands Committee discussed this topic at its meeting on August 6, 2018, and unanimously adopted the following motion:

The Lands Committee recommends that the Assembly work with the original applicants (Margaret Tharp and David Lendrum) to dispose of this CBJ property in a manner that would result in platting a 60-foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

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

Assembly Action

MOTION by Ms. Gladyszewski to authorize the City Manager to work with the original proposer on this item.

Mr. Jones objected to the motion. He stated that the area where this business is, has and was very controversial. The Planning Commission allowed the business to be at the end of a residential private driveway. It was not up to city street code. The Assembly had multiple appeals and the appellant lost eventually in the State Supreme Court trying to prevent this business from what they felt was ruining their neighborhood. He said he does not feel this is the right time to bring this up again as he knows the neighbors will be back before them if CBJ decides to negotiate with the business at this time.

Mr. Kiehl asked if there was any notice given to the neighbors about this request. Mr. Kiehl said that his recollection of the appeal was somewhat different from that of Mr. Jones. The question Mr. Kiehl has at this time was if notice was provided to the neighborhood and we have not heard back.

Mr. Watt said that the Lands Code requires that when someone comes in the door and asks to purchase a parcel that the next step is to come to the Assembly. Title 49 also requires that the Planning Commission review land disposals and comment to the Assembly. What he does not know is if the neighborhood was given notice of the proposed purchase. He said that such a notice is not required under Title 53 of the Lands Code but it is part of the Planning Commission review under Title 49. Mr. Chaney confirmed that notice to the neighbors has not been sent.

Additional discussion took place regarding the reason for the process under Title 53 and whether the Assembly wished to consider doing no sale, working with the original proposer or soliciting other purchasers.

Mayor Koelsch asked the Manager about his recommendation which was to work with

the original proposer. Mr. Watt said he was just following the recommendation coming from the Lands Committee.

Lands Manager Greg Chaney pointed to the factor that this proposal includes the Lendrum family providing an easement access to CBJ such that the current 30 foot CBJ panhandle access would be widened to a 60 foot easement. Mr. Chaney said that was the main reason they were even considering this sale and no other property owner could provide that same access easement.

Assemblymembers had questions for staff regarding the CBJ land, easement, and the proposed sale to the Lendrums.

Mr. Kiehl said he felt it was worth advertising to others to purchase the property so he recommended a No vote on the motion.

Ms. Gladziszewski said she supported the motion since it will provide CBJ the 60 foot easement. Mr. Edwardson also supported the motion due to the 60 foot easement that would provide access to the CBJ lands beyond this area.

Roll Call Vote

Ayes: Gladziszewski, Becker, Edwardson, Nankervis, Koelsch

Nays: Jones, Kiehl

Motion carried 5:2

B. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Applications

The Assessor received the two below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption applications which are being forwarded to the Assembly for consideration. The action required by the Assembly is to determine whether or not the late-filed tax assessment appeal will be heard. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

2018 Senior Citizen/Disabled Veteran Exemptions

- 1) Applicant: Evelyn E. Myers Parcel ID: 5B2101060010
 Physical Address: 2911 Linda Ave., Juneau
 Legal Description: Green Acres 3 Lt. 13

- 2) Applicant: Jeffery Martin Parcel ID: 5B1401040061
 Physical Address: 6907 Sunny Drive, Juneau
 Legal Description: Sunny Way Lt. 4B

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word “unable” does not include situations in which a

property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner's control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor's office.

If the Assembly decides to accept one or more late-filed appeals, those assessment appeals will be referred to the Assessor for review and action.

MOTION by Mr. Nankervis to refer the late filed appeal of Parcel ID 5B2101060010 from Ms. Evelyn E. Myers to the Assessor for review and action. *Hearing no objection, the motion carried.*

MOTION by Mr. Nankervis to refer the Disabled Veteran exemption appeal of Parcel ID 5B1401040061 for Mr. Jeffery Martin to the Assessor for review and action.

Assemblymembers asked staff a number of questions about process and timing with respect to this type of application.

Hearing no objection, the motion carried.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch reported that he attended Southeast Conference and noted the following upcoming dates of events happening in the community:

- Wednesday, September 26, 3:00-4:30pm Jackie Street House Build Dedication Ceremony
- Friday, September 28, Noon West Douglas Pioneer Road Ribbon Cutting
- Saturday, September 29 beginning around Noon - Project Playground dedication
- Upcoming Municipal Election on October 2, 2018.

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

Ms. Gladziszewski reported that the Assembly Human Resources Committee (HRC) met just prior to the Assembly and was forwarding the following nominations for appointments to our boards and commissions. *Hearing no objections, the following appointments were confirmed by the Assembly:*

- Americans with Disabilities Act Committee - Ms. Charlene Steinman to a term

beginning immediately and expiring August 31, 2021.

- Parks and Recreation Advisory Committee - Mr. Will Muldoon to a term beginning immediately and expiring August 31, 2021.

Ms. Gladziszewski reported that the HRC meeting also included a presentation regarding the Community Development Block Grant (CDBG) and the applications that had been received by the Community Development Department staff. Staff recommended the Assembly co-apply for the CDBG with St. Vincent dePaul for the Dan Austin Center. The recommendation from the HRC was to have CDD staff work with St. Vincent de Paul to prepare an application to be brought back to the Assembly along with a Resolution for approval and submission to the State. Mr. Jones objected for procedural reasons.

Additional discussion took place, it was determined that an Assembly Standing Committee may request staff to draft a resolution to be brought back before the Assembly at a future meeting and no further action was required at this time.

Ms. Gladziszewski reported that the Hospital Board met August 28 and at that meeting, the Hospital Board supported donating \$250,000 to Housing First project and JEMA gave \$15,000 to the project as well.

Ms. Gladziszewski asked the Manager about the Mental Health Trust meeting and the process that they are doing with respect to Lot C1 on the Seawalk/Subport area. She asked him if he could briefly review what has been done so far, where they are right now, and what is the best way for the city to help move them off the dime.

Mr. Watt explained that this has been a lengthy and complex process. In December 2016, the Trust advertised for disposal of the lot. They received a number of proposals, one of which offered at 20-25% above market value. The Trust did not respond to that proposal, the Trust has not been responsive to that group and they said they had to wait for legislative audit. The Legislative audit was centered on the question of whether or not the Trust was following statute and regulation. In June 2017 Assembly passed Resolution 2799 in support of disposal of lot by the Trust. The Trust did not respond to the resolution. In February 2018, through a suggestion that Mr. Watt made to the non-profit group, the McDowell Group provided a financial analysis, signed off by both of the principals, advising the Trust that their analysis of a couple of cash flow models that the Trust could best meet its fiduciary responsibility by selling the lot. The legislative audit report was released in May 2018 finding that the Trust had not followed statute properly. At the time the Trust did two things. They sent a letter back to Legislative Audit which in essence said they read the audit and didn't agree with it. Mr. Watt said, that in his opinion, the analysis they provided is thin. The legislative audit is conclusive, well researched and a well documented audit. He commented that he can't think of any land owner who wouldn't jump at the chance of selling land at 25% above market value and then be able to invest in the Alaska Permanent Fund which has been performing

quite well.

He said that tomorrow, there is a meeting of the Trust has a public process whereby they have invited the Urban Land Institute team of experts to come and inspect the land and to advise the Trust on what to do. Mr. Watt said he has been advised that the cost of that audit will cost \$30,000. He said he has communicated firmly with the Trust in every way possible over the past two years and he feels it would be very appropriate for the Assembly to support a letter to be drafted by the Manager detailing this issue, signed by the Mayor and sent to the Trust. The Trust is charged with making decisions in the best interest of the Trust and its beneficiaries, which is synonymous with creating revenue for their programs. He said there is a strong case that they have been a poor manager of their public mission and he doesn't say that lightly.

MOTION by Ms. Gladyszewski to have the Manager draw up a letter to that affect to be signed by the Mayor and sent to the Trust members and its Executive Director. Hearing no objection, the motion passed.

Mr. Jones reported that the Public Works and Facilities Committee met on August 27. The two remaining members heard information about the Project Labor Agreement (PLA) for the Airport project and their intent to establish one. They also received an information update on the Valley Transit Center. The next PWFC meeting is on September 24.

Mr. Jones reported that the School Board met September 11 and their next meeting is scheduled for October 9. He reported that the next Downtown Business Association (DBA) meeting may get moved from October 2 to October 9. He also reported that the next meeting of the Juneau Commission on Aging (JCOA) is scheduled for October 9.

Mr. Kiehl reported that the UAS Campus Council last met September 10. He said he didn't attend that meeting but the main agenda topic was the Alaska College of Education. He attended the Campus kickoff for the fall semester on August 31. Mr. Kiehl also attended the Alaska Municipal League (AML) summer meeting in August. Major topics of discussion were the state's long term budget and AML's support for state revenue solutions; they held a candidate forum for the governor's race. AML is convening an expert group on the topic of internet sales tax. He hopes Mr. Bartholomew will participate in that discussion since he has been active in researching those issues and a great resource for the rest of the league. He also reported that AML is working on recruiting for lobbyist services as their long-term lobbyist has retired.

Mr. Kiehl attended the Labor Day celebrations and the 9/11 memorial at Rotary Park. He also attended a memorial service honoring Kay Shelton who was the State librarian who was active the with historical collection and one of the original progenitors of idea of a combined state library archive and museum. She lived long enough to see that completed but her passing is a great loss to our community.

Mr. Kiehl said he attended Southeast Conference and was gobsmacked that before the new ferries even left the shipyard that DOT is looking at redesign and re-purposing those vessels. He said he is deeply concerned that the net result of that would be to take those vessels off the purpose they were designed for, expressly daily, predictable service to communities in Lynn Canal and he asked that they would direct the Manager to write to DOT/PF and express our concern. Those ferries were the only part of the Juneau Access project that never saw a lawsuit. Every long term plan for transportation in Southeast Alaska has called for a day boat, shuttle service on a predictable schedule which they have seen can be successful as has been shown by the Inter-Island Ferry Authority to the south.

MOTION by Mr. Kiehl to direct the Manager to write a letter to DOT/PF expressing the concern of this change on behalf of Juneau and the communities of northern Southeast who will be affected by this change. *Hearing no objection, the motion carried.*

Mr. Nankervis reported that the Committee of the Whole last met on August 29 at which they heard about the Airport North Terminal project, Abandoned Vehicles and the Comp Plan. The next COW meeting will be held September 24 with a start time change to 5:00pm since the Lands Committee meeting was cancelled. The tentative agenda topics include the Historic Plan, the JEDC Survey, the Museum presentation and Chamber Freight study.

Mr. Nankervis reported that many of the Assemblymembers were at the 9/11 memorial service as well as at the Labor Day picnic. He said many of them also attended an event at the Fillipinio Hall over the weekend. On September 8, he presented the proclamation on behalf of the Mayor at the Electric Vehicle commemoration event which had approximately 150 people in attendance.

Ms. Becker said Southeast Conference held a very good conference. Ms. Becker also reported on a number of meetings that took place while she was out of town. She reported that the Airport Board met while she was on her way to SE Conference and that their next meeting is October 9. The Alaska Committee meeting has a meeting coming up on Wednesday, September 19. *[Due to a poor telephone connection, it was difficult to hear Ms. Becker's full report.]*

Mr. Edwardson reported that the Docks and Harbors Board next meeting is scheduled for September 27. The next meeting of the Local Emergency Planning Committee (LEPC) is scheduled for October 17. He said he did attend the 9/11 memorial and has attended each one since its beginning and he appreciated seeing the rest of the Assemblymembers there as well. He pointed out that on this evening's consent agenda, there was a resolution recognizing the celebration of the three bronze totem poles in front of Sealaska Heritage building and the dedication of Heritage Square. The three bronze

totem poles were replicas of the ones done in wood by three artists from Hydaberg, Metlakatla, and Ketchikan. They are fantastic pieces of art and every time he has passed them, people have been marveling at them.

C. Presiding Officer Reports

None.

XIII CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. Contract Negotiations

MOTION by Mr. Kiehl to recess into Executive Session to discuss a matter, which by law should be kept confidential, specifically to discuss contract negotiations, the immediate knowledge of which could have a detrimental affect on the finances of the City and Borough of Juneau.

There being no public comment, and hearing no objection, the meeting recessed into Executive Session at 9:58p.m.

The committee returned from Executive Session at 10:40 p.m.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 10:41 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

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

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

ATTACHMENTS:

	Description	Upload Date	Type
▣	December 1, 2018 Special Meeting 2018-35 Assembly Retreat Draft Minutes	12/5/2018	Minutes

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

Meeting Minutes - December 1, 2018

MEETING NO. 2018-35: The Special Meeting - Retreat/Worksession of the City and Borough of Juneau Assembly held in the Bartlett Regional Hospital Administrative Boardroom, was called to order at 8:00 a.m. by Mayor Beth Weldon.

I. CALL TO ORDER / ROLL CALL

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

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Rob Palmer, Municipal Clerk Beth McEwen, Police Chief Ed Mercer, Deputy Chief David Campbell, Fire Chief Rich Etheridge, Programs Manager Tom Mattice, Lands Manager Greg Chaney, Chief Housing Officer Scott Ciambor, Community Development Director Jill Maclean, Finance Director Bob Bartholomew, Library Director Robert Barr, Parks & Recreation Director George Schaaf, Eaglecrest Director Dave Scanlan, Port Director Carl Uchytel, MIS Director Matt Scranton, Engineering/Public Works Director Mike Vigue

II. AGENDA TOPICS

A. Review and Status Update of 2018 Assembly Goals and Priorities

City Manager Rorie Watt provided a high level summary of the approach to addressing the Assembly's goals.

He pointed to his three memos found in the retreat packet which are illustrative of three different stages/approaches to goal fulfillment. The memo on the Housing Action Plan is an outline of the goals that have been set and the variety of steps that have been or are currently underway to work on those issues. The memo regarding the Juneau Renewable Energy Strategy is an aspirational plan that has been adopted but staff is still looking to the Assembly for how to move forward. The memo relating to Tourism/Waterfront Planning shows the journey on how the Assembly adopted the Long Range Waterfront Plan in 2004, has worked on implementing many of the projects within the plan and is asking some new questions on looking at the broader pictures relating to Tourism/Waterfront Planning.

Mr. Watt said that goals generally don't change but rather how we address them and achieve them are where "change" happens and encouraged the Assembly to

consider this as they work on their goals later in the retreat.

Mayor Weldon opened it up for questions from the Assembly and Ms. Hale asked about the goals on upgrading CBJ technology such as the ability for the public to make payments using their credit cards like they do to a business.

Mr. Watt said that while technology upgrades are slow, they are not dead in the water. Technology is very expensive and the failure rate on new technology is incredibly high and the policy questions when implementing government technology changes are more difficult than most think. He said the thousands of transactions for thousands of people during a fiscal year are much more complex and can't quite compare it to a small business using a Square device to collect money from its customers.

Ms. Cosgrove noted that technology upgrades are a high priority as evidenced by the Assembly including 1% of the sales tax revenues for technology. She said they are just about to kick off an upgrade of the financial system online payment portal. She also explained that government cannot do transactions like an Amazon shopping cart, as government has to be more transparent on what they charge. She noted that most governmental agencies in Alaska do charge a fee for credit card processing.

Additional discussion took place between Assembly and staff and Mr. Bryson noted that Visa credit card fees takes 2% out of the Juneau Economy every year.

Mr. Watt said that CBJ's Govern and Lawson technology program launches are a success story that most folks don't know about, they were a big overhaul of the Land and Finance systems and their implementation went very well. He compared that to a very bad case Alaskan scenario that Anchorage dealt with that didn't go well and cost hundreds of thousands of dollars.

Mr. Watt noted that considering the public involvement and transparency involved with any new CBJ program, change at the governmental level does take longer to occur than it would for private enterprise.

B. High Level Fiscal Overview

Finance Director Bob Bartholomew provided a high level fiscal overview of the recent past, the 2-year budget cycle, and some future predictions. He explained the FY20 budget was reviewed and approved during the FY19/FY20 budget process in Spring 2018 but that the FY20 budget will be coming back to the Assembly in the spring for final changes and adoption by June 2019. He also noted that the first

series of revenue and expenditure projections will be provided to the Assembly at the Finance Committee meeting scheduled for December 12, 2018.

During his overview he and Ms. Cosgrove spoke to the Priority Driven Budgeting process that was done in 2016. Additional discussion took place with the Assemblymembers and staff on the merits of the Priority Driven Budgeting process and whether that is a tool they should look at using in the future. While some members were in favor of using the process as a "best practice" communication tool for public involvement, other members felt the extraordinary amount of staff time and effort involved only yielded interaction with approximately 100 citizens and it was not a good value for the time and effort to go through again. The final outcome of the discussion was that ultimately, the Assembly is the decision making body on the budget and while they would not rule this out as a possible future tool to use, they did not choose to pursue that option at this time.

Mr. Bartholomew and Ms. Cosgrove asked members to contact them and they would be happy to provide them with any of the information from the process in 2016.

C. Local Economic Update by Meilani Schijvens

Meilanie Schijvens gave a presentation on "Juneau Alaska's Economy in a Nutshell - 2018" (a copy of which is now uploaded to the online packet materials).

Some of the highlights included Juneau's Report Card for 2017:

- Decreasing Jobs - down 200 jobs
- Decreasing Earnings - down \$9 million
- Decreasing Population - down 450 people

From 2012-2018, 650 state jobs have been lost which equal approximately \$40 million dollars in annual Juneau wages (at an average wage of \$61,000 per person state worker, not including benefits).

When discussing the Juneau demographic population numbers, she explained that population numbers peaked in 2015 and have lost approximately 900 individuals since then. She explained that since those individuals who left Juneau were mostly children and their parents, that would be the equivalent of losing all the kids enrolled at Harborview Elementary School along with their families.

Another set of statistics that is of importance is that of the tourism industry and specifically with respect to the cruise industry passenger numbers. 2010 was the lowest number of cruise passengers within the last decade with 875,593 and there is

an estimate 1.36 million cruise passengers anticipated to arrive in 2019. That represents a 55% increase in the number of passengers 2010-2019 and an increase of 25% from 2017 numbers (1.089 million) to 2019. As of 2016, tourism spending in Juneau was at \$212 million, averaging out to \$188 per visitor and provided an estimate of 21% of all CBJ sales tax revenues in 2016. The average spending per cruise passenger visitor was \$162 whereas the average amounts for ferry passenger equaled \$281 and air passengers equaled \$630.

Ms. Schijvens presentations focused on other aspects of the Juneau economy as well as some of the results of a business confidence survey.

D. 2019 Assembly Goals and Priorities Discussion

Mayor Beth Weldon and Deputy Manager Mila Cosgrove facilitated a goal brainstorming/review/prioritization exercise with the Assembly.

Assemblymembers were split up into groups of three to address the current Assembly goals from 2017-18 and asked whether they wished to keep them as is, change them up, remove them, or add new items. Following the small group exercise, they came back together to consolidate and adjust the wording as the full membership agreed it should be stated and then each member was given 15 dots to vote on the items they felt should be considered top priorities.

Finally, Mayor Weldon explained that any of the items that received at least 3 dots, would remain on the goals list and any that had fewer than 3 dots would remain as placeholder topics but would not make the priorities list.

The process began with the current main 4 goal categories and a 5th category relating to Sustainability was added at the end.

Below are each of the goal categories and implementing actions as well as any new topics that members added.

Goal #1: Housing – Assure adequate and affordable housing for all CBJ residents

Current Implementing Actions under Goal #1:

- A. Increase affordable and workforce housing availability through identifying and implementing strategies from the housing action plan. (1 dot)**
- B. Area Plans: Complete Downtown Area plan, followed by Douglas and Valley area plans (4 dots)**
- C. Finish development of Pederson Hill and begin disposal process. (-0-**

dots; post voting comments: keep this on the list and keep up the good work already begun!)

D. Update the Comprehensive Plan. (moved to Economic Goal #2)

Added, removed and/or restructured present implementing actions:

1. Examine Status of Affordable Housing Commission (3 dots)
2. Prioritize Housing Action Plan strategies (5 dots)
3. Identify next residential development area - CBJ owned land/disposal (3 dots)
4. Improve downtown Housing – Gastineau properties; incentives (5 dots)
5. “B” identify the next plan not necessarily Douglas or Valley (1 dot)

With respect to Goal 1B. CDD Director Jill Maclean provided details of plan dates already in the line up for the next two years: Currently underway is the Downtown Juneau plan being worked on through Blueprint Downtown efforts, next is the Downtown Douglas Overlay District, then eventually the Valley will be next in the line up. Assemblymembers agreed to keep the plan on the current goals list but since this is a one year list, they felt the Downtown Douglas and Valley language should be only listed as a placeholder or comment as being in the que.

Goal #2: Economic Development – Assure Juneau has a vibrant, diverse local economy

Current Implementing Actions under Goal 2:

- A. Solve current Downtown Parking/Investigate Park and Ride System. (see below for changes)
- B. Implement Juneau Economic Development Plan (JEDP) (see below for changes)
- C. Identify route, permit, bid and construct the extension of N. Douglas Hwy. as far as existing funding allows. (see below for changes)
- D. Continue Mining Ordinance Review: Review and possibly revise mining ordinance, review and revise as needed draft lease agreement, review and revise as needed unit agreement. (Remove-completed)
- E. Juneau Access: Support the construction of a road north out of Juneau (Remove-now up to state)
- F. Next Generation Workforce: Support continued education funding, and child care with an emphasis on kindergarten readiness. (see below for changes)
- G. Downtown Revitalization Action Strategies including Gastineau Apartments (see below for changes)
- H. Expand Juneau’s Position as Research Center (Remove-in JEDP and lobbyist has direction)

- I. Identify future industrial land**
- J. Secure the \$22 million of diverted Juneau Access funds for transportation infrastructure projects for the community.**

Added, removed and/or restructured present implementing actions:

- A. Change to: Revisit Downtown Transportation Plan to include the following (also part of Downtown Blueprint) **(5 dots)**
 - 1) Building downtown parking structure
 - 2) Park & Ride
 - 3) Circulator
- B. Change to: Prioritize implementing actions from JEDP **(3 dots)**
- C. Change to: Evaluate next steps & benefits with N. Douglas Road/2nd Channel Crossing **(4 dots)**
- D. Mining Ord. – remove
- E. Juneau Access – remove **(2 dots)**
- F. Complete work of Childcare Committee; Assembly act on recommendations **(4 dots)**
- G. Revitalize downtown based on Blueprint Downtown project recommendations **(-0- dots)**
- H. Expand Juneau's Position as a Research Center (Removed since there wasn't much the Assembly could do other than continuation of working with the lobbyists on this project at a federal level. This item is encompassed within the JEDP.)

New Items:

- 1. Play strong role in Southeast Conference **(-0- dots)**
- 2. Explore means of building a new JACC and CBJ's participation. **(4 dots)**
- 3. Goals for tourism marketing, especially to independent travelers – work with Tourism Juneau, JEDC, & JAHC. **(5 dots)**

Discussion re: Juneau Access being removed from the list - the Assembly passed a resolution in support of Juneau Access and there isn't much more that can be done from the Assembly level, it is now in the hands of the state. One group commented that the Juneau Access project should remain on the list but that it should be pavement to pavement and not just a road extension to another ferry terminal. The other two groups were OK with removing it from the list.

Discussion re: Tourism Marketing - Review CBJ's role in tourism marketing since Travel Juneau receives \$1.3 million annually from CBJ with no CBJ oversight. Look for marketing strategies targeted for regional travel since Juneau is a hub community as well as winter time and other independent travelers.

Goal Exercise #3: Sustainable Budget and Organization – Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community

Current Implementing Actions under Goal 3:

- A. Examine both revenues (Tax) and expenditures to assure the CBJ maintains a sustainable budget that meets the community's needs. (1 dot)
- B. Deferred Maintenance/Asset management long term plan (report to COW) (5 dots)
- C. Upgrade CBJ Technology – online payments, website updates (report to COW) (3 dots)
- D. Communications Plan to Keep the Public Informed (report to COW) (2 dots)
- E. 1st Responder recruitment & retention (moved to Goal #4 Public Safety)
- F. Work on business case for consolidated City Hall (report when ready) (6 dots)

Added, removed and/or restructured present implementing actions:

A, B, C, D, E, F, keep – report back to the COW on what might be happening on these.

Moving item E. 1st Responder recruitment & retention to Public Safety Goal #4 category.

Item A should be a best practices item and not a goal.

New Items:

- 1. Protect Budget reserves. (4 dots)
- 2. Examine Sales Tax Structure - Internet Sales Tax & Food exemptions for sales tax (3 dots)
- 3. Look at Boards/Commissions Communications Plan (-0- dots)
- 4. Identify & Minimize economic losses (ie: internet sales, state jobs moving out of Juneau, credit card processing fees) (2 dots)

Revisit 1-4 goals in 6 months.

Goal #4: Community Wellness/Public Safety – Juneau has a local environment that is safe and welcoming for all citizens

Current Implementing Actions under Goal 4:

- A. Partner with non-profits and other government agencies to support efforts to address both homelessness and public inebriate issues in Juneau. (see below for changes)
- B. Partner with non-profits and other government agencies to address Opioid epidemic (see below for changes)

- C. Develop strategies to respond to the impacts of SB91. (see below for changes)**
- D. Ensure that Juneau has a functioning local solid waste disposal option into the future. (moved to new Goal #5 Sustainability)**

Added, removed and/or restructured present implementing actions:

A lot of reframing...

- A. Reframe to focus on unsheltered and vulnerable populations (substance abuse & Mental Health) vs. “public inebriate” language **(5 dots)**
- B. Reframe to ask about the Opioids and Meth crisis and to clarify what BRH’s role should be as a community owned hospital **(6 dots)**
- C. Reframe – strategies to deal with impacts to crime (SB91) **(5 dots)**
- D. Move to sustainability future waste issues, SE region issues. (move to new Sustainability Goal #5)

New items:

- 1. Work on Compliance with sidewalks year round including both homeowners and business responsibilities: snow removal cycle, trash removal, litter, and sign ordinances. **(3 dots)**
- 2. Review Public Safety Task Force recommendations (including adding more prosecutors) **(3 dots)**
- 3. 1st Responder recruitment & retention (moved from Goal #3) **(4 dots)**

Discussion took place regarding the need for an ambulance and fire truck to both be deployed when responding to a call, staff reported that is already incorporated within the strategies found in item #3 above that was moved from Goal 3.

New Goal #5: Sustainability

**Juneau Sustainability Definition provided by one of the breakout groups:
“Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations”**

The following implementing actions are those in the Sustainability category that the group ultimately voted upon:

- A. Follow and implement the Juneau Renewable Energy Strategy (JRES) as recommended by the Juneau Commission on Sustainability (JCOS). (4 dots)**
- B. Develop steps to shift public and private transportation toward renewable energy solutions. (3 dots)**

- C. Investigate what it would take to plug in cruise ships. (3 dots)
- D. Develop steps to reduce fossil fuel use and reduce costs of heating public, private, and commercial buildings. (2 dots)
- E. Develop and implement a CBJ energy management program (5 dots)
- F. Develop and implement/update Climate Change Impacts & Mitigation Plan (3 dots)
- G. Develop plan to increase recycling (3 dots)
- H. Develop solid waste strategy (-0- dots)
- I. Work with AEL&P to create timeline for moving to renewable energy. (-0- dots)

E. Assembly Procedures and Protocols

Ms. McEwen spoke to her memo in the packet on whether the Assembly wished to have staff recommend policies/protocols with respect to the three topic below.

Support was gauged by a showing of hands as to whether the Assembly wished staff to research and bring recommendations back to them through the HRC.

1. Did the Assembly wish to transition into using fully automated packets similar to what BRH & School Board uses or do they wish to continue with the status quo? *Only four members were in favor of pursuing this topic so it did not pass.*
2. Did the Assembly wish to consider developing a Social Media policy for elected officials? *Only two members were in favor of pursuing this topic so it did not pass.*
3. Did the Assembly wish to look at the issuance of one or more city-owned devices upon which members would conduct all city-related business, thereby limiting what might need to be searched during a public records request? *Five members were in favor of pursuing this topic so staff will do some research and provide a report to the HRC on what this might look like.*

Under other discussions on Assembly procedures and protocols, Mr. Kiehl asked what the Assembly's expectations and policies would be with respect to lobbying at the State Capitol by CBJ staff and agencies such as those from the empowered boards. Discussion took place about past practices and that they need to speak with a unified voice and that the main lobbying would be done by the hired lobbyist but that the Mayor and any representatives she invites to join her will go up to the Capitol periodically as Juneau's local ambassador and convey those messages that had already received approval by the full Assembly. Mayor Weldon said that she

would work with Manager Watt on providing guidelines and protocols for any empowered board representatives, staff or board members on lobbying at the capitol. The Assembly asked the Mayor and City Manager to serve as the gatekeepers for any board staff or board members speaking on behalf of CBJ related issues.

Mr. Jones commented on the Assembly's work on its goals and asked that once they have been finalized, he would like to get confirmation and or a status report on whether work on this goals is realistic and doesn't deter from the daily operations of the city. He said that staff is spending 85% of its time running the city and he would hate to see their ability to efficiently run the city detracted by the imposition of these new goals by the Assembly. Mayor Weldon agreed that the Assembly needs to be realistic with its goals and may need to fine tune them when they come back to the Committee of the Whole in a finalized version.

Mr. Watt provided some closing comments about the work of the Assembly and that it is refreshing and rare to have an opportunity to have this type of setting to do business in a less formal/hands on setting. He encouraged the Assembly to think about revisiting this in 6 months and also encouraged them to play strong role at Southeast Conference which is another similar setting where the Assembly can have these types of informal but important dialogues. He compared this to everyone going to Anchorage for Alaska Municipal League. When we go to AML, everyone wonders where the Anchorage representatives are and he said that Juneau has done a similar thing with Southeast Conference. He encouraged members to participate in Southeast Conference which will be held in Sitka in September 2019 and the Mid-Session summit in February held in Juneau.

Mayor Weldon asked the other staff present if they wished to provide any comments.

Lands Manager Greg Chaney noted that while the Pederson Hill project is coming close to completion on Phase I. Additional phases will be brought back to the Assembly for more decisions and later stages.

Parks and Recreation Director George Schaaf invited any of the Assemblymembers to contact him if they wished to arrange a visit to any of the Parks & Recreation or Building Maintenance facilities.

Mayor Weldon thanked everyone for their time and work and said she is looking forward to draft goals coming out of this retreat and for the future discussions on them.

III. ADJOURNMENT

There being no further business to come before the body, Mayor Weldon adjourned the meeting at 1:34 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Beth A. Weldon, Mayor

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

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

MANAGER'S REPORT:

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.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
 Ordinance 2018-47	12/5/2018	Ordinance

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-47

An Ordinance Amending the Health and Sanitation Code Relating to Smoking Limitations.

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

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

Section 2. Amendment of Section. CBJ 36.60.010 Smoking prohibited, is amended to read:

36.60.010 Smoking prohibited.

(a) Smoking is prohibited ~~in~~:

- (1) in enclosed ~~Enclosed~~ public places;
- (2) in enclosed ~~Enclosed~~ areas that are places of employment;
- (3) in vehicles ~~Vehicles~~ and enclosed areas owned by the City and Borough of Juneau, including the Juneau School District;
- (4) in commercial ~~Commercial~~ passenger vehicles regulated by the City and Borough under CBJ 20.40;
- (5) in bus ~~Bus~~ passenger shelters;

(6) in private ~~Private~~ clubs that are licensed by the State of Alaska to sell marijuana or alcoholic beverages, or that offer food for sale, regardless of the number of employees; ~~and~~

(7) in indoor ~~Indoor~~ or outdoor areas designated by "No Smoking" signs meeting the requirements of CBJ 36.60.035;

(8) outdoors within ten feet of playground equipment located at a public or private school or a state or municipal park while children are present;

(9) outdoors within ten feet of an entrance to a bar or restaurant that serves alcoholic beverages;

(10) outdoors within 20 feet of an entrance, open window, or heating or ventilation system air intake vent of any building area within which smoking is prohibited by this chapter;
and

(11) outdoors within a reasonable distance, as determined by the owner or operator, of an entrance, open window, or heating or ventilation system air intake vent of

(i) a vessel covered by this chapter; or

(ii) a long term care facility as defined in A.S. 47.62.090.

(b) Notwithstanding any other provision of this chapter, smoking and the use of smokeless tobacco products is prohibited anywhere within the area defined as the "Hospital Tobacco-free Campus."

(1) For purposes of this subsection, the "Hospital Tobacco-free Campus" means all buildings and facilities owned or leased by Bartlett Regional Hospital, whether inside or outside the buildings or facilities; the Bartlett House, the Juneau Medical Center, and Wildflower Court, whether inside or outside the buildings or facilities; the vehicle parking areas owned or leased by the hospital; the vehicle parking areas for the Bartlett House, the

Juneau Medical Center, and Wildflower Court; and the public streets and public sidewalks adjacent to any of these buildings and facilities; provided, however, the five pavilion areas at Wildflower Court are excluded from the Tobacco-free Campus; all as shown on Exhibit A to Ordinance 2007-20.

(2) For purposes of this subsection, use of smokeless tobacco products means use of snuff, chewing tobacco, smokeless pouches, or other forms of loose leaf tobacco.

Section 3. Repeal of Section. CBJ 36.60.025 Reasonable distance, is repealed.

