

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

December 18, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-23

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Recognition of Tom Wagner

IV. APPROVAL OF MINUTES

A. November 27, 2017 Regular Meeting 2017-21

B. December 2, 2017 Assembly Retreat Meeting 2017-22

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 2017-06(X) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.**

This ordinance would appropriate \$250,000 of unrestricted sales tax revenue. The CBJ strongly supports and welcomes cruise ship tourism,

and will continue to work cooperatively with the industry to address impacts caused by the visitation of approximately one million visitors to the CBJ per year. At the same time, the CBJ must defend its marine passenger and port development fees against the constitutional challenges raised by the industry in the litigation brought by the Cruise Lines International Association (CLIA).

These funds would be appropriated in FY18 as a reserve to be used by the City Attorney at the direction of the Assembly to defend the ongoing litigation by CLIA. The Assembly Finance Committee took up this matter at its meeting on December 13, 2017.

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

- b. **Ordinance 2017-06(Y) An Ordinance Appropriating to the Manager the Sum of \$400,000 to begin Replacement of the Maier Drive Forcemain Emergency Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Lexington Insurance Company.**

The CBJ has received initial funding from our insurance company for \$400,000 to begin the replacement of the failed Maier Drive sewer forcemain. These funds need to be appropriated into a CIP in order to spend them. The funds will be appropriated into the existing CIP created to begin the planning and design work for the forcemain repair.

The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

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

- c. **Ordinance 2017-29 An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.**

This ordinance would amend CBJ Title 49 to delete the prohibitions of development near eagle nests and eagle habitat. Existing CBJ code prohibits development within 330 feet of eagle nests on public land and within 50 feet of eagle nests on private land during the nesting period. This ordinance would remove those development prohibitions.

The existing CBJ code related to eagles is difficult to enforce and is unnecessary. The CBJ does not have an inventory of eagle nests nor the capability to determine if a nest is in use or will be used in the future. Although the U.S. Fish and Wildlife Service provided this information to the CBJ in the past, the USFWS has not had the personnel to make those

determinations for many years. This ordinance is anticipated to reduce costs of development near eagle nests and habitat without any adverse impact on eagles because the eagle population in Juneau is healthy.

CBJ staff has consulted with the USFWS. The Planning Commission recommends the Assembly adopt this ordinance. The Lands Committee reviewed this ordinance at its meeting on November 20, 2017, and unanimously moved that it go before the full Assembly.

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

d. **Ordinance 2017-34 An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.**

The Lemon Creek Area Plan was reviewed by the Assembly Committee of the Whole at its November 20 and December 4, 2017, meetings. At the latter meeting, the Committee of the Whole voted to send the Plan, as amended, to the full Assembly for adoption as an addendum to the Comprehensive Plan.

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

e. **Ordinance 2017-36 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.**

State law requires that if a municipality prescribes a penalty for a violation of a municipal ordinance and there is a comparable state crime under either AS 11 (the state's criminal code) or AS 28 (motor vehicle and driving offenses) with elements that are similar to the municipal ordinance, the municipality may not impose a greater punishment than that imposed for a violation of the state crime. This provision applies to all municipalities, including home rule.

This ordinance would amend CBJ Code to make it consistent with state law, including changes required by SB 54.

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

2. Resolutions

a. **Resolution 2813 A Resolution in Support of the City and Borough's Application to FEMA for its Cooperative Technical Partner Grant Program.**

The Emergency Services Office and the Community Development Department are applying for a Federal Emergency Management Agency

(FEMA) Cooperative Technical Partner (CTP) grant to pay for landslide hazard mapping and analysis. This work is intended to inform local decision making in order to reduce future losses from natural hazards. The purpose of this resolution is to communicate to FEMA that the Assembly supports this funding request. There is no match requirement.

At its December 4, 2017, meeting, the Public Works and Facilities Committee voted to forward a resolution in support of the application to the Assembly for its approval.

The City Manager recommends this resolution be adopted.

b. Resolution 2814 A Resolution in Support of Full Funding from the State of Alaska for the Municipal Harbor Facility Grant Program.

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

This resolution recommends full funding for the State of Alaska Department of Transportation's Harbor Facility Grant Program. In 2015, the CBJ received a \$2 million Tier II grant for Phase II of the Aurora Harbor project. Prior to that, the CBJ has been a beneficiary of approximately \$9 million in harbor grant funding since the program's inception. The CBJ has submitted an application this year for \$260K for installation of zinc anodes for Harris Harbor and Mike Pusich Douglas Harbor.

The City & Borough of Juneau along with the municipalities of the City of Anchorage, City of Ketchikan, City and Borough of Sitka, City of Whale Pass, and the City of Whittier have offered to contribute \$9,820,141 in local match funding for FY2019 towards eight harbor projects of significant importance for Alaska.

The Docks & Harbors Board reviewed this resolution at its November 2, 2017, meeting, and has recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

3. Liquor Licenses

a. Liquor License Transfer - Percy's Liquor Store Package Store License #849

Package Store Liquor License # 849 Transfer of Ownership
FROM: Oke Hui Rodman d/b/a Percy's Liquor Store
TO: Thibodeau's Market Inc. d/b/a Percy's Liquor Store
Location: 214 Front Street, Juneau

The above package store liquor license transfer is before the Assembly

for one of the following actions: to protest, waive its right to protest, or refer this matter to the Assembly Human Resources Committee for additional review and recommendation.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed this license for code compliance and recommend the Assembly waive its right to protest this license transfer.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest a license transfer. The Assembly has until January 28, 2018, to take final action on this liquor license transfer.

The City Manager recommends the Assembly waive its right to protest the transfer of liquor license #849.

b. Liquor License Renewals 2018/2019

The following 2018/2019 liquor license renewal applications have been received from the Alcohol Beverage Control Board so far for the upcoming license renewal cycle.

Beverage Dispensary Licenses

License # 1166 Triangle Club Inc. d/b/a Triangle Club, Location: 251 Front Street, Juneau

License #728 JD Entertainment, Inc. d/b/a The Island Pub, Location: 1102 2nd Street, Douglas

The above liquor licenses are before the Assembly for one of the following actions: to protest, waive its right to protest, or refer the license to the Assembly Human Resources Committee for additional review and recommendation.

Staff from the Community Development, Fire, Police, Finance, and Engineering/Public Works departments have reviewed these licenses for code compliance and recommend the Assembly waive its right to protest these license renewals.

CBJ Code 20.25.025 sets out the basis by which the Assembly may protest liquor license renewals. The 60-day local governing body comment period expires as of January 19 for the Triangle Club and January 26 for the Island Pub licenses respectively.

The City Manager recommends the Assembly waive its right to protest the renewal of the above liquor licenses.

4. Other Items for consent

a. **New Marijuana Licenses - AMCO #s 13217, 13221, & 13222**

Below are three new marijuana licenses before the Assembly for local governing body review. Staff from the Police, Fire, Finance, and Public Works departments have reviewed these applications for compliance with CBJ Code 20.25.025 and recommend the Assembly waive its right to protest the issuance of these licenses. The Community Development Department noted that each of the below licenses received a Conditional Use Permit as of November 3, 2017 but they do not yet have a CBJ license to operate; however CDD staff recommends allowing the applicant to move forward to obtain the state license.

Retail Marijuana Store

AMCO License #13217

ForgetMeNot Enterprises, Inc. d/b/a Glacier Valley Shop

Location: 8505 Old Dairy Road, Suite 1, Juneau

Standard Marijuana Cultivation Facility

AMCO License #13221

ForgetMeNot Enterprises, Inc. d/b/a Green Valley Enterprises

Location: 8505 Old Dairy Road, Suite 2, Juneau

Marijuana Product Manufacturing Facility

AMCO License #13222

ForgetMeNot Enterprises, Inc. d/b/a Southeast Essentials

Location: 8505 Old Dairy Road, Suite 3, Juneau

The 60-day local governing body comment period for all three licenses ends on December 30, 2017. Copies of the AMCO notice, the redacted online application and the premises diagrams for these three licenses are included in the public packet. Complete AMCO documents regarding these licenses are available upon request of the Clerk's office during regular business hours.

The City Manager recommends the Assembly waive its right to protest the issuance of the above marijuana licenses.

VIIIPUBLIC HEARING

A. **There are no ordinances set for public hearing at this meeting.**

IX. UNFINISHED BUSINESS

A. **Liquor License Transfer Thibodeau's Douglas Depot Package Store License**

#828

The below liquor license transfer is before the Assembly to either protest or waive its right to protest.

Package Store Liquor License #828 Transfer

From: Thibodeau's Market Inc. d/b/a Thibodeau's Liquor, Location: No Premises
To: Thibodeau's Market Inc. d/b/a Thibodeau's Douglas Depot, Location: 1017 3rd Street, Douglas, AK 99824

The Finance, Police, Fire, and Community Development departments have reviewed the above liquor license and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, CBJ Code 20.25 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 their right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action on this license will expire as of Monday, December 25, 2017.

This license was originally on the November 27 Assembly agenda and was referred to the Assembly Human Resources Committee and Assembly agendas for December 18 for additional opportunity for public hearing and an informal hearing before the Assembly. Copies of the CBJ Code 20.25.025 pertaining to the basis upon which the Assembly may protest a license are included in your packets. The Douglas Advisory Board met on December 13, 2017 and a copy of their letter of recommendation regarding this matter is also included in your packets.

The City Manager recommends the Assembly act in accordance with the recommendation from the Human Resources Committee following action at its December 18 meeting.

X. NEW BUSINESS

A. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017 0022

On October 24, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an industrial zone at 2001 Anka Street. On November 22, 2017, a timely appeal of the Planning Commission's decision was filed.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds

upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

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

B. Authorization to Negotiate Sale of Property to the Alaskan Brewing Company

In accordance with CBJ 53.09.260, the City Manager requests a motion directing him to commence negotiations for the sale of SSG Subdivision Lots 4 & 5 and SSG Subdivision Phase IV Lots 41 & 42 to the Alaskan Brewing Company.

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

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

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

- A. Personal Injury Litigation Update
- B. City Attorney and City Manager Performance and Compensation

XV. ADJOURNMENT

XVI. SUPPLEMENTAL 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 audiotope containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - November 27, 2017

MEETING NO. 2017-21: 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, Norton Gregory, Loren Jones (teleconference), Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Roger Healy, Engineering and Public Works Director; Carl Uchytel, Port Director; Gary Gillette, Port Engineer; Ed Foster, PW Operations Superintendent; Lindsey Foster, Parks and Recreation Administrative Officer; Bob Bartholomew, Finance Director; Patty Wahto, Airport Manager; Teresa Bowen, Assistant Attorney.

III. SPECIAL ORDER OF BUSINESS**A. Municipal Employee of the Year Gary Gillette**

Mayor Koelsch and Port Director Carl Uchytel recognized Port Engineer Gary Gillette upon receiving the Alaska Municipal League "Municipal Employee of the Year" Award for outstanding dedication to the City and Borough of Juneau. Mr. Gillette has been a CBJ employee for over 25 years, the most recent eight have been with the Port of Juneau. He has overseen numerous projects for Docks and Harbors, including the cruise ship berths, Statter Harbor and Douglas Harbor reconstruction, and master planning for Aurora and Harris Harbor. He has served on the CBJ Historic Resources Advisory Committee and is passionate about Juneau history, as further demonstrated by he and his wife, Renee Hughes' work to operate and maintain the Last Chance Mining Museum and as caretakers for the Sentinel Island Lighthouse. Mr. Gillette said it was an incredible honor and he thanked Carl Uchytel for making it a surprise for him at AML. He has enjoyed his work for CBJ.

Ms. Mead introduced Teresa Bowen to the Law Department, previously working for the North Slope Borough where she was an Assistant District Attorney, Acting and Assistant Borough Attorney, and managed the Capital Improvements project. She will be working with Engineering, the School District and Airport.

IV. APPROVAL OF MINUTES

A. November 6, 2017 Regular Meeting 2017-20

Hearing no objection, the minutes of the November 6, 2017 Regular Assembly Meeting 2017-20 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt said Ordinance 2017-32, regarding transfer of property to DOT/PF for an Egan Drive project and scheduled for public hearing, needed to be pulled as DOT/PF and the CBJ Lands Division has arrived at a more efficient course of action requiring this ordinance be amended and re-introduced. He requested this ordinance be pulled from the agenda, and hearing no objection, it was so ordered.

Mr. Watt requested removal of Ordinance 2017-35, regarding electric vehicles, on the consent agenda for introduction, to be forwarded to the Public Works and Facilities Committee for further work and returned to the Assembly at a future date.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Vikki Jo Kennedy said she has been in Juneau for a month and was last here in 1988 working in tourism. She said she was concerned about the snow accumulation on South Franklin during a busy shopping time downtown. She said the streets are plowed but the snow is in the gutters and on the sidewalk. It is difficult to park and get out of the cars, and it is slick on the sidewalk and it is hard to climb over the berms.