36.60.025 Reasonable distance.

~~Except as provided in subsection 36.60.030(7), no person may smoke within ten feet of any entrance, open window, or ventilation system intake of any building area within which smoking is prohibited by this chapter; provided, however, no person may smoke or use smokeless tobacco products anywhere within the "Hospital Tobacco-free Campus" as that area is defined in section 36.60.010(b) of this chapter.~~

Section 4. Amendment of Section. CBJ 36.60.030 Exceptions; areas where smoking is not prohibited, is amended to read:

36.60.030 Exceptions; areas where smoking is not prohibited.

(a) Unless otherwise prohibited by State or Federal law, smoking is not prohibited in the following places:

(1) Private residences, including those used as a place of employment, provided this exception does not apply at any time the private residence is open for use as a child care, adult care, or health care facility;

(2) ~~Reserved; Places of employment with a total of four or fewer employees, provided that this exception does not apply to a place of employment that is an enclosed public place or a private club;~~

(3) Private enclosed areas in nursing homes or assisted living facilities;

(4) Reserved;

(5) Performers smoking as part of a stage performance;

(6) Reserved;

(7) ~~Reserved; Outdoor patios, decks, and other outdoor areas used for seating by a bar, restaurant, or other establishment where alcoholic beverages are sold or food is offered for sale, provided that at least two sides of the area are open directly to the outdoors, and provided further that the minimum reasonable distance under section 36.60.025 shall be five feet meaning that no person in these areas may smoke within five feet of any entrance, open window, or ventilation system intake of the building area for the establishment;~~

(8) Federal or state property, or those portions of buildings leased by the federal or state government; and

(9) Private property used for residential incarceration under contract to a federal or state correctional agency.

(b) The owner, operator, or manager of property may by permanently affixing a sign thereon, waive any exception provided in subsection (a) of this section.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
□ 2018-11(T)	12/5/2018	Ordinance

Presented by: The Manager
Introduced: December 17, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$380,000 as Funding for the Replace Exit Lane System Capital Improvement Project.

Section 3. Source of Funds

Airport Fund's Fund Balance: \$ 380,000

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

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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

The City Manager recommends adoption of this resolution.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution 2843	12/5/2018	Resolution

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY19 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2017 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods that may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, the City and Borough of Juneau proposes to use an alternative allocation method for allocation of FY19 funding available within the Fisheries Management Area 17: Northern Southeast Area in agreement with all other municipalities in this area participating in the FY19 Share Fisheries Business Tax Program.

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

Section 1. The City and Borough of Juneau certifies that the following alternative allocation method fairly represents the distribution of significant effects during calendar year 2017 of fisheries business activity in Fisheries Management Area 17: Northern Southeast Area:

- All municipalities share one half of the funding allocation equally between the respective municipalities; and

- All municipalities share the remaining half of the funding allocation on a per capita basis.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

Douglas Highway Water Main Replacement

MANAGER'S REPORT:

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

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
❑ Bid Letter	12/13/2018	Bid Award

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

DATE: December 12, 2018

FROM: Greg Smith
Contract Administrator

FILE: 1939

SUBJ: BID RESULTS:
Douglas Highway Water Main Replacement Re-Bid
CBJ Contract No. BE19-085

Bids were opened on the subject project on December 12, 2018. The bid protest period will expire at 4:30 p.m. on December 13, 2018. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
<i>Admiralty Construction</i>	<i>\$1,941,090</i>
Coogan Construction	\$2,045,451
Glacier State Contractors	\$2,127,207
Arete construction	\$2,276,006
<i>Engineer's Estimate</i>	<i>\$2,337,485</i>

Project Manager: Paul Beck

This project consists of replacement of the ductile iron and cast iron water mains and associated services with HDPE along Douglas Highway from Sitka Street to David Street. The WORK will also include rehabilitation of existing brick sanitary sewer manholes, removal and replacement of roadway asphalt, concrete and asphalt sidewalk, as well as curb and gutter and other miscellaneous related WORK.

Funding Source: F514 - Water Fund and F215 Sales Tax Temporary

Total Project Funds: \$2,896,982.16

CIP No. W75-054

Construction Encumbrance: \$1,941,090

Construction Contingency: \$194,109

Consultant Design: \$122,456

Contract Administration/Inspection: \$155,287.20

CBJ Administrative costs: \$58,232.70

Pending the outcome of the protest period, staff recommends award of this project to Admiralty Construction, Inc. for the total amount bid of \$1,941,090.

Approved: _____
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval: _____

c: CBJ Purchasing



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

Liquor License Renewals and A New Liquor License

MANAGER'S REPORT:

These liquor license actions are before the Assembly to either protest or waive 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

-

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.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
❑ Forbidden Peak Brewery LLC AMCO Notice	12/12/2018	Liquor License
❑ Devil's Club Brewing LLC AMCO Notice	12/12/2018	Liquor License
❑ Thibodeau's Market Inc d/b/a Percy's Liquor Store AMCO Notice	12/12/2018	Liquor License
❑ Costco Wholesale Corporation d/b/a Costco Wholesale #107 AMCO Notice	12/12/2018	Liquor License
❑ The Narrows Bar, LLC AMCO Notice	12/12/2018	Liquor License



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

November 16, 2018

City & Borough of Juneau
Attn: Beth McEwen
Via Email: beth.mcewen@juneau.org
Cc: City.Clerk@juneau.org

License Type:	Brewery	License Number:	5729
Licensee:	Forbidden Peak Brewery LLC		
Doing Business As:	Forbidden Peak Brewery LLC		

☒ **New Application**

☐ **Transfer of Location Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Controlling Interest Application**

We have received a completed 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 protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

November 1, 2018

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:	Brewery	License Number:	5517
Licensee:	Devil's Club Brewing LLC		
Doing Business As:	Devil's Club Brewing Company		

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 BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

November 14, 2018

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:	849
Licensee:	Thibodeau's Market Inc.		
Doing Business As:	Percy's Liquor Store		

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 BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

November 8, 2018

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:	3352
Licensee:	Costco Wholesale Corporation		
Doing Business As:	Costco Wholesale #107		

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 BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

November 6, 2018

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:	76
Licensee:	The Narrows Bar LLC		
Doing Business As:	The Narrows Bar LLC		

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

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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

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.

ATTACHMENTS:

Description	Upload Date	Type
☐ Transfer T-1007	12/4/2018	Transfer
☐ Impact of Budget Action	12/4/2018	Exhibit

Presented by: The Manager
Introduced: 12/17/2018
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1007

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$6,000,000 be transferred:

From: CIP

H51-108	Statter Harbor Improvements – Phase III	\$4,500,000
D12-070	Open Space Waterfront Land Acquisition	\$1,500,000

To: CIP

H51-116	MP to Taku Uplands Improvement	\$6,000,000
---------	--------------------------------	-------------

The \$6,000,000 consists of:

State Marine Passenger Fees	\$4,500,000
Marine Passenger Fees	\$1,500,000

Moved and Approved this _____ day of _____, 2018.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

City and Borough of Juneau

Capital Project Budget Summary Report

Impact of Budget Action:Transfer T-1007

Budget Action and Project Funding Impacts

The effect of this transfer on the project budgets and available funds to complete the projects is summarized below:

		Project Budget			Remaining Funds		Comments	Funding Source	Funding Source
Project No.	Transfer From	Transfer	Before	After	Before	After		State Marine Passenger Fees	MPF
H51-108	Statter Improvements - Phase III	4,500,000	\$ 9,890,000	\$ 5,390,000	\$ 8,437,076	\$ 3,937,076	Ongoing	4,500,000.00	
D12-070	Open Space Waterfront Land Acquisition	1,500,000	\$ 3,934,404	\$ 2,434,404	\$ 1,910,564	\$ 410,564	Ongoing	-	1,500,000.00
Total Transfer		6,000,000	\$ 13,824,404	\$ 7,824,404	\$ 10,347,640	\$ 4,347,640		4,500,000.00	1,500,000.00

		Project Budget			Remaining Funds		Comments		
Project No.	Transfer To	Transfer	Before	After	Before	After			
H51-116	MP to Taku Uplands Improvement	4,500,000	\$ 3,512,876	\$ 8,012,876	\$ 2,271,680	\$ 6,771,680	Ongoing	4,500,000.00	
H51-116	MP to Taku Uplands Improvement	1,500,000	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000	Ongoing		1,500,000.00
Total Transfer		6,000,000	\$ 3,512,876	\$ 9,512,876	\$ 2,271,680	\$ 8,271,680		4,500,000.00	1,500,000.00

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

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

MANAGER'S REPORT:

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.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2018-41c	12/13/2018	Ordinance
☐ Ord 2018-41 ARS Presentation Diagrams	11/8/2018	Presentation

Presented by: The Manager
Introduced: 10/15/18
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-41(c)

An Ordinance Amending the Land Use Code Relating to Alternative Residential Subdivisions.

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

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

Section 2. Amendment of Chapter. Title 49, Chapter 15 is amended to by adding a new article IX, to read:

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-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 article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and

developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

49.15.920 General provisions.

(a) *General.* The requirements of this title apply except as provided in this article.

(b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.

(c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.

(d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, vegetative coverage shall be applied to the parent lot and not the unit-lots.

(e) *Density.*

- (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.

(2) Land and water bodies used in calculating the number of dwelling units permitted shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.

(3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:

(A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of fifteen percent for open space in excess of that required;

(B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;

(C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale (i) in which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or (ii) in which twenty percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.

- (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
 - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with Chapter 49.35;
 - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
 - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
 - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
 - (B) Substantially be out of harmony with property in the neighboring area;
 - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
 - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.

(f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements:

- (1) The access shall be located completely on the parent lot;
- (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;
- (3) The access complies with the emergency service access requirements of CBJ 19.10;
- (4) Access to and within the development is paved;
- (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
- (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.

(g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.

(h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.

(i) *Open Space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.

(j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood

1
2
3 harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a
4 buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a
5 buffer by 75 percent of the setback for the underlying zoning district. The commission may only
6 enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location
7 of the subdivision structures and uses therein; the location and type of surrounding uses or
8 development; topography; and the presence of existing visual and sound buffers. A buffer shall
9 be vegetated unless the commission requires non-vegetated screening. A buffer may include
10 fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or
11 permissible uses may be located within the perimeter buffer. Access to the development may
12 cross a portion of the buffer.
13

14 (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common
15 by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located
16 within the parent lot.
17

18 (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be
19 adequate to serve the development and areas draining through the development. Management
20 shall be in accordance with the Stormwater Best Management Practices manual. Where
21 appropriate, natural drainage channels, swales, or other similar areas within the open space
22 may be used for stormwater management at the development. The developer shall provide the
23 CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls
24 for the additional runoff contributed by the alternative residential subdivision. The commission
25 may require construction of offsite drainage improvements necessary to accommodate
additional runoff from the development.

(m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the Table of Permissible Uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the Table of Dimensional Standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.

(n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

(o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.

49.15.930 Alternative residential subdivision review process.

(a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the

1
2
3 number or boundaries of unit-lots, the preliminary and final plat submissions required by
4 section 49.15.402 shall be included with the preliminary and final plan submissions required
5 by this chapter.

6 (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct
7 an informal preapplication conference with the developer to discuss the proposed alternative
8 residential subdivision. The purpose of the preapplication conference shall be to exchange
9 general and preliminary information and to identify potential issues and bonuses. The
10 developer may discuss project plans and the director may provide an informal assessment of
11 project permit eligibility, but no statement made by either party shall be regarded as binding,
12 and the result of the conference shall not constitute preliminary approval by the department.
13 The conference shall include a discussion of the zoning, size, topography, accessibility, and
14 adjacent uses of the development site; the uses, density and layout of buildings, parking areas,
15 the open space and landscaping proposed for the development; the common facilities; provision
16 of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian
17 circulation, and winter maintenance including snow removal locations; the development
18 schedule and the alternative residential subdivision permit procedures. The developer shall
19 provide a sketch of the proposed alternative residential subdivision.
20
21

22 **49.15.940 Preliminary alternative residential subdivision plan approval.**

23 (a) *Application.* The developer shall submit to the department one copy of a complete
24 alternative residential subdivision application, which shall include an application form, the
25 required fee, any information required in subsection 49.15.402, the information required by
this section, and any other information specified by the director.

(b) *Required submissions.* The application shall include the following material:

(1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.

(2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

(3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

(4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.

(5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.

(6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:

- (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
- (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
- (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
- (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
- (E) A description of the overall design theme unifying the phases;
- (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
- (G) A sketch plat consistent with 49.15.410.

(c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

(d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:

- (1) The development protects natural features and avoids natural hazards by reserving them as open space;
- (2) The development is consistent with the land use code;
- (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
- (4) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
- (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
- (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;
- (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
- (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).

(e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

49.15.950 Final alternative residential subdivision plan approval.

(a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

(b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.

(1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat.

(c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

(d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

49.15.960 Phased development.

(a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.

(b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.

(c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

49.15.970 Amendments to approved alternative residential subdivision plan.

(a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

(b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:

- (1) Insignificant change in the outward appearance of the development;
- (2) Insignificant impacts on surrounding properties;
- (3) Insignificant modification in the location or siting of buildings or open space;
- (4) No reduction in the number of parking spaces below that required;
- (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.

(c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

Section 3. Amendment of Section. CBJ 49.80.120 Definitions, is amended by adding the following new definitions in alphabetical order, to read:

Parent lot means the original lot and the residual area from which unit-lots are created through an alternative residential subdivision.

Unit-lot means any lot, site, parcel, unit-site, and similar geographically defined property that is created through an alternative residential subdivision and that is substantially smaller than the minimum lot size required for the zoning district.

Section 4. Amendment of Section. CBJ 49.85.100 Generally, is amended by adding a new fee for Alternative Residential Subdivisions, to read:

49.85.100 Generally.

...

(8) Special use or area.

...

(G) Alternative Residential Subdivisions.

(i) Preliminary plan application review, \$400.00 plus \$80.00 per residential unit;

(ii) Final plan review, \$300.00 plus \$60.00 per residential unit.

...

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

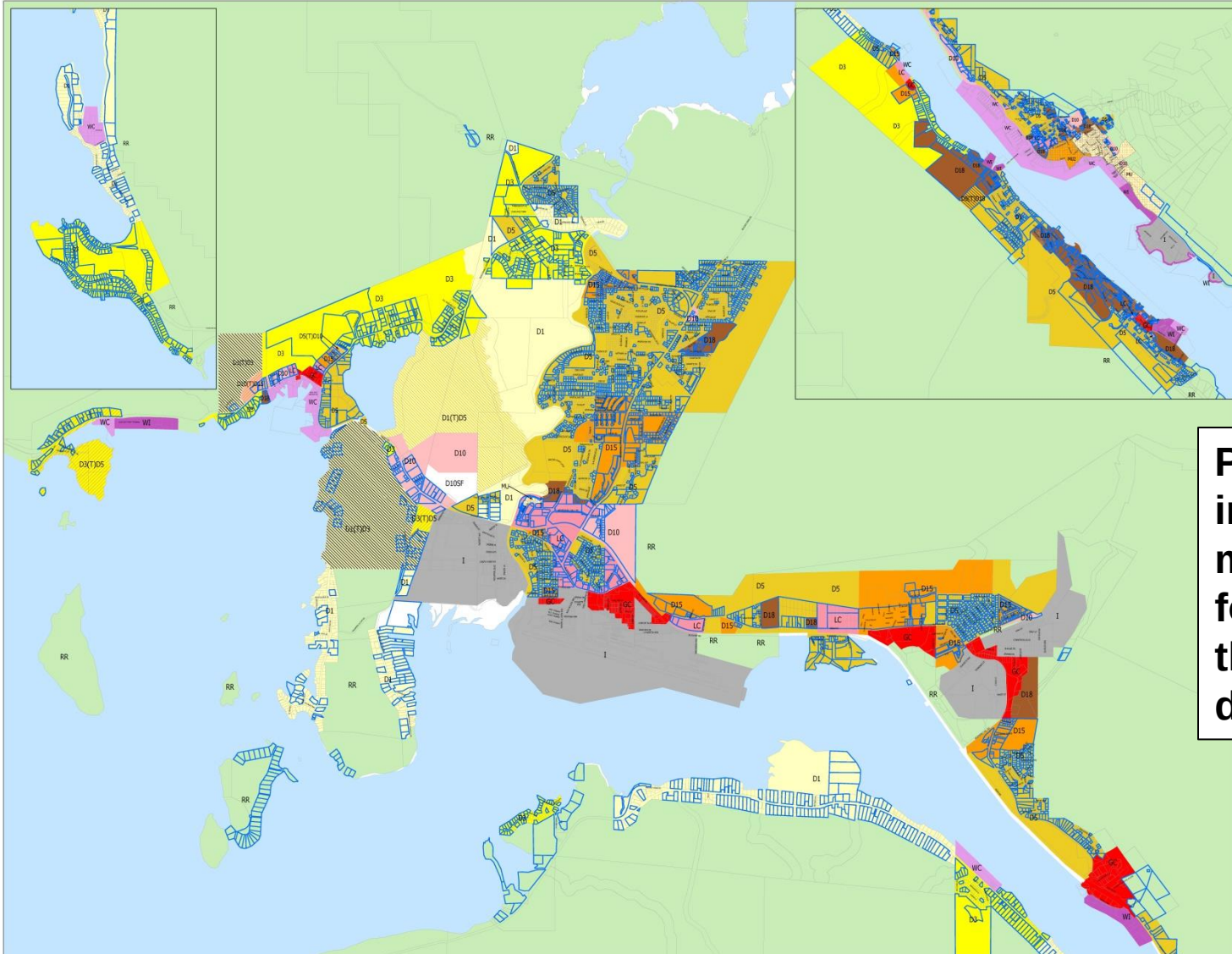
Ordinance 2018 - 41

Text amendment to revise Title 49 to provide for
Alternative Residential Subdivisions (ARS)

Assembly Committee of the Whole

November 19, 2018

Parcels that Meet the Minimum Lot Size for an ARS

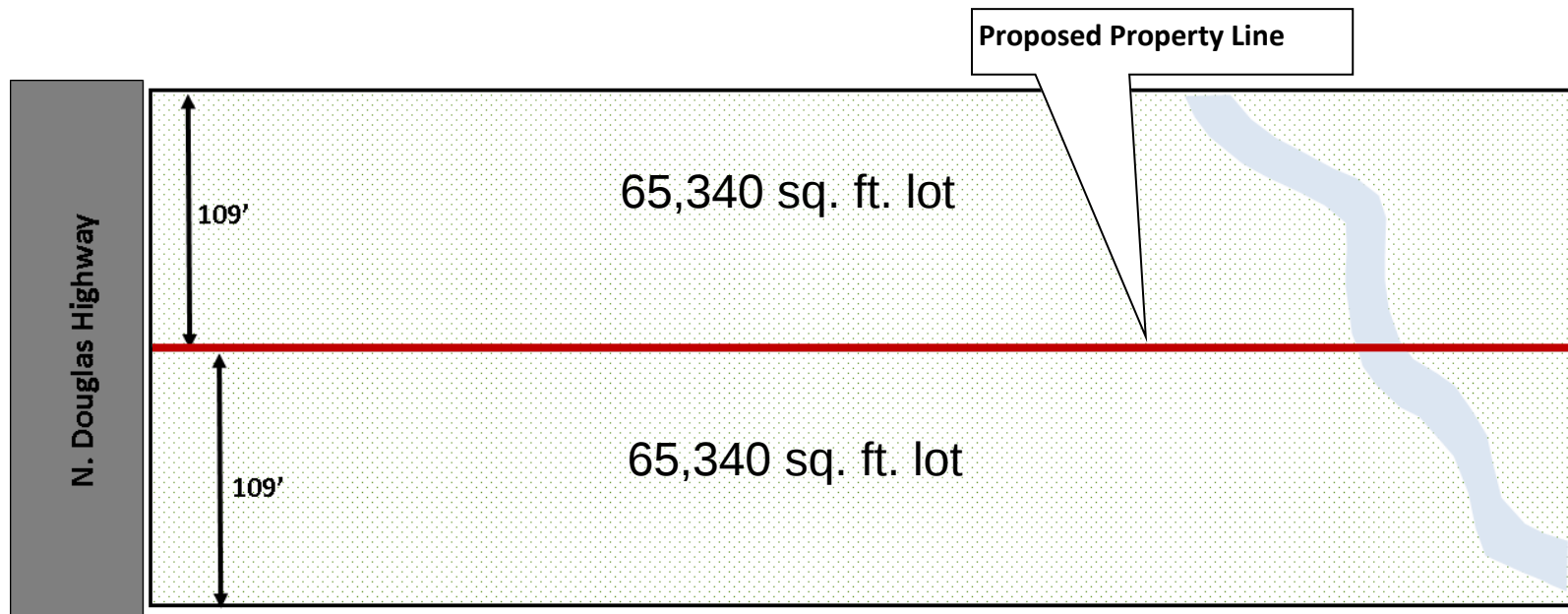


Parcels outlined in blue meet the minimum size for an ARS in their zoning district.

of Parcels that May Meet the Minimum Lot Size Required for an ARS

Zone	Min. ARS Lot Size Sq ft	Parcels $\geq$ Min. ARS	Total Parcels	Percent of total $\geq$ Min. ARS
D1	54000	482	1355	36%
D3	18000	701	1142	61%
D5	10500	1932	4809	40%
D10	9000	118	208	57%
D15	7500	291	526	55%
D18	7500	310	733	42%
LC	3000	155	163	95%
RR	54000	319	471	68%

D1 Standard Subdivision



D1 Dimensional Standards

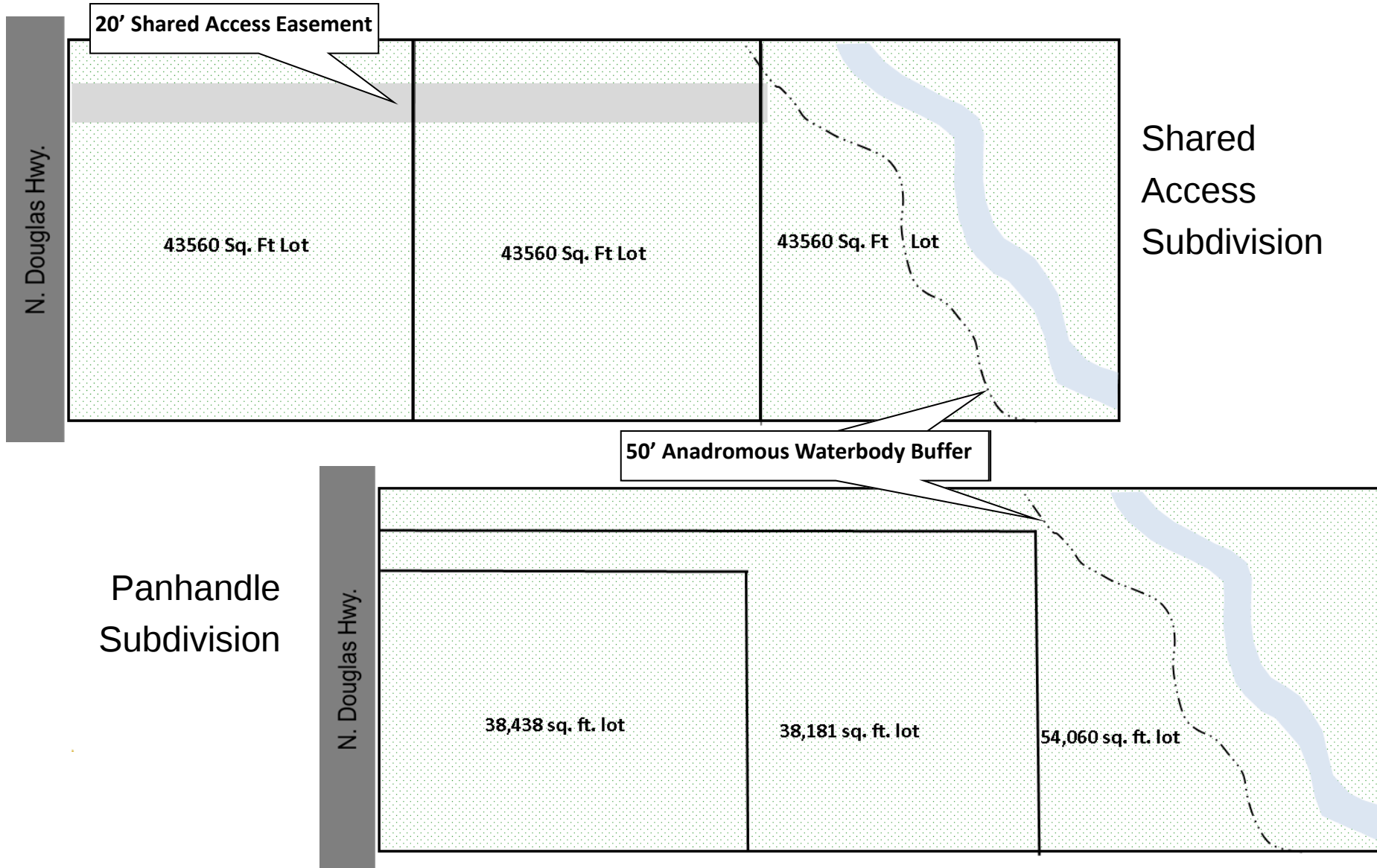
36,000 square feet

150' Wide

150' deep

This lot is not a good candidate for a standard subdivision because the two lots created do not meet the required width for the zoning district. A variance to lot width would be required.

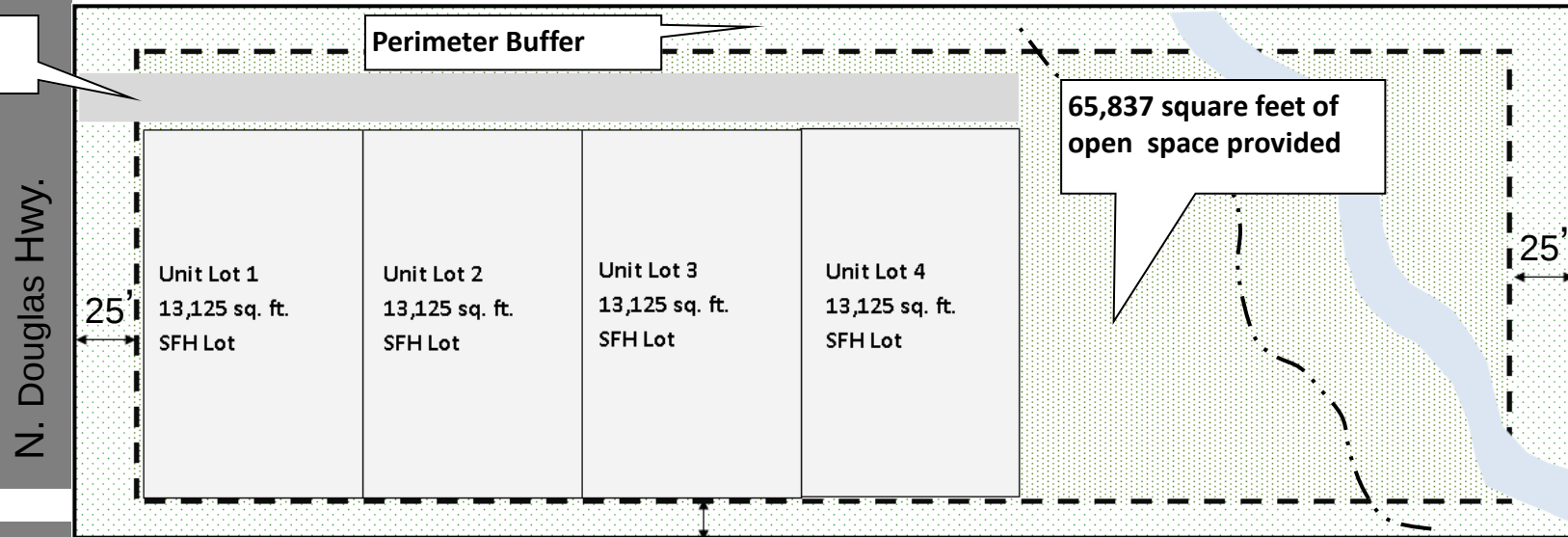
D1 Subdivision Options: Shared Access & Panhandle



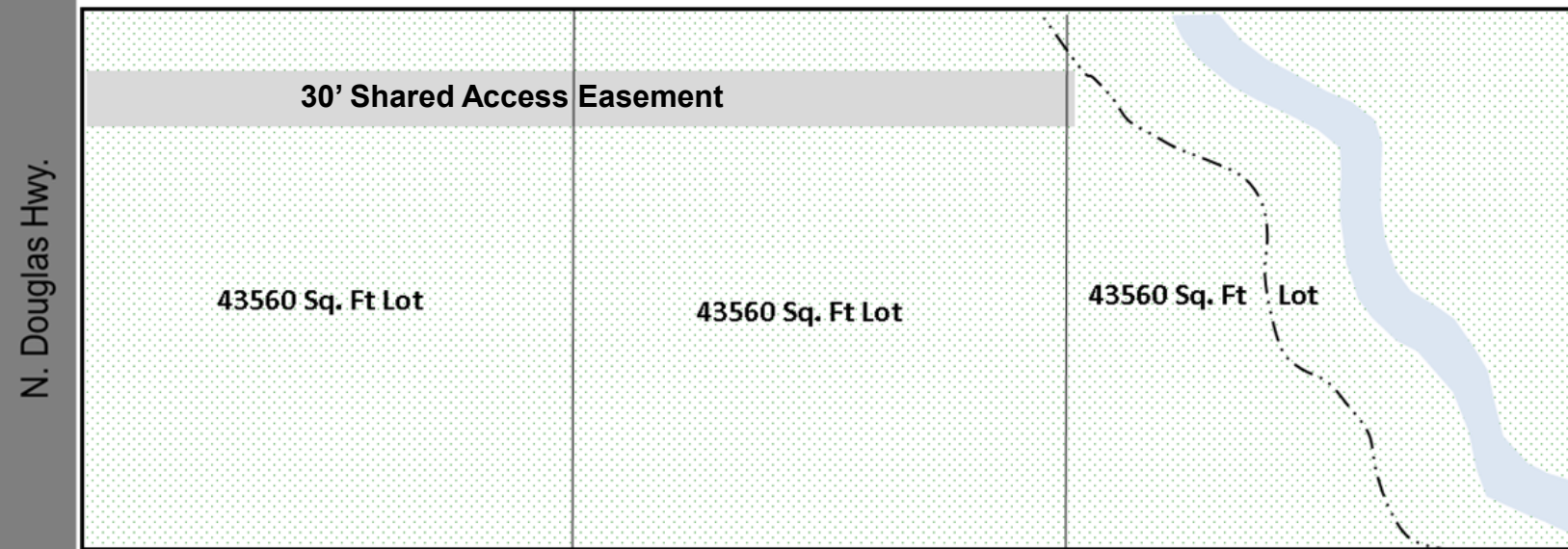
D1 ARS vs. D1 Shared Access Subdivision on a 3 Acre Parcel

20' Paved Shared Driveway

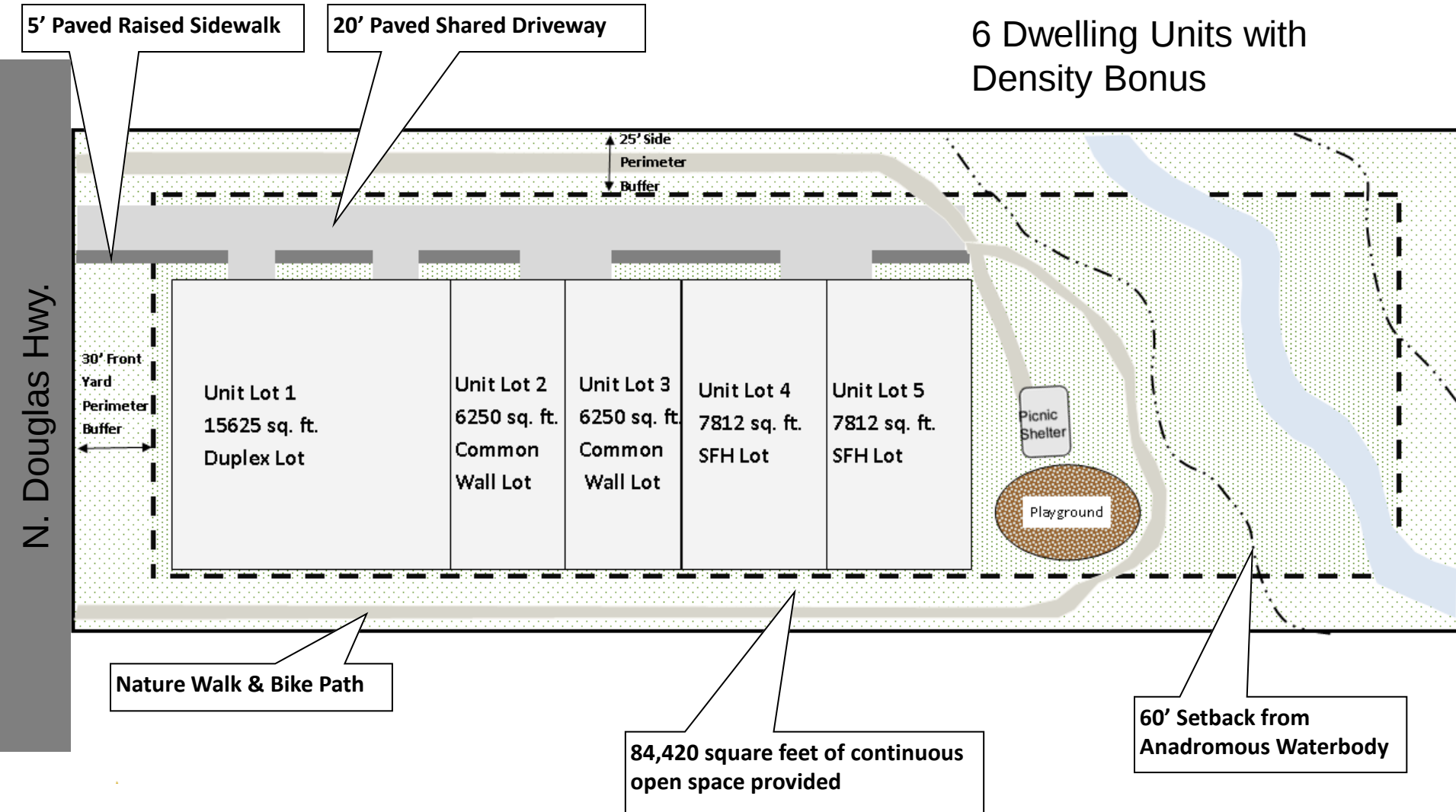
D1 ARS:
4 Dwelling Units



D1 Shared Access Subdivision:
3 Dwelling Units



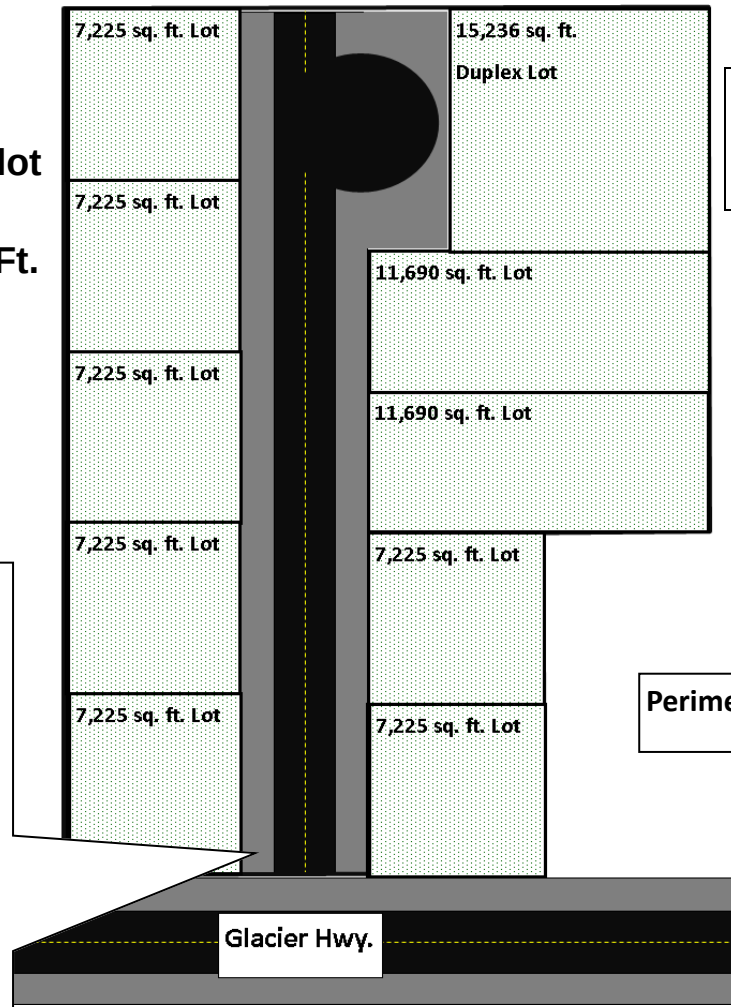
D1 ARS with 50% Density Bonus on a 3 Acre Parcel



D5 ARS vs. D5 Standard Subdivision on a 3 Acre Parcel

**Minimum lot
size:
7,000 Sq. Ft.**

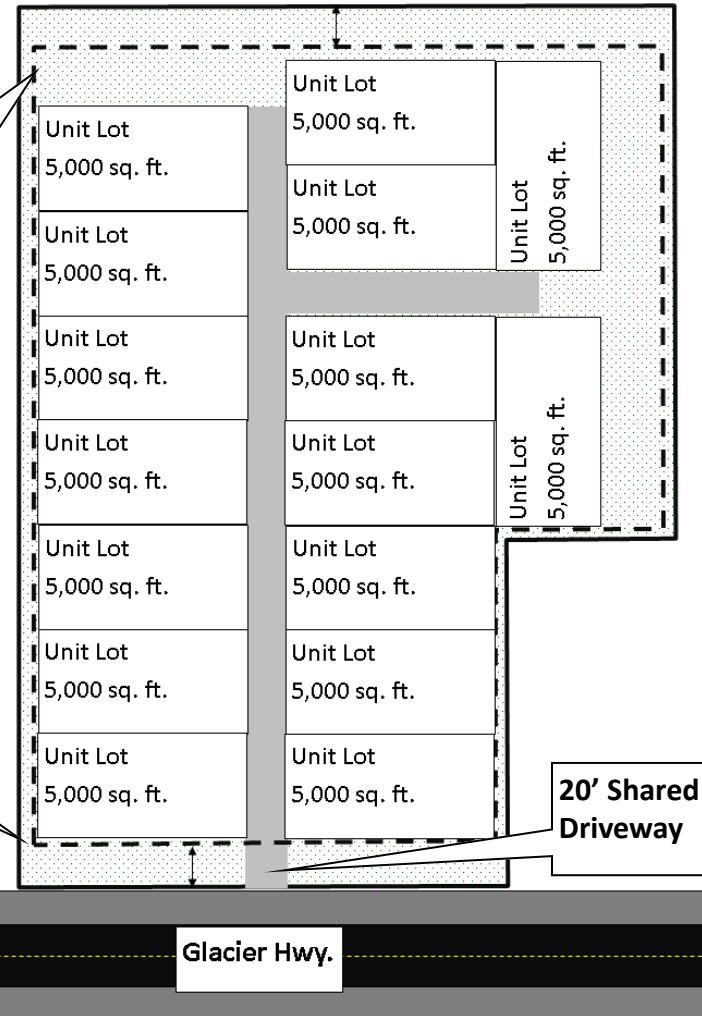
**Lots in a
standard
subdivision
typically need
frontage on a
ROW – the
Developer
constructed a
ROW to
develop more
lots.**



**D5 Standard Subdivision:
11 Dwelling Units**

**27,000 sq. ft.
Open Space
Provided**

Perimeter Buffer



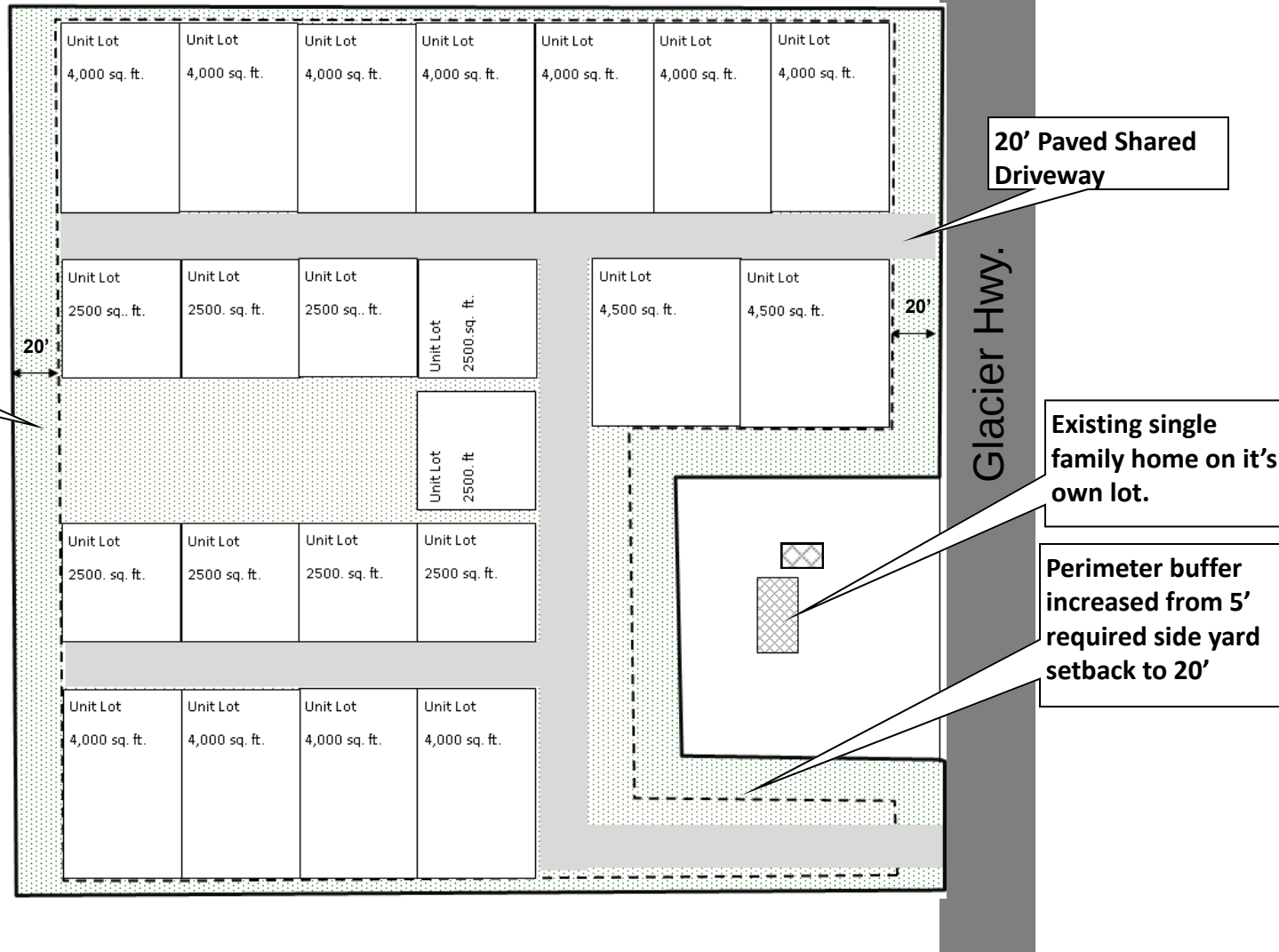
**D5 ARS:
16 Dwelling Units**

**20' Shared
Driveway**

D10 ARS on a 3 Acre Parcel

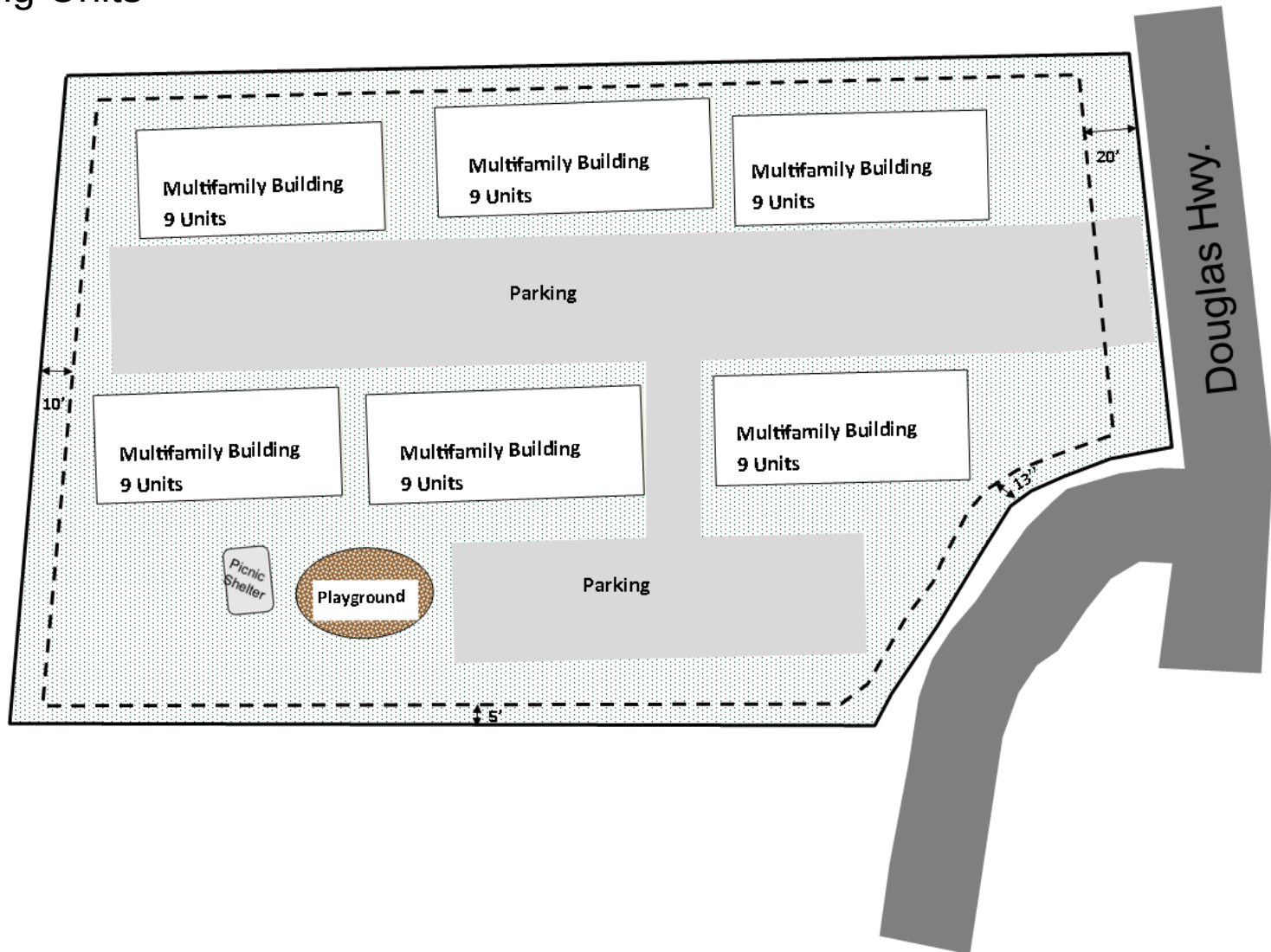
**22 Total Dwelling Units
(30 Allowed)**

**28,319 sq. ft.
Common Open
Space Provided**



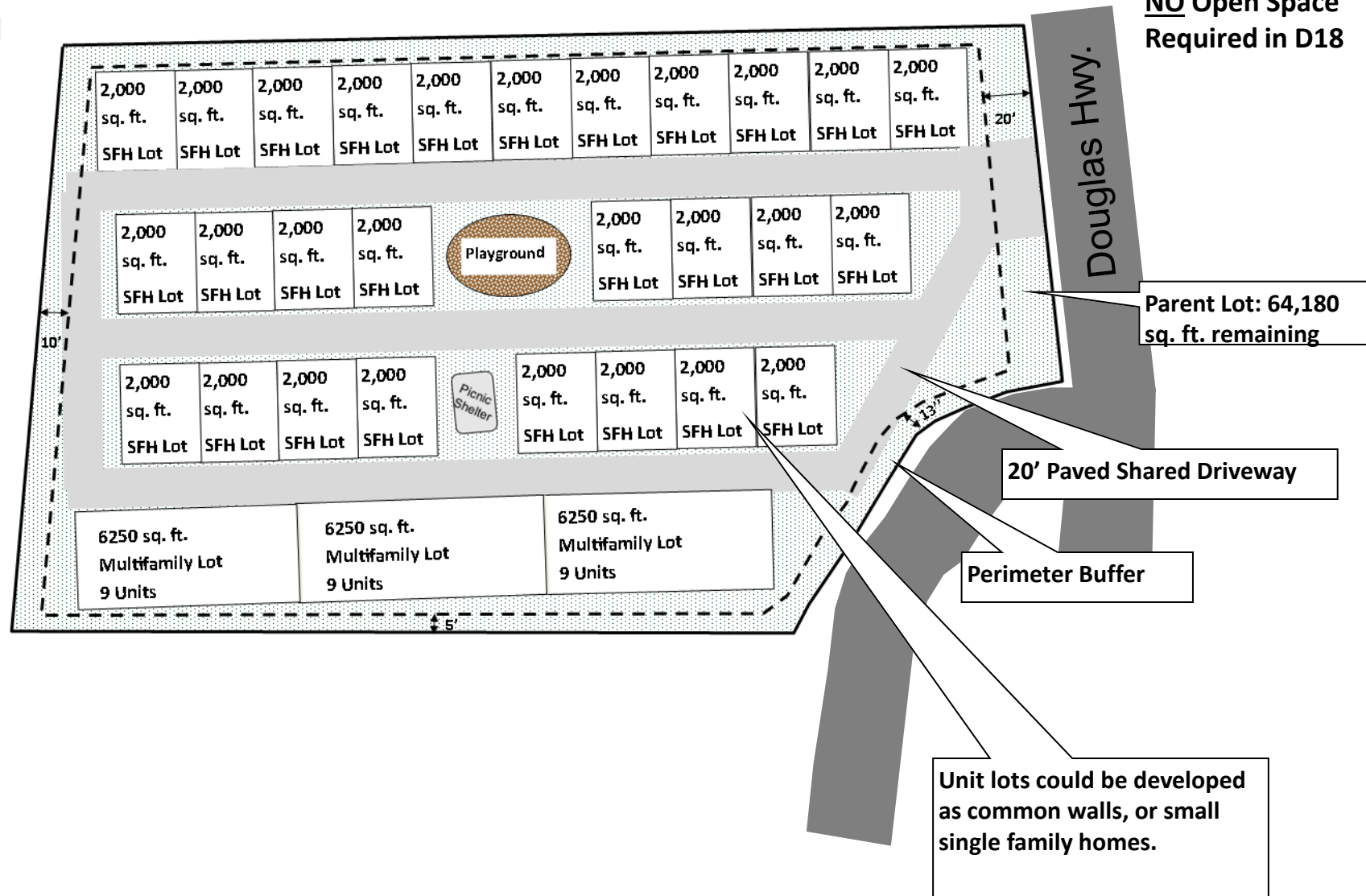
D18 Multifamily Development on a 3 Acre Parcel

54 Dwelling Units
Allowed



D18 ARS on a 3 Acre Parcel

54 Total
Dwelling
Units



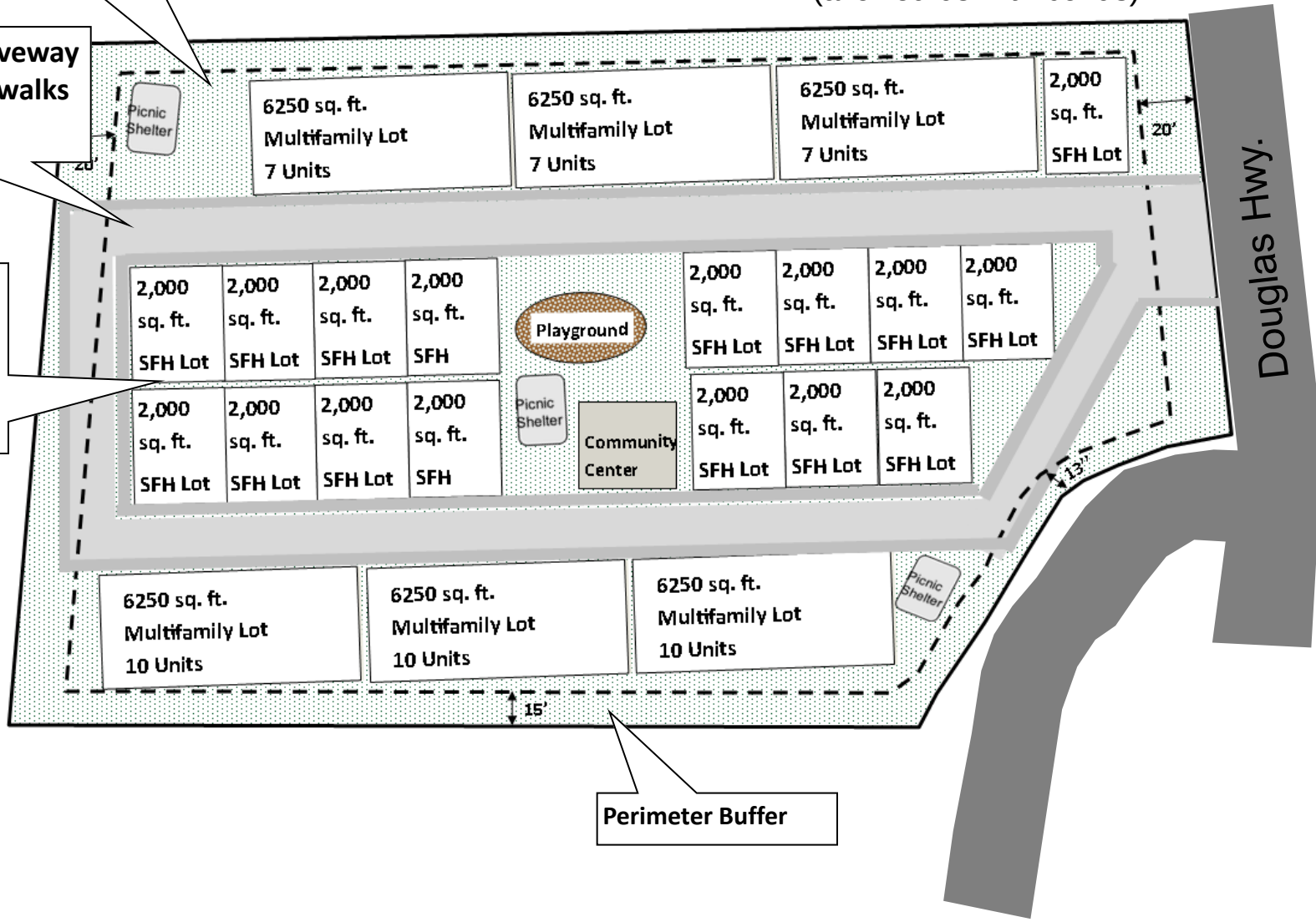
D18 ARS with 25% Density Bonus on a 3 Acre Parcel

Approx. 16,388 sq. ft.
Open Space

67 Total Dwelling Units
(allowed 68 with bonus)

20' Paved Shared Driveway
with 5' raised sidewalks
on both sides

Unit lots could be developed as,
common walls, or
small single family homes.



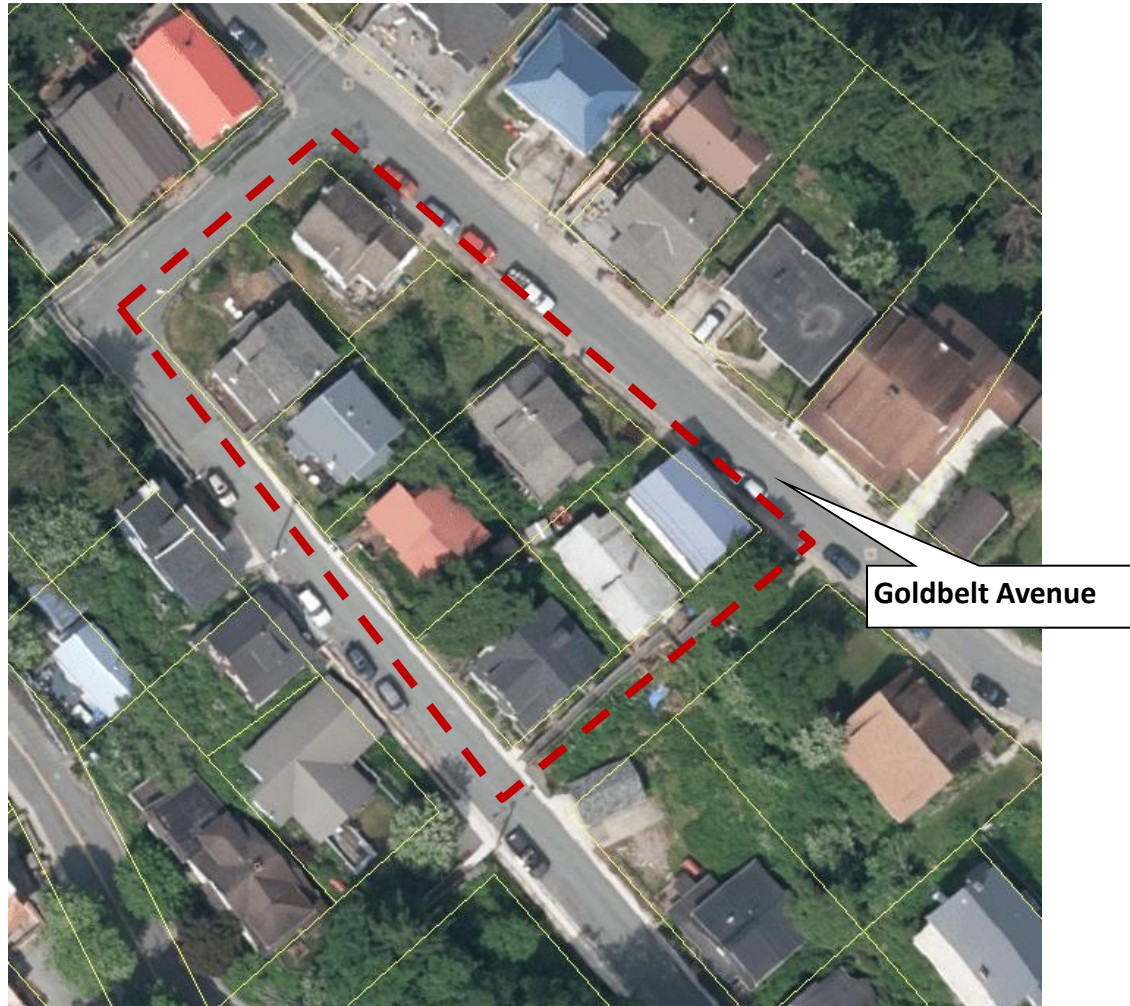
Perimeter Buffer

What does a 4,000 sq. ft. lot actually look like?



Behrends Avenue

What does a 2,000 sq. ft. lot actually look like?



Density

	RR	D1	D3	D5	D10SF	D10	D15	D18	LC
Min. Lot Size / Zoning District	36,000	36,000	12,000	7,000	3,600	6,000	5,000	5,000	2,000
Density / Zoning District	1	1	1	1	1	10/acre	15/acre	18/acre	30/acre
Sq. Ft of an Acre / DUs per Acre	43,560 (not used for single-family)	43,560	14,520	8,712	3,630	4,360	2,904	2,420	1,452
#DUs / Acre	1	1	3	5	12	10	15	18	30

Min. Lot Size for ARS*	54,000	54,000	18,000	10,500	5,400	9,000	7,500	7,500	3,000
#DUs/Min. Lot in ARS	54000/36000 = 1.5 = 2	54000/36000 = 1.5 = 2	18000/12000 = 1.5 = 2	10500/7000 = 1.5 = 2	5400/3630 = 1.5 = 2	9000/4360 = 2	7500/2904 = 2.58 = 3	7500/2420 = 3	3000/1452 = 2

BONUS									
10%	2.10 = 2	(same)	(same)	(same)	(same)	(same)	3	(same)	2
15%	2.15 = 2								
20%	2.20 = 2								
25%	2.25 = 2								
30%	2.30 = 2								
35%	2.35 = 2								
40%	2.40 = 2								
45%	2.45 = 3								
50%	2.50 = 3						4		3

Example Lot	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)
#DUs/Min. Lot in ARS	130680/36000 = 3.63 = 4	130680/36000 = 3.63 = 4	130680/12000 = 10.89 = 11	130680/7000 = 18.66 = 19	130680/3630 = 36	130680/4360 = 29.97 = 30	130680/2904 = 45	130680/2420 = 54	130680/1452 = 90

BONUS									
10%	4.10 = 4	(same)	11	19	36	30	45	54	90
15%	4.15 = 4								
20%	4.20 = 4								
25%	4.25 = 4								
30%	4.30 = 4								
35%	4.35 = 4								
40%	4.40 = 4								
45%	4.45 = 4								
50%	4.50 = 5		12	20	37	31	46	55	91

*Minimum acreage required to use ARS = 150% of the required minimum lot size for the zoning district

ARS Density is determined by "the number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number".

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

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

MANAGER'S REPORT:

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.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2018-48	11/21/2018	Ordinance
☐ Exhibit A Lease Ordinance 2018-48	11/21/2018	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-48

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

WHEREAS, on April 7, 2008, the CBJ Assembly passed Ordinance 2008-08, approving a ten-year lease with Juneau Marine Services, Inc., for 40,510 square feet of land within U.S. Survey 16 for operation of the Auke Bay boatyard, travel lift, and related equipment and improvements at DeHart's Marina; and

WHEREAS, the lease was amended in 2016 under the terms approved by the CBJ Assembly under Ordinance 2015-52; and

WHEREAS, under circumstances described in Ordinance 2015-52, CBJ Docks and Harbors worked with Juneau Marine Services, Inc. to relocate the lease to the then new haul-out facility located at A.T.S. No. 1685; and

WHEREAS, as described in Ordinance 2015-52, Juneau Marine Services, Inc. was acquired by Harri Plumbing & Heating, Inc., in December 2012, resulting in the lease amendment to reflect Harri Commercial Marine, a division of Harri Plumbing & Heating, Inc., as the lessee; and

WHEREAS, as provided under the lease approved under Ordinance 2008-08, as amended under Ordinance 2015-52, it was the intent of the parties to enter into a new lease upon the construction of a new haul-out facility, which occurred in July 2015; and

WHEREAS, in accordance with this intent, the parties have been negotiating the terms of a new lease, as attached as Exhibit A; and

WHEREAS, on June 8, 2018, Horan & Company presented an updated appraisal for the 36,155 square feet of land within the portion of A.T.S. No. 1685 being used as the leased premises and determined the annual rent should be \$36,000 per year; and

WHEREAS, on August 30, 2018, the Docks and Harbors Board recommended approval of the new lease; and

WHEREAS, the use of this property as described in the lease was previously approved by the CBJ Planning Commission on February 10, 2015 and by the Lands Committee on November 23, 2015; and

WHEREAS, on November 5, 2018, the Assembly at its regular meeting authorized direct negotiations with the original proposer; and

WHEREAS, it is the intent of Docks and Harbors Board and Harri Commercial Marine to enter into a new lease which memorializes the parties' negotiations and agreements.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Lease. The Port Director is authorized to execute a lease to Harri Commercial Marine for the operation of a boatyard service facility that is substantially similar to the attached lease (Exhibit A).

Section 3. Description of Lease Property. The real property, equipment, and improvements to be leased are located near 13600 Glacier Highway, commonly known as the Auke Bay Boatyard, and more particularly described as follows:

A. A 0.83 acre (36,155 square feet) portion of A.T.S. No. 1685 whose lease boundaries are demarcated by a row of Jersey barriers, the edge of asphalt pavement, and inside edge of landscaping feature, as depicted in Exhibit A.

B. The equipment and physical improvements listed in Exhibit A.

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

A. The leased property shall be utilized only for the operations of a boatyard service facility. Unless approved by the City and Borough of Juneau, any utilization or development of the leased property for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation.

B. The Lessee shall allow other contractors onto the leased area to perform boatyard services so long as the other contractors (i) provide proof, upon demand, that they have the same insurance coverage as the Port Director requires Lessee to maintain, and (ii) adhere to at least Lessee's boatyard best management practices.

C. The Port Director is authorized to execute the lease to commence on April 10, 2018, the date the prior lease amendment for the property expired, as to ensure uninterrupted operation of the Auke Bay Boatyard for users. The lease shall be for a term of ten years, with an option to renew for an additional ten years.

D. The annual lease payment for the first five years of the term shall be \$36,000 per year with the first payment due as of the effective day of the lease, plus sales tax.

E. Beginning with the first year after the initial five-year period of the term of the lease, the Port Director will re-evaluate and adjust the annual lease payment for the leased property, equipment, and improvements for the next five-year period of the term in accordance with CBJ 53.20.190(2). The new annual lease payment amount shall be paid retroactively to the beginning of the lease payment adjustment period. Lessee shall pay all appraisal costs associated with re-evaluating and making adjustments to the annual lease payment.

F. Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers and employees for any claims related to or arising out of Lessee's use, operation, maintenance of the leased property, equipment, improvements, and any further development of the leased property or improvements by Lessee.

G. The lease shall include all provisions of the standard City and Borough land lease form not in conflict with this ordinance, and any other provisions that the Port Director determines to be in the public interest.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

**LEASE FOR USE OF CBJ
PROPERTY AT AUKE BAY BOATYARD**

PART I. PARTIES. This lease agreement is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska with its principle place of business at 155 S. Seward Street, Juneau, Alaska, 99801 (“CBJ”), and Harri Commercial Marine, a division of Harri Plumbing & Heating, Inc., an Alaska corporation with its principle place of business at 809 W. 12th St, Juneau, Alaska, 99801 (“Lessee”).

PART II. AGREEMENT ADMINISTRATION. All communications about this agreement shall be directed as follows, and any reliance on a communication with a person other than that listed below is at the party’s own risk.

CBJ:

City and Borough of Juneau
Attn: Port Director
155 S. Seward Street
Juneau, AK 99801
Phone: (907) 586-0294
Fax: (907) 586-0295
Email: Carl.Uchytel@juneau.org

Lessee:

Harri Plumbing & Heating Inc.
Attn: Jeffrey J. Duvernay
809 W. 12th St
Juneau, AK 99801
Phone: 907-586-3190
Fax : 907-586-4129
email: jeff@harriplumbing.com

PART III. AGREEMENT DESCRIPTION. The following appendices are attached hereto and are considered to be part of this agreement, as well as anything incorporated by reference or attached to those appendices.

- Appendix A: Property Description & Additional Agreement Provisions
- Appendix B: Lease Provisions Required by CBJ Chapter 53.20
- Appendix C: Standard Provisions

If in conflict, the order of precedence shall be: this document, Appendix A, B, and then C.

PART IV. LEASE EXECUTION. CBJ and Lessee agree and sign below. This agreement is not effective until signed by the CBJ.

Lessee:

Date: _____

By: _____
Jeffrey J. Duvernay

LESSEE ACKNOWLEDGMENT

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

This is to certify that on the ____ day of _____, 2018, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Jeffrey J. Duvernay**, to me known to be the identical individual described in and who executed the foregoing instrument for and on behalf of himself, as Lessee, which executed the above and foregoing instrument; who on oath stated that s/he was duly authorized to execute said instrument; who acknowledged to me that s/he signed the same freely and voluntarily for the uses and purposes therein mentioned.

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

Notary Public in and for the State of Alaska
My Commission Expires: _____

CBJ:

Date: _____

By: _____
Carl Uchytel
CBJ Port Director

CBJ ACKNOWLEDGMENT

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

This is to certify that on the ____ day of _____, 2018, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Carl Uchtyl**, to me known to be the **Port Director of the City and Borough of Juneau**, Alaska, a municipal corporation which executed the above foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to that that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

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

Notary Public in and for the State of Alaska
My Commission Expires: _____

Risk Management Review: _____, Risk Manager

Approved as to Form: _____, Law Department

APPENDIX A: PROPERTY DESCRIPTION & ADDITIONAL LEASE PROVISIONS

1. DESCRIPTION OF PROPERTY

The property subject to this agreement is generally referred to as “the Premise” or “the Property.” The Premise is known as the Auke Bay Boatyard, located near 13600 Glacier Highway (PIN 4B3101000035), and is more specifically described as follows:

- (A) A 0.83 acre (36,155 sf) portion of A.T.S. No. 1685 whose lease boundaries are demarcated by a row of Jersey barriers, the edge of asphalt pavement, and the inside edge of landscaping feature, as shown in Exhibit A attached hereto and incorporated in this lease.
- (B) The equipment and physical improvements listed on Exhibit B attached hereto and incorporated in this lease.