VII. CONSENT AGENDA

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

Robert Sewell asked to remove the Douglas Depot Package Store License #828 from the consent agenda for discussion.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Nankervis, to adopt the consent agenda, introducing Ordinance 2017-35 and referring the matter to the Public Works and Facilities Committee, and removing the liquor license #828 for public hearing. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2017-35 An Ordinance Amending the Traffic Code Relating to

Electric Vehicles and Providing for a Penalty.

This ordinance would authorize the manager to issue permits for use of the municipal-owned electric charging stations. The permit would allow the use of the station while the vehicle is being actively charged, but would not excuse the driver from complying with any and all other parking regulations applicable in the area where the vehicle is parked.

Revenue collected from the EV permit would be used to help offset the cost of future EV charging operations and infrastructure.

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

2. Bid Award

a. Pederson Hill Subdivision - Phase 1

This project will construct a new residential subdivision in the Mendenhall Valley.

Bidders	Total Bid
Coogan Construction	\$2,566,547.00
Arete Construction Corp.	\$2,656,048.00
CBC Construction, Inc.	\$2,658,401.13
Glacier State Contractors	\$2,664,434.50
K & E Alaska, Inc.	\$2,753,427.00
Engineer's Estimate	\$3,219,106.00

The City Manager recommends that the project be awarded to Coogan Construction for the total amount bid of \$2,566,547.

3. Liquor License

a. Liquor License Transfer Thibodeau's Douglas Depot Package Store License #828

The below liquor license transfer is before the Assembly to either protest or waive its right to protest.

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To: Thibodeau's Market Inc. d/b/a Thibodeau's Douglas Depot, Location: 1017 3rd Street, Douglas, AK 99824

The Finance, Police, Fire, and Community Development Departments have reviewed the above liquor license and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, CBJ Code 20.25 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 their right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action on this license will expire as of Monday, December 25, 2017.

The City Manager recommends the Assembly waive its right to protest the above liquor license transfer.

REMOVED from Consent Agenda for public comment:

Public Comment:

Robert Sewell said he lives in the proximity of the license application location. He serves as president of the Douglas Island Neighborhood Association but spoke as an individual on this topic. He said his main concern is the process by which such decisions are made and there is some concern by Douglasites that there was not useful notification of this action. There is little evidence that the residents of Douglas were consulted. There is a general perception that planning for Douglas Island in general and for the old townsite has grown lax and is not current. Various kinds of developments are being offered that have been a surprise to the residents most affected. This license is one and there are some residents who don't want this corner to look like the Breeze In at the bridge. We have been surprised by other developments, such as discussion about a pre-trial facility being potentially located near the Montessori School. We are now concerned about the tourism business requesting access to the zipline in South Douglas through Treadwell. We should focus more on public process. He asked that the matter be referred to the Human Resources Committee (HRC) for further public discussion.

Assembly Action:

Mr. Kiehl asked about the HRC's responsibility to review liquor licenses. Ms. Mead and Mr. Jones explained that the HRC reviews only those licenses which have had issues raised through the staff review process which are pending protest.

Ms. Gladziszewski asked if the business would require a conditional use permit from the Planning Commission. Mr. Watt said no, it was an allowable retail use in a General

Commercial zoning district and only required a building permit.

Mr. Kiehl asked if the distance from the permit location met the distance requirements from schools and churches. Ms. Gladziszewski said the application stated that the distance is met. Mr. Watt said he believed that was part of the staff review of a license.

MOTION, by Kiehl, to move the matter to the Human Resources Committee on December 18, 2017.

Mr. Jones objected. The state law states 200 feet from the business to a church. He discussed with the city attorney the distance measuring for applying the state law to the local review.

Roll call:

Aye: Becker, Edwardson, Gladziszewski, Gregory, Kiehl

Nay: Jones, Nankervis, Weldon, Koelsch

Motion passed, 5 aye, 4 nay.

4. Transfers

- a. Transfer T-995 Transfer of \$200,000 from the Statter Harbor Breakwater Safety CIP to the Harris Harbor Restrooms CIP.

The CBJ Docks and Harbors Board requests a transfer of funds from CIP account H51-106 (Statter Breakwater Safety Improvements) to a new CIP H51-115 titled Harris Harbor Restrooms.

The request is to transfer \$200,000 to a new CIP to allow rehabilitation of the former toilet facility to provide two ADA compliant restrooms with showers near the top of the access ramp to Harris Harbor.

The first phase of the Statter Breakwater Safety Improvements project is currently under contract. The Board desires to complete the first phase prior to embarking on further phases of this project and has determined that the lack of restroom and shower facilities at Harris Harbor has long been a deficiency in providing adequate services to harbor users and is a high priority.

Currently there is \$587,684 in the H51-106 account. If the transfer is approved the account balance would be \$387,684.

The Docks and Harbors Board approved this transfer request at its regular meeting of November 2, 2017.

The City Manager recommends this transfer be approved.

VIII PUBLIC HEARING

- A. Ordinance 2017-06(S) An Ordinance Appropriating to the Manager the Sum of \$1,513,730 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.

This ordinance would appropriate \$1,513,730 for the replacement of three buses and four Care-a-Van vehicles for Capital Transit. Grant funding in the amount of \$1,210,985 is provided by federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$302,745 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three 35' New Flyer Buses (model year 2003) purchased in FY03, which have each provided over 13 years of service and over ½ million miles. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities. The replacement of these buses is in the Capital Transit 2014 Transit Development Plan and adopted by the Statewide Transportation Improvement Plan (STIP). It is planned to replace these three buses from our current contract with GILLIG, LLC.

The Public Works and Facilities Committee reviewed this appropriation ordinance at its November 20, 2017, meeting and recommended forwarding it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

Duff Mitchell spoke about the benefits of electric buses and the savings over a life cycle of an electric bus, even though the initial capital outlay is higher. He did not object to the ordinance but said he was under the understanding that there was going to be more research into the opportunities of electric vehicles, and that there were only going to be three more diesel buses purchased, but it appears now to be several more. He wants to encourage CBJ to consider integrating electric buses into the system and he knows that CBJ received a grant and is purchasing one electric bus. Juneau is a very progressive electric vehicle community and the recent EV charger issue has made national news. Studies show this is fiscally responsible.

Assembly Action:

Ms. Gladziszewski asked Mr. Watt to update the Assembly on the staff discussion on electric buses. Mr. Watt said there are 18 buses and the fleet is all diesel. The buses are paid for with 80 (federal funds) /20 (local funds). This federal grant is for new diesel buses with an exhaust system. Staff did apply for a grant for one electric bus and it is on order. CBJ is a favorable environment for electric buses. The initial cost of an electric bus is twice the cost of a diesel bus. We are incentivized through the grant program to

purchase diesel buses. Our best option is to comment on the federal grant program specifications to allow for electric buses.

Ms. Weldon asked about where Juneau is in the cue for the electric bus. Mr. Watt said it takes 16-18 months from the time of order to receive an electric bus. There are a small number of bus manufacturers in the US.

Mr. Kiehl asked if the "twice the cost" was upfront or life cycle. Mr. Watt said upfront. Mr. Kiehl asked what the life cycle cost was. Ed Foster said CBJ does not have a good sense of life cycle costs, he is working with the manufacturer to determine this. There is not an electric bus in Alaska yet. The electric and maintenance costs are unknown. The manufacturer is working with 28 communities and we have ordered only one bus. The manufacturer recommended list of replacement parts is very long. The unknown is how the electric bus will operate and if we can maintain the service we have with electric buses. We will try it on all routes - some are longer routes than others and the manufacturer is telling us we can make it one day with one charge. The experience will give us an idea of how many more electric buses can be deployed. The next three buses are scheduled for replacement in 2021.

Ms. Gladziszewski asked if there were no other similarly situated towns with electric buses for some information. Mr. Foster said that climate was only one factor, and the route stop and starts are another.

Mr. Gregory asked if diesel or electric were less expensive to operate. Mr. Foster said he suspected the electric were less expensive but he had no idea of how the maintenance would work or cost, as he was going to have to retrain mechanics on the electric bus operations.

Ms. Gladziszewski asked if this was the last set of diesel buses on order. Mr. Foster referred to the next ordinance which was the next set.

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

- B. Ordinance 2017-06(T) An Ordinance Appropriating to the Manager the Sum of \$2,148,195 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.

This ordinance would appropriate \$2,148,195 for the replacement of three buses, four Care-a-Van vehicles and three electric support vehicles for Capital Transit. Grant funding in the amount of \$1,718,556 is provided by federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$429,639 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three 35' New Flyer Buses (model year 2006)

purchased in FY06, which have each provided their useful service life of 12 years of service and ½ million miles. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities. The replacement of these buses is in the Capital Transit 2014 Transit Development Plan and adopted by the Statewide Transportation Improvement Plan (STIP) under the FTA Section 5339 monies available for capital expenses. It is planned to replace these three buses from our current contract with GILLIG, LLC.

The Public Works and Facilities Committee reviewed this appropriation ordinance at its November 20, 2017, meeting and recommended forwarding it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

Duff Mitchell said that he has read that maintenance for electric buses is lower and there are fewer working parts. He spoke about his experience with his electric vehicle. Electric buses today are competing handsomely with diesel, and the costs are going down. He asked for a window of opportunity to keep electric buses in the on-ramp to 2021.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2017-06(T).

Mr. Kiehl said he is concerned that 2021 is the next possible window for purchase of electric buses. The pace of technological change in this arena is impressive. If this ordinance is for purchase of buses next year, he asked if there is an opportunity with these funds to do anything with electric buses. Mr. Watt said if there are grant openings with Federal Transportation Administration (FTA), we could go through the same process, and similar to the current electric bus on hold, we re-purposed some of the grant funds for the electric bus. Mr. Watt said staff can be on the lookout for opportunities, but at some point we will have the grant in hand and the FTA will be looking for us to make a purchase. The cost is approximately an additional \$400,000 per bus and that is a big lift if we were to pay into that local match.

Mr. Edwardson asked the impact to CBJ if this ordinance did not pass. Mr. Watt said CBJ literally runs our buses into the ground. If we don't appropriate the grant and get new buses, we lose a grant opportunity, could have mechanics trying to maintain buses beyond their life cycle, and our fleet is larger than the buses on the road at any one time, so we would be doing a lot of work on old buses.

Mr. Gregory asked about the grant for one electric bus - did it take into account the

existing fleet - will this preclude any grant to bring on more electric buses? Mr. Watt said the electric bus will be one of the 18 in the fleet. Mr. Watt said the first time the grant opportunity came up we had a lot of community participation, the JCOS, and a private expert volunteered - we were not successful at that time. The manufacturing capacity for electric buses is limited at this time due to the popularity of these buses. At the end of the day we have an old fleet and he recommended this opportunity for an upgrade.

Ms. Gladziszewski asked if CBJ was required to buy diesel buses with these grant funds. Mr. Watt said in order to keep eligible for FTA funding (CBJ receives operational, equipment and bus grants) we need to comply with regulations and submit to audit of maintenance of the fleet and its size. Mr. Foster said the grant money was requested to replace existing buses with like vehicles and that is what was granted. We could probably ask for something different, but there were now three buses with over 600,000 miles on them that have been on the road for over 14 years and mechanics working diligently to keep them on the road. There are four more buses that he is trying to replace next year that are over 500,000 miles and have been on the road for over 12 years. The life cycle for a diesel bus is 12 years, 500,000 miles, so that is seven buses in the fleet that are vulnerable. He understands the desire to go to electric buses but CBJ needs a working fleet. We can ask for grant funds for electric buses in the future. We will find out if the electric buses will meet our needs and we will gain this information from the one we obtain once we get it on the road. Mr. Foster said the request can only be made during the grant window, which is closed until next fall. The no-low emission grant was separate and we had to demonstrate a need. We have to show that we have buses at the end of their life cycle. By 2021 we will have buses at the end of their life cycle. The funds in the state grant program have to be shared among all communities and the grant program has been very supportive of Juneau.

Roll call:

Aye: Becker, Edwardson, Gregory, Jones, Nankervis, Weldon, Koelsch

Nay: Gladziszewski, Kiehl

Motion passed 7 ayes, 2 nays.

- C. Ordinance 2017-06(U) An Ordinance Transferring \$55,449 of Unexpended FY17 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$55,449 of unexpended Marine Passenger Fee revenues, budgeted for specific purposes in FY17 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 FY17 budget but were not fully expended by the end of FY17.

Franklin Dock Enterprises	\$ 20,285
Downtown Business Association	1,738
Capital City Fire Rescue	<u>33,426</u>
Total	\$55,449

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 adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-06(U). Hearing no objection, it was so ordered.

- D. Ordinance 2017-06(V) An Ordinance Appropriating to the Manager the Sum of \$1,334,074 to begin Reconstruction of the Project Playground Rebuild Capital Improvement Project; Funding Provided by a Partial Insurance Settlement from Lexington Insurance Company.

This appropriation will create a new CIP to design and construct a new playground. This is the initial property insurance reimbursement and represents the total loss value of our insurance claim from the April fire. There are no requirements by the insurance company for how these funds may be spent.