2. AUTHORITY. This lease is authorized pursuant CBJ Code Section 85.02.060(a)(5), CBJ Chapter 53.20; and CBJ Ordinance No. 2018-48. The Planning Commission recommended approval CSP 2014-0025, consistent with CBJ 53.09.260, at its meeting on February 10th, 2015. At its meeting on August 30th, 2018 the Docks and Harbors Board recommended approval of this lease.

3. TERM. The parties agree that it was their intent to enter into this lease arrangement for the 10 year period starting April 10, 2018. Accordingly, the parties agree and intend that this lease shall be interpreted as having the effective date be retroactive to April 10, 2018. The parties agree and consent to being bound by the terms of this agreement as if it had been entered into as of April 10, 2018.

The term of the lease is ten years and shall remain in effect until April 9, 2028, unless sooner terminated.

The CBJ grants the Lessee an option to renew this lease for one additional ten-year term, with a maximum total term of 20 years. Lessee shall exercise this option by written notice given to the CBJ at least 90 days prior to expiration of the underlying lease term.

4. LEASE PAYMENTS

- a) Lessee shall pay the CBJ an annual lease payment for the Leased Premises. The annual payment for the initial five-year period shall be \$ 36,000 (thirty-six thousand dollars) plus any required tax.
- b) Lessee shall pay CBJ without demand, deduction or offset the monthly rental in advance or on the first (1st) day of each month during the Agreement. Payments for any partial month at the beginning or end of the Agreement term shall be prorated.
- c) If applicable and beginning with the fifth year of the lease term, Docks and Harbors staff will re-evaluate and adjust the annual lease payment for the Leased Premises for the next

year of this lease, pursuant to Appendix B, Section 3(b) of this lease, CBJ 53.20.190(2), CBJ 85.02.060(a)(5), and the Docks and Harbors lease administration regulations, 05 CBJAC Chapter 50. The new annual lease payment amount shall be paid retroactively to the beginning of that lease payment adjustment period. Lessee shall pay all appraisal costs associated with re-evaluating and making adjustments to the annual lease payment.

- d) CBJ's acceptance of less than the full amount of any payment due from Lessee shall not be deemed an accord and satisfaction or compromise of such payment unless CBJ specifically consents in writing to payment of such lesser sum as an accord and satisfaction or compromise of the amount which CBJ claims.

5. AUTHORIZED USE OF PREMISES. Lessee agrees to use the Leased Premises for operation of a boatyard service, repair, and storage facility, and marine haul-out, consistent with the Operations Plan submitted by Lessee to the CBJ as part of its proposal for this lease dated February 18th, 2018, and attached as Exhibit C. Lessee shall be responsible for obtaining all necessary permits and approvals for Lessee's development of the Leased Premises. Lessee is required to obtain approval of its construction plans from the CBJ Docks and Harbors Board prior to the start of any construction.

Lessee agrees to return the Premises to its original pre-permitted condition. No other improvements or changes to improvements may be made on the permitted area unless first approved by the Port Director.

6. TAXES. Lessee is hereby on notice that this agreement may make all or a portion of the Premises taxable. Lessee shall pay all taxes, assessments, liens and license fees levied, assessed or imposed by any authority having the direct or indirect power to tax or assess any such liens, by reason of Lessee's use of the Premises.

7. UTILITIES AND SERVICES. If the Lessee wants utilities or services provided to the Premises, the Lessee shall furnish and pay, at Lessee's sole expense, the desired utilities and services (including but not limited to power, water, waste water, trash, janitorial, telephone, internet, and cable).

8. INSURANCE. The Lessee has provided certification of proper insurance coverage, including certificate(s) of insurance and amendatory endorsements or copies of the applicable policy language affecting coverage required in this agreement, to the City and Borough of Juneau, attached as Attachment 1. Failure of CBJ to demand such certificate or other evidence of full compliance with these insurance requirements or failure of CBJ to identify a deficiency from evidence that is provided shall not be construed as a waiver of the obligation of the Lessee to maintain the insurance required by this contract.

Lessee agrees, at its own expense, to maintain insurance as follows at all times while this contract is in effect, including during any periods of renewal. The Lessee's insurance shall be primary and any insurance maintained by the CBJ shall be non-contributory. Any deductibles and self-insured retentions must be declared to and approved by the CBJ. The CBJ may require the Lessee to provide proof of ability to pay losses and related investigations, claim

administration, and defend expenses within the retention.

Commercial General Liability Insurance. The Lessee must maintain Commercial General Liability Insurance in an amount it deems reasonably sufficient to cover any suit that may be brought against the Lessee. This amount must be at least \$1,000,000 per **occurrence**, and \$2,000,000 aggregate. **This insurance policy is to contain, or be endorsed to contain, additional insured status for the CBJ, its officers, officials, employees, and volunteers.** If Additional insured status is provided in the form of an endorsement to the Lessee's insurance, the endorsement shall be at least as broad as ISO Form CG 20 10 11 85 or **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 forms if later revisions used).

Workers Compensation Insurance. If required by Alaska Statute (see Alaska Statute 23.30), the Lessee must maintain Workers Compensation Insurance to protect the Lessee from any claims or damages for any bodily or personal injury or death which may arise from services performed under this contract. This requirement applies to the Lessee's firm, the Lessee's subLessees and assignees, and anyone directly or indirectly employed to perform work under this contract. The Lessee must notify the City as well as the State Division of Workers Compensation immediately when changes in the Lessee's business operation affect the Lessee's insurance status. Statutory limits apply to Workers Compensation Insurance. The policy must include employer's liability coverage of \$100,000 per injury and illness, and \$500,000 policy limits. Lessee also agrees to provide evidence of Longshore and Harbor Worker's Insurance and Jones Act coverage if applicable to the work required. **If the Lessee is exempt from Alaska Statutory Requirements, the Lessee must provide written confirmation of this status in order for the CBJ to waive this requirement. The Lessee grants a waiver of any right to subrogation against the CBJ by virtue of the payment of any loss under such insurance.** This provision applies regardless of whether or not the CBJ has received a waiver of subrogation endorsement from the insurer.

Comprehensive Automobile Liability Insurance. The coverage shall include all owned, hired, and non-owned vehicles \$1,000,000 combined single limit coverage.

Property Insurance. Lessee acknowledges that it is the Lessee's obligation to obtain adequate insurance for protection of Lessee's buildings, fixtures, or other improvements, or personal property located on the Premises, and adequate insurance to cover debris removal.

APPENDIX B: LEASE PROVISIONS REQUIRED BY CBJ CHAPTER 53.20 and CBJ CHAPTER 50

1. RESPONSIBILITY TO PROPERLY LOCATE ON LEASED PREMISES. As required by CBJ 53.20.160, it shall be the responsibility of Lessee to properly locate Lessee's improvements on the Lease Premises and failure to so locate shall render Lessee's liable as provided by law.

2. APPROVAL OF OTHER AUTHORITIES. As required by CBJ 53.20.180, the issuance by CBJ of leases, including this lease, under the provisions of CBJ Title 53 does not relieve Lessees of responsibility for obtaining licenses, permits, or approvals as may be required by CBJ or by duly authorized state or federal agencies.

3. TERMS AND CONDITIONS OF LEASES REQUIRED BY CBJ 53.20.190. As required by CBJ 53.20.190, the following terms and conditions govern all leases and are incorporated into this lease unless modified by the Assembly by ordinance or resolution for this specific lease. Modifications of the provisions of this Appendix B applicable to this specific lease, if any, must specifically modify such provisions and be supported by the relevant ordinance or resolution to be effective.

(a) **Lease Utilization.** The Leased Premises shall be utilized only for purposes within the scope of the application and the terms of the lease, and in conformity with the provisions of CBJ code, and applicable state and federal laws and regulations. Utilization or development of the Leased Premises for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation at any time.

(b) **Adjustment of Rental.** Lessee agrees to a review and adjustment of the annual rental payment by the Port Director not less often than every fifth year of the lease term, beginning with the rental due after completion of each review period. Any changes or adjustments shall be based primarily upon the values of comparable land in the same or similar areas; such evaluations shall also include all improvements, placed upon or made to the land, to which the CBJ has right or title, excluding landfill placed upon the land by Lessee, except that the value of any improvements credited against rentals shall be included in the value.

(i) **Delays in setting rents.** Delays in setting or adjusting lease rents due to the appraisal process shall not change the effective date of the lease rent change. In the case of renewals, the new rent shall apply retroactively to the date the lease expired. In the case of rent adjustments during a lease, the new rent shall apply retroactively to the date of rent adjustment as set out in the lease.

(ii) **Adjustment Dispute Resolution.** Should the Lessee disagree with the lease rent adjustment proposed by the Port Director, the Lessee shall pay for an appraisal and have the appraisal undertaken in accordance with the requirements set out in 05 CBJAC 50.050. In the event the Docks and Harbors Board disagrees with an appraisal, and the Board cannot reach an agreement with the lessee on the lease rent adjustment, the Board shall pay for an additional appraisal and have the appraisal undertaken in accordance with the requirements set

out in 05 CBJAC 50.050. The Board shall establish the lease rent adjustment based on this additional appraisal. In the event the Lessee disagrees with the lease rent adjustment, the lessee may appeal to the Assembly. The decision of the Assembly shall be final.

(c) **Subleasing.** Lessee may sublease Leased Premises or any part thereof leased to Lessee hereunder; provided, that the proposed sub-lessee shall first apply to CBJ for a permit therefore; and further provided, that the improvements on the Leased Premises are the substantial reason for the sublease. Leases not having improvements thereon shall not be sublet. Subleases shall be in writing and be subject to the terms and conditions of the original lease; all terms, conditions, and covenants of the underlying lease that may be made to apply to the sublease are hereby incorporated into the sublease.

(d) **Assignment.** Lessee may assign its rights and obligations under this lease; provided that the proposed assignment shall be approved by CBJ prior to any assignment. The assignee shall be subject to all of the provisions of the lease. All terms, conditions, and covenants of the underlying lease that may be made applicable to the assignment are hereby incorporated into the assignment.

(e) **Modification.** The lease may be modified only by an agreement in writing signed by all parties in interest or their successor in interest.

(f) **Cancellation and Forfeiture.**

(i) The lease, if in good standing, may be cancelled in whole or in part, at any time, upon mutual written agreement by Lessee and CBJ.

(ii) CBJ may cancel the lease if it is used for any unlawful purpose.

(iii) If Lessee shall default in the performance or observance of any of the lease terms, covenants or stipulations thereto, or of the regulations now or hereafter in force, or service of written notice by CBJ without remedy by Lessee of the conditions warranting default, CBJ may subject Lessee to appropriate legal action including, but not limited to, forfeiture of the lease. No improvements may be removed by Lessee or other person during any time Lessee is in default.

(iv) Failure to make substantial use of the land, consistent with the proposed use, within one year shall in the discretion of CBJ with approval of the Assembly constitute grounds for default.

(g) **Notice or Demand.** Any notice or demand, which under terms of a lease or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address of record. However, either party may designate in writing such new or other address to which the notice or demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed delivered when deposited in a United States general or branch post office enclosed in a registered or certified mail prepaid wrapper or envelope addressed as hereinbefore provided.

(h) **Rights of Mortgage or Lienholder.** In the event of cancellation or forfeiture of a lease for cause, the holder of a properly recorded mortgage, conditional assignment or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the original lease.

(i) **Entry and Reentry.** In the event that the lease should be terminated as hereinbefore provided, or by summary proceedings or otherwise, or in the event that the demised lands, or any part thereof, should be abandoned by Lessee during the term, CBJ or its agents, servants, or representative, may, immediately or any time thereafter, reenter and resume possession of lands or such thereof, and remove all personals and property there from either by summary proceedings or by a suitable action or proceeding at law without being liable for any damages therefor. No reentry by CBJ shall be deemed an acceptance of a surrender of the lease.

(j) **Lease.** In the event that the lease should be terminated as herein provided, or by summary proceedings, or otherwise, CBJ may offer the lands for lease or other appropriate disposal pursuant to the provisions of CBJ code.

(k) **Forfeiture of Rental.** In the event that the lease should be terminated because of any breach by Lessee, as herein provided, the annual rental payment last made by Lessee shall be forfeited and retained by CBJ as partial or total damages for the breach.

(l) **Written Waiver.** The receipt of rent by CBJ with knowledge of any breach of the lease by Lessee or of any default on the part of Lessee in observance or performance of any of the conditions or covenants of the lease, shall not be deemed a waiver of any provision of the Lease. No failure on the part of the CBJ to enforce any covenant or provision therein contained, nor any waiver of any right thereunder by CBJ unless in writing, shall discharge or invalidate such covenants or provisions or affect the right of CBJ to enforce the same in the event of any subsequent breach or default. The receipt, by CBJ, of any rent or any other sum of money after the termination, in any manner, of the term demised, or after the giving by CBJ of any notice thereunder to effect such termination, shall not reinstate, continue, or extend the resultant term therein demised, or destroy, or in any manner impair the efficacy of any such notice or termination as may have been given thereunder by CBJ to Lessee prior to the receipt of any such sum of money or other consideration, unless so agreed to in writing and signed by CBJ.

(m) **Expiration of Lease.** Unless the lease is renewed or sooner terminated as provided herein, Lessee shall peaceably and quietly leave, surrender and yield up to the CBJ all of the leased land on the last day of the term of the lease.

(n) **Renewal Preference.** Any renewal preference granted to Lessee is a privilege, and is neither a right nor bargained for consideration. The lease renewal procedure and renewal preference shall be that provided by ordinance in effect on the date the application for renewal is received by the designated official.

(o) **Removal or Reversion of Improvement upon Termination of Lease.** Improvements owned by Lessee shall within sixty calendar days after the termination of the lease

be removed by Lessee; provided, such removal will not cause injury or damage to the lands or improvements demised; and further provided, that CBJ may extend the time for removing such improvements in cases where hardship is proven. Improvements owned by Lessee may, with the consent of CBJ, be sold to the succeeding Lessee. All periods of time granted Lessee to remove improvements is subject to Lessee's paying the CBJ pro rata lease rentals for the period.

(i) If any improvements and/or chattels not owned by CBJ and having an appraised value in excess of five thousand dollars as determined by the assessor are not removed within the time allowed, such improvements and/or chattels on the lands, after deducting for CBJ rents due and owning and expenses incurred in making such sale. Such rights to proceeds of the sale shall expire one year from the date of such sale. If no bids acceptable to the Port Director are received, title to such improvements and/or chattels shall vest in CBJ.

(ii) If any improvements and/or chattels having an appraised value of five thousand dollars or less, as determined by the assessor, are not removed within the time allowed, such improvements and/or chattels shall revert to, and absolute title shall vest in, CBJ.

(p) **Rental for Improvements or Chattels not Removed.** Any improvements and/or chattels belonging to Lessee or placed on the lease during Lessee's tenure with or without his permission and remaining upon the premises after the termination date of the lease shall entitle CBJ to charge Lessee a reasonable rent therefor.

(q) **Compliance with Regulations Code.** Lessee shall comply with all regulations, rules, and the code of the City and Borough of Juneau, and with all state and federal regulations, rules and laws as the code or any such rules, regulations or laws may affect the activity upon or associated with the leased land.

(r) **Condition of Premises.** Lessee shall keep the premises of the lease in neat, clean, sanitary and safe condition and shall take all reasonable precautions to prevent, and take all necessary action to suppress destruction or uncontrolled grass, brush or other fire on the leased lands. Lessee shall not undertake any activity that causes or increases a sloughing off or loss of surface materials of the leased land.

(s) **Inspection.** Lessee shall allow an authorized representative of CBJ to enter the lease land for inspection at any reasonable time.

(t) **Use of Material.** Lessee of the surface rights shall not sell or remove for use elsewhere any timber, stone, gravel, peat moss, topsoils, or any other materials valuable for building or commercial purposes; provided, however, that material required for the development of the leasehold may be used, if its use is first approved by the CBJ.

(u) **Rights-of-Way.** CBJ expressly reserves the right to grant easements or rights-of-way across leased land if it is determined in the best interest of the CBJ to do so. If CBJ grants an easement or right-of-way across the leased land, Lessee shall be entitled to damages for all Lessee-owned improvements destroyed or damaged. Damages shall be limited to improvements

and crops only, and loss shall be determined by fair market value. Annual rentals may be adjusted to compensate Lessee for loss of use.

(v) **Warranty.** CBJ does not warrant by its classification or leasing of land that the land is ideally suited for the use authorized under the classification or lease and no guaranty is given or implied that it shall be profitable to employ land to said use.

(w) **Lease Rental Credit.** When authorized in writing by CBJ prior to the commencement of any work, Lessee may be granted credit against current or future rent; provided the work accomplished on or off the leased area results in increased valuation of the leased or other CBJ owned lands. The authorization may stipulate type of work, standards of construction and the maximum allowable credit for the specific project. Title to improvements or chattels credited against rent under this section shall vest immediately and be in CBJ and shall not be removed by Lessee upon termination of the lease.

(x) **Maintenance of Equipment.** Lessee shall maintain all CBJ provided equipment noted in Exhibit B in sound working order. Lessee shall maintain the Sea-Lift Model 45 in accordance with KMI Sea-Lift/ Krause Manufacturing recommended annual maintenance plan. Lessee shall annually on July 1st provide CBJ with maintenance records of services provided.

(y) **Training Records.** Lessee shall maintain training records for all employees who are qualified to operate the KMI Sea-Lift Model 45. Records shall include but not limited to formal training received by the manufacturer and relevant on the job experience in hauling vessels out using the apparatus. The training records shall be made available to CBJ upon request.

(y) **Stormwater Pollution Prevention Plan (SWPPP).** Lessee shall maintain the SWPPP on premise as required. Annually, on July 1st, lessee shall provide CBJ with a current SWPPP with modifications noted per Part 8.4 of the 2015 MSGP (Multi-Sector General Permit).

APPENDIX C: STANDARD PROVISIONS

- (1) **Holding Over.** If Lessee holds over beyond the expiration of the term of this lease and the term has not been extended or renewed in writing, such holding over will be a tenancy from month-to-month only.

- (2) **Interest on Late Payments.** Should any installment of rent or other charges provided for under the terms of this lease not be paid when due, the same shall bear interest at the rate established by ordinance for late payments or at the rate of 12 percent per annum, if no rate has been set by ordinance.

- (3) **Taxes, Assessments, and Liens.** During the term of this lease, Lessee shall pay, in addition to the rents, all taxes, assessments, rates, charges, and utility bills for the Leased Premises and Lessee shall promptly pay or otherwise cause to be discharged, any claim resulting or likely to result in a lien, against the Leased Premises or the improvements placed thereon.

- (4) **Easements.** Lessee shall place no building or structure over any portion of the Leased Premises where the same has been set aside or reserved for easements.

- (5) **Encumbrance of Parcel.** Lessee shall not encumber or cloud CBJ's title to the Leased Premises or enter into any lease, easement, or other obligation of CBJ's title without the prior written consent of the CBJ; and any such act or omission, without the prior written consent of CBJ, shall be void against CBJ and may be considered a breach of this lease.

- (6) **Valid Existing Rights.** This lease is entered into and made subject to all existing rights, including easements, rights-of-way, reservations, or other interests in land in existence, on the date of execution of this lease.

- (7) **Non-Discrimination Laws.** Consistent with CBJ 41.05 and Title 18 of the Alaska Statutes, Chapter 80, Article 4 (Discriminatory Practices Prohibited), Lessee agrees not to discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, familial status, gender expression, or national origin, in connection with or related to the performance of this Agreement. In the event of Lessee's failure to comply any of the above non-discrimination covenants, CBJ shall have the right to terminate the lease.

- (8) **Unsafe Use.** Lessee shall not do anything in or upon the Leased Premises, nor bring or keep anything therein, which will unreasonably increase or tend to increase the risk of fire or cause a safety hazard to persons or obstruct or interfere with the rights of any other tenant(s) or in any way injure or annoy them or which violates or causes violation of any applicable health, fire, environmental or other regulation by any level of government.

- (9) **Hold Harmless.** Lessee agrees to defend, indemnify, and save CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to the use and occupancy of the Leased Premises by Lessee. This agreement to defend, indemnify, and hold harmless is without limitation as to the amount of fees, costs, expense, or

damages resulting from settlement, judgment or verdict, and includes the award of any costs and attorney's fees even if in excess of Alaska Civil Rules 79 or 82. This indemnification agreement applies to the fullest extent permitted by law and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against CBJ relating to this lease. The obligations of Lessee arise immediately upon actual or constructive notice of any action, claim, or lawsuit. CBJ shall notify Lessee in a timely manner of the need for indemnification, but such notice is not a condition precedent to Lessee's obligations and may be waived where the Lessee has actual notice.

(10) **Successors.** This lease shall be binding on the successors, administrators, executors, heirs, and assigns of Lessee and CBJ.

(11) **Choice of Law; Venue.** This lease shall be governed by the law of the State of Alaska. Venue shall be in the State of Alaska, First Judicial District at Juneau.



PRIMARY MONUMENT

SECONDARY MONUMENT

3" DIA. ALUMINUM BERNSTEIN FEDERAL
A-1 MAGNETIZED CAP ON 2-1/2" DIA.
SHANK SET 24" IN GROUND

SOURCE: NOAA
JAN. 7, 2010
DECLINATION
21°15'E
CHANGING BY
0-19 W/YEAR



Exhibit A Page 1 of 2

M.H.H.W.	16.30'
M.H.W.	15.34'
M.S.L.	8.56'
M.L.W.	1.60'
M.L.L.W.	0.00'

THE CITY AND BOROUGH OF
JERSEY CITY AND BOROUGH OF
BURLINGTON
RECORDING DEPARTMENT

DATED: _____

U. S. S U R V E Y N O. 2 3 8 9

BASIS OF BEARING
N85°56'23"E-619.55'(619.49')

LOT C

LOT C-1

LOT D

NAD27
LAT. = 58°38'40.91"N
LONG. = 135°12'37.447"W
MAD83
LAT. = 58°38'39.723"N
LONG. = 135°12'43.961"W

GLACIER HIGHWAY
(R.O.W. VARIES)

DELTA=14°06'12"
R=1808.97'
L=445.28'
T=223.77'
CHORD=N83°33'21"E
CL=444.15'

A

B

C

D

A.T.S. NO.1685
5.78 AC.

Lease Boundary

Lease Area: Approximately .83Acre

Physical Properties of Lease Boundaries

A: Row of Jersey Barriers

B: Row of Jersey Barriers and Cable Gate

C: Edge of Asphalt Pavement

D: Inside Edge of Landscaping Feature

Lease Agreement for Auke Bay Boatyard

Page 14 of 17

Exhibit A CBJ Ordinance No. 2018-48

- ① SHOP, SEE A2.1
- ② OFFICE, SEE A2.3
- ③ FABRIC-COVERED BUILDING, OFFICE STRUCT. FOR FOUNDATION
- ④ (E) UTILITY BUILDING
- ⑤ WASH-DOWN PAD, NIC

- 6 CONG BARRIER, NIC
- 7 GATE, NIC
- 8 DUMPSTER, NIC
- 9 PORTABLE TOILET, NIC
- 10 (E) CATCH BASIN
- 11 (E) STORM DRAIN LINE

- 12 STRIPING, NIC
- 13 (E) BOLLARD
- 14 (E) GATE
- 15 (E) CONC. BARRIER
- 16 (E) LIGHT POLE
- 17 (E) BOULDER

Page 2 of 2

① Overall Site Plan
1/32" = 1'-0"

Lease Agreement for Auke Bay Boatyard

NOTE: 11"x 17" PRINT IS HALF SIZE

M R V
ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS

MRV ARCHITECTS
1420 GLACIER AVE. #101
JUNEAU, AK 99801
907-586-1371
FAX 907-463-5544
mrv@mrvarchitects.com

for
CBJ Docks and Harbors Dept.

AUKE BAY LOADING FACILITY BOAT YARD STRUCTURES

Contract No. DH17-008

[illegible]

SHEET TITLE:
Site Plan

DATE:
SCALE:
DRAWN:
CHECKED:

SHEET NO.

A.1.1

Exhibit B

Equipment & Building Inventory

1. Sealift Boat Lift Model 45
2. Wash-down containment Pad system with Filtration trailer
3. 125 Portable Boat Supports
4. Shop Building (675 sf)
5. Office/Utility Building (360 sf)
6. Fabric Covered Building (approx. 1225 sf)

Exhibit C Operations Plan

We (Harri Commercial Marine) intend to operate this facility as a primary business rather than as a satellite of our downtown boatyard as we have done previously. While we conduct business as a single company and share operational resources between all of our operations, this boatyard will be run by a fulltime manager. We intend to operate the facility on a full time basis from March through October, and adjust the hours as required in response to the fluctuating demand for services in the winter. We will make every effort to remain open on a full time basis year round.

We intend to offer a full array of services at this location and will allow outside contractors to perform work on the premises provided they meet CBJ insurance coverage requirements and adhere to our boatyard best management practices. We plan to operate this facility year round with two full time positions and fill in as necessary from our downtown operation.

Services to be provided by Harri Commercial Marine:

- Hauling and pressure washing of boats
- Hull cleaning, prep and paint
- Zinc replacement
- Welding and fabrication
- Shafting and propeller repair and replacement
- Fiberglass hull repair
- Retail sales (ships store)

Services to be provided by qualified outside contractors

- Electrical systems installation and repair
- Hydraulic systems installation and repair
- Diesel and gasoline engine service and repair
- Outboard motors and out-drive service and repair
- Shipwright repair of wooden vessels

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

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).

MANAGER'S REPORT:

Rezoning is governed by 49.75.110-130. The owner of 2500 Sherwood Lane timely applied to request a rezoning 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 rezoning. 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 rezoning. 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.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
☐ Ord. 2018-49	10/31/2018	Ordinance
☐ Exhibit A Map Ord. 2018-49	10/31/2018	Exhibit
☐ October 23, 2018 Planning Commission Meeting Excerpt of Draft Minutes	11/9/2018	Minutes
☐ PC document	12/14/2018	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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).

WHEREAS, the area of the proposed rezone, Lot 3, Block A, Sherwood Estates, located at 2500 Sherwood Lane, is currently zoned as Industrial; and

WHEREAS, surrounding industrial parcels have been developed for non-industrial uses such as offices; and

WHEREAS, 2500 Sherwood Lane is located between a residential area and an industrial area and is ideally positioned to serve as a buffer for the residential area; and

WHEREAS, the 2013 Juneau Comprehensive Plan policies supports buffer zones between residential and industrial areas; and

WHEREAS, the Heavy Industrial designation in the 2013 Comprehensive Plan prohibits office, retail, and residential uses except residential caretaker facilities on each Industrial lot, which have a minimum lot size of 2,000 square foot (49.25.400); and

WHEREAS, the minimum lot size of the Light Commercial district is also 2,000 square feet (49.25.400); and

WHEREAS, the Light Commercial district allows for 30 residential units per acre (49.25.500); and

WHEREAS, on a 2,000 square foot Light Commercial lot only 1 residential unit would be allowed (49.25.510(a)), which is the same residential density allowed on a 2,000 square foot Industrially zoned lot; and

WHEREAS, the Planning Commission determined the non-residential uses allowed in a Light Commercial district (49.25.300) were substantially similar to the uses allowed in the Heavy Industrial designation; and

WHEREAS, for these reasons the proposed rezone to Light Commercial and the uses allowed therein are in substantial conformance with the maps and policies of the 2013 Juneau Comprehensive Plan.

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

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

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Lot 3, Block A, Sherwood Estates, located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

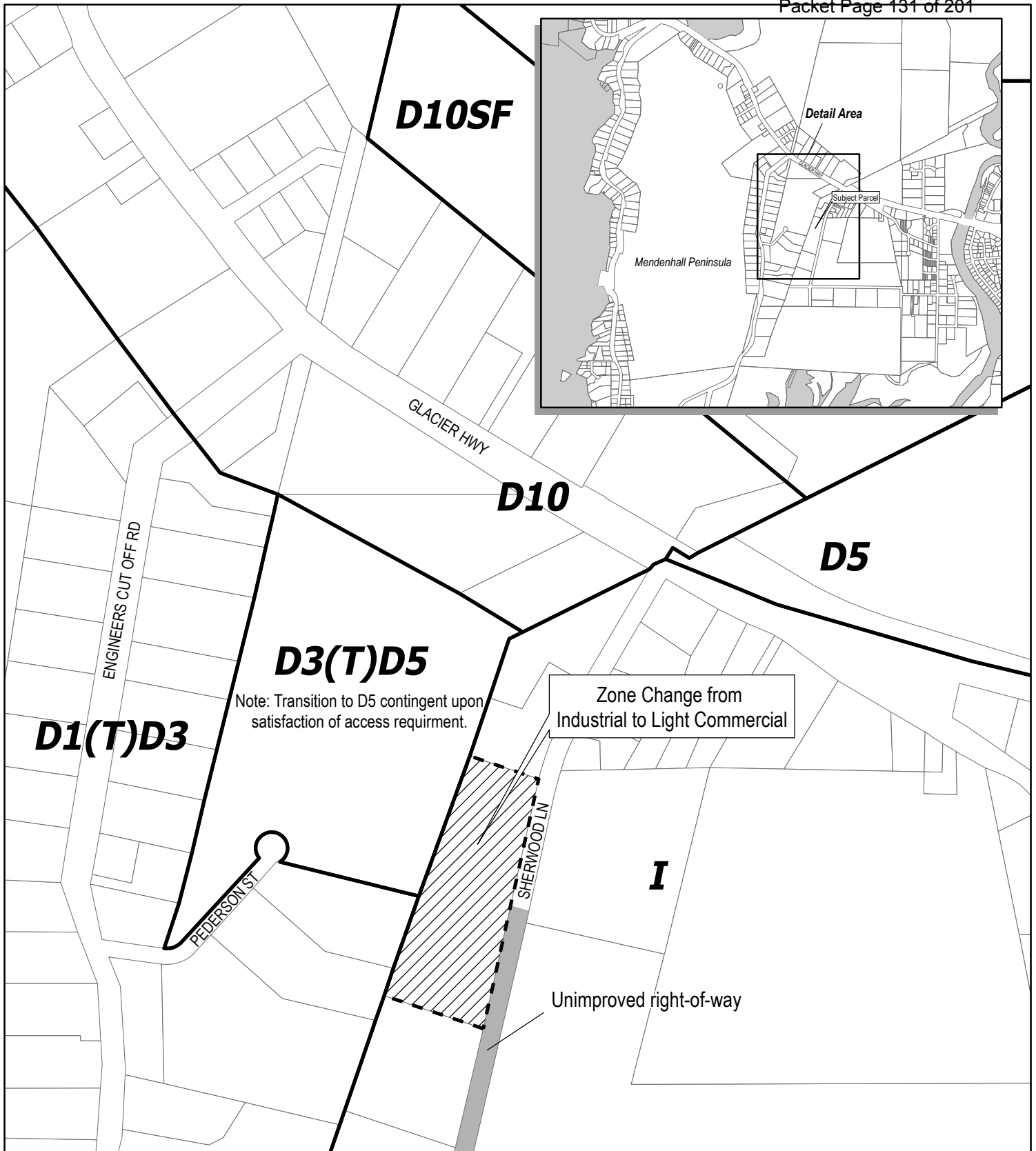


Exhibit A - Ord. No. 2018-49
Zone Change for
SHERWOOD ESTATES BL A LT 3
from I (Industrial) to LC (Light Commercial)



Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
October 23, 2018

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene, (telephonically) Dan Miller

Commissioners absent: Ben Haight, Chairman; Michael LeVine

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Amy Liu, Planner I; Robert Palmer, Municipal Attorney

Assembly members: Loren Jones, Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

- A. September 11, 2018 Draft Minutes – Regular Planning Commission Meeting
- B. September 25, 2018 Draft Minutes – Committee of the Whole Meeting
- C. September 25, 2018 Draft Minutes – Planning Commission Regular Meeting

Mr. Voelckers asked that the words “to proceed on a new Comprehensive Plan” be added to the September 11, 2018, Planning Commission minutes, line two, page 11 of 338; “They accepted the recommendation from the Planning Commission *to proceed with a new Comprehensive Plan*” ...

AME2018 0013: A rezone of five acres of land from Industrial to Light Commercial
Applicant: Sherwood Lane Development LLC
Location: Sherwood Lane

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change five acres from Industrial to Light Commercial, located at 2500 Sherwood Lane.

Ms. Camery told the Commission this rezone request is for five acres currently zoned industrial located at 2500 Sherwood Lane off Glacier Highway. The Comprehensive Plan land designation for this property is Heavy Industrial, she said. The existing use of the land is a contractor storage yard, she said. This is the site of a former asphalt plant which is no longer permitted, said Ms. Camery.

Land must be at least two acres for a rezone, said Ms. Camery. A rezone should only be approved upon a finding that the land is in substantial conformance with the zoning district and the uses allowed are in substantial conformance with the land use maps of the Comprehensive Plan, she said. The Comprehensive Plan is a guiding document, and failure of the proposal to conform to one particular policy does not mean that it is automatically inappropriate, said Ms. Camery. The Commission does have some discretion to change some findings on conformance with policies as well as land use maps, she said.

Light Commercial zoned land can be next to existing residential areas, said Ms. Camery. There are more height and setback requirements for Light Commercial zoned land, she said. Thirty residential units per acre are allowed on Light Commercial zoned land, she added.

If the Commission makes findings that rezoning to Light Commercial is in substantial conformance with the maps and policies of the Comprehensive Plan, staff recommends that additional properties be evaluated as well. Staff would contact the property owners and public notice, a staff analysis, and a Commission hearing would be required.

Ms. Camery told the Commission that Industrial zoned land carries higher impacts, while a Light Commercial zoned property is usually adjacent to existing residential areas. The applicant has identified that the rezone to Light Commercial could be a useful buffer between Industrial and adjacent residential areas, she said.

There are policies in the Comprehensive Plan that support both the importance of Industrial zoned land, as well as policies supporting the need for residential and commercial areas, said Ms. Camery.

Capital City Fire and Rescue sent letters to the CBJ objecting to the rezone request, since the fire-training center is near this property. It felt that an area with a Light Commercial designation could compromise their training procedures, said Ms. Camery. The fire training center is zoned Industrial, she noted.

The Alaska Department of Environmental Conservation did not foresee any restrictions on the fire training center should the land be rezoned to Light Commercial, said Ms. Camery.

CDD held a neighborhood meeting about the rezone request and no one attended, said Ms. Camery.

The Industrial zone's primary distinction from Light Commercial zoned land is that it does not allow residential uses except for a caretaker unit, said Ms. Camery. Industrial uses often produce fumes and odors which negatively affect residential areas, she said.

Commission Comments and Questions

Mr. Dye asked if Ms. Camery was suggesting that if the Commission found this rezone to Light Commercial to be appropriate, if she was suggesting the rezone be stalled until the staff put together a larger block of land zoned Light Commercial with surrounding property owners.

Ms. Camery said that is what the staff recommends.

Mr. Miller said he did not understand what would be gained by looking at adjacent properties to rezone to Light Commercial. He said this property already acts as a well-placed buffer, and he does not see how rezoning other properties could be more beneficial. Mr. Miller said he does not see why holding up this application would be necessary when this parcel already does the job of acting as a buffer.

Mr. Dye asked if there had been any thought to rezone the property to General Commercial putting it in more alignment with industrial zones.

Ms. Camery said that staff did not evaluate General Commercial as an option, because the number of allowed residential units is higher in a General Commercial zone and could further exacerbate the activities at the fire training center, said Ms. Camery.

Ms. Maclean said the staff is considering bringing in adjacent properties because there are currently legally nonconforming structures on those properties, she said, extending to Glacier Highway.

Mr. Frisby asked why the staff is looking for a way to expand the buffer from the existing rezone request.

Mr. Voelckers said the staff recommends denial of the rezone, but that if the Commission wants to approve the rezone the staff recommends that a few other nonconforming uses be cleaned up.

Applicant

Applicant Jesse Pollard told the Commission that the Light Commercial zone would keep a buffer between Industrial zoned land and residential areas. He said since there is a salmon spawning stream on the property, they would only be using about half of the land for development. He said they had tried to utilize their land as Industrial, but that there was no interest. Their land is no closer to the fire training center than the highway, the doctor's office or the vet clinic, he said.

Mr. Voelckers asked if the additional vehicular traffic generated by the Light Commercial property would have a negative impact on the fire training center.

MOTION: *by Mr. Miller, to move AME2018 0013 to the Assembly and approve the rezone from Industrial to Light Commercial.*

In support of his motion, Mr. Miller said the distance of this property from the fire training center is no less than other properties that are not zoned Industrial, and that the chance of complaints is minimal compared to other adjacent neighbors. He said he thinks this property is in a perfect location to act as a buffer between the Industrial and residential areas. Mr. Miller said he would not want to hold up an applicant to try to get a few other properties rezoned at the same time. He said he also wanted to note that while there are some noxious odors coming from the fire training center, that it is not onerous.

Mr. Voelckers asked if the Commission were to approve the rezone if it would be exceeding its power by being out of alignment with the Comprehensive Plan.

Mr. Dye asked if the rezone would require a Comprehensive Plan land map designation amendment to reflect the change.

Mr. Palmer said to justify the motion of Mr. Miller, the Commission would need to provide findings to justify why the Light Commercial designation conforms to the Heavy Industrial designation on the land use map.

Mr. Voelckers asked if they could have a parallel Comprehensive Plan amendment.

Mr. Palmer said that could be an option, but due to timing issues it would not be something that could be settled this evening.

Mr. Miller said he did not necessarily agree with the statements that the Comprehensive Plan had to be amended. He said they have been taught that the borders on the Comprehensive Plan are “fuzzy lines” that are not perfectly drawn per lot. He said this is a perfect example, that if the line had been accurately drawn, that it would have been Mixed Use Residential on one side of the road and the other side of the road would have been Industrial.

Mr. Miller said when the Comprehensive Plan land use maps were drawn up ten years ago or so, that the individual parcels of land were not scrutinized this closely.

Mr. Voelckers said in this case they are changing a zone, not moving a line between properties. He said there have been similar cases where the Comprehensive Plan itself was deemed to be incorrect.

Mr. Palmer said he agreed with Mr. Voelcker’s statement. If the Commission determines that the Industrial zone does not substantially conform to the Heavy Industrial district then the Comprehensive Plan amendment would need to be done first, and then do the subsequent rezone, he said.

In answer to a question of Mr. Voelckers, Mr. Palmer said it could not be done this evening, as the Comprehensive Plan amendment is a completely separate process.

Mr. Voelckers said this is not an easy issue, but like Mr. Miller, he was impressed by the graphic that illustrated the physical distance of this property from the fire training center. He added he does think this is more than a trivial line adjustment, that this item should be tabled until they can perform a Comprehensive Plan amendment.

Mr. Campbell said he supports the motion of Mr. Miller. He said he does appreciate the value of the work that goes on at the fire training center, but that he hates to deny an application based upon a hypothetical situation. He said he is familiar with the property and the path taken by the stream. That area will have no development, he said. He said he appreciates the concern of the fire training center, but that future development could be addressed that time.

Mr. Dye said he found this rezone request to be very straightforward. A buffer in the form of the rezone makes perfect sense, said Mr. Dye, especially when considering the anadromous stream. He said he does not think the argument posed by the fire training center is extraordinary enough to prevent the rezone. He asked if the applicant was made aware that a Comprehensive Plan amendment would be needed for the rezone.

Mr. Voelckers said there appears to be the consensus on the part of the Planning Commission that a rezone of the property to Light Commercial would be favorable. He said he wanted to be careful that the Commission did something that was procedurally sound.

Mr. Miller said on page 200 of the staff report it states that it must be in substantial conformance with the land use maps of the Comprehensive Plan and that this means the proposed zoning district needs to substantially conform to the land use land use designation which is Heavy Industrial. This means the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

This zoning request is materially the same as the portion of the zone it is near. They are on the same side of Sherwood Lane as this property, and it would act as a buffer to neighboring residential zones, said Mr. Miller. Mr. Miller said when viewing the actual land and what is on the ground, that the property does substantially conform.

Mr. Voelckers asked the staff how long it would take to come up with a Comprehensive Plan land use map change.

Ms. Maclean said she felt it is important to keep in mind not just what is on the ground today, but what it will be like in 20 years. Light Commercial zoning could provide a good buffer, she said, if it conforms to the Comprehensive Plan land use designations, but substantially conforming to what is on the ground today may look very different in 20 years, she said.

Ms. Maclean said she felt the staff could come back to the Commission with a companion Comprehensive land use amendment in four weeks.

Mr. Dye asked if the applicant was aware that the Comprehensive Plan would need to be amended for the rezone.

Ms. Camery said this was not discussed with the applicant.

Mr. Voelckers said this is not something that the staff would discuss typically with an applicant. He said he felt there has been concern in the past about spot Comprehensive Plan land use amendments.

Mr. Dye said the land as it is zoned Industrial could be divided up into numerous lots, each with its own allowable caretaker residence, which would indeed be in substantial conformance with Light Commercial zoning.

Mr. Campbell asked if there is a legal definition of "substantial conformance".

Mr. Palmer said the staff report provides most of the context for "substantial conformance". It is also available on pages 249, 252 and 253.

Mr. Campbell noted that referring to the table on page 215, that 10 out of 16 cases have similar uses for the zones. He said to him that is a pretty good argument that they are in substantial conformance.

Mr. Miller said that the comment of Mr. Dye is true. There could be 40 lots, each with a caretaker's unit. The Table of Permissible Uses also provides a good example, he said.

Mr. Hickok said he supports the rezone.

Mr. Greene said it made sense to him to rezone the property.

Roll Call Vote:

Yeas: Miller, Greene, Dye, Frisby, Campbell

Nays: Voelckers

The motion passes.

Mr. Campbell called for notice of reconsideration of item USE2018 0016.

This Conditional Use Permit case will come before the Commission at its next public meeting for a vote regarding whether or not to reconsider.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Director's Report: FY 2020-2025 Capital Improvement Program

Mr. Felstead told the Commission that the Capital Improvement Program will be before the Commission at its next regular meeting on November 13, 2018, when the Director of Engineering and Public Works will be present to answer questions. The staff has also produced a summary of potential CIP projects in plans that have either been adopted into the land use code, or relate to past priority policies identified by the Planning Commission. These include the Housing Action Plan, the Climate Action Implementation Plan and the Renewable Energy Strategy, said Mr. Felstead.

Mr. Dye asked if there is a reason the CDD does not make its own recommendation for the CIP.

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 October 23, 2018

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene, (telephonically) Dan Miller

Commissioners absent: Ben Haight, Chairman; Michael LeVine

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Amy Liu, Planner I; Robert Palmer, Municipal Attorney

Assembly members: Loren Jones, Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

- A. September 11, 2018 Draft Minutes – Regular Planning Commission Meeting
- B. September 25, 2018 Draft Minutes – Committee of the Whole Meeting
- C. September 25, 2018 Draft Minutes – Planning Commission Regular Meeting

Mr. Voelckers asked that the words “to proceed on a new Comprehensive Plan” be added to the September 11, 2018, Planning Commission minutes, line two, page 11 of 338; “They accepted the recommendation from the Planning Commission *to proceed with a new Comprehensive Plan*” ...

AME2018 0013: A rezone of five acres of land from Industrial to Light Commercial
Applicant: Sherwood Lane Development LLC
Location: Sherwood Lane

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change five acres from Industrial to Light Commercial, located at 2500 Sherwood Lane.

Ms. Camery told the Commission this rezone request is for five acres currently zoned industrial located at 2500 Sherwood Lane off Glacier Highway. The Comprehensive Plan land designation for this property is Heavy Industrial, she said. The existing use of the land is a contractor storage yard, she said. This is the site of a former asphalt plant which is no longer permitted, said Ms. Camery.

Land must be at least two acres for a rezone, said Ms. Camery. A rezone should only be approved upon a finding that the land is in substantial conformance with the zoning district and the uses allowed are in substantial conformance with the land use maps of the Comprehensive Plan, she said. The Comprehensive Plan is a guiding document, and failure of the proposal to conform to one particular policy does not mean that it is automatically inappropriate, said Ms. Camery. The Commission does have some discretion to change some findings on conformance with policies as well as land use maps, she said.

Light Commercial zoned land can be next to existing residential areas, said Ms. Camery. There are more height and setback requirements for Light Commercial zoned land, she said. Thirty residential units per acre are allowed on Light Commercial zoned land, she added.

If the Commission makes findings that rezoning to Light Commercial is in substantial conformance with the maps and policies of the Comprehensive Plan, staff recommends that additional properties be evaluated as well. Staff would contact the property owners and public notice, a staff analysis, and a Commission hearing would be required.

Ms. Camery told the Commission that Industrial zoned land carries higher impacts, while a Light Commercial zoned property is usually adjacent to existing residential areas. The applicant has identified that the rezone to Light Commercial could be a useful buffer between Industrial and adjacent residential areas, she said.

There are policies in the Comprehensive Plan that support both the importance of Industrial zoned land, as well as policies supporting the need for residential and commercial areas, said Ms. Camery.

Capital City Fire and Rescue sent letters to the CBJ objecting to the rezone request, since the fire-training center is near this property. It felt that an area with a Light Commercial designation could compromise their training procedures, said Ms. Camery. The fire training center is zoned Industrial, she noted.

The Alaska Department of Environmental Conservation did not foresee any restrictions on the fire training center should the land be rezoned to Light Commercial, said Ms. Camery.

CDD held a neighborhood meeting about the rezone request and no one attended, said Ms. Camery.

The Industrial zone's primary distinction from Light Commercial zoned land is that it does not allow residential uses except for a caretaker unit, said Ms. Camery. Industrial uses often produce fumes and odors which negatively affect residential areas, she said.

Commission Comments and Questions

Mr. Dye asked if Ms. Camery was suggesting that if the Commission found this rezone to Light Commercial to be appropriate, if she was suggesting the rezone be stalled until the staff put together a larger block of land zoned Light Commercial with surrounding property owners.

Ms. Camery said that is what the staff recommends.

Mr. Miller said he did not understand what would be gained by looking at adjacent properties to rezone to Light Commercial. He said this property already acts as a well-placed buffer, and he does not see how rezoning other properties could be more beneficial. Mr. Miller said he does not see why holding up this application would be necessary when this parcel already does the job of acting as a buffer.

Mr. Dye asked if there had been any thought to rezone the property to General Commercial putting it in more alignment with industrial zones.

Ms. Camery said that staff did not evaluate General Commercial as an option, because the number of allowed residential units is higher in a General Commercial zone and could further exacerbate the activities at the fire training center, said Ms. Camery.

Ms. Maclean said the staff is considering bringing in adjacent properties because there are currently legally nonconforming structures on those properties, she said, extending to Glacier Highway.

Mr. Frisby asked why the staff is looking for a way to expand the buffer from the existing rezone request.

Mr. Voelckers said the staff recommends denial of the rezone, but that if the Commission wants to approve the rezone the staff recommends that a few other nonconforming uses be cleaned up.

Applicant

Applicant Jesse Pollard told the Commission that the Light Commercial zone would keep a buffer between Industrial zoned land and residential areas. He said since there is a salmon spawning stream on the property, they would only be using about half of the land for development. He said they had tried to utilize their land as Industrial, but that there was no interest. Their land is no closer to the fire training center than the highway, the doctor's office or the vet clinic, he said.

Mr. Voelckers asked if the additional vehicular traffic generated by the Light Commercial property would have a negative impact on the fire training center.

MOTION: *by Mr. Miller, to move AME2018 0013 to the Assembly and approve the rezone from Industrial to Light Commercial.*

In support of his motion, Mr. Miller said the distance of this property from the fire training center is no less than other properties that are not zoned Industrial, and that the chance of complaints is minimal compared to other adjacent neighbors. He said he thinks this property is in a perfect location to act as a buffer between the Industrial and residential areas. Mr. Miller said he would not want to hold up an applicant to try to get a few other properties rezoned at the same time. He said he also wanted to note that while there are some noxious odors coming from the fire training center, that it is not onerous.

Mr. Voelckers asked if the Commission were to approve the rezone if it would be exceeding its power by being out of alignment with the Comprehensive Plan.

Mr. Dye asked if the rezone would require a Comprehensive Plan land map designation amendment to reflect the change.

Mr. Palmer said to justify the motion of Mr. Miller, the Commission would need to provide findings to justify why the Light Commercial designation conforms to the Heavy Industrial designation on the land use map.

Mr. Voelckers asked if they could have a parallel Comprehensive Plan amendment.

Mr. Palmer said that could be an option, but due to timing issues it would not be something that could be settled this evening.

Mr. Miller said he did not necessarily agree with the statements that the Comprehensive Plan had to be amended. He said they have been taught that the borders on the Comprehensive Plan are "fuzzy lines" that are not perfectly drawn per lot. He said this is a perfect example, that if the line had been accurately drawn, that it would have been Mixed Use Residential on one side of the road and the other side of the road would have been Industrial.

Mr. Miller said when the Comprehensive Plan land use maps were drawn up ten years ago or so, that the individual parcels of land were not scrutinized this closely.

Mr. Voelckers said in this case they are changing a zone, not moving a line between properties. He said there have been similar cases where the Comprehensive Plan itself was deemed to be incorrect.

Mr. Palmer said he agreed with Mr. Voelcker's statement. If the Commission determines that the Industrial zone does not substantially conform to the Heavy Industrial district then the Comprehensive Plan amendment would need to be done first, and then do the subsequent rezone, he said.

In answer to a question of Mr. Voelckers, Mr. Palmer said it could not be done this evening, as the Comprehensive Plan amendment is a completely separate process.

Mr. Voelckers said this is not an easy issue, but like Mr. Miller, he was impressed by the graphic that illustrated the physical distance of this property from the fire training center. He added he does think this is more than a trivial line adjustment, that this item should be tabled until they can perform a Comprehensive Plan amendment.

Mr. Campbell said he supports the motion of Mr. Miller. He said he does appreciate the value of the work that goes on at the fire training center, but that he hates to deny an application based upon a hypothetical situation. He said he is familiar with the property and the path taken by the stream. That area will have no development, he said. He said he appreciates the concern of the fire training center, but that future development could be addressed that time.

Mr. Dye said he found this rezone request to be very straightforward. A buffer in the form of the rezone makes perfect sense, said Mr. Dye, especially when considering the anadromous stream. He said he does not think the argument posed by the fire training center is extraordinary enough to prevent the rezone. He asked if the applicant was made aware that a Comprehensive Plan amendment would be needed for the rezone.

Mr. Voelckers said there appears to be the consensus on the part of the Planning Commission that a rezone of the property to Light Commercial would be favorable. He said he wanted to be careful that the Commission did something that was procedurally sound.

Mr. Miller said on page 200 of the staff report it states that it must be in substantial conformance with the land use maps of the Comprehensive Plan and that this means the proposed zoning district needs to substantially conform to the land use land use designation which is Heavy Industrial. This means the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

This zoning request is materially the same as the portion of the zone it is near. They are on the same side of Sherwood Lane as this property, and it would act as a buffer to neighboring residential zones, said Mr. Miller. Mr. Miller said when viewing the actual land and what is on the ground, that the property does substantially conform.

Mr. Voelckers asked the staff how long it would take to come up with a Comprehensive Plan land use map change.

Ms. Maclean said she felt it is important to keep in mind not just what is on the ground today, but what it will be like in 20 years. Light Commercial zoning could provide a good buffer, she said, if it conforms to the Comprehensive Plan land use designations, but substantially conforming to what is on the ground today may look very different in 20 years, she said.

Ms. Maclean said she felt the staff could come back to the Commission with a companion Comprehensive land use amendment in four weeks.

Mr. Dye asked if the applicant was aware that the Comprehensive Plan would need to be amended for the rezone.

Ms. Camery said this was not discussed with the applicant.

Mr. Voelckers said this is not something that the staff would discuss typically with an applicant. He said he felt there has been concern in the past about spot Comprehensive Plan land use amendments.

Mr. Dye said the land as it is zoned Industrial could be divided up into numerous lots, each with its own allowable caretaker residence, which would indeed be in substantial conformance with Light Commercial zoning.

Mr. Campbell asked if there is a legal definition of "substantial conformance".

Mr. Palmer said the staff report provides most of the context for "substantial conformance". It is also available on pages 249, 252 and 253.

Mr. Campbell noted that referring to the table on page 215, that 10 out of 16 cases have similar uses for the zones. He said to him that is a pretty good argument that they are in substantial conformance.

Mr. Miller said that the comment of Mr. Dye is true. There could be 40 lots, each with a caretaker's unit. The Table of Permissible Uses also provides a good example, he said.

Mr. Hickok said he supports the rezone.

Mr. Greene said it made sense to him to rezone the property.

Roll Call Vote:

Yeas: Miller, Greene, Dye, Frisby, Campbell

Nays: Voelckers

The motion passes.

Mr. Campbell called for notice of reconsideration of item USE2018 0016.

This Conditional Use Permit case will come before the Commission at its next public meeting for a vote regarding whether or not to reconsider.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Director's Report: FY 2020-2025 Capital Improvement Program

Mr. Felstead told the Commission that the Capital Improvement Program will be before the Commission at its next regular meeting on November 13, 2018, when the Director of Engineering and Public Works will be present to answer questions. The staff has also produced a summary of potential CIP projects in plans that have either been adopted into the land use code, or relate to past priority policies identified by the Planning Commission. These include the Housing Action Plan, the Climate Action Implementation Plan and the Renewable Energy Strategy, said Mr. Felstead.

Mr. Dye asked if there is a reason the CDD does not make its own recommendation for the CIP.



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: October 25, 2018
Case No.: AME2018 0013

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone five acres of land from Industrial to Light Commercial

Property Address: 2500 Sherwood Lane

Legal Description: Lot 3, Block A, Sherwood Estates

Parcel Code Number: 4B1701100030

Hearing Date: October 23, 2018

The Planning Commission, at its regular public meeting, recommended that the City and Borough Assembly approve the request to rezone five acres of land from Industrial to Light Commercial at 2500 Sherwood Lane.

The Planning Commission adopted the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code, as the application was submitted timely, is not similar to a request made in the previous two years, and is greater than 2 acres.
2. Rezoning five acres from the Industrial to the Light Commercial zoning complies with the policies and guidelines of the Comprehensive Plan and substantially conforms to the land

City and Borough Assembly
Case No.: AME2018 0013
October 25, 2018
Page 2 of 2

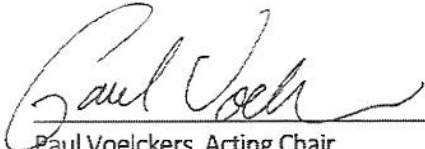
use maps of the Comprehensive Plan, because the Light Commercial and Industrial contain many common uses in the Table of Permissible Uses, because residential uses may be allowed in both districts, because the Light Commercial zoning district will provide a buffer between residential and industrial zoning districts, and because the subject property is a significant distance from heavy industrial activities

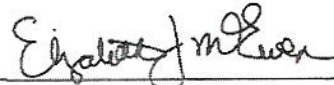
Attachments: October 15, 2018 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2018 0013.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner: _____


Teri Camery, Senior Planner
Community Development Department


Paul Voelckers, Acting Chair
Planning Commission


Filed With Municipal Clerk

10-30-2018
Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



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

DATE: October 15, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
 Community Development Department

CASE NO.: AME2018 0013

PROPOSAL: A request to rezone five acres of land from Industrial to Light Commercial

Applicant: Sherwood Lane Development LLC

Property Owner: Sherwood Lane Development LLC

Property Address: 2500 Sherwood Lane

Legal Description: Lot 3, Block A, Sherwood Estates

Parcel Code No.: 4B1701100030

Site Size: 5 acres

Zoning: Industrial (I)

**Comprehensive Plan
 Land Use Designation:** Heavy Industrial

Utilities: City water and sewer

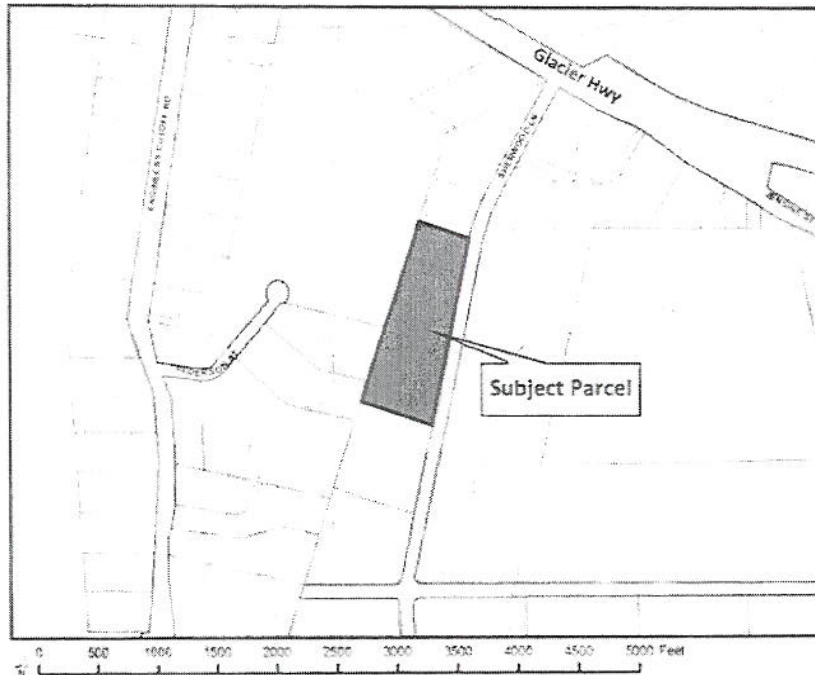
Access: Sherwood Lane

Existing Land Use: Contractor storage yard

Surrounding Land Use: North - Industrial, State DMV Office Building
 South - Industrial, vacant
 East - Industrial, CBJ Fire Training Center; and Industrial, vacant
 CBJ property
 West - D-3 (T) D-5 and D-1 (T) D-3 residential

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 2 of 26

VICINITY MAP



ATTACHMENTS

Attachment 1	Application
Attachment 2	Project Narrative
Attachment 3	Existing Conditions
Attachment 4	Proposed Site Plan
Attachment 5	Proposed Site Development
Attachment 6	Capital City Fire & Rescue 8-13-18 comment letter
Attachment 7	Capital City Fire & Rescue 8-27-18 comment email
Attachment 8	Capital City Fire & Rescue 9-13-18 emails
Attachment 9	Table of Permissible Uses with Industrial and Light Commercial zones highlighted
Attachment 10	Saviers comment letter
Attachment 11	Alaska Department of Environmental Conservation correspondence
Attachment 12	July 20, 2012, memorandum to Assembly Lands Committee and July 23, 2012, Lands Committee minutes

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 3 of 26

INTRODUCTION

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The applicant requests a rezone of five acres from Industrial to Light Commercial zoning at 2500 Sherwood Lane. The zone change is requested to “attain the highest and best use of the property” and to meet the applicant’s development goals for the property. These goals are to:

- Provide a buffer between the area’s residential and industrial zones;
- Continue to explore the potential for the property to help provide access from Sherwood Lane to the 22 acres of residential land directly to the west of the subject property;
- Provide land for development to fill the market demand in Juneau for commercial condominiums.

The applicant states that the real estate market has a proven demand for commercial condominium space with shop and/or storage space along with a well understood need for more residences and notes that the Light Commercial zoning district would allow for this. The applicant further explains that the subject property has been marketed for sale as industrial land for years with little interest (Attachment 2).

BACKGROUND

The site is currently used as a contractor storage yard. The permit history for the site includes the following:

- USE2016-0016. Approved on June 15, 2016 - expired. *A Conditional Use Permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.*
- USE2004-0073. Approved on November 23, 2005. *An Allowable Use Permit for crushed rock stockpiles, heavy equipment storage, and a construction business office/shop.*
- USE2004-0072. Approved on October 12, 2005. *An Allowable Use Permit for a driveway in the Sherwood Lane right-of-way.*
- USE2004-0071. Withdrawn prior to the Planning Commission hearing. *A Conditional Use Permit application for a rock crusher.*

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 4 of 26

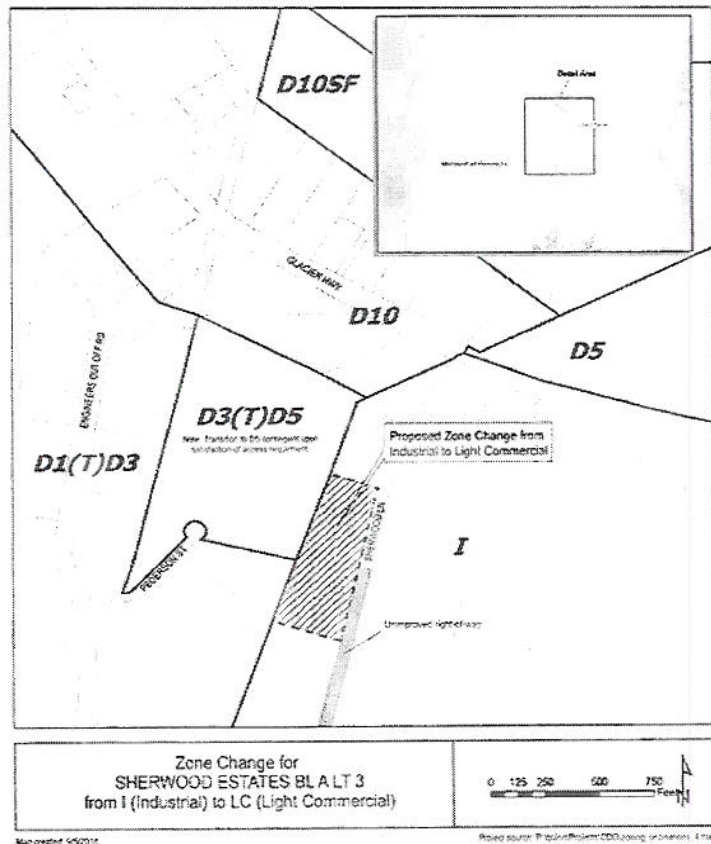
- CMR2004-0003. Approved on January 17, 2006. *Alaska Coastal Management Program review for discharge of 18,000 cubic yards of clean sand, rock, and gravel into 3.11 acres of wetlands for the construction of a construction yard.*

AME2016 0005, an adjacent rezone, may also be relevant to this proposal. AME2016 0005, approved on July 11, 2016, authorized a rezone from D-1 (T) D-3 to D-5 and D-1 (T) D-10 to D-1 to D-5, with a condition that:

Prior to a transitional zone change to D-5, Pederson Street shall be improved to the standards required for streets as required by CBJ 49.35 Public Improvements, unless the Planning Commission determines alternative access meeting appropriate safety requirements equivalent or superior to the standards identified in CBJ 49.35 have been provided. The directors of the Community Development and Engineering and Public Works Departments shall provide a recommendation as to the adequacy of access under CBJ 49.35 to the Planning Commission.

The AME2016 0005 property is shown in the map to the right, adjacent to the proposed rezone.

The applicant of this rezone request, Sherwood Lane LLC, has shown a possible access easement on the site plan that could potentially fulfill the access condition for AME2016 0005. This report does not evaluate the access easement shown on the proposed site plan, nor the "large shop commercial space with the potential of accessory living spaces" noted in the project narrative. The analysis and recommendation of the requested rezone is based on all potential development that could be permitted within the proposed zoning district for conformance with the Comprehensive Plan maps and the Land Use Code.



Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 5 of 26

Neighborhood Meeting and Agency Review

A neighborhood meeting was held on September 12, 2018. No one from the public attended. An agency review period was conducted from August 6 through August 22, 2018. An additional meeting was held with the Community Development Department (CDD), the applicant, and Capital City Fire & Rescue on August 15, 2018. Public comments and agency comments are addressed in the Land Use Code section of this report.

ZONE CHANGE INITIATION

CBJ 49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission or director?

Yes. The application for the subject zone change was initiated by the property owner in July 2018.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and by requiring a public notice sign to be posted on-site?

Yes. A neighborhood meeting was held on September 12, 2018, with mailed notice to property owners within 1000 feet of the proposal. Notice was provided in the Juneau Empire's *Your Municipality* section on October 12 and October 22, 2018. A public notice sign was posted on the property, visible from the right-of-way, on Tuesday, October 9, 2018. An abutters notice was mailed to property owners within 1000 feet of the property on September 24, 2018.

RESTRICTIONS AND PROCEDURE

CBJ 49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

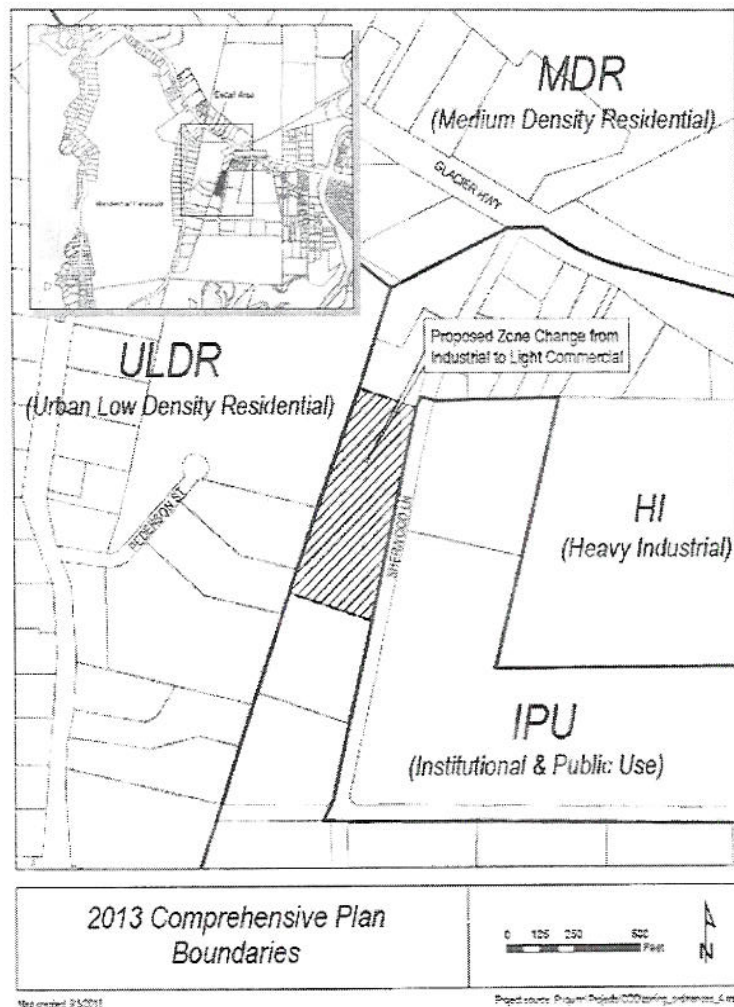
The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 6 of 26

1. The request is for five acres, which exceeds the two acre minimum requirement.
2. No similar request has been made in the past year.

COMPLIANCE WITH THE 2013 CITY AND BOROUGH OF JUNEAU COMPREHENSIVE PLAN

Comprehensive Plan designations are shown in the map below:



In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

In considering a re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 7 of 26

Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards (p.143).

Chapter 1 of the Comprehensive Plan further supports the flexibility of the plan but emphasizes that said flexibility should be used when considering community growth, along with other current information. Specifically, the Plan states:

Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. [The Plan] should...bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date. [The Plan]....provides a logical, consistent, and purposeful approach to managing community growth and development (p. 1).