Since our property insurance policy covers replacement costs, CBJ is also eligible for additional insurance funds, if needed as the project progresses. Additional funds may be reimbursed by our insurance company for reconstruction of “like kind and quality” to the original playground facility. CBJ Risk Management is working closely with Engineering and Parks and Recreation staff to ensure that we make the most of our available insurance coverage.

The Assembly Public Works and Facilities Committee forwarded this request to the full Assembly at its October 23, 2017, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

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

- E. Ordinance 2017-06(W) An Ordinance Appropriating to the Manager the Sum of \$15,500 as Funding for the Local Emergency Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance appropriates \$15,500 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management under the FY2018 Local Emergency Planning Committee grant (LEPC), awarded to CBJ.

These funds are provided to reimburse the City and Borough of Juneau for Juneau LEPC program implementation expenses incurred in direct support of the goals and activities of this grant. Funding supports payroll, benefits, increasing community awareness, involvement, and planning for chemical, and all-hazards events through outreach supplies, media campaigns, training, and event room rentals to help our community prepare for and mitigate through planning and preparedness for potential events. There is no match requirement for this grant.

The City Manager recommends this ordinance be adopted.

Public Comment:

Vicki Jo Kennedy said she was concerned about chemical alerts and the expenditures of the Department of Military and Veterans Affairs. She asked the Assembly to be cautious.

Assembly Action:

MOTION, by *Gladyszewski*, to adopt Ordinance 2017-06(W).

Mr. Kiehl asked Mr. Watt to clarify the type of chemical hazards that the LEPC program monitors. Mr. Watt said CBJ's biggest exposure are fuels spills or refrigerants at the fish plants. We no longer have chlorine gas in the water treatment. The chemicals used in Juneau for industrial processes are relatively limited.

Hearing no objection, it was so ordered.

- F. Ordinance 2017-32 An Ordinance Authorizing the Manager to Convey a Fraction of Lot 3, USS 3566, Located across Egan Drive from Centennial Hall, to the Alaska Department of Transportation and Public Facilities.

The Alaska Department of Transportation and Public Facilities has applied for a

direct, negotiated sale of 507 square feet (a fraction of Lot 3, USS 3566) across Egan Drive from Centennial Hall in order to facilitate the State's reconstruction of Egan Drive between Tenth Street and Main Street. The project is intended to widen the sidewalks to ADA standards, add bike lanes as appropriate, and update intersections and pedestrian facilities.

The Assembly approved the negotiation of this disposal pursuant to CBJ 53.09.260 at its July 31, 2017, meeting. The Lands Committee confirmed its support of the project at its meeting on August 7, 2017. The Planning Commission provided a recommendation to the Assembly for the sale of this lot at its August 8, 2017, meeting.

If this ordinance is approved, the City will dispose of this property to the DOT for \$15,210, fair market value as determined by appraisal.

The City Manager recommends that this ordinance be pulled. The Department of Transportation and Public Facilities and the Lands Department have decided on a revised, more efficient course of action that will ultimately require this ordinance be amended and re-introduced.

This ordinance was removed from the Assembly's agenda at the direction of the attorney and manager.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Supplement Agreement with F & W Construction for the Juneau International Airport Snow Removal Equipment Building Phase 1b

The Juneau International Airport is requesting approval of a supplemental agreement with F & W Construction for Phase 1b of the Snow Removal Equipment Building (SREB). Phase 1a had a contract amount of \$13.5m, primarily funded by the FAA. Phase 1b adds a vehicle wash bay and maintenance area, which are not eligible for FAA funding. They will be funded from existing sales tax funding, and a State legislative grant.

The Airport Board and Public Works and Facilities Committee have concurred with the public interest finding for a supplemental agreement with F&W Construction for Phase 1b of the SREB. The Airport Board approved this action at its November 14, 2017, meeting. The Public Works and Facilities Committee approved this action at its November 20, 2017, meeting.

The City Manager recommends this supplemental agreement be approved.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to approve a supplemental agreement as describe by the manager.

Mr. Edwardson asked how much of the funding source was local sales tax and how much was from the state.

Ms. Wahto said the funds used for the supplemental agreement included \$300,000 from the 2012 sales tax and \$2.3 million from the legislative grant.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS**A. Mayor's Report**

Mayor Koelsch said he attended the Christmas Tree Lighting event in Douglas and the upcoming Friday was Gallery Walk. The US Coast Guard holiday dinner for seniors was set for December 3.

B. Committee and Liaison Reports

Local Emergency Planning Committee: Liaison Edwardson said the National Guard gave a presentation of rescue abilities with their helicopters, the committee received good information on flu vaccines and held a discussion on the work to open the warming shelter.

Juneau Commission on Sustainability: Liaison Edwardson said the next meeting was set for December 13.

Eaglecrest Board: Liaison Gregory said the next meeting was set for November 30.

Parks and Recreation Advisory Committee: Liaison Gregory said the PRAC received a report about community gardens, the Adair Kennedy Park master plan, the opening of Overstreet Park on May 31, improvements to Brotherhood Bridge train, playground equipment for Rotary Park on Riverside Drive, the Arboretum parking lot and Project Playground. A five year lease with SAIL for use of the Eagle Valley Center is under review.

Assembly Mining Committee: Chair Gregory said the committee met and offered recommendations for the following additional members to be appointed: Ben Haight and Paul Voelkers from the Planning Commission and Kyle Mosselle and Roman Motyka as public members.

Mr. Jones said he did not object to the nominations but asked to discuss the voting status of the additional members.

MOTION, by Jones, to allow full voting rights for all members appointed to the committee.

Mr. Edwardson agreed with Mr. Jones and asked the purpose of having additional members on the committee if their voice is not heard or recorded.

Ms. Gladziszewski said she supported voting rights for the additional members. Having non-voting members on a committee does not have precedence and she anticipated the committee would have respectful discussion and seek consensus. The work will require full engagement from all members for a complicated discussion.

Ms. Weldon said the purpose of the committee was to review the proposed ordinance and to determine if the existing code was duplicative of federal and state laws. As the Assembly has authority regarding ordinances, she said the Assembly should be the ones to take any votes, and the other members were present to provide advice. The work can likely be done by consensus but she thought seven was a bulky number.

Mr. Gregory said that the homeless task force worked by consensus and the final vote on any ordinance will be done by the Assembly so he saw no reason to limit voting on the committee and he could support Mr. Jones' motion.

Ms. Becker said it would likely be more difficult to gain consensus with this topic. All members can participate, but ultimately the assembly will be responsible for a contentious issue. She would like input from the members but any vote limited to the three Assembly members.

Roll call:

Aye: Edwardson, Gladziszewski, Gregory, Jones, Kiehl

Nay: Becker, Nankervis, Weldon, Koelsch

Motion passed, 5 aye, 4 nay.

MOTION, by Gregory, to appoint Ben Haight and Paul Voelkers from the Planning Commission and Kyle Mosselle and Roman Motyka as public members to the Assembly Mining Committee.

Mr. Nankervis objected to establishing a committee in which the Assembly members

were the minority.

Ms. Gladziszewski said that seven members was a manageable number and the ultimate decision belonged to the Assembly.

Mr. Kiehl said those nominated provided expertise and had a reputation for hard work.

Roll call:

Aye: Becker, Edwardson, Gladziszewski, Gregory, Jones, Kiehl, Weldon

Nay: Nankervis, Koelsch

Motion passed, 7 ayes, 2 nays.

Planning Commission: Liaison Weldon said the next meeting was set for November 28.

Aquatics Board: Liaison Weldon said the next meeting was set for November 28.

Human Resources Committee: Liaison Gladziszewski said the HRC met prior to the Assembly meeting and made the following recommendations for appointments. Hearing no objections, the following persons were appointed:

Douglas Advisory Board:

- Reappointment of Marchetta Moulton and Joyce Vick to terms expiring December 30, 2020.

Building Code Advisory Committee:

- Appointment of Alan Wilson and Heidi Ceruto to terms expiring November 30, 2020.

Building Code Board of Appeals:

- Reappointment of Michael Story and Darrell Wetherall to terms expiring August 31, 2020.
- Appointment of Heidi Ceruto to a term expiring August 31, 2019.

Juneau Commission on Aging:

- Appointment of Katrina Lee, Joann Flora, Andy Hughes (65+) and Carol Trebian (65+) to a one-year term expiring December 31, 2018.
- Appointment of Emily Kane, Paul Douglas (65+), Eileen Hosey (65+), Susan Warner, and Tisket Seslar (65+) to two-year terms expiring December 31, 2019.

Bartlett Regional Hospital: Liaison Gladziszewski said the next meeting was set for November 28.

Affordable Housing Commission: Liaison Gladziszewski said the AHC met and discussed participation at the Juneau Housing Forum on January 18, uses of the

affordable housing fund and establishment of the warming shelter and hiring of a homeless coordinator. The next meeting was set for December 5.

Public Works and Facilities Committee: Liaison Jones said the PWFC met and reviewed a proposed schedule for distribution of the 1% sales tax funds to CIPs and referred the matter to the Finance Committee. The next meeting is set for December 4.

Downtown Business Association: Liaison Jones said the DBA heard a presentation from Integra Realty Resources, representing the Morris Group, regarding the Archipelago property. The next meeting was set for December 12.

School Board: Liaison Jones said he has not been able to attend, but has reviewed the board packets. The Board is addressing shortfalls in anticipated enrollment and the effect on the budget. The matter will come before the Finance Committee for discussion at a future meeting. The next meeting is set for December 12.

Alaska Municipal League: Liaison Kiehl said the annual AML conference was excellent, important issues were discussed and he would provide the resolutions passed at the business meeting to the Assembly when they are available.

Finance Committee: Chair Kiehl said the committee met and discussed purchase/transfer of the electric utility, received a major revenue update, and heard a report on the Eagle Valley Center. The next meeting is set for December 13.

Airport Board: Liaison Becker said the next meeting is set for December 12.

Chamber of Commerce: Liaison Becker said the next meeting is set for December 13.

Travel Juneau: Liaison Becker said the next meeting is set for November 30.

CBJ/JSD Joint Facilities Committee: Chair Becker said the next meeting is set for December 13 at 4:30, immediately preceeding the Assembly Finance Committee meeting.

Lands Committee: Chair Becker said the committee met and discussed the eagle nest buffer code, the Juneau Youth Services move of their operations to the Back Loop Road property and vacating the lease of the Cornerstone Building (CBJ property). The next meeting is set for December 4.

Committee of the Whole: Chair Nankervis said the next meeting is set for December 4. He called a special meeting of the COW on December 19 at 2 p.m. to meet with Scott Morris of AVISTA and Mayo Schmidt of Hydro One.

C. Presiding Officer Reports

7th Day Adventist Church School v CBJ Assessor: Presiding Officer Jones said both parties requested a delay and the hearing date has been changed from January 22 to March 5, 2018 at 5 p.m. in the Assembly Chambers.

XIIIASSEMBLY COMMENTS AND QUESTIONS

Mayor Koelsch distributed an agenda for the Assembly Retreat on Saturday, December 2, from 8 am to Noon at the Bartlett Regional Hospital Administrative Board Room.

Mayor Koeslch spoke about his concern regarding the report on the back log to process rape kits in Alaska and asked the Public Safety Task Force to investigate and return information to the Assembly. Mr. Nankervis said the next meeting schedule was pending

Ms. Becker said she also enjoyed attending the AML Conference. Assemblymembers took turns wishing Ms. Becker a happy birthday.

Mr. Kiehl said he would attend the next Public Safety meeting and said he is interested in making sure as many rape kits get tested as possible. It is a state issue. He welcomed Ms. Bowen to the staff.

Ms. Gladziszewski said she was also interested in the rape kit issue.

Ms. Weldon said she was looking forward to the retreat and encouraged people to attend hockey at the Treadwell Arena - the West Valley Wolf Pack would be in Juneau Friday night and Saturday morning.

Mr. Gregory asked about clearing sidewalks of snow. Mr. Watt noted that the State DOT and the CBJ Streets Division have separate responsibilities for streets depending on if they are state or city maintained. There are established priorities for plowing based on safety and available resources. CBJ Code requires property owners to clear sidewalks adjacent to their property. He described plowing methods.

Mr. Gregory asked about street lights and how to report outages. Mr. Watt said each city pole has a number, and a call to CBJ Streets division with the number and/or the location would start the repair process. The Street Division could forward state pole outage reports to the state.

Mr. Edwardson said the Drug Task Force presentation at AML was valuable in that they spoke about recovery from drug addiction. He noted a successful Public Market over the past weekend. He congratulated Gary Gillette on his award and said he was pleased to see so many CBJ people receive awards from their peers across the state.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XV. EXECUTIVE SESSION**A. Attorney Evaluation**

MOTION, by Nankervis, to enter into executive session, to discuss matters, the immediate knowledge of which might have an impact on city finances and also a personnel matter. Hearing no objection, the Assembly entered executive session at 9:25 p.m. and returned to regular session at 10:25 p.m.

Upon returning to open session, Mr. Nankervis said that the Assembly discussed the municipal attorney's evaluation, got input from the attorney and provided input back to the attorney regarding that evaluation.

XVI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:27 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

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THE CITY AND BOROUGH OF JUNEAU, ALASKA

Special Assembly Retreat/Worksession

Meeting Minutes – December 2, 2017

8:00a.m.-12:00p.m.