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

The Comprehensive Plan as a Guiding Planning Document

The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.

The Plan contains 123 Policies, each of which may have an associated "Standard Operating Procedure," "Development Guideline," and/or "Implementing Action," which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs. (Emphasis added)

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 8 of 26

When considering this request, it is important to understand what the Comprehensive Plan intends with land use designations. The Plan states that the descriptions should guide the development of Land Use Code zoning district permissible land uses, development standards and guidelines, and that the designations are intended to describe the overall character of development for each land use category. The Plan definitions are not intended to be firm or restrictive definitions. However, in contrast, zoning uses that are allowed outright, or allowed through a Conditional Use Permit, are firm and restrictive. The designations are to be used to guide the formation of zoning regulations. (Emphasis added) The land use designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances (p. 144).

CBJ 49.75.120 partially incorporates those Comprehensive Plan policies and directs that, "A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the Comprehensive Plan." Thus, the issue is whether this rezone request substantially conforms with the land use maps of the Comprehensive Plan.

"Substantial conformance with the land use maps of the Comprehensive Plan" means the proposed zoning district (Light Commercial) needs to substantially conform with the Comprehensive Plan land use map designation (Heavy Industrial). The term "substantial conformance" means that the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

Comprehensive Plan Land Use Designations

The rezone property is located in Subarea 3 of the 2013 Comprehensive Plan (Map F). The plan designates this property, as well as the lots north and south of the property, as HI, Heavy Industrial. Page 147 of the 2013 Comprehensive Plan describes HI as follows:

Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites, aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 9 of 26

The parcels immediately east and southeast of the subject parcel include the CBJ Fire Training Center and vacant CBJ property. These parcels are zoned Industrial, respectively, and are designated in the Comprehensive Plan as Institutional and Public Use (IPU). Page 146 of the 2013 Comprehensive Plan describes IPU as:

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state and federal governments uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boar harbors, schools, parks, farmers markets, publicly-supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities and road and public transit system easements. Also included are public aircraft facilities. The public use so these lands will vary widely, so I_U-designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public uses should be the same district as the surrounding or abutting lands.

Residential parcels west of the subject parcel are designated in the Comprehensive Plan as Urban Low Density Residential (ULDR). Page 147 of the 2013 Comprehensive Plan describes ULDR as:

These lands are characterized by urban or suburban residential lands with detached single family-units, duplex, cottage or bungalow housing, zero-lot dwelling units and manufactured homes on permanent foundations at densities of one to six unties per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The CBJ Land Use Code defines the proposed Light Commercial zoning district as follows:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. (Emphasis added) A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district (49.25.230(a)).

The proposed Light Commercial (LC) zoning district allows residential use at 30 units per acre, a 45-foot height limit, light manufacturing, and a broad range of commercial and retail uses. Most commercial uses in the LC zoning district require a Conditional Use Permit. Light Commercial

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 10 of 26

uses will be addressed in detail in the Land Use Code section of this report. The Comprehensive Plan Heavy Industrial land use designation, in contrast, is not intended for residential use, except for caretaker units, and is not intended for typical commercial or retail businesses. Heavy Industrial is reserved for *large-scale or noisy and/or noxious industrial activities*.

“Large-scale or noisy and/or noxious industrial activities” described in the Heavy Industrial definition is not “materially the same” as “commercial development that is less intensive than that permitted in the general commercial district” described in the Light Commercial zoning district. However, Heavy Industrial also includes large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and some recreational uses, although it excludes residential uses.

Comprehensive Plan Policies, Guidelines, and Considerations

The language regarding substantial conformance was adopted into code with Ordinance 2012-31. Review of the July 2012 staff memo and Assembly Lands Committee minutes (Attachment 12) provides useful guidance regarding the intent of the ordinance change, which indicates that staff, the Commission, and the Assembly have considerably more discretion to base zone change findings on conformance with policies, as well as land use map designations.

The 2013 Juneau Comprehensive Plan contains many policies, implementing actions, and development guidelines that address industrial, commercial, and mixed-use developments relevant to the proposed rezone.

Policy 3.1 of the Comprehensive Plan states:

To balance availability of sufficient land within the designated urban service area boundary that is suitably located and provided with the appropriate public services and facilities to meet the community's future growth needs and the protection of natural resources, fish and wildlife habitat and scenic corridors.

Followed by Development Guideline 3.1-DG1:

When considering rezoning applications of land located within the Urban Service Area from an industrial zoning district to a commercial, mixed use or residential district, ensure that there is an adequate supply of land suitable for manufacturing or heavy industrial use elsewhere in the Urban Service Area in an area that can provide heavy weight-carrying-capacity roads and sewers [see also 10.7 - DG2]. (Emphasis added)

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 11 of 26

This guideline provides specific guidance regarding the proposed rezone from Industrial to Commercial.

Development Guideline 10.7 DG2 describes the criteria for designating land as Heavy Industrial in the Comprehensive Plan. This guideline provides insight regarding why the subject property was designated Heavy Industrial when the Comprehensive Plan was written. 10.7 DG2 states:

When designating land for heavy and light industrial uses on the Comprehensive Plan Land Use Maps and the Land Use Coe zoning maps, evaluate the sites based on the following criteria:

- A. Physical site conditions. Industry needs flat, dry land with soils that can sustain heavy loads;*
- B. Access and capacity of adjacent streets with consideration for heavy-load-carrying capacity and wide turning radii to accommodate large truck turning movements.*
- C. Distance from sensitive receptors, such as homes, dust, fumes, odors and nighttime light glare; (Emphasis added)*
- D. Residential, retail, office, personal service and similar non-industrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards, and similar business and household services would be compatible with heavy industrial uses; (Emphasis added)*
- E. In areas suitable for light industry but not for heavy industry due to proximity to sensitive receptors, retail, office, bars and restaurants, and personal services uses would be compatible uses; and (Emphasis added)*
- F. Residential uses, other than caretaker units, should be prohibited in industrial zones.*

These criteria illustrate the difficulty of finding suitable industrial properties within the Borough. The current situation also illustrates that Criteria C, D, and E have been undermined as residential, commercial and light industrial uses have populated the surrounding properties over the years. Comprehensive Plan Chapter Ten, pages 134-135, states that:

Unfortunately, about half of the industrially-zoned lands within the Urban Service Area are or contain wetlands and are largely unsuitable for development. Unfortunately, too, the search for buildable lands conducted for the 2008 Plan Update identified very little potential industrial land suitable for development in the short-term; lands found to be suitable for development in the near future include current and former gravel extraction areas.

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 12 of 26

The above policies of the Comprehensive Plan articulate the need to maintain “sufficient and suitable land” for industrial uses. The only industrial property that has been added to the Borough since the 2008 Comprehensive Plan study was completed is the Honsinger Pond parcel near the airport. This rezone was conditionally approved subject to obtaining legal access from Maplesden Way (or other CBJ approved legal access).

The subject parcel is within the Urban Service Area Boundary, and is provided with public services, such as utilities. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

Policy 4.1. To facilitate the provision and maintenance of safe, sanitary and affordable housing for CBJ residents.

Policy 4.2. To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

Policy 4.8. To balance the protection and preservation of the character and quality of life of existing neighborhoods within the urban service area while providing opportunities for a mixture of new housing types.

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The plan states on page 57:

Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy.

As part of the 2008 update of this Plan, CBJ staff conducted a survey of all business types and found the following, which were still relevant and accurate in 2013:

1. *A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.*
2. *Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.*
3. *For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each is needed at a location near utilities and heavy load-carrying capacity roads but distant from residential and general commercial uses.*

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 13 of 26

Policy 5.10 of the Comprehensive Plan states:

To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.

Policy 5.11 of the Comprehensive Plan states:

To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.

Followed by Development Guidelines and Implementing Actions:

5.11 - DG1 *When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses.*

5.11 - 1A4 *Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.*

The applicant has stated that "the property has been marketed for sale as industrial for many years with very little interest." Other industrial properties have been developed primarily with commercial uses. The Comprehensive Plan indicates a need for industrial properties and specifically notes a shortage of properties that meet the criteria for the Heavy Industrial designation. CBJ must plan for the future need for industrial land as well as current needs.

Policy 10.2 states:

To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.

Followed by Implementing Action:

10.2 - IA3 *Seek the adoption of state and/or CBJ ordinances, regulations and operating procedures necessary to facilitate the redevelopment of underdeveloped properties, obsolete or substandard developments, or otherwise constrained or blighted lands located within the Urban Service Area for higher-density housing or mixed use projects, particularly those lands located within transit corridors that could provide affordable housing.*

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 14 of 26

Comprehensive Plan Policy 10.4 states:

To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures. (Emphasis added)

Followed by Implementing Action:

10.4 - IA2 Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses and careful review of site development plans.

These policies generally support mixed-use development and could support Light Commercial zoning within the urban service area as a general policy. Additionally, housing is a concern and creating housing is a goal for the CBJ and the Comprehensive Plan. Light Commercial zoning provides for up to 30 units per acre. The proposed Light Commercial zoning on the subject property may create a buffer and potentially reduce conflicts between industrial uses and the adjacent residential area. The LC zoning could also increase conflicts with surrounding industrial properties, specifically the CBJ Fire Training Center. The policies quoted above state that consideration should be taken to minimize conflict between residential uses and industrial uses. Industrial uses create noise, odor and other impacts that have adverse effects on residential uses.

The applicant has stated that the proposed Light Commercial zoning could provide a buffer between the adjacent residential area and industrial areas. As noted in the background section, an adjacent property was recently approved for higher density zoning pending development of an alternative access. The potential buffering and screening would certainly take place if the subject property was developed for commercial uses. However, if the rezone is approved, any of the allowed or conditional uses could be developed with appropriate permits. To the northeast of the proposed rezone there are existing offices which are legally nonconforming. They were constructed in accordance with the zoning regulations of the time. If Light Commercial is to be considered, these parcels should be evaluated for rezoning as well. Rezoning would relieve their nonconforming status and extend the buffer between the residentially zoned property and the industrial zoned property. Additionally, new residential development in the Pederson Hill subdivision could increase the demand for Light Commercial services in the area.

Finally, the Comprehensive Plan promotes expansion of the Fire Training Center in the borough, in Policy 13.2:

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 15 of 26

To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large-scale events and disasters.

13.2 - SOP1 *Provide standardized training, procedures, equipment and response to all fire stations. Enhance training and provide equipment for volunteer teams.*

13.2 - IA1 *Develop a plan through the appointed steering committee for the Southeast Regional Fire Training Center to provide extended training programs for Juneau and the southeast region.*

The Fire Training Center is one of only three in the country with its specific features and provides training 4-12 times per week during the summer months. The Capital City Fire Department is strongly opposed to the requested rezone because of concerns that the uses allowed in Light Commercial zoning will result in complaints about fire training center operations and force the center to change, reduce, or cease its training programs at this location. (Attachments 6, 7, 8) This issue will be addressed further in the Land Use Code section of this report.

In summary, the proposed rezone does not comply with specific development guidelines in the Comprehensive Plan (3.1 DG1 and 5.11 DG1) regarding the requirement to ensure an adequate supply of industrial land when evaluating rezones to change an industrial use district to a non-industrial use district. The requested rezone may compromise fire department training procedures at the Fire Training Center, which partially conflicts with Policies 10-4 and 13.2. The rezone to Light Commercial could potentially serve as a buffer between residential and industrial uses if additional parcels were added and if the properties were not developed for additional residential uses. This would comply with policies 10.2 and 10.4. In situations where there are competing or conflicting policies, the plan provides the following guidance: *That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.*

2015 Juneau Economic Development Plan

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N). The proposed rezone does not specifically address any of the eight economic development initiatives identified in the plan. However, the rezone indirectly addresses one of the economic development planning concepts and practices listed in Chapter Two, as follows:

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 16 of 26

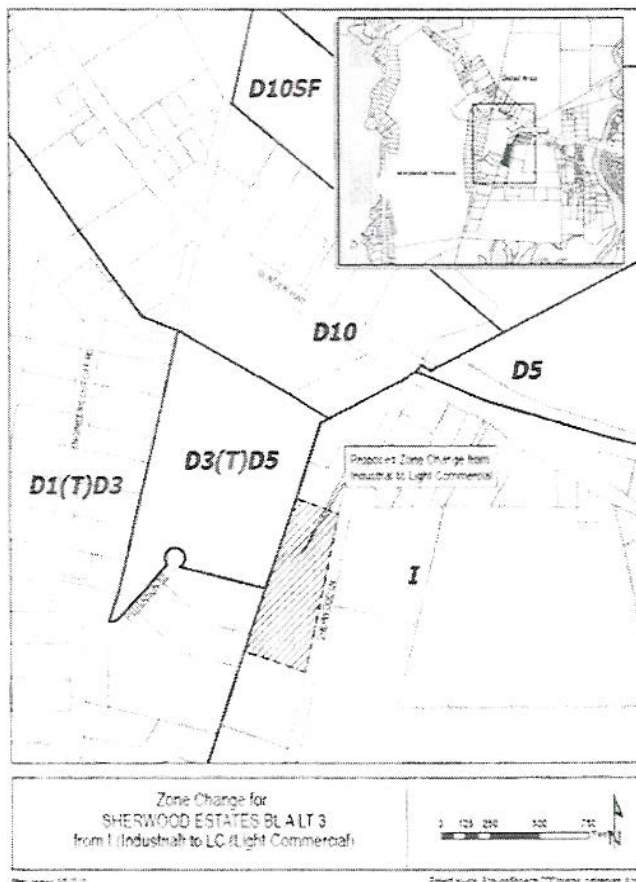
Land availability - an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development. This includes access to the land needed to support commercial, industrial, and other development. This also includes zoning that supports neighborhood-based small business growth that creates jobs and provides services which area residents and the community need. This type of small business development and growth also supports quality of life and walkable mixed-use neighborhoods.

The proposed rezone from Industrial to Light Commercial may create opportunities for small business growth and low impact commercial use. However, the proposed rezone would also remove five acres of Heavy Industrial property, which the Comprehensive Plan has identified as a public need.

COMPLIANCE WITH TITLE 49 LAND USE CODE

The map, below, shows existing zoning in the area. The subject parcel is surrounded by Industrial zoning to the north, south, and east, and D-1 (T) D-3 and D-5 residential zoning to the west. There is no Light Commercial or General Commercial zoning in the vicinity.

As noted earlier, the CBJ Land Use Code describes Light Commercial zoning as:



The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district (49.25.230(a)).

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 17 of 26

Industrial zoning is defined as:

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing, and assembling goods. Because of noise, odors, waste, and other impacts inherent in industrial activity, performance standards are applied.

Agency Review

An agency review period was conducted from August 4, 2017, through August 25, 2017. Staff received the following comments:

- Alaska Electric Light & Power (AEL&P): "I don't see any issues from AELPs side with the zoning change."
- Alaska Department of Environmental Conservation: "The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with this re-zone application to change 5 acres from the Industrial zoning district to the Light Commercial zoning district at 2500 Sherwood Lane. We appreciate the adherence to the 50-foot stream setback noted in the applications and on the associated illustrations."
- CBJ Building Division: "Buildings has no issues with this application."
- CBJ Engineering and Public Works: "General Engineering has no issue with the rezone."
- CBJ Lands Division: "Lands does not object to this potential zoning designation. However, the Planning Commission should be aware that the Fire Training Center is nearby and occasionally the Fire Training Center is a high impact industrial use."
- CBJ Assessors Office: "The Assessor's office does not object to the zoning change, but questions the benefits of LC over I zoning in this location. The LC setbacks and structure heights are more restrictive and the property is surrounded by I zoning along Sherwood to the Glacier Highway Frontage. "
- Captial City Fire & Rescue: "CCFR has already expressed opposition to this change through Chief Etheridge's email a few weeks back and the proximity of our fire training center. I don't think our stance has changed," from Dan Jager, Fire Marshal.
- CCFR email from Chief Etheridge dated 7-17-18, from the zone change pre-application meeting notice: "CCFR's biggest concern is further restricting the use of the fire training center. The most current development has created problems where their buildings get covered in smoke, steam, water/foam spray. We started visiting the idea of rotating the use and moving more of the fire props to the other part of the property. This is however a multi-million dollar project with no current funding available. Without assurances new

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 18 of 26

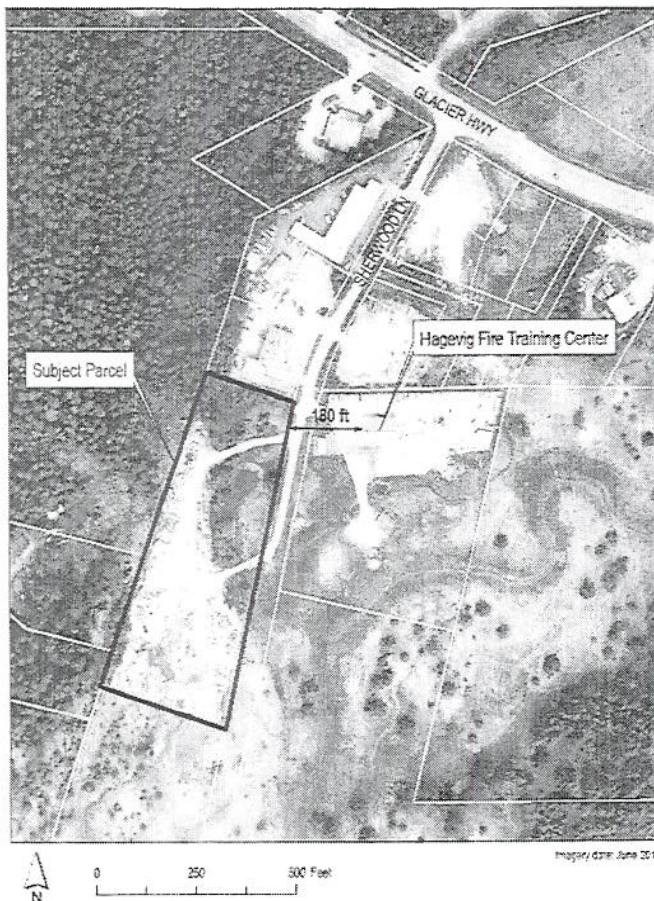
development wont further negatively impact the use of the facility, we are going to have to protest changes to zoning.”

- CDD received two additional letters from the CCFR Assistant Fire Chief Tod Chambers, dated 8-13-18 and 8-27-18 and email correspondence dated 9-13-18 (Attachments 6-8)
- A meeting was held with CDD, the applicant, and the Capital City Fire & Rescue on August 15, 2018.

Capital City Fire & Rescue Concerns

The CCFR has expressed strong opposition to the rezone due to potential constraints from surrounding property owners on the use of the CBJ Fire Training Station. CCFR has already significantly altered training procedures in response to complaints from adjacent property owners and is concerned that the change from Industrial to Light Commercial zoning will further compromise operations.

The map, below, indicates the location of the fire training center adjacent to the subject property.



CDD held a meeting with the applicant and the CCFR on August 15, 2018, however no conclusions were reached on how to resolve the issue. The applicant appreciates the fire department’s concerns and has expressed a desire to develop solutions to the issue. However, even if an acceptable development proposal could be agreed upon, CDD cannot condition the rezone approval for specific uses and must evaluate all uses in the requested Light Commercial district. In addition, CDD cannot enforce private agreements and covenants and cannot otherwise prohibit public complaints about the fire training facility.

The CCFR’s August 13, 2018, letter, signed by the Assistant Fire Chief, states, in part, the following:

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 19 of 26

The nature of the training necessary for first responders has an impact on the area surrounding the training center. Live fire training produces smoke, extinguisher training can release clouds of dry chemical agent, apparatus and equipment create noise. Training can be scheduled any day of the week and can last until 10:00 pm....[Further] development exposes more people to those impacts, and a real worry for CCFR is pressure from those property owners to cease use of the training center. Using the training center is vital to maintain qualifications and meeting regulatory requirements for the first responders in Juneau. It is also a regional facility available to Southeast communities to provide the opportunity to participate in training that requires infrastructure they do not have. Replacing the facility or moving it is not an option...and would be cost prohibitive. (Attachment 6)

CDD requested additional information regarding how training center operations have been restricted due to complaints from adjacent property owners. The Assistant Fire Chief responded with a second comment letter dated August 27, 2018, and is excerpted as follows:

Since the development of mixed-use building on the north side of the training center property we have had some complaints concerning noise, smoke, water spray, and dry-chemical extinguisher powder. There simply is not a simple solution for reducing these effects that using the training center has on its neighbors....In the past fuel-oil was used for this training, but we have switched over to propane to reduce the smoke and run-off contaminant hazard. The fuel-oil system has been capped off and we are working on removing the storage tanks....

We make everyone effort to minimize our impact on the community by using the cleanest materials possible for fire training, and by scheduling sessions at reasonable times. However a long-term solution of converting all of the props and training facility to propane is cost-prohibitive, and we must accommodate the real-life schedule of our volunteer members with training in the evenings and on weekends. We will continue to generate smoke from the facility, along with noise and the other items that generate complaints for the foreseeable future. It is for these reasons that I believe changing the zoning for the proposed development is the wrong decision. (Attachment 7)

In email correspondence, CCFR Fire Chief Rich Etheridge explained that the training center is one of only three in the country with its specific features for specialized training. The facility trains the firefighting crews for most of the cruise ship companies in Alaska including Princess, Holland, and Disney. The classes occur 4 to 12 times a week during the summer months. Chief Etheridge concluded by saying:

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 20 of 26

This is a very valuable facility that trains a great number of emergency responders from not only across Alaska but from around the world. I would hate to see it made obsolete in my lifetime. (Attachment 8)

The property north of the fire training center, whose owner complained, is zoned Industrial. Industrially-zoned property is therefore not a guarantee against complaints. Many uses allowed in industrial zones, such as retail, do not correspond to the Land Use Code definition of industrial zoning which describes activities such as “manufacturing, processing, repairing, and assembling goods” and activities creating “noise, odors, waste, and other impacts inherent in industrial activity.”

Nonetheless, property owners in industrial zones and adjacent to industrial zones may reasonably expect heavy industrial uses on these lands as intended, with associated noise and odor impacts. Adjacent high impact uses such as the Fire Training Center are to be expected in industrial zones and especially in areas designated as Heavy Industrial in the Comprehensive Plan.

Light Commercial zoning, in contrast, is intended to accommodate lower-intensity development adjacent to residential neighborhoods. The proposed Light Commercial zoning has the potential to allow 30 units per acre of residential housing next to the fire training center, in addition to many commercial and office uses. These uses may be incompatible with adjacent heavy industrial activities at the Fire Training Center and at other industrial properties in the area.

The parcels north of the subject lot are zoned industrial but include office uses that are normally prohibited in industrial zones. These uses are legally non-conforming because they were developed when offices were allowed in the industrial zone. Offices have not been allowed in the industrial zone since the 1987 code revision.

Additionally, the owner of the JCM Rentals office building, 2770 Sherwood Lane, appealed the approval of the temporary asphalt plant use at the subject property, USE2016-0016. Although the Planning Commission’s decision was upheld, the appeal provides an example of the conflicts that may occur when commercial and residential development is located next to industrial areas.

Alaska Department of Environmental Conservation

Staff solicited additional feedback from the Alaska Department of Environmental Conservation (ADEC) to determine if new structures proposed under a Light Commercial zoning district would prohibit ADEC from issuing necessary permits for operation of the Fire Training Center. For example, ADEC cannot issue a permit for an asphalt plant if it is located within a certain distance of a residential building. ADEC confirmed that Fire Training Center uses would not be

Planning Commission
 File No.: AME2018 0013
 October 15, 2018
 Page 21 of 26

prohibited if residences or offices were located near the center, noting that the ADEC permit requires CBJ to notify adjacent property owners when there is a scheduled burn. ADEC correspondence is included in Attachment 11.

DISCUSSION

The purposes of Title 49 are provided below.

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau Comprehensive Plan, and Coastal Management Program;*
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

These six purpose statements are implemented by the establishment of zoning districts, which determine types of allowed and prohibited land uses, densities, housing types, commercial uses, parking, etc. The requested Light Commercial zoning allows for types of uses and densities some of which are not supported by the Heavy Industrial land use designation.

Uses in the Industrial and Light Commercial Zoning Districts

The subject property is located at the end of Sherwood Lane. The State of Alaska DMV Office building is located immediately north of the subject property in the Industrial zoning district. As discussed, the office building is a legally non-conforming use. Offices are not allowed in the Industrial zoning district under current code. Residential properties lie to the west, while the CCFR Fire Training Center and vacant CBJ industrial land lie to the east and southeast.

The applicant states that the proposed Light Commercial zoning district would provide a buffer between the residential and industrial areas. The applicant further states that "having heavy industrial uses directly bordering residential land is ineffective land use and diminishes the value of both." (Attachment 2)

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 22 of 26

Impacts to adjacent properties may depend on how the site is developed, and specific development cannot be required through the rezone process. Promoting the highest density use of the property in Light Commercial, for example, could allow commercial development and up to 30 residential units per acre, with a height limit of 45 feet. In addition, uses allowed in the Light Commercial zone may create conflicts with adjacent industrial uses, specifically the CCFR Fire Training Center. However, a different development plan under Light Commercial zoning could potentially serve as a buffer between the adjacent residential neighborhood and industrial properties. Additionally, expanding the Light Commercial zone to include the existing offices on Sherwood Lane could alleviate the nonconforming situation. Currently, in the Light Commercial zone a development of more than 12 residential units requires an approved Conditional Use Permit. This could provide the opportunity for buffers and screening from Industrial zoned land.

The table on the following page illustrates a variety of uses that might be permitted in the current Industrial zoning district, as well as the proposed Light Commercial zoning district. This table does not include all uses that may be permitted in these zoning districts. The full Table of Permissible Uses, CBJ Code 49.25.300, has been attached for reference with these zoning districts highlighted (Attachment 9).

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 23 of 26

A Sample of Permissible Uses in the Industrial and Light Commercial zones

	Industrial (I)	Light Commercial (LC)
Duplex		1
Multifamily dwellings		1
Hotel		1, 3
Light manufacturing	1,3	1, 3
Medium manufacturing	1,3	
Heavy manufacturing	3	
Restaurant/bar	3	1
Restaurant with drive-through	3	1,3
General Retail	3	1
Marijuana Retail	3	3
Marijuana Cultivation	3	3
Gas station	1	3
Motor vehicle sales	1,3	1,3
Veterinary clinic	1	3
Commercial greenhouse	3	1, 3
Health care clinic		1,3
Outdoor storage	1	3

Blank space - Use not allowed

1 – Allowed with a building permit

3 – Allowed with an approved Conditional Use Permit

The table illustrates that many uses, including retail, are allowed in both zoning districts. However, the Industrial district emphasizes more intensive uses such as medium and heavy

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 24 of 26

manufacturing, which are not allowed in a Light Commercial district. The Industrial district does not allow residential use except as caretaker units as an accessory use, while Light Commercial allows residential uses through the building permit process as well as through the Conditional Use Permit process for developments of 13 dwelling units or more.

The industrial zone is the only zoning district that allows heavy manufacturing, through the Conditional Use Permit process, without further constraints imposed by the Table of Permissible Uses. Specifically, Heavy Manufacturing may be allowed in the Rural Reserve zone, but only if the proposed use meets the criteria of Note T in the Table of Permissible Uses, which states, *Must be associated with a unique site specific features in order to function. Example: Glacier research station – Juneau Icefield location.*

Heavy manufacturing may also be located in the D-1 zoning district with an approved Conditional Use Permit but only if the proposed use meets the criteria of Note Q in the Table of Permissible Uses, which states, *Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title....*

The Industrial zoning district is the only district that allows heavy manufacturing without pre-existing restraints that typically stop developments from even reaching the Planning Commission for public review. If the property, in combination with other properties, was developed solely for commercial use without residential, it could potentially serve as a buffer zone between residential and industrial uses. However, the Light Commercial allowance of 30 units per acre of residential density directly adjacent to industrial uses may create unavoidable conflicts and result in excessive restrictions on limited industrial properties. There is no mechanism through the rezoning process that can restrict this use of the property differently than other LC zoned property. Residential development cannot be prohibited.

The Industrial district's primary distinction from the Light Commercial district is that it does not allow residential uses, other than the caretaker unit. In addition, industrial uses are heavy uses that often generate impacts, such as noise and odors that have a great adverse effect on residential uses.

Because of possible conflicts with surrounding industrial uses, staff concludes that the proposed rezone does not conform with the Land Use Code.

PUBLIC COMMENTS

A neighborhood meeting was held on September 12, 2018, following written public notice to property owners within 1000 feet of the subject property. No one from the public attended the meeting.

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 25 of 26

At this writing, one comment has been received from a resident in the area. (Attachment 10)
The commenter stated:

Hi. I would like to comment on the proposal first that written correspondence should be given all engineers cutoff and mendenhall peninsula households to comment on. That a written post be placed on the road with the proposal as it will affect...animal life. viewplanes. add additional traffic in the area. and the buffer is inadequate to other projects and finally that Pedersen road on engineers cutoff has been suggested as a possible builders road to access and use for future residents. The road and traffic cannot withstand this. Please look at this. It is also noteworthy that engineers cutoff cannot obtain city sewer nor is allowed to be redesignated and this will devalue our properties. Thanks Bob saviers

ZONE CHANGE OPTIONS AND ALTERNATIVES

The applicant has requested to have five acres rezoned from Industrial to Light Commercial.

Options are to approve the request as submitted, deny the request as submitted, or recommend an alternative to the Assembly.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code, as the application was submitted timely, is not similar to a request made in the previous two years, and is greater than 2 acres.
2. Based on the preceding analysis, rezoning five acres from the Industrial to the Light Commercial zoning complies in part with the policies and guidelines of the Comprehensive Plan and does not substantially conform to the land use maps of the Comprehensive Plan, and is inconsistent with Map F.
3. The rezoning is larger than 2 acres.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change five acres from Industrial to Light Commercial, located at 2500 Sherwood Lane.

—

Planning Commission
File No.: AME2018 0013
October 15, 2018
Page 26 of 26

If the Commission makes findings that rezoning to Light Commercial is in substantial conformance with the maps and policies of the comprehensive plan, staff recommends that additional properties be evaluated as well. Staff would contact the property owners and public notice, a staff analysis, and a Commission hearing would be required.

To review attachments to this staff report, please go to:

<https://packet.cbjak.org/MeetingView.aspx?MeetingID=869&MinutesMeetingID=1040&doctype=Agenda>

a

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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2018-50	11/21/2018	Ordinance
☐ Exhibit A Map Ordinance 2018-50	11/21/2018	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, CBJ 53.04.040 authorizes the City and Borough of Juneau ("CBJ") to acquire real property through a land exchange; and

WHEREAS, the CBJ owns a 90 acre parcel on the southern Mendenhall Peninsula known as Alaska State Land Survey 78-171, Fraction Lot 3A, USS 3816, that the CBJ is managing as a Natural Area Park; and

WHEREAS, Alan and Ellen Rogers ("Rogers") own a 1.67 acre parcel known as Alaska State Land Survey 70-3, USS 3816, located adjacent to the 90 acre parcel owned by the CBJ; and

WHEREAS, in 2005, the CBJ approved construction of a perpetual driveway and utility easement to the Rogers' property through the Smuggler's Cove Pioneers Association; and

WHEREAS, the Rogers and the CBJ Lands Division have discussed the concept of a land exchange such that the CBJ would exchange equal value parcels of land so that the Rogers could build an accessible home and the CBJ would receive beach front property of equal value; and

WHEREAS, the beach front property was determined by appraisal to be 2 ½ times more valuable than the upland property therefore, approximately 14,225 square feet of CBJ upland property would be traded for approximately 6,164 square feet of waterfront property owned by the Rogers; and

WHEREAS, the portions of real property being contemplated for exchange are of similar value as determined by appraisal; and

WHEREAS, the proposed land exchange would benefit the CBJ by increasing the most desirable part of the park for the public to enjoy; and

WHEREAS, the proposed land exchange would benefit the Rogers by providing a relatively level area to accommodate future development of an accessible home; and

WHEREAS, the Parks and Recreation Advisory Committee at its meeting on May 1, 2018, passed a motion of support for the land exchange; and

WHEREAS, the Lands Committee at its meeting on May 21, 2018, passed a motion of support for the land exchange; and

WHEREAS, the Planning Commission at its meeting on November 13, 2018, reviewed and recommended approval of the land exchange; and

WHEREAS, the Lands Committee at its meeting on November 19, 2018, passed a motion by unanimous consent in support of the land exchange, and included a condition that the land exchange be completed within two years from the date of adoption of this ordinance.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization. The Manager is authorized to:

(a) Convey approximately 14,225 square feet of Alaska State Land Survey 78-171, Fraction Lot 3A to the Rogers by quitclaim deed in exchange for the Rogers conveying approximately 6,164 square feet of Alaska State Land Survey 70-3, USS 3816 as generally shown on Exhibit A.

(b) Execute the land exchange without an exchange of money.

(c) At the Rogers sole expense, perform all necessary requirements—including subdividing and recording—to execute this land exchange.

(d) Impose such additional terms and conditions for the land exchange as the Manager determines are in the interest of the public.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

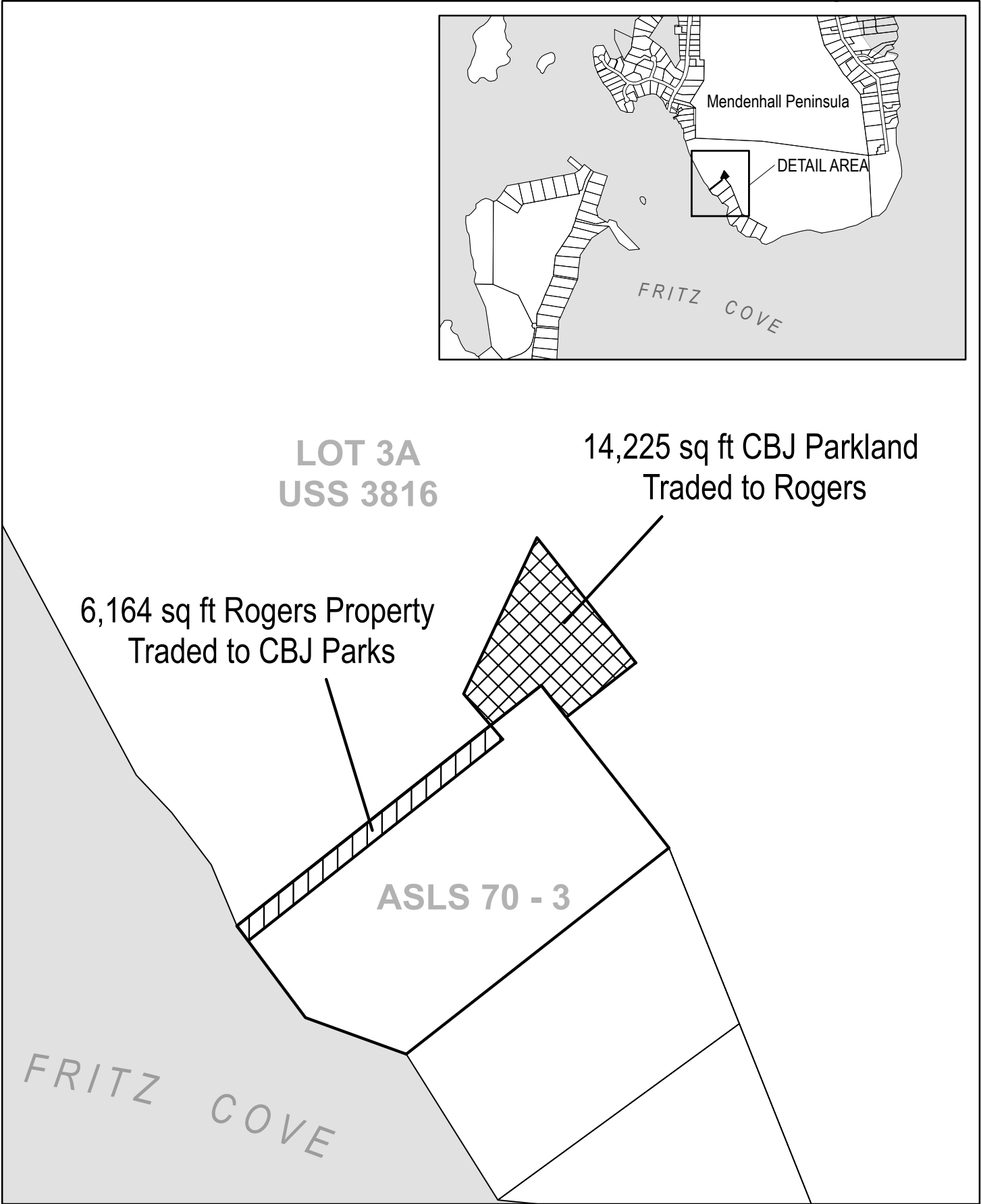
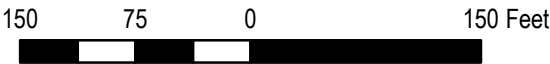


EXHIBIT A
Ord. No. 2018-50



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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

Description	Upload Date	Type
□ 2018-11(R)	11/20/2018	Ordinance

Presented by: The Manager
Introduced: November 26, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 up to \$205,000 as funding to update information on the landslide and avalanche risk in downtown Juneau.

Section 3. Source of Funds

U.S. Department of Homeland Security	\$205,000
--------------------------------------	-----------

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

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.

MANAGER'S REPORT:

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.

RECOMMENDATION:

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.

ATTACHMENTS:

Description	Upload Date	Type
□ 2018-11(S)	11/20/2018	Ordinance

Presented by: The Manager
 Introduced: November. 26, 2018
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$11,000,000 as Funding for the Downtown Waterfront Improvement Project.

Section 3. Source of Funds.

Cruise Passenger Vessel Excise Tax Revenue	\$5,000,000
Port Development Fund's Fund Balance	\$2,800,000
FY19 Port Development Revenue	\$ 900,000
Marine Passenger Fees Fund's Fund Balance	\$ 300,000
Dock Fund's Fund Balance	<u>\$2,000,000</u>
Grand Total	\$11,000,000

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

Adopted this _____ day of _____, 2018.

 Beth A. Weldon, Mayor

Attest:

 Elizabeth J. McEwen, Municipal Clerk

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

North Douglas Land Disposal - Applicant Thomas Daugherty

MANAGER'S REPORT:

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."*

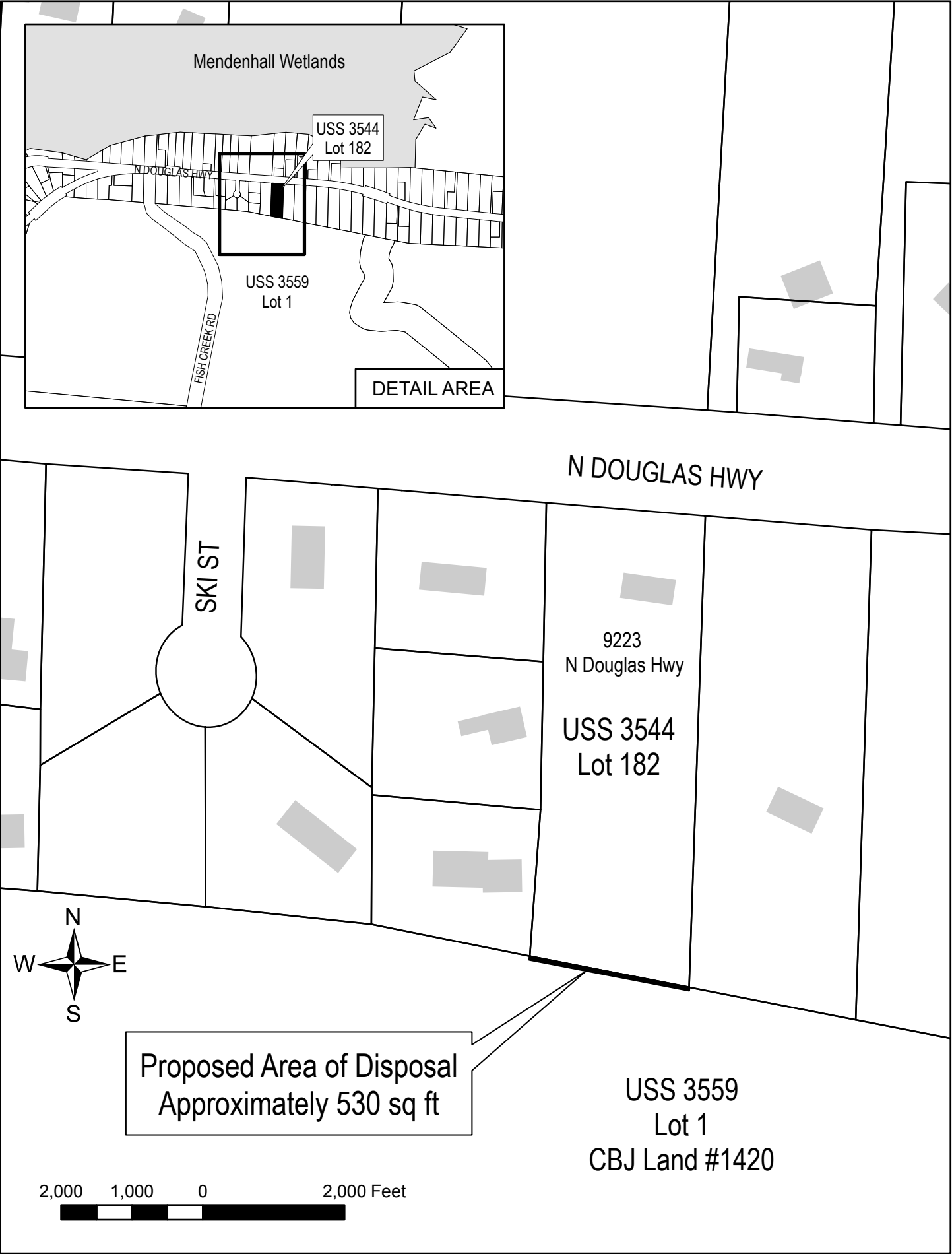
On November 19, 2018 the Lands Committee unanimously passed a motion of support to the Assembly to work with the original applicant and dispose of roughly 530 square feet of City property.

RECOMMENDATION:

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.

ATTACHMENTS:

Description	Upload Date	Type
□ Map North Douglas Land Disposal	12/5/2018	Map



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

LID Board of Equalization

MANAGER'S REPORT:

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.

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

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.

MANAGER'S REPORT:

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)

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 2842	12/5/2018	Resolution
☐ Exhibit A Boundary Map LID 97	12/4/2018	Exhibit
☐ LID 97 Assessment Roll	12/4/2018	Miscellaneous

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, the Assembly of the City and Borough of Juneau, by Ordinance Serial No. 2013-07 adopted April 1, 2013, created LID No. 97 for the purpose of installing a municipal water system within the public roads of the Eagles Edge Subdivision, benefitting the property described in Exhibit A, attached; and

WHEREAS, the special assessment roll for LID No. 97 has been prepared and notice of the hearing on the special assessment roll given in accordance with CBJ 15.10.130; and

WHEREAS, a hearing on the special assessment roll for LID No. 97 was held on December 17, 2018, and all interested persons were given an opportunity at the hearing to present their objections to the Assembly sitting as the Board of Equalization; and

WHEREAS, the Assembly sitting as a Board of Equalization at said hearing approved the special assessment roll with such corrections as it found necessary.

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

Section. 1 That the special assessment roll for LID No. 97, as filed with the City and Borough Treasurer and to the extent corrected by the Assembly sitting as a Board of Equalization, is hereby confirmed.

Section 2. The assessments set forth in said confirmed assessment roll are hereby declared to be due and payable and are a lien upon the property assessed paramount and superior to all liens except for a prior LID assessment or property taxes and subject to the following terms:

(a) Notice of Assessment. The City and Borough Clerk shall cause notice of assessment and time for payment to be published and mailed in accordance with CBJ 15.10.190.

(b) Time for Payment. All or any portion of any assessment appearing thereon may be paid within 45 days from the date of the first publication of the notice without penalty or interest. Any amount remaining unpaid after the 45-day period allowed for payment of assessment without penalty or interest shall be paid in ten equal annual principal installments. The initial installment shall be billed as a separately stated charge on the next property tax bill. Subsequent installments shall be billed as a separately stated charge on the annual property tax bill. Payments shall be made in the same manner and at the same time as property taxes.

(c) Interest on Assessment. All installments shall include interest on the unpaid balance at the rate of 2.0 percent per annum.

(d) Prepayment of Installments. An installment may be prepaid in accordance with CBJ 15.10.230.

(e) Delinquent Assessment. Installments shall become delinquent the day after they are due. The penalty and interest that apply for delinquent payment of property taxes shall apply to delinquent payment of an annual assessment installment and interest as they appear on the tax bill.

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

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

**LID 97
BOUNDARY**

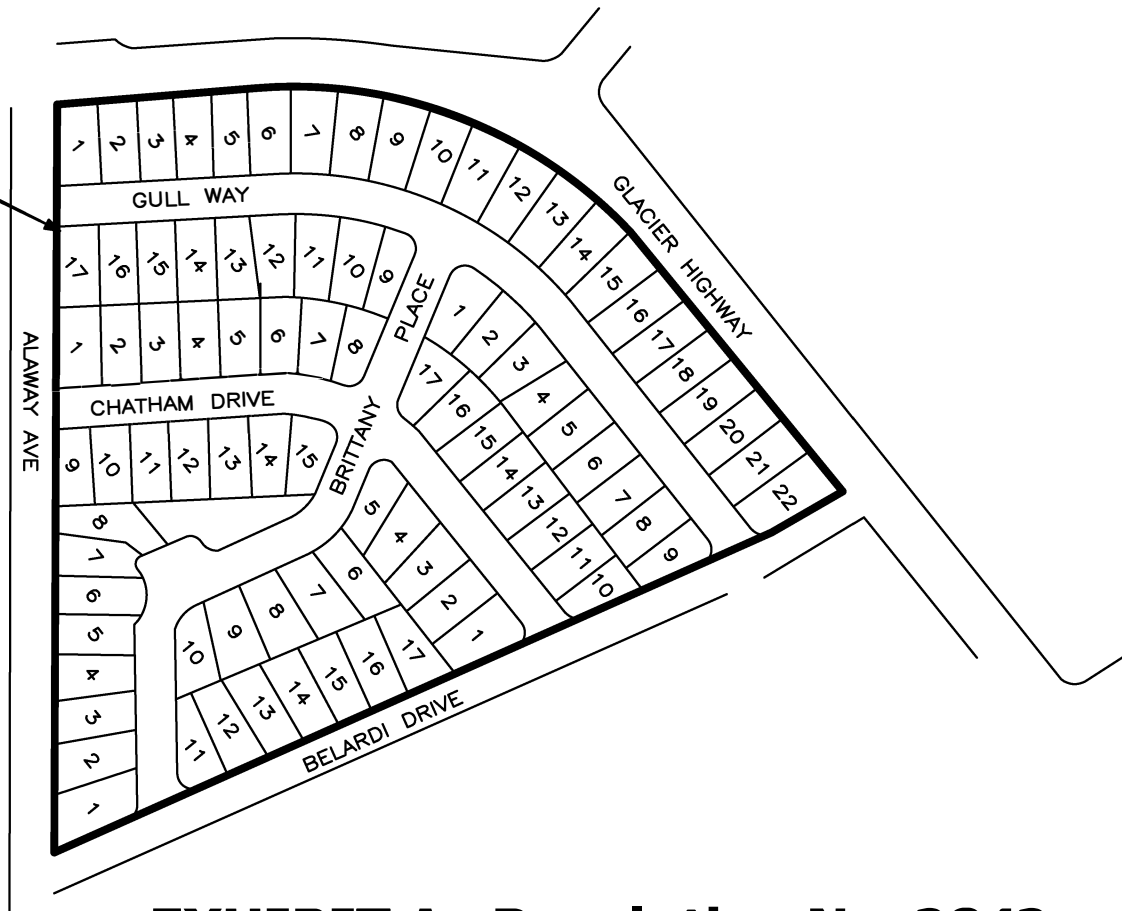


EXHIBIT A - Resolution No. 2842

CRRN	PARCEL	OWNER	Assmnt	HOUS	STREET	ADDRESS	Field59	CITY STATE	ZIP
70081830000329625022	5B1301140010	WACKER JOHN & SARA JANE	3,300.00	6042	GULL WAY	6042 GULL WAY	EAGLES EDGE BL A L 1	JUNEAU AK	99801
70081830000329625497	5B1301140020	SORIANO RAUL Q & IMELDA G	3,300.00	6040	GULL WAY	6040 GULL WAY	EAGLES EDGE BL A L 2	JUNEAU AK	99801
70081830000329626166	5B1301140030	MOISES ORPIANO & ETHEL L	3,300.00	6038	GULL WAY	6038 GULL WAY	EAGLES EDGE BL A L 3	JUNEAU AK	99801
70081830000329626173	5B1301140040	M SUE ALEXANDER	3,300.00	6036	GULL WAY	PO BOX 210796	EAGLES EDGE BL A L 4	AUKE BAY AK	99821
70081830000329626180	5B1301140050	ELLISON ROSEMARY J	3,300.00	6034	GULL WAY	6034 GULL WAY	EAGLES EDGE BL A L 5	JUNEAU AK	99801
70081830000329626197	5B1301140060	ELIZARDE AGNES L & LOPE R	3,300.00	6032	GULL WAY	6032 GULL WAY	EAGLES EDGE BL A L 6	JUNEAU AK	99801
70081830000329626203	5B1301140070	LEWIN LUTHER L	3,300.00	6030	GULL WAY	6030 GULL WAY	EAGLES EDGE BL A L 7	JUNEAU AK	99801
70081830000329626210	5B1301140080	DARRILLO DIMAS P	3,300.00	6028	GULL WAY	6028 GULL WAY	EAGLES EDGE BL A L 8	JUNEAU AK	99801
70081830000329602610	5B1301140090	NIEHAUS HENRY S & WRIGHT COLETTE M	3,300.00	6026	GULL WAY	6026 GULL WAY	EAGLES EDGE BL A L 9	JUNEAU AK	99801
70081830000329602627	5B1301140100	ZANORIA JOSEPHINE & PAMPPIO	3,300.00	6024	GULL WAY	6024 GULL WAY	EAGLES EDGE BL A L 10	JUNEAU AK	99801
70081830000329602634	5B1301140110	DAU MARIAN B	3,300.00	6022	GULL WAY	PO BOX 020995	EAGLES EDGE BL A L 11	JUNEAU AK	99802
70081830000329602641	5B1301140120	DJG Development	3,300.00	6020	GULL WAY	5165 Glacier Hwy	EAGLES EDGE BL A L 12	JUNEAU AK	99803
70081830000329602658	5B1301140130	GACETA ASELA C & DANILO SR & GACETA	3,300.00	6018	GULL WAY	6018 GULL WAY	EAGLES EDGE BL A L 13	JUNEAU AK	99801
70081830000329602665	5B1301140140	HIGBEE RANDY N & SARAH J	3,300.00	6016	GULL WAY	6016 GULL WAY	EAGLES EDGE BL A L 14	JUNEAU AK	99801
70081830000329602672	5B1301140150	GARRISON JEFFREY A	3,300.00	6014	GULL WAY	6014 GULL WAY	EAGLES EDGE BL A L 15	JUNEAU AK	99801
70081830000329602689	5B1301140160	RODRIGUEZ ESTER G	3,300.00	6012	GULL WAY	6012 GULL WAY	EAGLES EDGE BL A L 16	JUNEAU AK	99801
70081830000329602696	5B1301140170	FELICIANO JAY Z & FELICIANO MARIA T	3,300.00	6010	GULL WAY	6010 GULL WAY	EAGLES EDGE BL A L 17	JUNEAU AK	99801
70081830000329602702	5B1301140180	PHILLIPS NANCY D	3,300.00	6008	GULL WAY	PO BOX 022241	EAGLES EDGE BL A L 18	JUNEAU AK	99802
70081830000329602719	5B1301140190	MAZON SONNY & HEIDI R	3,300.00	6006	GULL WAY	6006 GULL WAY	EAGLES EDGE BL A L 19	JUNEAU AK	99801
70081830000329602726	5B1301140200	LUMBAB REUBEN & RACHELL	3,300.00	6004	GULL WAY	6004 GULL WAY	EAGLES EDGE BL A L 20	JUNEAU AK	99801
70081830000329602733	5B1301140210	LAFFERTY ANITA E	3,300.00	6002	GULL WAY	6002 GULL WAY	EAGLES EDGE BL A L 21	JUNEAU AK	99801
70081830000329602740	5B1301140220	FLAKE MARY ANN	3,300.00	6000	GULL WAY	6000 GULL WAY	EAGLES EDGE BL A L 22	JUNEAU AK	99801
70081830000329602757	5B1301150010	SLADKY JERRY R	3,300.00	1200	BRITTANY PL	1200 BRITTANY PL	EAGLES EDGE BL B L 1 PMB 301	JUNEAU AK	99801
70081830000329602764	5B1301150020	CANON MANUEL M & MARYGEN R	3,300.00	6015	GULL WAY	6015 GULL WAY	EAGLES EDGE BL B L 2	JUNEAU AK	99801
70081830000329602771	5B1301150030	TUDTUD MILA & PANTALEON	3,300.00	6013	GULL WAY	6013 GULL WAY	EAGLES EDGE BL B L 3	JUNEAU AK	99801
70081830000329602788	5B1301150040	TOLERO FLORENDO R & ROWEMARIE J	3,300.00	6011	GULL WAY	6011 GULL WAY	EAGLES EDGE BL B L 4	JUNEAU AK	99801
70081830000329602795	5B1301150050	STARR DELORES D	3,300.00	6009	GULL WAY	6009 GULL WAY	EAGLES EDGE BL B L 5	JUNEAU AK	99801
70081830000329602801	5B1301150060	ESCALONA RELYN G & GECEL C	3,300.00	6007	GULL WAY	1800 NORTHWOOD DR UN	EAGLES EDGE BL B L 6	JUNEAU AK	99801
70081830000329602818	5B1301150070	GONZALES GINA D	3,300.00	6005	GULL WAY	6005 GULL WAY	EAGLES EDGE BL B L 7	JUNEAU AK	99801
70081830000329602825	5B1301150080	REYNOLDS NELDA	3,300.00	6003	GULL WAY	PO BOX 020402	EAGLES EDGE BL B L 8	JUNEAU AK	99802
70081830000329602832	5B1301150090	WHITE LARRY E	3,300.00	6001	GULL WAY	6001 GULL WAY	EAGLES EDGE BL B L 9	JUNEAU AK	99801
70081830000329602849	5B1301150100	WILLIAMS NORMAN & LEONA	3,300.00	6000	CHATHAM DR	PO BOX 020633	EAGLES EDGE BL B L 10	JUNEAU AK	99802
70081830000329602856	5B1301150110	MEYERS MELINDA L	3,300.00	6002	CHATHAM DR	6002 CHATHAM DR	EAGLES EDGE BL B L 11	JUNEAU AK	99801
70081830000329602863	5B1301150120	WILSON JOHNNY S III	3,300.00	6004	CHATHAM DR	6004 CHATHAM DR	EAGLES EDGE BL B L 12	JUNEAU AK	99801
70081830000329602870	5B1301150130	LOSSELYONG MELISSA A	3,300.00	6006	CHATHAM DR	PO BOX 32738	EAGLES EDGE BL B L 13	JUNEAU AK	99803
70081830000329602887	5B1301150140	WERTHEIMER KEITH	3,300.00	6008	CHATHAM DR	PO BOX 033121	EAGLES EDGE BL B L 14	JUNEAU AK	99803
70081830000329602894	5B1301150150	BARTOLABA JESS B	3,300.00	6010	CHATHAM DR	6010 CHATHAM DR	EAGLES EDGE BL B L 15	JUNEAU AK	99801
70081830000329602900	5B1301150160	MARVIN PETER S	3,300.00	6012	CHATHAM DR	6012 CHATHAM DR	EAGLES EDGE BL B L 16	JUNEAU AK	99801
70081830000329602917	5B1301150170	MALLINGER LORA J TRUST	3,300.00	6014	CHATHAM DR	2000 RAMAR RD LOT 270	EAGLES EDGE BL B L 17LORA MALLINGER LIVING	BULLHEAD CITY A 86442	
70081830000329602924	5B1301160010	YADAO BERNARD T & RHODALIE	3,300.00	6001	CHATHAM DR	9182 RIVERWOOD DR	EAGLES EDGE BL C L 1	JUNEAU AK	99801
70081830000329602931	5B1301160020	JEREZA HILLY V	3,300.00	6003	CHATHAM DR	6003 CHATHAM DR	EAGLES EDGE BL C L 2	JUNEAU AK	99801
70081830000329602948	5B1301160030	OYLOE STEVE & FRANCES	3,300.00	6005	CHATHAM DR	6005 CHATHAM DR	EAGLES EDGE BL C L 3	JUNEAU AK	99801
70081830000329602962	5B1301160040	NGUYEN PHAO	3,300.00	6007	CHATHAM DR	8513 RAINBOW ROW	EAGLES EDGE BL C L 4	JUNEAU AK	99801
70081830000329602979	5B1301160050	MOLES LORI	3,300.00	6009	CHATHAM DR	6009 CHATHAM DR	EAGLES EDGE BL C L 5	JUNEAU AK	99801
70081830000329602986	5B1301160060	LOTT TIMOTHY & YAVONNE	3,300.00	1302	BRITTANY PL	1302 BRITTANY PL	EAGLES EDGE BL C L 6	JUNEAU AK	99801
70081830000329602993	5B1301160070	REMBULAT MARNELLIE	3,300.00	1304	BRITTANY PL	1304 BRITTANY PL	EAGLES EDGE BL C L 7	JUNEAU AK	99801
70081830000329603006	5B1301160080	WELDON-WEETHEE TRUST	3,300.00	1306	BRITTANY PL	649 TUMBLEWEED CR	EAGLES EDGE BL C L 8	INCLINE VILLAGE 89451	
70081830000329603013	5B1301160090	JAMES MICHAEL K & PRECIOSA S	3,300.00	1308	BRITTANY PL	1308 BRITTANY PL	EAGLES EDGE BL C L 9	JUNEAU AK	99801
70081830000329603020	5B1301160100	TLINGIT HAIDA REGIONAL HOUSING AUTH	3,300.00	1310	BRITTANY PL	PO BOX 032237	EAGLES EDGE BL C L 10	JUNEAU AK	99803
70081830000329603037	5B1301160110	LIBRANDO DELILAH M	3,300.00	1312	BRITTANY PL	1312 BRITTANY PL	EAGLES EDGE BL C L 11	JUNEAU AK	99801
70081830000329603044	5B1301160120	BROWN THEA Z	3,300.00	1313	BELARDI DR	1313 BELARDI DR	EAGLES EDGE BL C L 12	JUNEAU AK	99801
70081830000329603051	5B1301160130	DELOS SANTOS JACQUELINE	3,300.00	1311	BELARDI DR	1311 BELARDI DR	EAGLES EDGE BL C L 13	JUNEAU AK	99801
70081830000329603068	5B1301160140	HATCH JARRED	3,300.00	1309	BELARDI DR	1309 BELARDI DR	EAGLES EDGE BL C L 14	JUNEAU AK	99801
70081830000329603075	5B1301160150	SORIANO KATHERINE&SORIANO MARIANO&M	3,300.00	1307	BELARDI DR	1307 BELARDI DR	EAGLES EDGE BL C L 15	JUNEAU AK	99801
70081830000329603082	5B1301160160	JERUE RICHARD M & JANET K	3,300.00	1305	BELARDI DR	PO BOX 033814	EAGLES EDGE BL C L 16	JUNEAU AK	99803

70081830000329603099	5B1301160170	ALGABRE NOEL S & FROLYNE YVONNE M	3,300.00 1303	BELARDI DR	1303 BELARDI DR	EAGLES EDGE BL C L 17	JUNEAU AK	99801
70081830000329603105	5B1301170010	TLINGIT HAIDA REGIONAL HOUSING AUTH	3,300.00 1321	BRITTANY PL	PO BOX 032237	EAGLES EDGE BL D L 1	JUNEAU AK	99803
70081830000329603112	5B1301170020	TLINGIT HAIDA REGIONAL HOUSING AUTH	3,300.00 1319	BRITTANY PL	PO BOX 032237	EAGLES EDGE BL D L 2	JUNEAU AK	99803
70081830000329603129	5B1301170030	BROWN WILBUR G	3,300.00 1317	BRITTANY PL	1317 BRITTANY PL	EAGLES EDGE BL D L 3	JUNEAU AK	99801
70081830000329603136	5B1301170040	TLINGIT HAIDA REGIONAL HOUSING AUTH	3,300.00 1315	BRITTANY PL	PO BOX 032237	EAGLES EDGE BL D L 4	JUNEAU AK	99803
70081830000329603143	5B1301170050	CANO ROWENA L & JETER G	3,300.00 1313	BRITTANY PL	1313 BRITTANY PL	EAGLES EDGE BL D L 5	JUNEAU AK	99801
70081830000329603150	5B1301170060	WILLE SHAWN P	3,300.00 1311	BRITTANY PL	1311 BRITTANY PL	EAGLES EDGE BL D L 6	JUNEAU AK	99801
70081830000329603167	5B1301170070	YADAO ARIEL & BERNARDITA	3,300.00 1309	BRITTANY PL	1309 BRITTANY PLACE	EAGLES EDGE BL D L 7	JUNEAU AK	99801
70081830000329603174	5B1301170080	BARAJAS DEANA	3,300.00 1307	BRITTANY PL	PO BOX 035293	EAGLES EDGE BL D L 8	JUNEAU AK	99803
70081830000329603181	5B1301170090	BURFORD ROBERT A	3,300.00 6029	CHATHAM DR	6029 CHATHAM DR	EAGLES EDGE BL D L 9	JUNEAU AK	99801
70081830000329603198	5B1301170100	DAVIS GEORGE L & AGNES R	3,300.00 6027	CHATHAM DR	PO BOX 34324	EAGLES EDGE BL D L 10	JUNEAU AK	99803
70081830000329603204	5B1301170110	DEVENNY RICHARD L & PATSY K	3,300.00 6025	CHATHAM DR	6025 CHATHAM DR	EAGLES EDGE BL D L 11	JUNEAU AK	99801
70081830000329603211	5B1301170120	OLANGCO R U & A R	3,300.00 6023	CHATHAM DR	6023 CHATHAM DR	EAGLES EDGE BL D L 12	JUNEAU AK	99801
70081830000329603228	5B1301170130	PUNONGBAYAN ERNESTO M & EMMA T	3,300.00 6021	CHATHAM DR	6021 CHATHAM DR	EAGLES EDGE BL D L 13	JUNEAU AK	99801
70081830000329603235	5B1301170140	KEOPPLE THOMAS L & SAMANTHA J	3,300.00 6019	CHATHAM DR	6019 CHATHAM DR	EAGLES EDGE BL D L 14	JUNEAU AK	99801
70081830000329603242	5B1301170150	PENALOSA NENELYN M & ROBERTO Y	3,300.00 6017	CHATHAM DR	6017 CHATHAM DR	EAGLES EDGE BL D L 15	JUNEAU AK	99801
70081830000329603259	5B1301170160	EAGLES EDGE SUB HOMEOWNERS ASSN	3300 0	CHATHAM DR	PO BOX 879601	EAGLES EDGE BL D L 16HOFF PROPERTY MANAGEM WASILLA AK		99687
70081830000329603266	5B1301180010	KWANG K OH & JONG H KIM	3,300.00 6030	CHATHAM DR	6030 CHATHAM DR	EAGLES EDGE BL E L 1	JUNEAU AK	99801
70081830000329603273	5B1301180020	SCHROEDER ELEANOR M	3,300.00 6028	CHATHAM DR	6028 CHATHAM DR	EAGLES EDGE BL E L 2	JUNEAU AK	99801
70081830000329603280	5B1301180030	LUMBA DEMETRIO	3,300.00 6026	CHATHAM DR	PO BOX 020883	EAGLES EDGE BL E L 3	JUNEAU AK	99802
70081830000329603297	5B1301180040	BOHULANO ULYSSES T & SABINA N	3,300.00 6024	CHATHAM DR	6024 CHATHAM DR	EAGLES EDGE BL E L 4	JUNEAU AK	99801
70081830000329603303	5B1301180050	MENDOZA ELMER L & MARILOU	3,300.00 6022	CHATHAM DR	PO BOX 033054	EAGLES EDGE BL E L 5	JUNEAU AK	99803
70081830000329603310	5B1301180060	CROPLEY FLORENCE MAY	3,300.00 6020	CHATHAM DR	6020 CHATHAM DR	EAGLES EDGE BL E L 6	JUNEAU AK	99801
70081830000329603327	5B1301180070	GALLANT J GREG & TERRI S	3,300.00 6018	CHATHAM DR	6018 CHATHAM DR	EAGLES EDGE BL E L 7	JUNEAU AK	99801
70081830000329603334	5B1301180080	OLANGCO ROLLY R & BEATRIZ Y	3,300.00 6016	CHATHAM DR	6016 CHATHAM DR	EAGLES EDGE BL E L 8	JUNEAU AK	99801
70081830000329603341	5B1301180090	CARRILLO SUMMIT P	3,300.00 1201	BRITTANY PL	1201 BRITTANY PL	EAGLES EDGE BL E L 9	JUNEAU AK	99801
70081830000329603358	5B1301180100	ELIZARDE NORMY	3,300.00 6027	GULL WAY	6027 GULL WAY	EAGLES EDGE BL E L 10	JUNEAU AK	99801
70081830000329603365	5B1301180110	METCALFE JOHN & GEMMA	3,300.00 6029	GULL WAY	6029 GULL WAY	EAGLES EDGE BL E L 11	JUNEAU AK	99801
70081830000329603372	5B1301180120	HOLLIDAY KIERNAN K & KATHLEEN A	3,300.00 6031	GULL WAY	2227 N JORDAN AVE	EAGLES EDGE BL E L 12COLDWELL BANKER	JUNEAU AK	99801
70081830000329603389	5B1301180130	MOSKITO ROMULO & SALLY	3,300.00 6033	GULL WAY	6033 GULL WAY	EAGLES EDGE BL E L 13	JUNEAU AK	99801
70081830000329603396	5B1301180140	SORIANO NUMERIANO QUINZON	3,300.00 6035	GULL WAY	6035 GULL WAY	EAGLES EDGE BL E L 14	JUNEAU AK	99801
70081830000329603402	5B1301180150	HUGHES WENDY I	3,300.00 6037	GULL WAY	PO BOX 021814	EAGLES EDGE BL E L 15	JUNEAU AK	99802
70081830000329603419	5B1301180160	GACETA GRANCIS S & JEMMALYN A	3,300.00 6039	GULL WAY	6039 GULL WAY	EAGLES EDGE BL E L 16	JUNEAU AK	99801
70081830000329603426	5B1301180170	NEASE JOHN M & ROSEMARY	3,300.00 6041	GULL WAY	PO BOX 034924	EAGLES EDGE BL E L 17	JUNEAU AK	99803

290,400.00

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

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.

MANAGER'S REPORT:

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)

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution 2841	12/5/2018	Resolution

▣ Exhibit A Boundary Map LID 62

12/4/2018

Exhibit

▣ LID 62 Assessment Roll

12/4/2018

Miscellaneous

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

WHEREAS, the Assembly of the City and Borough of Juneau, by Ordinance Serial No. 2015-28 adopted June 8, 2015, created LID No. 62 for the purpose of constructing improvements to the road base, drainage, pavement and sidewalk within the public roads of the McGinnis Subdivision, benefitting the property described in Exhibit A, attached; and

WHEREAS, the special assessment roll for LID No. 62 has been prepared and notice of the hearing on the special assessment roll given in accordance with CBJ 15.10.130; and

WHEREAS, a hearing on the special assessment roll for LID No. 62 was held on December 17, 2018, and all interested persons were given an opportunity at the hearing to present their objections to the Assembly sitting as the Board of Equalization; and

WHEREAS, the Assembly sitting as a Board of Equalization at said hearing approved the special assessment roll with such corrections as it found necessary.