Bartlett Regional Hospital Boardroom

MEETING NO. 2017-22 The Special Meeting, Retreat/Worksession, of the City and Borough of Juneau Assembly, held in the Bartlett Regional Hospital Boardroom, was called to order at 8:10 a.m. by Mayor Ken Koelsch.

I. ROLL CALL

Assembly Present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Rob Steedle, Community Development Director; Kirk Duncan, Parks and Recreation Director; Beth McKibben, CDD Planning Manager; Ed Mercer, Chief of Police; Dan Bleidorn, Deputy Lands Manager; Roger Healy, Engineering/Public Works Director; Robert Barr, Library and Museum Director; Carl Uchtyl, Port Director; Dallas Hargrave, Human Resources and Risk Management Director

Others Present: Kris Sell, Juneau Radio Center

II. AGENDA TOPICS

- A. Review and Status update of 2017 Assembly Goals and Priorities
- B. Discussion and Reaffirmation of Existing Goals and Priorities
- C. High Level Fiscal Overview
- D. High Level Assembly Budget Direction
- E. Assembly Discussion of Possible Additions to the 2018 Assembly Goals and Priorities List
- F. Assembly Procedures and Protocols

Under items A, B, and E above, City Manager Rorie Watt gave a recap of recent accomplishments and/or progress relating to the present goals. Assemblymembers and Manager's staff went through the current list of goals and noted those items that needed revising or removal due to being

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significantly accomplished or ongoing. In addition to changes to the current list, they will also incorporate new items which came up during the discussion of agenda topic *E. Assembly Discussion of Possible Additions to the 2018 Assembly Goals and Priorities List*.

Finance Director Bob Bartholomew provided a high level overview of the current fiscal budget and future forecasts. Mr. Watt also provided a list of a collection of community member ideas for possible ongoing expenses totaling approximately \$8 million and a list of one time projects totaling approximately \$19 million. The Assembly discussed a variety of topics including the process and timeline under which all sales tax exemptions were reviewed, the impact of internet sales on CBJ revenues, and the \$750,000 spent annually to lease office space for CBJ offices and the benefits of reviewing a possible new City Hall to accommodate all those leased offices under one roof.

Mayor Koelsch asked for Assembly input on providing direction to the Manager as staff begins the upcoming budget process. He asked the Assembly to weigh in on whether they wanted budget cuts, to “hold the line”, or look at potential increases. There was quite a bit of discussion with a wide range of options and preferences offered up. The direction given to the Manager was to hold the line and then during the budget cycle, additional items requiring funding could be put forward by Assemblymembers.

Ms. Becker asked for clarification on whether the \$1million in School District maintenance funding from the 1% Sales Tax that was just approved by the voters was in addition to the \$600,000 the Assembly has put in the past few budgets or if it was in replacement of that \$600,000. Staff and Assemblymembers clarified that the total amount would be the \$1 million identified in the sales tax extension and not \$1.6 million.

Some Assemblymembers expressed desire to “hold the line” on services which may translate to possible increase in budget but they did not express a desire to cutting the budget which would mean cuts in services. Recruitment and retention of public safety personnel and first responders (JPD and CCFR) was identified as an issue of concern.

Mayor Koelsch said he would be willing to put together a task force to work on childcare/early education. There was consensus that the Assembly would like further analysis of the economics and potential benefits of a new City Hall. The City Manager said he felt he had sufficient direction from the Assembly to begin the work on the budget.

Under item *F. Assembly Procedures and Protocols* some of the topics/requests brought forward included the following:

- The Assembly would like packets sooner. The Manager agreed to post tentative agendas for the Committees and to have Assembly packets available a day earlier. Mr. Jones noted that the Consent Agenda provides notice several weeks ahead of time.
- Assemblymembers were requested to refrain from corresponding with the public or private individuals via social media or other methods during Assembly or committee meetings.
- Assemblymembers were requested to get information from staff, prior to meetings, if possible. Ms. Mead explained that part of the Consent Agenda process provides the ability for items to be introduced and referred to committee prior to it coming back to the Assembly

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for public hearing and Assembly action and she suggested the Assembly may want to make use of this provision more often.

- Mayor Koelsch reminded members and staff that anything discussed in Executive Session remains confidential and is not be discussed outside of Executive Session.
- Mr. Watt said that he was concerned about the workload on the COW.
- Mr. Watt and Ms. Mead also discussed a review of our current boards/commissions and the possibility of combining all our appeal boards into one as well as the need to evaluate the mission and efficacy of our present boards/commissions. These will be taken up by the Assembly HRC at future meetings.

III. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:50a.m.

Signed: _____
Elizabeth J. McEwen, Deputy Clerk

Signed: _____
Kendell D. Koelsch, Mayor

Presented by: The Manager
Introduced: 12/18/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(X)

An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Manager's Office Operating Budget; Funding Provided by the Sales Tax Fund's Fund Balance.

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

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

Section 2. Appropriate. There is appropriated to the Manager the sum of \$250,000 for the Manager's Office Operating Budget.

Section 3. Source of Funds.

Sales Tax Fund's Fund Balance	\$ 250,000
-------------------------------	------------

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

Adopted this __ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 12/18/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(Y)

An Ordinance Appropriating to the Manager the Sum of \$400,000 to begin Replacement of the Maier Drive Forcemain Emergency Repair Capital Improvement Project; Funding Provided by an Insurance Settlement from Lexington Insurance Company.

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 \$400,000 as Funding for the Maier Drive Forcemain Emergency Repair Capital Improvement Project.

Section 3. Source of Funds:

Insurance Settlement – Lexington Insurance Co. \$400,000

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-29

An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.

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

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

Section 2. Amendment of Section. CBJ 49.15.320(f)(9) Allowable use permit, is amended to read:

49.15.320 Allowable use permit.

...

(f) *Conditions on approval; allowable uses.* The commission may condition an allowable use permit upon one or more of the following:

...

(9) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) ~~Developments within 330 feet of an eagle nest located on private land;~~
~~and~~

(B)——Developments in wetlands and intertidal areas, including freshwater marshes, saltwater marshes and intertidal flats.

...

Section 3. Amendment of Section. CBJ 49.15.330(g)(10) Conditional use permit, is amended to read:

49.15.330 Conditional use permit.

...

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

...

(10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) ~~Developments within 330 feet of an eagle's nest located on private land; and~~

(B) Developments in wetlands and intertidal areas.

...

Section 4. Amendment of Section. CBJ 49.60.200 Sensitive areas, is amended to read:

49.60.200 Sensitive areas.

A development in ~~eagle nesting areas~~, stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

- (1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
- (2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and
- (3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

Section 5. Amendment of Section. CBJ 49.70.310 Habitat, is amended to read:
49.70.310 Habitat.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat;
- ~~(2) Within 330 feet of an eagle nest on public land;~~
- ~~(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;~~
- (2) ~~(4)~~ Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (3) ~~(5)~~ Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

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

Adopted this _____ day of _____, 2017.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk



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

DATE: August 1, 2017
TO: Planning Commission
FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: AME2016 0019
PROPOSAL: Deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers
APPLICANT: City and Borough of Juneau
LOCATION: Borough wide

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.

ATTACHMENTS

Attachment 1 Existing Code, CBJ 49.70.300
Attachment 2 Proposed Ordinance Deletion
Attachment 3 Draft Brochure, Bald Eagle Best Management Practices

INTRODUCTION AND BACKGROUND

Revision of the CBJ Code, Eagle Nest Buffers, Section 49.70.310(a)(2 and 3) has been on the Assembly and Planning Commission's priority list for several years because of challenges with implementation and enforcement of the ordinance and because of the high number of variances. The Community Development Department (CDD) now proposes deletion of the ordinance, rather than revision.

The Planning Commission's Title 49 Committee reviewed eagle nest buffer ordinance drafts at the August 3, 2016 and September 21, 2016 regular meetings. Review included consultation with Mr. Steve Lewis, raptor biologist with the U.S. Fish and Wildlife Service (USFWS). CDD staff followed these meetings with extensive consultation with the CBJ Law Department, additional meetings with USFWS, and research on past variance applications.

Planning Commission
File No.: AME2016 0019
August 1, 2017
Page 2 of 4

At the June 27, 2017 Planning Commission Committee of the Whole meeting, the Commission recommended deletion of the ordinance because of challenges with revising and enforcing the ordinance. The Commission also noted the importance of eagles to the community and suggested developing an informational pamphlet to promote voluntary eagle protection measures.

CDD has developed a conceptual draft of a Bald Eagle Best Management Practices brochure, included here as Attachment 3. The USFWS reviewed the draft and provided helpful revisions. The document will be available on-line and at the CBJ Permit Center when it is finalized and will also be distributed at public events as warranted.

DISCUSSION

Implementation of the ordinance has been problematic because CDD has always relied heavily on the USFWS to determine the location of nests and also if a nest has actively nesting eagles, a key component of the regulation. In addition, CDD research shows that of 42 eagle nest buffer variances noted in the CBJ database, all 42 were approved. The current ordinance also uses the code definition of development, which has many elements that are irrelevant to impacts to eagle nests and are unnecessarily restrictive.

As discussed at the June 27, 2017 Planning Commission Committee of the Whole meeting, CDD has evaluated many options for revising the ordinance, rather than deleting it. However each option has had unresolvable legal problems. CDD must have a rational basis for all requirements and be internally consistent. However defining the key activities that are most disruptive to eagles and require regulation is difficult, and eagles have been habituated within urban areas. Even if a legally defensible ordinance could somehow be developed, CDD does not have the capacity to identify and track eagle nest locations, and the USFWS has not been able to provide this service for many years. Bald eagles have never been endangered or threatened in the State of Alaska, and evidence indicates that the local population is increasing.

Finally, the USFWS has an optional federal permit, titled an Eagle Take Permit, which allows applicants to disturb an eagle and avoid violating the Federal Bald Eagle Protection Act, often with mitigation conditions attached to minimize harm. In other words, the federal permit serves as a liability shield. Project Managers for all large-scale developments, especially the Alaska Department of Transportation and Public Facilities, have applied for and received this permit, and this permit has often been used as justification for approval of CBJ variances.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2013 Juneau Comprehensive Plan contains a number of policies regarding eagle nests, listed below:

POLICY 7.14. TO PROTECT AREAS SURROUNDING IDENTIFIED EAGLE NESTS FROM CONFLICTING LAND USES.

Standard Operating Procedures

7.14 - SOP1 Mature trees that, typically, are suitable for eagle nests should be retained within 1/8th of a mile of the coast.

7.14 - SOP2 In situations where lands are proposed for private platting next to CBJ-owned lands, and if the private party is willing, the CBJ government will consider exchanging land of equal value for those lands within 330 feet of the eagle nest tree and retain it as an eagle management area.

7.14 - SOP3 Prohibit the cutting of trees near shoreline areas for the purpose of eradicating nesting eagles or of preventing eagles from nesting therein.

Development Guideline

7.14 - DG1 Private land within the eagle management radius should be left undeveloped or subdivided into large lots, the largest of which should contain the nest tree. Roads should be located as far from the nest as possible, preferably landward from the nest tree. Low density residential or open space/natural areas uses should be located within the eagle management radius.

Implementing Actions

7.14 - IA1 Amend the Land Use Code to include variance criteria that apply specifically to requests to allow development within the buffer area around a bald eagle nest. Developing these criteria is of crucial importance in order to allow responsible development within 330 feet of eagle nests, especially those nests that post-date adjacent development. It may be appropriate to adopt regulations for development near eagle nests based on the level of tolerance of the subject eagles to human activity.

7.14 - IA2 Work with the United States Fish and Wildlife Service (USFWS) on an as-needed basis to identify eagle nest locations and best practices.

7.14 - IA3 Consider designating as Natural Areas or other low impact land use categories areas where eagles tend to nest in concentrations.

7.14 - IA4 Request that the USFWS evaluate the Bald Eagle in the Urban Service Area in terms of population, behavior and tolerance of human presence and activity. Consider any new suggestions from the USFWS for enhancing the presence and health of eagles in the urban area.

Planning Commission
File No.: AME2016 0019
August 1, 2017
Page 4 of 4

7.14 - IA5 Support the efforts of a local non-profit eagle rehabilitation facility to rescue, heal and return to the wild, injured or vulnerable eagles and to educate the public as to the health and well-being of the species.

The Comprehensive Plan includes an explanation of the USFWS Eagle Take Permit on pages 92-93. The Plan specifically states,

It may be appropriate to revise this ordinance, in light of changes to federal policy regarding disturbance of eagles.

The Plan further states,

There is a generally held perception that the local population of bald eagles is increasing which, if true, may be attributable to an increase in fish in the area and/or a higher than expected tolerance of these birds to human presence. In any case, the eagles are still subject to special protection by law and enjoy considerable local affection.

The Comprehensive Plan explicitly says that the existing eagle ordinance may need to be amended in light of the 2011 changes to federal law (i.e. availability of take permits). Deletion of the ordinance is consistent with the Comprehensive Plan because a federal permit exists that addresses eagle protection and development and because local eagle populations appear to be increasing with the protections offered by other code requirements and policies. CDD's proposed Bald Eagle Best Management Practices document will also promote public education regarding potential impacts to eagles.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The proposed change is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Eagle Nest Buffer ordinance

CBJ Code 49.70.310(a)(2 and 3) states:

(a) Development in the following areas is prohibited:

(2) Within 330 feet of an eagle nest on public land;

(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;

The Code definition of development (49.80.120) states:

Development means any of the following:

(1) Construction, reconstruction or enlargement of a structure involving more than 120 square feet;

(2) A subdivision;

(3) Conduct of a home occupation;

(4) Change in use of a lot, including any structure thereon;

(5) Installation or emplacement of a mobile or modular home;

(6) Removal of substantial vegetative cover;

(7) Excavation, dredge or fill activity;

(8) Installation of a sign;

(9) For the purposes of Chapter 49.65, Article I, the work performed in relation to a deposit, subsequent to exploration but prior to extraction of commercial quantities of a mineral commodity, aimed at, but not limited to, preparing the site for mining, defining an ore deposit, conducting pilot plant operations, and construction of roads or ancillary facilities;

(10) Any site work in preparation or anticipation of the above.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-47 PC v. 1

An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests.

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

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

Section 2. Amendment of Section. CBJ 49.60.200 Sensitive areas, is amended to read:

49.60.200 - Sensitive areas.

A development in ~~eagle nesting areas~~, stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

- (1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
- (2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and
- (3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

Section 3. Amendment of Section. CBJ 49.70.310 Habitat, is amended to read:

49.70.310 Habitat.

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the steller sea lion habitat;

~~(2) Within 330 feet of an eagle nest on public land;~~

~~(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles;~~

~~(2) (4)~~ Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

~~(3) (5)~~ Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



Alaska and Canada have the largest populations of breeding Bald Eagles in North America. Breeding bald eagles occupy “territories,” areas they defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests maintained but not used for nesting in a given year). Bald eagles generally nest near coastlines, rivers, or lakes that provide a food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; and sometimes on structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Eagle nests are usually about 4-6 feet in diameter and 3 feet deep.



Best Management Practices

Protecting Nesting Eagles in Juneau



City & Borough of Juneau

City & Borough of Juneau

155 S. Seward Street
Juneau, AK 99801

Tel: 907 586 0770

<http://www.juneau.org/>

Juneau Cares about Eagles

Are you planning any development? If your property is near an eagle nest this fact sheet will provide you with important information about protecting these birds and enhancing enjoyment of your property.

Until recently the CBJ had regulations that prohibited development within 50 feet of an eagle nest on private property and 330 feet during March 1 to August 31. But because Bald Eagles are protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, because of the challenge in identifying eagle nests, and because many of Juneau's eagles are habituated to human activity, the CBJ regulations were repealed.

Eagles are not endangered or threatened in Alaska, but they remain an important, legally protected symbol, and valuable member of the Juneau ecosystem. With some thoughtful consideration, bald eagles will continue to nest in Juneau neighborhoods. In Southeast Alaska, the active nesting season is March 1 through August 31. Eaglets typically hatch from mid-May through early June, and fledge (leave the nest) in August. Both are sensitive periods for young eagles. Newly hatched chicks cannot maintain their body temperature without the warming shelter provided by their brooding mother, who may be flushed from the nest by loud, obtrusive activity. As nestlings approach fledging in August, they become more active, stretching their developing wings and hopping among the branches of their nest tree. If frightened by tree clearing, construction, or other highly visible or noisy activity, they may jump or fall from the tree before they are able to fly, exposing them to injury or death. Human actions that cause loss of eagles, their nests, or eggs, are prohibited by Federal law, unless allowed by permit.

These guidelines are intended to provide developers and landowners with tools to minimize impacts to bald eagles. For more information on habitat needs and ways to minimize impacts, go to the 2007 Federal Bald Eagle Management Guidelines at:

https://www.fws.gov/alaska/eaglepermit/pdf/national_guidelines.pdf

✓ Maintain a 330-foot buffer from eagle nests for all vegetation removal and construction activity. If you can't, try to follow these additional guidelines:

✓ Retain as many trees as possible, removing only what is necessary when eagles are not nesting (September 1 through February 28).

✓ Avoid noisy, obtrusive construction, blasting, clearing and similar activities during the March 1 to August 31 nesting season, especially within the critical hatching and fledging periods from May 15 to June 15 and from August 1 to 31.

✓ Eagles vary in their tolerance of human activity near their nests. Most eagles nesting near people will not be disturbed by less-obtrusive projects like interior construction, or building fences, sheds, or other small structures. Eagle pairs that nest near long-established, ongoing human activity often tolerate greater disturbance. Eagles nesting far from humans are typically more sensitive, so extra effort to avoid seasonal disturbance may be necessary when developing a remote property.

✓ If you can avoid loud, visible disturbances within 330 feet of an active nest during the nesting season, eagles will likely continue to nest successfully nearby. If you can't follow these guidelines, and are concerned that your activities could disturb eagles, you may qualify for a permit from the U.S. Fish & Wildlife Service, which would allow disturbance, or in some cases removal, of an eagle nest. The U.S. Fish and Wildlife Service office in Juneau can be reached at 907-780-1160.

www.fws.gov/alaska/fisheries/fieldoffice/juneau/directory.htm





Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: August 17, 2017

File No.: AME2016 0019

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 Deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers.

Property Address: Borough Wide

Hearing Date: August 8, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 1, 2017, and recommended that the City and Borough Assembly adopt staff's recommendation for deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers.

Attachments: August 1, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2016 0019.

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

Benjamin Haight, Chair
Planning Commission

City and Borough Assembly
File No.: AME2016 0019
August 17, 2017
Page 2 of 2



Filed With City Clerk

August 21, 2017

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.

MINUTES
Planning Commission
REGULAR MEETING
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
August 8, 2017

I. ROLL CALL

Ben Haight, 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 7:04 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Miller, Kirsten Shelton, Carl Greene

Commissioners absent: Dan Hickok, Michael LeVine

Staff present: Rob Steedle, CDD Director;
Beth McKibben, Planning Manager;
Teri Camery, Senior Planner; Tim Felstead, Planner II;
Allison Eddins, Planner II;
Robert Palmer, Assistant Municipal Attorney;
Dan Bleidorn, Deputy Land Manager

Assembly members: Debbie White, Loren Jones

II. APPROVAL OF MINUTES

July 11, 2017 Regular Planning Commission meeting minutes

MOTION: *by Mr. Dye, to approve the July 11, 2017, regular Planning Commission meeting minutes with any small changes by Commission member or staff.*

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

Juneau resident Murray Walsh noted that four weeks ago he represented an applicant for a cell phone tower approval. The experience was more challenging than it needed to be, said Mr. Walsh. He said there were a lot of features in the wireless cell tower code that needed attention. Mr. Walsh said he would appreciate the opportunity in the future to meet with the Commission and discuss what could be done to ameliorate the situation. In essence, said Mr. Walsh, the code is antagonistic to applicants. The applicant is asked to make analysis which could be performed by the CDD staff, said Mr. Walsh. The applicant is expected to submit information that could only be understood by a radio frequency engineer. Mr. Walsh said he felt the Commission was asking for too much upfront information.

Commission Comments and Questions

Mr. Voelckers said he felt it would be appropriate to schedule this issue for a Title 49 discussion.

IV. **PLANNING COMMISSION LIAISON REPORT**

Assembly liaison to the Planning Commission Debbie White reported that the Assembly adopted a resolution naming a portion of the whale park after former Mayor Bill Overstreet. The Assembly did accept the appeal on the application for the marijuana facility in the industrial area, she said. Ms. White said this is because the Law Department presented no options making it possible for the Assembly to turn it down. A proposed two percent increase on the bed tax was proposed for the ballot, said Ms. White. It is currently seven percent, but in addition to that there is a sales tax of five percent, said Ms. White. That will go to the Finance Committee on August 9, (2017) she said. On August 10, (2017) there will be a Committee of the Whole meeting of the Assembly where they will receive a verbal update from Hecla Greens Creek and Kensington mines. They are also going to discuss the Meander Way LID. They will also receive an update on Pederson Hill and a legislative update from CBJ's lobbyist, said Ms. White. They will also discuss the annexation issue, she noted. They are talking about potential expansion of the boundaries which would include Funter Bay, and Horse and Cove islands, she reported.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** - None

VI. **CONSENT AGENDA**

USE2017 0014: Conditional Use Permit for Suzy's Caribbean Kitchen - a mobile restaurant in the Industrial zone.

Applicant: Susan Perry
Location: 5321 Commercial Blvd.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit to allow the development of a food trailer in an Industrial zone with the following conditions:

1. The on-site storage of food or waste overnight is prohibited.
2. A mobile restroom (port-a-potty) will be on-site and will be serviced regularly.
3. Gray water shall be disposed in an approved location as offered by CBJ Wastewater.
4. The applicant shall place the generator inside a box to minimize the noise level.
5. The applicant shall provide a copy of an approved DEC permit prior to the building permit final inspection.

Advisory Conditions

1. The applicant should make sure there are no seams in the metal shed that a bear could pull apart.
2. The grill and any grease traps should be thoroughly cleaned every evening in order to keep food scents down.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with any minor corrections by Commission member or by staff.*

The motion passed with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0019: Deletion of CBJ code 49.70.310 (a) (2 and 3), Eagle Nest Buffers.

Applicant: City & Borough of Juneau

Location: Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Ms. Camery reported that the ordinance proposed for deletion states that development is prohibited within 330 feet of an eagle nest on public land and within 50 feet of an eagle nest on private land. The Title 49 committee reviewed eagle nest buffer ordinance drafts at several of its meetings a year ago. The review included consultation with the US Fish and Wildlife Service and CDD staff. CDD staff followed these meetings with extensive consultation with the CBJ Law Department, and performed research on past variance applications, said Ms. Camery.

For many years now, since the Fish and Wildlife Service has experienced staffing cuts, the City has not been able to enforce the existing eagle ordinance, said Ms. Camery. There is not staff available to enforce the ordinance, she said.

The 2013 Juneau Comprehensive Plan contains a number of policies regarding eagle nests, said Ms. Camery. The Comprehensive Plan explicitly says that the existing eagle ordinance may need to be amended in light of the 2011 changes to federal law, she said. Deletion of the ordinance is consistent with the Comprehensive Plan because a federal permit exists that addresses eagle protection and development, and because local eagle populations appear to be increasing with the protections offered by other code requirements and policies, said Ms. Camery.

Even though this ordinance is being considered for deletion, said Ms. Camery, this does not mean that the City is giving up eagle protection, she said. The Comprehensive Plan policies will remain in place, she said. Many of these policies can still be addressed through the development review process and by other departments, she noted.

MOTION: *by Mr. Voelckers, to accept staff's findings, analysis and recommendations, and to approve AME2016 0019, deletion of CBJ code 49.70.310 (a) (2 and 3) of eagle nest buffers.*

The motion passed by unanimous consent

CSP2017 0013: A consistency review for reconstruction of Egan Drive between Tenth St. & Main St.

Applicant: State of Alaska

Location: Egan Drive between Tenth St. & Main Street

Mr. Voelckers said he wanted to clarify for the Commission in case it viewed this work as a conflict that he had assisted with some planning level and site utilization studies with the District Heating project, which are one of the lots fronted by this project. He also participated in some ongoing sketching, including some with the City and with private development options and with City land. He stated none of this is under contract currently.

The Commission voiced no objection.**Staff Recommendation**

Staff recommends that the Planning Commission adopt the below analysis and findings, and **APPROVE** the reconstruction of Egan Drive between Tenth Street and Seward Street subject to the following conditions:

Bike improvements

1. DOT&PF shall continue to allow the option to cycle on sidewalk on the seaward side of the Egan Drive remain. This is identified as a shared use path in the Juneau Non-Motorized Transportation Plan.
2. DOT&PF shall stripe non-buffered bike lanes sections with a 6-inch line as per the Juneau Non-Motorized Transportation Plan.
3. DOT&PF shall provide a cycle-only turn lane for bicyclists turning from Egan Drive onto the bridge in accordance with MUTCD standards if ROW width allows. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.
4. DOT&PF shall provide a bicycle lane be added on the Casey-Shattuck leg of W. Tenth Street. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.