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

Section. 1 The special assessment roll for LID No. 62, as filed with the City and Borough Treasurer and to the extent corrected by the Assembly sitting as a Board of Equalization, is hereby confirmed.

Section 2. The assessments set forth in said confirmed assessment roll are hereby declared to be due and payable and are a lien upon the property assessed paramount and superior to all liens except for a prior LID assessment or property taxes and subject to the following terms:

(a) Notice of Assessment. The City and Borough Clerk shall cause notice of assessment and time for payment to be published and mailed in accordance with CBJ 15.10.190.

(b) Time for Payment. All or any portion of any assessment appearing thereon may be paid within 45 days from the date of the first publication of the notice without penalty or interest. Any amount remaining unpaid after the 45-day period allowed for payment of assessment without penalty or interest shall be paid in ten equal annual principal installments. The initial installment shall be billed as a separately stated charge on the next property tax bill. Subsequent installments shall be billed as a separately stated charge on the annual property tax bill. Payments shall be made in the same manner and at the same time as property taxes.

(c) Interest on Assessment. All installments shall include interest on the unpaid balance at the rate of 4.54 percent per annum.

(d) Prepayment of Installments. An installment may be prepaid in accordance with CBJ 15.10.230.

(e) Delinquent Assessment. Installments shall become delinquent the day after they are due. The penalty and interest that apply for delinquent payment of property taxes shall apply to delinquent payment of an annual assessment installment and interest as they appear on the tax bill.

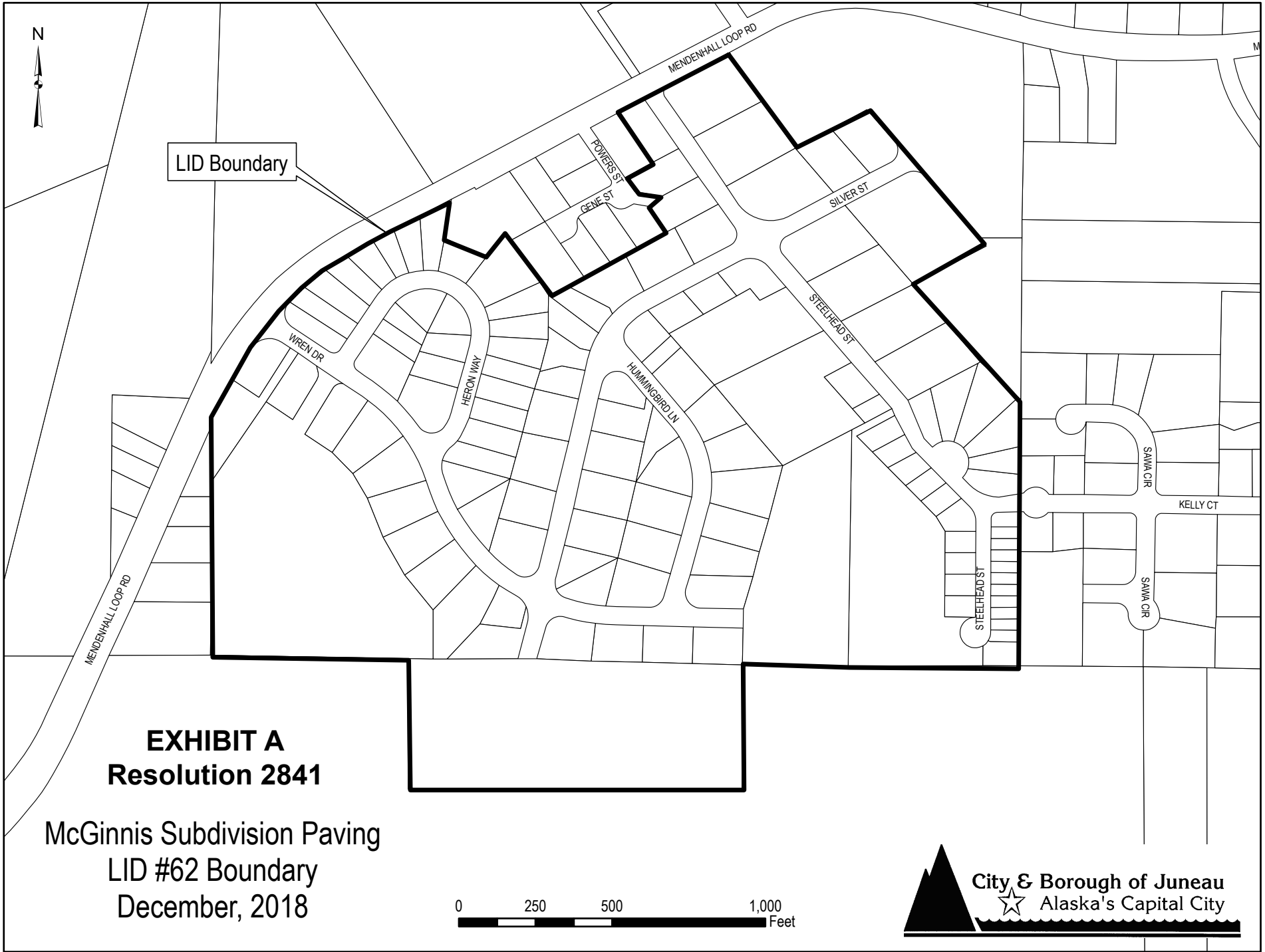
Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this _____ day of _____, 2018.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



CRRN	PARCEL	OWNER	Assmnt	HOUSE #	STREET	ADDRESS	Field59	CITY STATE	ZIP
7008183000032960000C	482601020043	JUNEAU YOUTH SERVICES INC	4,000.00	0	SILVER ST	PO BOX 032839	BLACK BEAR LT 3	JUNEAU AK	99803
7008183000032960344C	482601030082	THOMAS L GALLAGHER & Kristi K Elliot	4,000.00	4900	WREN DR	4900 WREN DR	MCGINNIS 6 TR A2	Juneau AK	99801
70081830000329603457	482601040010	REACH INC	3,000.00	4934	STEELHEAD ST	PO BOX 34197	MORAINES EDGE LT 7	JUNEAU AK	99803
70081830000329603464	482601040020	MATTHEW ZEECK & CHERYL ZEECK	3,000.00	4930	STEELHEAD ST	4930 STEELHEAD ST	MORAINES EDGE LT 8	JUNEAU AK	99801
70081830000329603471	482601040030	DAVID M BERGER & JENNIFER E BERGER	3,000.00	4926	STEELHEAD ST	4926 STEELHEAD ST	MORAINES EDGE LT 9	JUNEAU AK	99801
7008183000032960348E	482601040040	KEVIN J EPPERS & MOLLIE K EPPERS	3,000.00	4920	STEELHEAD ST	4920 STEELHEAD ST	MORAINES EDGE LT 10	JUNEAU AK	99801
7008183000032960349E	482601040050	DAVID EVANS & APRIL W EVANS	3,000.00	4910	STEELHEAD ST	12814 SNOWBERRY LN	MORAINES EDGE LT 11	KETCHIKAN AK	99901
70081830000329603501	482601040060	ROBERT R LARSON III	3,000.00	4900	STEELHEAD ST	4900 STEELHEAD ST	MORAINES EDGE LT 12	JUNEAU AK	99801
7008183000032960351E	482601040070	WILLIAM F ADICKES JR & CARIN S ADICKES	3,000.00	4896	STEELHEAD ST	1401 EDGE CUMBE DR	MORAINES EDGE LT 13	SITKA AK	99835
7008183000032960352E	482601040080	ANNE H BEAUDREAU & CHRISTOPHER J SERGEANT	3,000.00	4886	STEELHEAD ST	4886 STEELHEAD ST	MORAINES EDGE LT 14	JUNEAU AK	99801
70081830000329603532	482601040090	DAVID MITCHELL & CARLEEN MITCHELL	3,000.00	4880	STEELHEAD ST	4880 STEELHEAD ST	MORAINES EDGE LT 15	JUNEAU AK	99801
7008183000032960354E	482601040100	ROBERT H BAARS	3,000.00	4876	STEELHEAD ST	4876 STEELHEAD ST	MORAINES EDGE LT 16	JUNEAU AK	99801
7008183000032960355E	482601040121	ROSE E SANCHEZ & ESTEBAN L SOTO	3,000.00	4867	STEELHEAD ST	4867 STEELHEAD ST	MORAINES EDGE LT 17B	JUNEAU AK	99801
70081830000329603563	482601040122	KRISTINA L MOGEL	3,000.00	4869	STEELHEAD ST	4869 STEELHEAD ST	MORAINES EDGE LT 17A	JUNEAU AK	99801
7008183000032960357C	482601040131	AMY E HAMRICK	3,000.00	4873	STEELHEAD ST	4873 STEELHEAD ST	MORAINES EDGE LT 18B	JUNEAU AK	99801
70081830000329603587	482601040132	AMY L FELDMETER & RYAN K FELDMETER	3,000.00	4875	STEELHEAD ST	4875 STEELHEAD ST	MORAINES EDGE LT 18A	JUNEAU AK	99801
70081830000329603594	482601040141	STEVEN B CARLS & JENNIFER J CARLS	3,000.00	4879	STEELHEAD ST	4879 STEELHEAD ST	MORAINES EDGE LT 19B	JUNEAU AK	99801
7008183000032960360C	482601040142	HEIDI M ALLISON & JERRY R ALLISON	3,000.00	4881	STEELHEAD ST	4881 STEELHEAD ST	MORAINES EDGE LT 19A	JUNEAU AK	99801
70081830000329603617	482601040151	NATALYA V KHOMEYAKOVA	3,000.00	4885	STEELHEAD ST	4885 STEELHEAD ST	MORAINES EDGE LT 20B	JUNEAU AK	99801
70081830000329603624	482601040152	MICHAEL B PODRUCHNY & JESSICA A PODRUCHNY	3,000.00	4887	STEELHEAD ST	4887 STEELHEAD ST	MORAINES EDGE LT 20A	JUNEAU AK	99801
70081830000329603631	482601040161	AARON MARSH & LAUREL MARSH	3,000.00	4891	STEELHEAD ST	4891 STEELHEAD ST	MORAINES EDGE LT 21B	JUNEAU AK	99801
7008183000032960364E	482601040162	ANN R RAUSCH	3,000.00	4893	STEELHEAD ST	4893 STEELHEAD ST	MORAINES EDGE LT 21A	JUNEAU AK	99801
7008183000032960365E	482601040171	IAN H CAPOBIANCO-BRINKMAN & RUBY M CAPUA	3,000.00	4897	STEELHEAD ST	4897 STEELHEAD ST	MORAINES EDGE LT 22B	JUNEAU AK	99801
70081830000329603662	482601040172	JASON BOYLE & ALISON E BOYLE	3,000.00	4899	STEELHEAD ST	615 GUADALCANAL ST	MORAINES EDGE LT 22A	NEW ORLEANS LA	70114
7008183000032960367E	482601040180	JESS LUJAN & BRIDGET M LUJAN	3,000.00	4907	STEELHEAD ST	4907 STEELHEAD ST	MORAINES EDGE LT 6	JUNEAU AK	99801
7008183000032960368E	482601040190	GLORY A SCARANO & DANIEL G BRUCE	3,000.00	4913	STEELHEAD ST	4913 STEELHEAD ST	MORAINES EDGE LT 5	JUNEAU AK	99801
7008183000032960369E	482601040200	JANE S MORES & PETER J MORES	3,000.00	4919	STEELHEAD ST	4919 STEELHEAD ST	MORAINES EDGE LT 4	JUNEAU AK	99801
7008183000032960370E	482601040210	CHARLES L CURTIS & LINDA B CURTIS	3,000.00	4925	STEELHEAD ST	4925 STEELHEAD ST	MORAINES EDGE LT 3	JUNEAU AK	99801
7008183000032960371E	482601040220	KENDALL L LAWHORNE & CELIA R LAWHORNE	3,000.00	4931	STEELHEAD ST	4931 STEELHEAD ST	MORAINES EDGE LT 2	JUNEAU AK	99801
7008183000032960372C	482601040230	ANDREW K GRAY & SHERI A GRAY	3,000.00	4935	STEELHEAD ST	PO BOX 034305	MORAINES EDGE LT 1	JUNEAU AK	99803
7008183000032960373C	482601060010	DELORES E GRAVER	4,000.00	4945	WREN DR	PO BOX 033645	MCGINNIS 4 BL E LT 1	JUNEAU AK	99803
70081830000329603747	482601060020	KONRAD L LEIS	4,000.00	10209	HERON WAY	10209 HERON WAY	MCGINNIS 4 BL E LT 2B	JUNEAU AK	99801
70081830000329603457	482601060030	JOSEPH P PARRISH & ANITA A HAZELL PARRISH	4,000.00	10211	HERON WAY	10211 HERON WAY	MCGINNIS 4 BL E LT 2A	JUNEAU AK	99801
70081830000329603761	482601060040	ABBY E SMITH	4,000.00	10219	HERON WAY	PO BOX 021852	MCGINNIS 4 BL E LT 3B	JUNEAU AK	99802
7008183000032960377E	482601060050	NORMAN C PURVIS	4,000.00	10221	HERON WAY	PO BOX 35182	MCGINNIS 4 BL E LT 3A	JUNEAU AK	99803
7008183000032960378E	482601060060	HILDEGARD CHRISTINE SELLNER	4,000.00	10229	HERON WAY	2136 SE 28TH AVE	MCGINNIS 4 BL E LT 4A	PORTLAND OR	97214
70081830000329603792	482601060070	GREGORY A BROLINE	4,000.00	10231	HERON WAY	10231 HERON WAY	MCGINNIS 4 BL E LT 4B	JUNEAU AK	99801
7008183000032960380E	482601060080	SUSAN A MILLER & TIMOTHY A MILLER	4,000.00	4941	WREN DR	5720 E HELENA DR	MCGINNIS 4 BL E LT 5	SCOTTSDALE AZ	85254
7008183000032960381E	482601070010	ROGELIO RODRIGUEZ & ANA C RODRIGUEZ	4,000.00	10200	HERON WAY	10200 HERON WAY	MCGINNIS 4 BL D LT 1A	JUNEAU AK	99801
70081830000329603822	482601070020	DEENA R LARUE	4,000.00	10202	HERON WAY	10202 HERON WAY	MCGINNIS 4 BL D LT 1B	JUNEAU AK	99801
7008183000032960383E	482601070030	GREGORY M SEIDER & SUSAN E SEIDER	4,000.00	10204	HERON WAY	10204 HERON WAY	MCGINNIS 4 BL D LT 2A	JUNEAU AK	99801
7008183000032960384E	482601070040	WILLIAM J BURGETT	4,000.00	10206	HERON WAY	PO BOX 033326	MCGINNIS 4 BL D LT 2B	JUNEAU AK	99803
70081830000329603853	482601070050	ADAM BROWN	4,000.00	10208	HERON WAY	PO BOX 32684	MCGINNIS 4 BL D LT 3A	JUNEAU AK	99803
7008183000032960386C	482601070060	CHARITY LEE	4,000.00	10210	HERON WAY	10210 HERON WAY	MCGINNIS 4 BL D LT 3B	JUNEAU AK	99801
70081830000329603877	482601070070	DEBORAH GROVES	4,000.00	10212	HERON WAY	PO BOX 035022	MCGINNIS 4 BL D LT 4A	JUNEAU AK	99803
70081830000329603884	482601070080	MICHAEL J ACRES	4,000.00	10214	HERON WAY	10214 HERON WAY	MCGINNIS 4 BL D LT 4B	JUNEAU AK	99801
70081830000329603891	482601070091	EARL A SCHOONOVER & JESSIE M SCHOONOVER	4,000.00	10216	HERON WAY	10216 HERON WAY	KNITVILA LT 2	JUNEAU AK	99801
70081830000329603907	482601070100	JASON T HASS & JODY L HASS	4,000.00	10220	HERON WAY	10220 HERON WAY	MCGINNIS 4 BL D LT 6	JUNEAU AK	99801
70081830000329603914	482601070110	AMBER D MARSHALL	4,000.00	10224	HERON WAY	10224 HERON WAY	MCGINNIS 4 BL D LT 7A	JUNEAU AK	99801
70081830000329603921	482601070120	MARTHA D ENANORIA & CHRISTOPHER W HARDEN	4,000.00	10226	HERON WAY	PO BOX 35611	MCGINNIS 4 BL D LT 7B	JUNEAU AK	99803
7008183000032960393E	482601070130	RAYMOND THIBODEAU & ANNE THIBODEAU	4,000.00	10228	HERON WAY	PO BOX 035662	MCGINNIS 4 BL D LT 8A	JUNEAU AK	99803
7008183000032960394E	482601070140	RAYMOND T THIBODEAU & ANNIE M THIBODEAU	4,000.00	10230	HERON WAY	PO BOX 035662	MCGINNIS 4 BL D LT 8B	JUNEAU AK	99803
70081830000329603952	482601070150	ROGER C DRAPEAUX & HEATHER L DRAPEAUX	4,000.00	10232	HERON WAY	10232 HERON WAY	MCGINNIS 4 BL D LT 9A	JUNEAU AK	99801
7008183000032960396E	482601070160	JON C PLACE & JANINE M PLACE	4,000.00	10234	HERON WAY	10234 HERON WAY	MCGINNIS 4 BL D LT 9B	JUNEAU AK	99801
7008183000032960397E	482601070171	GERRY LANDRY	4,000.00	10236	HERON WAY	10236 HERON WAY	MCGINNIS 4 BL D LT 10A	JUNEAU AK	99801
70081830000329603983	482601070172	GRETCHEN H BISHOP	4,000.00	10238	HERON WAY	PO BOX 210836	MCGINNIS 4 BL D LT 10B	AUKE BAY AK	99821
7008183000032960399C	482601070181	PHILIP C FAGERSTROM & KATHRYN E FAGERSTROM	4,000.00	4939	WREN DR	PO BOX 021138	MCGINNIS 5B BL D LT 10A	JUNEAU AK	99802
70081830000329604003	482601070182	PASTORINO LIVING TRUST	4,000.00	4935	WREN DR	4935 WREN DR	MCGINNIS 5B BL D LT 10B	JUNEAU AK	99801
7008183000032960401C	482601080010	MICHAEL S KLAOWANN & MICHELLE E KLAOWANN	4,000.00	4989	STEELHEAD ST	4989 STEELHEAD ST	MCGINNIS 5 BL G LT 1	JUNEAU AK	99801
70081830000329604027	482601080020	DANIEL A COLEMAN	4,000.00	10103	SILVER ST	10103 SILVER ST	MCGINNIS 5 BL D LT 2	JUNEAU AK	99801
70081830000329604034	482601080030	TERRY J WHITE & LYNN SQUIRES	4,000.00	10105	SILVER ST	PO BOX 033242	MCGINNIS 5 BL D LT 3A	JUNEAU AK	99803
70081830000329604041	482601080040	MONICA M WINDOM	4,000.00	10109	SILVER ST	10109 SILVER ST	MCGINNIS 5 BL D LT 4A1	JUNEAU AK	99801
7008183000032960405E	482601080050	ABBEY J CUMMINGS & NICHOLAS D CUMMINGS	4,000.00	10111	SILVER ST	10111 SILVER ST	MCGINNIS 5 BL D LT 4A2	JUNEAU AK	99801
7008183000032960406E	482601080060	RICHARD BAILEY & JILL BAILEY	4,000.00	10113	SILVER ST	PO BOX 033501	MCGINNIS 5 BL D LT 5A1	JUNEAU AK	99803
70081830000329604072	482601080070	MICHAEL J SCOTT & PHYLLIS SCOTT	4,000.00	10115	SILVER ST	10115 SILVER ST	MCGINNIS 5 BL D LT 5A2	JUNEAU AK	99801
7008183000032960408E	482601080080	JOHN B GAUQUINE	4,000.00	10117	SILVER ST	1940 FRITZ COWE RD	MCGINNIS 5 BL D LT 6	JUNEAU AK	99801
7008183000032960409E	482601080090	CLARENCE C VANDERJACK & AMY K VANDERJACK	4,000.00	10121	SILVER ST	10121 SILVER ST	MCGINNIS 5 BL D LT 7	JUNEAU AK	99801
70081830000329604102	482601080100	MICHAEL R BOONE	4,000.00	10125	SILVER ST	PO BOX 034484	MCGINNIS 5A BL D LT 8	JUNEAU AK	99803
7008183000032960411E	482601080110	MARIE R MCMILLAN & CLAUDE MCMILLAN	4,000.00	4931	WREN DR	4931 WREN DR	MCGINNIS 5A BL D LT 9	JUNEAU AK	99801
7008183000032960412E	482601090011	JAMES B TRUITT & MAURA TRUITT	4,000.00	4938	HUMMINGBIRD LN	756 AHWANEE DR	MCGINNIS 5 BL E LT 1A	SPARKS NV	89436
70081830000329604133	482601090012	GREGORY K LOCKWOOD & JENNIFER L LOCKWOOD	4,000.00	4936	HUMMINGBIRD LN	4936 HUMMINGBIRD LN	MCGINNIS 5 BL E LT 1B	JUNEAU AK	99801
7008183000032960414C	482601090020	DANIAL R SPENCER & KARL L SPENCER	4,000.00	4928	HUMMINGBIRD LN	4928 HUMMINGBIRD LN	MCGINNIS 5 BL E LT 2	JUNEAU AK	99801
70081830000329604157	482601090030	KEVIN W TILLOTSON & GABRIELLA E TILLOTSON	4,000.00	4924	HUMMINGBIRD LN	4924 HUMMINGBIRD LN	MCGINNIS 5A BL E LT 3	JUNEAU AK	99801
70081830000329604164	482601090031	SHERYL L WEINBERG & RICHARD D HEBHARDT	4,000.00	4920	HUMMINGBIRD LN	4920 HUMMINGBIRD LN	MCGINNIS 5B BL E LT 4	JUNEAU AK	99801
70081830000329604171	482601090040	JEFFREY BALLOU & JUDITH MASON	4,000.00	10126	SILVER ST	10126 SILVER ST	MCGINNIS 5A BL E LT 6	JUNEAU AK	99801

70081830000329604188	482601090042	KENNETH R JONES & RENEE L JONES	4,000.00	10130	SILVER ST	1531 KITSAP DR	USS 1796 MCGINNIS 58 BL E LT 5A	BREMERTON WA	98312
7008183000032960419E	482601090043	SEBASTIAN SCHNUELLE	4,000.00	4925	WREN DR	PO BOX 33423	USS 1796 MCGINNIS 58 BL E LT 5B	JUNEAU AK	99803
70081830000329604201	482601090050	DOUGLAS S HANON & VIRGINIA R REED	4,000.00	10122	SILVER ST	10122 SILVER ST	MCGINNIS 5 BL E LT 7	JUNEAU AK	99801
7008183000032960421E	482601090060	LOUIS C CORAZZA & MARGARET J CORAZZA	4,000.00	10118	SILVER ST	10118 SILVER ST	MCGINNIS 5 BL E LT 8	JUNEAU AK	99801
7008183000032960422E	482601090071	JARED C STABNAU & CATHERINE E STABNAU	4,000.00	4942	HUMMINGBIRD LN	4942 HUMMINGBIRD LN	MCGINNIS 5 BL E LT 9B	JUNEAU AK	99801
70081830000329604232	482601090072	NEIL L ATKINSON & CARI L ATKINSON	4,000.00	4940	HUMMINGBIRD LN	PO BOX 33846	MCGINNIS 5 BL E LT 9A	JUNEAU AK	99803
7008183000032960424E	482601100020	DAVID M KERR & VICKI C KERR	4,000.00	4946	STEELHEAD ST	4946 STEELHEAD ST	MCGINNIS III BL C LT 2 TR 2	JUNEAU AK	99801
7008183000032960425E	482601100050	ROBIN L MULVEY & STEVEN MULVEY	4,000.00	10100	SILVER ST	10100 SILVER ST	MCGINNIS III BL C LT 1D	JUNEAU AK	99801
70081830000329604263	482601100060	SCOTT L NOVAK & CHERYL A NOVAK	4,000.00	10102	SILVER ST	10102 SILVER ST	MCGINNIS III BL C LT 1C	JUNEAU AK	99801
7008183000032960427C	482601100070	KARA L LOCKHART & JOSHUA D LOCKHART	4,000.00	10104	SILVER ST	10104 SILVER ST	MCGINNIS III BL C LT 1B	JUNEAU AK	99801
70081830000329604287	482601100090	ERICH E SCHAAL & SARAH S SCHAAL	4,000.00	4945	HUMMINGBIRD LN	4945 HUMMINGBIRD LN	MCGINNIS 5 BL C LT 4	JUNEAU AK	99801
70081830000329604294	482601100100	MONICA SOUTHWORTH	4,000.00	4941	HUMMINGBIRD LN	PO BOX 20654	MCGINNIS 5 BL C LT 5	JUNEAU AK	99802
7008183000032960430C	482601100110	MARK E LEWIS & DEBORAH L LEWIS	4,000.00	4935	HUMMINGBIRD LN	4937 HUMMINGBIRD LN	MCGINNIS 5 BL C LT 6	JUNEAU AK	99801
70081830000329604317	482601100120	JAMES C DALMAN & TONI JO DALMAN	4,000.00	4933	HUMMINGBIRD LN	4933 HUMMINGBIRD LN	MCGINNIS 5 BL C LT 7	JUNEAU AK	99801
70081830000329604324	482601100130	CHARLES AND ELISABETH JONES LIVING TRUST & CHARLES WALT	4,000.00	4929	HUMMINGBIRD LN	10002 CRAZY HORSE DR	MCGINNIS 5 BL C LT 8	JUNEAU AK	99801
70081830000329604331	482601100140	BRIAN R WHISTLER & SHANNON H WHISTLER	4,000.00	4925	HUMMINGBIRD LN	4925 HUMMINGBIRD LN	MCGINNIS 5A BL C LT 9	JUNEAU AK	99801
7008183000032960434E	482601100150	MAUREEN A HANSEN	4,000.00	4915	WREN DR	4915 WREN DR	MCGINNIS 5B BL C LT 10	JUNEAU AK	99801
7008183000032960435E	482601120010	SEAN W JAMES & REBECCA B JAMES	4,000.00	9992	SILVER ST	PO BOX 211202	MCGINNIS 2 BL B LT 4	AUKE BAY AK	99821
70081830000329604362	482601120020	THOMAS E GINGER	4,000.00	10000	SILVER ST	PO BOX 034003	MCGINNIS BL B LT 1	JUNEAU AK	99803
7008183000032960437E	482601120030	CARL E LUNDQUIST & KATHERINE L LUNDQUIST	4,000.00	4951	STEELHEAD ST	4951 STEELHEAD ST	MCGINNIS 2 BL B LT 2	JUNEAU AK	99801
7008183000032960438E	482601120040	ALLAN ROBERT AHLGREN & DAVIDA JOEANN AHLGREN	4,000.00	4947	STEELHEAD ST	PO BOX 32318	MCGINNIS 2 BL B LT 3 N 1/2	JUNEAU AK	99803
70081830000329604393	482601120050	ANGELA IMBODEN & BRAD IMBODEN	4,000.00	4943	STEELHEAD ST	4943 STEELHEAD ST	MCGINNIS 2 BL B LT 3 S 1/2	JUNEAU AK	99801
7008183000032960440E	482601130080	SHANE D WALKER & BROOKE J WALKER	4,000.00	4998	STEELHEAD ST	4998 STEELHEAD ST	ROSS LT 14B	JUNEAU AK	99801
7008183000032960441E	482601130090	RANDY J HELD & CANDIS E HELD	4,000.00	5004	STEELHEAD ST	5004 STEELHEAD ST	ROSS LT 14A	JUNEAU AK	99801
70081830000329604422	482601140010	DANIELLE L MORGAN & TIMOTHY J MORGAN	4,000.00	4944	WREN DR	4944 WREN DR	MCGINNIS 5B BL F LT 1	JUNEAU AK	99801
7008183000032960443C	482601140020	JOHANNA MITCHELL	4,000.00	4938	WREN DR	4938 WREN DR	MCGINNIS 5B BL F LT 2	JUNEAU AK	99801
70081830000329604447	482601140030	JAMES M YOUNG & JOY M H YOUNG	4,000.00	4932	WREN DR	4932 WREN DR	MCGINNIS 5B BL F LT 3	JUNEAU AK	99801
70081830000329604454	482601140040	JEFF D BRINK & MOLLY GALLAGHER BRINK	4,000.00	4926	WREN DR	4926 WREN DR	MCGINNIS 5B BL F LT 4	JUNEAU AK	99801
70081830000329604461	482601140050	TINA M MARTIN & JOSHUA E MARTIN	4,000.00	4920	WREN DR	4920 WREN DR	MCGINNIS 5B BL F LT 5	JUNEAU AK	99801
7008183000032960447E	482601140060	AARON J MORRISON & TRACY L MORRISON	4,000.00	4916	WREN DR	4916 WREN DR	MCGINNIS 5B BL F LT 6	JUNEAU AK	99801
7008183000032960448E	482601140070	BRITA BISHOP	4,000.00	4910	WREN DR	8695 DUDLEY ST	MCGINNIS 5B BL F LT 7	JUNEAU AK	99801
70081830000329604492	482601150020	SHAWN DAVID LOVELL	4,000.00	4930	WREN DR	4930 WREN DR	MCGINNIS 6 BL F LT 4A	JUNEAU AK	99801
7008183000032960450E	482601150030	MARK R MILLAY & CHRISTINE M MILLAY	4,000.00	4928	WREN DR	4928 WREN DR	MCGINNIS 6 BL F LT 4B	JUNEAU AK	99801
7008183000032960451E	482601150040	STEVE B MIELKE	4,000.00	10205	SILVER ST	10205 SILVER ST	MCGINNIS 6 BL F LT 4C	JUNEAU AK	99801
70081830000329604522	482601200010	KARLA HART	4,000.00	4950	WREN DR	4950 WREN DR	MCGINNIS 7 BL F LT 1	JUNEAU AK	99801
7008183000032960453E	482601200020	MARY L SOLTYS & TIMOTHY G GRAY	4,000.00	4956	WREN DR	4956 WREN DR	MCGINNIS 7 BL F LT 2	JUNEAU AK	99801
7008183000032960454E	482601200030	RUBEN BOUDREAUX & MARIANNA BOUDREAUX	4,000.00	4962	WREN DR	4962 WREN DR	MCGINNIS 7 BL F LT 3	JUNEAU AK	99801
70081830000329604553	482601200040	MICHAN GALLAGHER	4,000.00	0	WREN DR	8750 JEWEL TERRACE CIR	GALLAGHER LT 4	ANCHORAGE AK	99502
7008183000032960456C	482601200050	DREW R NORMAN & MICHELLE E NORMAN	4,000.00	4980	WREN DR	PO BOX 35083	GALLAGHER LT 1	JUNEAU AK	99803
70081830000329604577	482601200060	CONSTELLATION DEVELOPMENT LLC	4,000.00	0	WREN DR	10840 LILAC DR	GALLAGHER LT 2	JUNEAU AK	99801
70081830000329604584	482601200070	VICTOR BANASZAK & RUTH BANASZAK	4,000.00	4994	WREN DR	PO BOX 034441	GALLAGHER LT 3	JUNEAU AK	99803
70081830000329604591	482901010010	JANNA M MARSHALL & JON C MARSHALL	4,000.00	5007	STEELHEAD ST	PO BOX 034046	MCGINNIS BL A LT 1	JUNEAU AK	99803
70081830000329604607	482901010020	MARC L WALKER & LUANN J WALKER	4,000.00	5003	STEELHEAD ST	PO BOX 035703	MCGINNIS BL A LT 2	JUNEAU AK	99803
70081830000329604614	482901010030	ROBERT C HORNER & VALERIE A HORNER	4,000.00	4999	STEELHEAD ST	4999 STEELHEAD ST	MCGINNIS BL A LT 3	JUNEAU AK	99801
70081830000329604621	482901010041	MEG B DAY	4,000.00	9999	SILVER ST	PO BOX 871541	MCGINNIS 2 BL A LT 4A	WASILLA AK	99687
7008183000032960463E	482901010042	WESLEY R BAUER	4,000.00	9991	SILVER ST	9991 SILVER ST	MCGINNIS 2 BL A LT 4B	JUNEAU AK	99801

456,000.00

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

City Manager Evaluation Committee Recommendation

ATTACHMENTS:

	Description	Upload Date	Type
▣	December 5, 2018 Draft Minutes of the City Manager Evaluation Committee Meeting	12/5/2018	Minutes

**CITY AND BOROUGH OF JUNEAU
CITY MANAGER EVALUATION COMMITTEE WORK SESSION**

[A Special Assembly Subcommittee made up of Assemblymembers Loren Jones,
Maria Gladziszewski, and Carole Triem]

Wednesday, December 5, 2018

I. CALL TO ORDER/ROLL CALL

The meeting began at 12:00 p.m. in the City Hall Conference Room #237.

Assemblymembers Present: Deputy Mayor Maria Gladziszewski, Loren Jones, and Carole Triem

Staff present: City Manager Rorie Watt and Municipal Clerk Beth McEwen

II. Election of Committee Chair

MOTION by Ms. Gladziszewski to nominate Loren Jones to serve as Chair of the City Manager Evaluation Committee and asked for unanimous consent. *Hearing no objection, the motion carried.*

III. Executive Session

MOTION by Ms. Gladziszewski to recess into Executive Session to discuss matters which may tend to prejudice the reputation or character of an individual and for Mr. Watt to remain in the room during the Executive Session. *Hearing no objection, the motion carried.*

Executive Session began at 12:05p.m. and came out of Executive Session at 12:24p.m.

IV. Adjourn

The meeting adjourned at 12:26 p.m.

Submitted by
Beth McEwen, MMC
Municipal Clerk

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

CLIAA Litigation Strategy Update