5. DOT&PF shall provide dashed bike lane striping with a bicycle symbol across the Willoughby Avenue and Whittier Street intersections in accordance with the NACTO guidance for intersection treatment for bicyclists. Provision of a bike lane running the length of Egan Drive between Tenth Street and Main Street is a requirement of the Juneau Non-Motorized Transportation Plan.
6. DOT&PF shall place appropriate cycle route directional signage in the project area for the Cross-Juneau Bikeway described in the 2009 Juneau Non-Motorized Transportation Plan. They should work with CBJ to determine the placement.
7. DOT&PF shall provide 'sharrows' markings on the seaward traffic lane at the end of the project. Use of sharrows where bikes and motor vehicles share the road is a requirement of the Juneau Non-Motorized Transportation Plan

Pedestrian improvements

8. DOT&PF shall use continental/ladder style striping at all intersections where allowed under current design standards, particularly those crossing side streets. Where current adopted design standards do not allow this, but future standards do, future striping should be changed to meet this recommendation. Continental/ladder style crosswalks was required as part of the Juneau Non-Motorized Transportation Plan.
9. DOT&PF shall provide crosswalk markings using continental/ladder style striping across Willoughby Avenue. Crosswalk markings at this intersection are listed as priorities in the Juneau Non-Motorized Transportation Plan.
10. DOT&PF shall retain the existing crosswalk at Seward Street. This would meet the Waterfront Masterplan recommendation that pedestrian pathways to downtown be provided.
11. DOT&PF shall add conduit for an additional pedestrian crossing on the Bridge side of Egan Drive at Whittier Street. This crossing is identified in the Willoughby Plan and will provide for increased pedestrian use of this intersection as the subport area is sold and developed.

Vegetative treatment of median

12. DOT&PF shall provide a vegetated median that is planted and maintained with grass. This includes all areas currently covered with grass including either side of Gold Creek Bridge. DOT&PF shall work with CBJ to provide a suitable planting environment if it is determined the trees can survive in this location. This will provide vegetation in the

median as shown in both the Willoughby District Plan and the Waterfront Master Plan.

13. DOT&PF shall provide alternative pavement colors and/or textures other than traditional asphalt or concrete where the central median cannot be vegetated. This treatment is recommended in the Waterfront Plan.
14. It is recommended as a condition of approval that DOT&PF work with CBJ to develop and implement a plan for more attractive treatment of the raised median islands at the Willoughby intersection including at the new crossing.

Right-of-Way acquisition plats

15. DOT&PF submit the necessary ROW acquisition plat following conclusion of negotiations regarding all easements and land sales along the project length.

Recommendations for consideration by DOT&PF

While not explicitly supported by any of the adopted plans reviewed, the following recommendations have been made for DOT&PF to consider incorporating into their proposal.

Lighting

1. It is recommended the DOT&PF lighting plan prevents light trespass and follow lighting recommendation of the AMA.
2. It is recommended the DOT&PF lighting plan provide lighting should be immediately adjacent to all pedestrian crossings.

Operation of buses at the Downtown Transportation Center

1. It is recommended that DOT&PF continue to observe the operation of the DTC exit and develop an appropriate plan to ensure that exiting buses are not adversely delayed by the reconfigured Right of Way. If the changes negatively impact bus service some form of Transit priority should be explored.

Bike improvements

2. It is recommended that DOT&PF stripe the buffered bike lane according to the standards of the NACTO Urban Bikeway Design Guide.

3. It is recommended that DOT&PF implement bike boxes at all signalized intersections as part of their striping plan to better facilitate left turns by cyclists and to reduce the chance of right turn collisions.
4. It is recommended that DOT&PF provide ramped access onto the outbound cycle lane from shared use path connecting to Egan Drive adjacent to the Prospector Hotel.

Pedestrian improvements

5. It is recommended that a new pedestrian crossing should be added by DOT&PF when the next phase of the Sea walk is completed (anticipated after 2020) where the shared use path connects to Egan Drive between The Prospector Hotel and Foodland. DOT&PF may wish to plan for any necessary conduit under the ROW at this location for the future pedestrian crosswalk.
6. It is recommended that DOT&PF post a 30 mph speed limit prior to the Glacier Avenue intersection for inbound traffic.
7. It is recommended that DOT&PF should retain the raised medians as shown in the plans at Glacier Avenue and Willoughby intersections. Striped refuges should not be used.
8. It is recommended that DOT&PF work with CBJ to construct the CBJ preferred design of the Seward Street intersection. To understand the impacts on the Main Street intersection immediate traffic/pedestrian counts should occur at the intersection for use in modelling peak season traffic, and a temporary closure the left turn could be considered.
9. It is recommended that the pedestrian crossing at Whittier be a 2 stage crossing with a pedestrian refuge median.

Traffic control during construction

10. It is recommended that DOT&PF provide the Juneau School District an opportunity to review and comment on temporary traffic controls proposed to mitigate the increased traffic volume during construction within the school zones. DOT&PF should formally provide notice to the impacted neighborhoods of the increased traffic volumes during the construction project.

11. It is recommended that DOT&PF and their contractor should work with CBJ Capital Transit to ensure bus operations are not adversely impacted during the reconstruction.

RECOMMENDATION – PROVISION OF EASEMENT ON CBJ PROPERTY

Staff recommends that the Planning Commission forward the proposed easements and/or land purchase to the Assembly with a **recommendation of approval** with the following recommended conditions applied:

1. DOT&PF shall work with CBJ on the design of any reconstruction of this in the area of the JACC and Centennial Hall and coordinate the timing of work in this area with planned events at both venues including temporary access arrangements if needed.
2. It is recommended that the easement or sale of the CBJ parcel across Egan Drive from Centennial Hall to DOT&PF allows for its use to provide a CBJ parking information sign.

Mr. Felstead told the Commission the project area runs from the bridge to Seward Street. The project will involve:

- ✓ Repaving of Egan drive, repairing existing surface ruts, and drainage improvement
- ✓ Replacement of existing streetlights with more energy efficient LED's
- ✓ Upgrade the existing signals at 10th Street, Whittier Street, and Main Street to provide linked traffic signal network to improve flow of traffic
- ✓ Reduced traffic lanes in both directions between Willoughby Avenue and Seward Street from two lanes to one lane in each direction, and reduction of motor vehicle traffic lane width from 12.5 to 11 feet
- ✓ Addition of dedicated bike lanes at the same grade with vehicle travel-way along the entire length of project in both directions
- ✓ Widening of pedestrian sidewalks where existing as new ROW (Right-of-Way) width allows or existing ROW can be reallocated
- ✓ Addition of unsignalized pedestrian crossings with central median refuge at Glacier Avenue and Willoughby Avenue
- ✓ Removal of existing unsignalized pedestrian crossing at Seward Street
- ✓ Removal of some existing landscaped strips on the seaward side of Egan Drive and parts of the central median
- ✓ No additional crosswalk at Whittier Street intersection
- ✓ Widening of ROW through easements or land purchase of private, CBJ and state lands

A recommendation for this project is required to be forwarded to the Assembly, noted Mr.

Felstead. Mr. Felstead reported that this proposal has been reviewed against the 2013 Comprehensive Plan of the City and Borough of Juneau, and a number of other plans that have been adopted or referred to in the Comprehensive Plan including:

1. Area-wide Transportation Plan
2. Juneau Non-Motorized Transportation Plan
3. Willoughby District Land Use Plan
4. Long Range Waterfront Master Plan for the CBJ
5. Downtown Parking Management Plan

A condition of approval has been suggested where a clear requirement is identified in the review plans, said Mr. Felstead.

A new crosswalk will be added to Glacier Avenue, said Mr. Felstead, showing the Commission a map of the project. There will be some LED lights as part of the project which may become an issue for residential buildings and hotels, noted Mr. Felstead.

The plans indicate a 40 miles an hour speed limit at the location of the Glacier Avenue crosswalk on the seaward side, and 30 miles per hour on the outbound section, said Mr. Felstead. The CBJ Engineering Department has suggested that 30 miles per hour may be appropriate for both the inbound and outbound sections of that road, he said.

There may be a pedestrian activated light at that segment, but DOT will wait and see if it is required, said Mr. Felstead.

Commission Comments and Questions

Mr. Miller asked which agency would ascertain if that safety light was required.

Mr. Felstead said that DOT will be assessing the situation once construction is completed, and see if there appears to be a need for the light.

At the 10th Street intersection a new cycle lane is proposed, as well as one over the bridge, said Mr. Felstead. The staff has proposed as a condition that an additional bike lane be added at the left turn going over the bridge, he said. DOT's preferred option would be to have cyclists dismount and use the crosswalks to get to the other side of the bridge, said Mr. Felstead. Other options have been suggested in the staff report including bike boxes which are allowed if the state applies to the Federal Highway Administration, said Mr. Felstead. Mr. Felstead said he does not think any of these of bike boxes have yet been implemented within the state.

At the 10th Street intersection it is proposed that a cycle lane be identified to make that portion

of the street safer for cyclists, said Mr. Felstead. Additionally, signage is required along the length of the project. Therefore, it has been recommended that DOT be instructed to erect suitable signage along the project. DOT would like to direct any cyclists headed towards the Valley onto Glacier Highway as soon as possible, he said. They do not want the bicyclists proceeding past the 10th Street intersection on their way out of town, he said.

Looking at the project from 10th Street to Whittier, there will be a reduction in the traffic lanes from 12.5 feet to 11 feet, which will include an extra wide striped bicycle lane, said Mr. Felstead. Wider sidewalks will also be installed, he added. The Non-Motorized Transportation plan calls for six-inch-wide lines to be used for the bicycle striping, said Mr. Felstead. The current proposal is for four inch lines so a condition has been recommended to increase that striping to six inches, he said.

The sidewalks all meet the required width of five feet, said Mr. Felstead. There is a vegetative strip on the seaward side which will be removed, but there will be some sort of buffer between passing traffic and pedestrians, he said. The pedestrian environment as well as that for cyclists will improve as a result of this project, said Mr. Felstead.

Near the Parkshore Condominiums, there will only be expansion of the sidewalk to 5 ½ feet, noted Mr. Felstead. Some of the central median is being identified as turf in the proposed plans, and there are some locations in the proposed project where the existing median will be paved, noted Mr. Felstead. CBJ would like a vegetative cover for this median and trees have also been suggested in some of the plans, said Mr. Felstead.

It has been suggested that trees would have a difficult time surviving within the median, said Mr. Felstead. It has been recommended as a condition that DOT at least turf the existing portions of the median which currently house plantings, he said. They've also recommend that the possibility of trees in this area be explored, he said.

Commission Comments and Questions

Mr. Voelckers said there have been split opinions within the City itself on the viability of trees.

Mr. Felstead said that the Parks and Recreation department has stated that some trees may work in the median, and that it also may depend upon snow removal methods. They have been identified in past plans and the use of trees will be explored, he said. The Parks and Recreation Department will no longer be planting the flowers in the medians as it has in the past, said Mr. Felstead. They can no longer afford the additional labor for that work, he said. They have said they will be able to maintain a turf strip within the median, he said.

There are a number of easements requested by DOT which will be permanent, said Mr.

Felstead. They will be used for the sidewalk or for additional fill material to support the expansion of the sidewalk, he noted. There also will be a number of temporary construction easements, he said, during the time of construction.

It has been recommended as a condition of approval that DOT submit plat or right-of-way map to show where it has been relocated onto all CBJ and private property, said Mr. Felstead. Along the Whittier Street to Willoughby section of the road there will be a number of temporary construction easements, said Mr. Felstead.

The CBJ Engineering Department has recommended that DOT provide a conduit for pedestrians as to allow for extra pedestrians because of development of the subport area, said Mr. Felstead. It has been recommended that DOT provide a two-stage crossing across Egan. It has also been recommended as a condition that the DOT work with the CBJ to develop attractive median coverage where there will be no turf coverage. There is also a new crossing which will be located at the Four-Point hotel, said Mr. Felstead. It is a two-stage crossing with a refuge island in the middle, he said.

While DOT is requesting construction easements along the Juneau Arts and Humanities Council building and Centennial Hall, they probably will not need to use them, said Mr. Felstead. There is a very small triangular portion of land across the street from Centennial Hall which DOT is interested in purchasing, said Mr. Felstead. The Downtown Parking Management Plan suggests a parking guidance sign be placed on the approach to downtown and that location would be suitable, he said. This has been recommended as a condition of the sale, he said.

The two lane portion of the road close to town will be reduced to one lane with a turning Lane at the Seadrome building, said Mr. Felstead. There has been some concern from Capital Transit that the buses coming out of the transit center will struggle to make that turn, he said, as they head out of town. The buses currently have to wait for both lanes to be free to make their turn, he noted.

The project will also involve reconstruction of the retaining wall at Merchants Wharf, said Mr. Felstead. From Whittier proceeding into town the cycle lanes will be reduced to 4 ½ feet in width, said Mr. Felstead. Some sort of signage needs to be placed notifying cyclists that they can also share the pedestrian path for their transport, he said. The Non-Motorized Transportation Plan suggests using the sharrows markings to notify cyclists and motorists the cycle lane has ended and they should now share the road, said Mr. Felstead. This is to notify motorists that cyclists will begin merging into the traffic, he said.

DOT has indicated that are ready to begin construction in the fall of this year concluding construction the fall of 2018, said Mr. Felstead. They plan on leaving one Lane open in both

directions during construction, said Mr. Felstead.

There is also some concern from the schools in town that traffic may divert itself to Glacier Highway, thus increasing the traffic around the schools, said Mr. Felstead.

Most noise from heavy machinery will occur during the day, said Mr. Felstead. Noise permits will be required for any construction occurring at night, he said. An Army Corps of Engineers permit will be required for any additional fill for the project, said Mr. Felstead. A storm water pollution prevention plan will also be required for the project, said Mr. Felstead.

In terms of easements and land sale, the provision of the easement or the land sales are to facilitate the construction of the proposed project. They substantially conform to the locally adopted plans, said Mr. Felstead, subject to the recommendations that have been provided, he said.

In addition, the proposed reconstruction plan, with the recommended conditions, substantially conforms to Title 49 and locally adopted plans, said Mr. Felstead.

Mr. Felstead recommends that the Planning Commission forward the issue of easements and land sale to the Assembly for approval with two conditions:

1. DOT shall work with the JAHC and Centennial Hall to ensure that any events are not disrupted by construction
2. The CBJ land parcel across from Centennial Hall have posted a parking information sign in the area not being used for a sidewalk

It was also recommended that the Planning Commission approve the proposed reconstruction with the recommended conditions contained in the staff report.

There have been two small adjustments in the existing conditions, said Mr. Felstead. Instead of requiring a cycle turn lane for condition three, appropriate signage may be able to be used instead, said Mr. Felstead, to facilitate the transport of bikes through the 10th Street intersection, he explained. Condition seven has been modified to state that sharrows may not be appropriate, and that some other form of signage that directs cyclists may be used, he said.

Commission Comments and Questions

Ms. Shelton asked if the Commission has any authority regarding recommendations for conditions of approval. She asked if it has to be something found in the plans or if the

Commission can move something over.

Mr. Felstead responded that his understanding is that if there is not direct connection with the plans or the code, it is difficult to say something is a requirement of the local community.

Department of Transportation and Public Facilities (DOT)

Kirk Miller, Design Group Chief of DOT, told the Commission Chuck Tripp, the project manager for this project, could not be at the meeting. He said he was available for questions from the Commission.

Mr. Voelckers asked how the maintenance of the project would be handled once it was complete. Mr. Miller said DOT is looking for every avenue that they can to minimize maintenance responsibilities.

Mr. Miller said he has discussed with Mr. Felstead that they discuss each median regarding its maintenance and who would maintain them. He said it has not really been decided yet who would maintain the turf portion of the medians.

Mr. Voelckers said he is an advocate of green medians and would like to explore the possibility of some trees in median locations.

Mr. Miller said that trees will probably be frowned upon, due to concerns of roots growing under the streets and disrupting the pavement. He said that salt and snow plows would also not be favorable to trees within the medians.

Mr. Voelckers said that trees have been within the studies all along and that they indicate that trees are a strong calming force for traffic patterns.

Mr. Dye asked if there has been a projected increase in travel times due to the reduction of two lanes to one lane from Main Street to Whittier Street.

Mr. Miller said they do not think the traffic pattern they are proposing is going to be detrimental to the through traffic. Traffic times may even be better with dedicated turn lanes, said Mr. Miller. He said the one area they cannot improve at all is the area of 10th Street because of the traffic going to Douglas and across the bridge.

Ms. Shelton asked for more information on the DOT's plans to divert traffic during construction

near the Glacier Avenue schools.

Mr. Miller said what is being conveyed is during certain times of construction traffic will be diverted from 10th Street going into town to Glacier Highway.

Mr. Felstead said that traffic would naturally divert itself as needed. He said from his conversations with the CBJ Engineering Department that there is not much they can do to prevent traffic from diverting itself when road construction along Egan causes traffic to back up.

Ms. Shelton said she had concerns with the additional traffic going by the schools affecting the drop-off and pick-up of the students and of the general safety in the area with additional traffic.

Mr. Voelckers asked if the right-of-way itself widens or if they are merely obtaining easements across City property.

Mr. Felstead said he believed the intention was for a perpetual easement on the CBJ property, except for the small triangular portion of land located across the street from Centennial Hall that would be purchased by DOT. The perpetual easements do meet the definition of right-of-way within Title 49, he added.

Mr. Voelckers asked if there are any issues in terms of liability between DOT and the City should there be a traffic accident, for example. He asked if that would be considered to have occurred on City land or state land.

Mr. Bleidorn said the DOT has not yet submitted their final bid package to the CBJ for the easements. They will be purchasing these easements at fair market value, he said. As part of the agreement they will have full rights to that property, he noted. There are existing easements within the area, but these additional easements will be for the widening of the right-of-way, he said.

If it is for full market value, said Mr. Voelckers, why not just make it a clean sale to the state.

Mr. Bleidorn said he thought that would be more difficult to execute. That would involve numerous subdivisions for all of the individual lots along the street, he said. By granting easements, if the City ever wanted to put up a sign or some item related to the sea walk, they would have retained those rights, he said.

In answer to a question from Mr. Voelckers, Mr. Bleidorn said that DOT is also working on easements with the private property owners as needed.

Chairman Haight said he remembered discussion over this project several years ago which involved the issue of water being sprayed up from the road onto pedestrians. He said after a period of time, the road will wear and obtain ruts resulting in more road spray going onto pedestrians. He asked if with the narrowing of the roadway and deletion of some of the greenery in the medians if DOT is considering some form of alleviation for the road spray problems. Chairman Haight said he considers this a safety issue for pedestrians.

Mr. Miller said he has noticed personally that pedestrians get sprayed by water due to ruts and also there are also some drainage issues due to settlement and faulty construction. He said the construction will be close and that over time there probably would be ruts creating water spray on pedestrians. He added that he did think that traffic would be a little further away from the sidewalks than it is currently. He said improved drainage with the new construction should help as well.

Chairman Haight asked how snow plowing would be handled with the new construction, since currently snow gets piled up onto the sidewalks.

Mr. Miller responded that it would probably be plowed the same way as it is now. Mr. Miller said he would talk to his maintenance foreman and provide a written explanation on the DOT snow removal plan for downtown.

Chairman Haight asked if the LED lighting plan for the project would be curtailed to where it is currently.

Mr. Miller said they are going to go back and speak with their consultant and have that question addressed. He said his gut feeling is that the lights will be replaced according to their current placement.

He asked Chairman Haight if he felt the LED lighting would be more obtrusive if it was placed in the existing locations.

Chairman Haight said his experience is that the light dispersal between the types of lights would essentially be the same, but that LEDs actually have a sharper cut-off than the existing lights.

Chairman Haight asked if they would be reducing light levels at certain times during the

evening.

Mr. Felstead said this has not been a proposal of DOT.

Chairman Haight asked if this would be something that DOT could possibly implement.

Mr. Miller said he thought that they could.

Chairman Haight said he would expect that the lights would be kept full at the intersections throughout the night.

Chairman Haight said he would like DOT to keep in mind that as greenery and items were added to medians that they not interfere with the vision of the drivers.

Chairman Haight said he found the pedestrian signals at Main Street to be very dangerous. He said a pedestrian pushing a button could initiate the walk sign while a car in the turn lane was making a left hand turn. He asked if that problem could be remedied with this project.

Mr. Miller responded they are planning on re-doing the entire signal at Main Street, and that they recognize there are many difficulties with that intersection. They will also be synchronizing it with the 10th Street signal, he said.

Chairman Haight asked if the proposed bicycle turn lanes would have an impact on the DOT design.

They do not have room to implement the proposed “bike boxes”, said Mr. Miller. They also think they do not have the bicycle traffic to warrant their implementation, he added.

Chairman Haight noted that he did not think the buses would have any more difficulty making their turns with the newly designed streets than they do currently.

Mr. Felstead noted that with the addition of the bike lane the buses may actually have more of an effective turning lane width with the newly constructed road.

Mr. Voelckers asked if Mr. Miller was reasonably comfortable with the City’s proposal for Seward Street.

They were concerned that prohibiting a left turn at Seward Street would then force people to go back to Main Street and then come all the way back around South Franklin. They have been asked to analyze how many left turns are coming out of Seward Street and if those left turns were prohibited, they would need to assume that traffic would be proceeding to Main Street, said Mr. Miller.

Mr. Voelckers said they could also do an improved pedestrian crossing.

Mr. Miller asked when the City was planning on instituting those street changes. He said he felt they needed to meet further with the City and that perhaps DOT “dropped the ball”. They will do whatever it takes, he said.

Mr. Dye said he would like to know what the DOT traffic study indicated regarding the traffic on Main Street by removing the left-hand turn onto Seward Street. That is key for the downtown circulation to find parking, he noted. He also asked if it would be possible to implement a park and ride for City and State employees at a Valley location to alleviate the need for traffic congestion during construction.

Mr. Miller said he did not know why they could not implement that suggestion. He said federal aid does fund things like that.

Mr. Voelckers said the staff report mentioned allowing a conduit for a pedestrian crossing that is closer to the bridge at the Whittier intersection. He said he felt that would be a useful item to work into the plan at the very beginning. He said currently it is difficult to take a left turn on the bridge often because of the pedestrian crossings.

Mr. Miller said their thought there was a sufficient crossing at the existing signalized intersection and there would be little purpose adding a crossing across an additional leg. He said it may not be impossible but that they have not fully analyzed it yet.

Mr. Voelckers said he felt there were enough vehicle and pedestrian conflicts at that location to warrant the additional crossing.

Public Comment

Angie Mendbayar of the District Heating project said they have several crossings on this project. They would like to know how they can collaborate with the City and DOT and install some pipes during the construction phase of the road.

Chairman Haight said they will connect her with Mr. Miller of DOT so that they can collaborate to make this happen.

Lee Kadinger with the Sealaska Heritage Institute said they have provided written comments on this project. They have an interest in ensuring that the Seward Street crosswalk is maintained, he said. They notice that it is heavily used daily. They felt the elimination of the left-hand turn was a positive safety improvement for the pedestrian crossing, he said.

Mr. Voelckers asked if there has been discussion about closing Seward Street. Mr. Kadinger said they have discussed the closing of Seward Street, especially for special events.

Mr. Voelckers asked about the projected timeline for the construction.

Mr. Miller said they have had several meetings with the Juneau Heating District. They encouraged them to hire an engineer which they did, he said. They said they would work with them so that the crossings can be accomplished. They have encouraged him to install the crossing before DOT does the road, he said. DOT does not want to be responsible for installing the crossing, he said. It is complicated, and has to do with federal aid, he added.

Mr. Voelckers asked Mr. Miller when he expected the physical construction to commence. In the best case scenario, they can advertise this project this September or October, said Mr. Miller. They could probably expect to start some work in March, 2018, said Mr. Miller. They will need the next spring season, putting them into June, 2019, he said.

In response to a question by Chairman Haight, Mr. Miller said they are aware of the installation of an electrical conduit as well.

MOTION: *by Mr. Miller, to approve CSP2017 0013 and accept staff's most excellent findings, analysis and recommendations.*

Mr. Dye asked to make a friendly amendment to look into partnering with the CBJ in the attempt to provide a park and ride solution during construction.

Mr. Miller accepted Mr. Dye's friendly amendment.

Speaking in favor of the amendment, Mr. Voelckers said he felt that item 12 which is under the Vegetative Treatment of the Median is very important. He said he supported Mr. Felstead's

research and noted that the vegetative and trees strip is shown both in the Willoughby District plan and in the long range waterfront master plan. Mr. Voelckers said there have been studies indicating that trees have a calming influence on traffic and make the neighborhood safer and more accommodating. They also establish a threshold into the community, he noted. Mr. Voelckers said he also liked the recommendation to reduce the traffic to 30 miles per hour at the Gold Street Bridge. That will go well with the new pedestrian crossing, said Mr. Voelckers.

The motion including the friendly amendment passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Mr. Dye said at their last meeting that Mr. LeVine made a motion which was tabled. He said he would like to reopen that item for the purpose of tabling it once again until their next meeting when Mr. LeVine would be present. This was a comprehensive map change to amend the district upon which the Catholic diocese resides from Mixed-Use Residential to Traditional Town Center.

That item was tabled with no objection.

XII. DIRECTOR'S REPORT

Mr. Steedle said there is currently no Planning Commission meeting scheduled for August 22.

The Lemon Creek Area Plan will be scheduled if possible on September 12, at a COW meeting.

Also on September 12, there will be a rezone on the Front Street area in Douglas, said Mr. Steedle.

There is a Title 49 meeting on August 16, said Ms. McKibben.

There is also a Subdivision Review Committee meeting on August 23, she said. Ms. Boyce will poll members as to a time for the Subdivision Review Committee meeting.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said he felt the staff did a great job with their reports this evening.

Mr. Voelckers said the presentation on the DOT road reconstruction project was a very well researched and well delivered presentation.

In response to Mr. Walsh's comments about the cell tower ordinance earlier this evening, Chairman Haight said he felt it may be time to go back and review the ordinance. Mr. Steedle said they will add this to the staff's list of priorities and that they could review with the Commission the items the staff has before them and prioritize them.

Mr. Voelckers said while Mr. Walsh had deemed this a hostile ordinance, that only one has come back to the Commission and that he did not have the feeling it had been a real problem.

Mr. Steedle said it is only when a new tower is being erected that it needs to come before the Commission. The cell tower request presented by Mr. Walsh is the first time this type of request has come before the Commission, said Mr. Steedle. He said he thought it would be a good idea to review the ordinance.

Mr. Dye asked if it would be possible to see statistics on shared access properties in subdivisions under 13 lots.

Mr. Steedle said they would be happy to provide that information.

XV. ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-34

An Ordinance Amending the Comprehensive Plan by Adopting the Lemon Creek Area Plan.

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

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

Section 2. Amendment of Section. CBJ 49.05.200 Comprehensive plan, is amended to read:

49.05.200 Comprehensive plan.

(a) The City and Borough comprehensive plan is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks and other public requirements.

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is

a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

(1) *Plan adopted.* There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, 2013 Update, including the following additions:

- (A) The Juneau Coastal Management Program, Volumes 1 and 2, dated February, 2008;
- (B) The Downtown Historic District Development Plan, dated December 1981; provided that the proposed district boundaries shall be those established by the assembly under a separate ordinance;
- (C) The Long Range Waterfront Plan for the City and Borough of Juneau, dated January 22, 2004, as amended;
- (D) The Last Chance Basin Land Management Plan, dated May 1978, updated November 1994;
- (E) Watershed Control Program - Salmon Creek Source, dated April 1992;
- (F) Watershed Control and Wellhead Protection Program - Gold Creek Source, dated November 1994;
- (G) Chapter 6 and Plate 1 of the West Douglas Conceptual Plan, dated May 1997;
- (H) Juneau Non-Motorized Transportation Plan, dated November 2009;
- (I) 2010 Downtown Parking Management Plan;
- (J) Chapter 5 of the Willoughby District Land Use Plan, dated March 2012;
- (K) Municipal Drinking Water Supply Plan, dated June 5, 2012;
- (L) Wireless Telecommunication Master Plan, dated May 2014;

- (M) Juneau Economic Development Plan, dated January 28, 2015; ~~and~~
- (N) Auke Bay Area Plan, dated March 16, 2015; and -
- (O) Lemon Creek Area Plan, dated December 18, 2017.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



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

DATE: December 7, 2017

TO: City and Borough of Juneau Assembly

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

RE: ***Lemon Creek Area Plan***
www.juneau.org/lemoncreekplan

A handwritten signature in black ink, appearing to read 'Jill Maclean', is positioned to the right of the 'FROM:' field.

BACKGROUND

On October 24, 2017, the Planning Commission at its regularly scheduled public meeting adopted the analysis and findings listed in the Community Development Department's staff report dated October 12, 2017, and recommended approval to the City and Borough Assembly for a text amendment to adopt the Lemon Creek Area Plan as part of the CBJ Comprehensive Plan (see attached memo dated November 6, 2017).

On November 20, 2017 and December 4, 2017, the Assembly Committee of the Whole held public meetings to review and discuss the Plan. The Committee of the Whole voted to send the Plan to the full Assembly for adoption with the following conditions (see attached memos dated November 6 and November 30, 2017):

1. Adopt the revisions recommended by the Planning Commission;
2. Adopt the staff recommendations 2 and 3, but not recommendation 1, in the memo dated November 30, 2017;
3. Add the following language to Chapter 8 Implementation, paragraph 2, "...or where the Lemon Creek Area Plan is more specific, the Lemon Creek Area Plan supersedes the Comprehensive Plan, *as it pertains to the Lemon Creek planning area.*"; and
4. Delete Goal 2 Action 10 in Chapter 7, Economic Development.

It is noted that grammatical and formatting errors will be resolved prior to the final printing of the Plan.

ACTION TAKEN

The Committee of the Whole voted to send the Lemon Creek Area Plan to the full Assembly for a public hearing to adopt the Lemon Creek Area Plan as an addendum to the Comprehensive Plan with the revisions stated above and included in the attachments.



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

DATE: November 30, 2017

TO: City and Borough Assembly Committee of the Whole

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department *Jill Maclean*

RE: ***Lemon Creek Area Plan*** draft – Additional Information
www.juneau.org/lemoncreekplan

COMMITTEE OF THE WHOLE DISCUSSION

The Lemon Creek Area Plan was discussed by the Committee of the Whole (COW) on November 20, 2017. From that public meeting, the following information was requested:

1. Provide further information on Chapter 7 Economic Development, Goal 2, Action 10, *"Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector"*;
2. Provide further information on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, *"Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision"*;
3. Provide further information on the Lemon Creek Area Plan and its relationship to the Comprehensive Plan.

1. Chapter 7 Economic Development, Goal 2, Action 10, *"Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector"*.

For the purposes the Lemon Creek Area Plan, organic waste disposal site is defined as a *"site that is used to dispose of organic debris resulting from development that is unsuitable for reuse, such as tree stumps, sands, and other natural materials. An organic waste disposal site is not a landfill"*.

After much discussion at the May 22, 2017 Steering Committee meeting, the Steering Committee reached consensus that *"a narrative paragraph that talks about coupling the haul to and from Lemon Creek (gravel and organic waste), to recognize that these activities lower the cost of site construction, to put in some narrative indicating a desire that the backhaul site not turn into another dump, aesthetically, and to encourage public use and access to these resources"*.

In response to this motion, language was included in Lemon Creek Area Plan Chapter 7, Economic Development p. 65. Additionally, the Steering Committee reached consensus and voted to include the

suggested language on organic waste disposal, which is addressed in Chapter 7 Goal 2 “*Create Thriving Commercial and Industrial Areas That Support Industry and Neighborhood Business*”:

- *Action: Pursue making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector (p. 71 of Lemon Creek Area Plan).*

During discussions at the COW meeting on November 6, 2017, Assembly Member Gladziszewski suggested revising the language of the Action to read:

“Consider pursuing ~~Pursue~~ making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector”.

Recommendation:

Based upon the discussion by the Assembly members at the COW, staff recommends adopting Assembly Member Gladziszewski’s recommendation, with a minor edit to the wording:

“Consider ~~pursuing Pursue~~ making CBJ gravel and organic waste disposal resources in the Lemon Creek area available to the private sector”.

2. Provide further information on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, “*Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision*”.

Area 3 of the *Switzer Lands Residential Development Study* is located north of the Pinewood Park Subdivision at the ends of Mountain Avenue. For reference, see map on p. 35 of Lemon Creek Area Plan.

The Steering Committee held four public meetings to discuss neighborhoods and housing. Ultimately, the Committee felt strongly that the Lemon Creek area deserved the same consideration that other areas are given when creating housing and designating zoning districts for undeveloped lands that are located adjacent to established neighborhoods.

Pinewood Park Subdivision is zoned D5, yet the majority of lots exceed the minimum lot size of 7,000 square feet, required by this zoning district. The lots in Pinewood Park Subdivision have an average lot size of 12,000 square feet, which is more similar to a D3 zoning district. The Steering Committee strongly expressed that the established neighborhood and its characteristics should be considered when the CBJ pursues future development of Area 3. Attention to the “transition” from an established large lot single-family neighborhood to a denser multi-family development should be considered. The Steering Committee and the public generally supported housing, especially workforce and senior housing, provided it was created in a thoughtful manner with a “buffer” from the existing single-family neighborhood to multi-family housing. One method of creating the desired transition, or buffer, is to recognize the D5 zoning district (Pinewood Park Subdivision), and then creating a zoning district directly adjacent to it that is of a slightly higher density, such as D10SF, and then next to that zoning district, creating an even higher density zoning district such as D10 or D15. This will still maximize density while providing for a more gradual transition from the large lot single-family neighborhood to a denser multi-family neighborhood, while at the same time providing opportunities for a wider variety of housing types.

After extensive discussions, the Steering Committee reached consensus on Chapter 4 Neighborhoods and Housing, Goal 2, Action 4, *“Consider rezoning Area 3 of the CBJ Switzer Lands Residential Development Study to D10SF, which would be more compatible with the D5 zoning of the adjacent Pinewood Park subdivision”* (p. 38).

Recommendation:

Based on the Steering Committee’s work, input from the public at multiple meetings/workshop, and review of CBJ adopted plans and studies, including the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2016 Housing Action Plan, staff recommends keeping the Action as stated in Lemon Creek Area Plan (see p.38).

3. Provide further information on the Lemon Creek Area Plan and its relationship to the Comprehensive Plan.

The Comprehensive Plan identifies the need for area plans, including the Lemon Creek, Switzer Creek and Salmon Creek area (p. 182). The *Lemon Creek Area Plan* is a step in the borough’s strategy for influencing change in this area. It is a consensus based plan, built through extensive input from residents, local business and property owners, local non-profit groups, and other interested parties.

Per the Comprehensive Plan Chapter 11 - Subarea 5, Guidelines and Considerations states:

1. *Conduct a neighborhood plan for the Lemon Creek and Switzer Creek areas to (1) address livability concerns for residential areas, (2) accommodate the land use and transportation needs of commercial and industrial uses, (3) address recreational and natural/conservation area needs, (4) identify transportation improvements, especially pedestrian- and bicyclist-related safety improvements, and (5) reduce incompatible uses and minimize or mitigate adverse impacts of such incompatible uses related to air quality (noise, dust, fumes, odors), public safety and natural resource protection.*

Generally, the purpose of an area plan is to tailor and refine the comprehensive plan and implement its vision in a manner that is compatible with a particular area of the borough. For example, the Comprehensive Plan, Economic Development Element Policy 5.1 (p. 44) states:

“To Develop and Sustain a Diverse Economy, Providing Opportunities for Employment for All Residents”.

This policy and its implementing actions, provide a broad, high-level vision of how the borough should encourage and support economic growth. In order to best implement this policy, it should be focused and made area specific. For example, economic development will look different depending on the locale:

- Downtown Juneau: federal, state and city employment, the tourism industry, and the smaller boutique shops and eateries;
- Downtown Douglas: small locally owned shops, balanced with maintaining marine-related businesses;
- Mendenhall Valley: medium sized retail, i.e. grocery stores, shopping centers, gyms;
- Lemon Creek: greater mixture of industrial and commercial uses, big box stores, with some smaller retail mixed in.

Developing an area plan provides the opportunity to work with the community and determine best fits for an area based upon the needs of the community at large while balancing the quality of life for those living in that particular area. Areas plans take the vision from the Comprehensive Plan and clarify and refine that vision in order to best implement the vision at an area level.

Given that the vision from the Comprehensive Plan is broad-based at the borough level, a situation may occur in which it appears that an area plan is competing with the Comprehensive Plan. In these instances, the area plan should supersede the Comprehensive Plan, as it is the more focused, clarifying document, with much input and feedback from the residents, businesses, and property owners.

For example, Chapter 11 of the Comprehensive Plan (p. 183) covers Subarea 5: Switzer Creek, Lemon Creek, & Salmon Creek. Under the Guidelines and Considerations, there is a guideline that may not completely align with the Lemon Creek Area Plan:

10. Identify sufficient land to accommodate commercial and industrial uses. Adjust the boundary between commercial and industrial lands in the Vanderbilt-to-Lemon Creek area to account for current conditions and market demands. Provide additional buildable land for heavy industry and prohibit higher intensity uses, such as retail, office and residential uses, within the heavy industrial areas.

The Lemon Creek Area Plan, Chapter 3, Land Use (p. 20), identifies the Grant's Plaza area as an opportunity to promote mixed-use development to redevelop underutilized sites, while providing a buffer between commercial and industrial uses and residential uses along Vanderbilt Hill Road. While this is not in direct conflict, the Lemon Creek Area Plan, Chapter 3, Goal 1, Action 1 should take precedence as the more clarifying action:

"Promote mixed-use zoning as a business and neighborhood development tool for underutilized sites i.e. the former Walmart location and Grant's Plaza".

Recommendation:

Based upon the Steering Committee's work, input from the public at multiple meetings/workshop, and review of CBJ adopted plans and studies, including the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2016 Housing Action Plan staff recommends maintaining the language in the Lemon Creek Area Plan (p. 73):

"The Comprehensive Plan (chapter 11) identifies the need to conduct a neighborhood plan for the Lemon Creek and Switzer Creek areas. The Lemon Creek Area Plan is adopted as an addendum to the Comprehensive Plan. The Lemon Creek Area Plan provides a 20-year vision to guide growth, protect natural resources, and enhance and maintain amenities for livability. Where the Lemon Creek Area Plan and the Comprehensive Plan conflict, or where the Lemon Creek Area Plan is more specific, the Lemon Creek Area Plan supersedes the Comprehensive Plan).

Recommendation

Staff recommends that the Assembly approve the recommendations in this memo as part of the Lemon Creek Area Plan, in conjunction with the recommendation by the Planning Commission to adopt the Lemon Creek Area Plan as an addendum to the Comprehensive Plan with the revisions stated in the attachment.



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

DATE: November 6, 2017

TO: City and Borough Assembly Committee of the Whole

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

RE: ***Lemon Creek Area Plan*** (draft)
www.juneau.org/lemoncreekplan

BACKGROUND

The Comprehensive Plan identifies the need for area plans for Lemon Creek, Switzer Creek and Salmon Creek (see *Compliance with the Comprehensive Plan* section below. The *Lemon Creek Area Plan* is a step in the borough's strategy for influencing change in this area and forms the basis for defining the vision and projects for the Lemon Creek area. It is a consensus based plan, built through input from residents, local business and property owners, local non-profit groups, and other interested parties.

In 2015, the Assembly tasked the Community Development Department (CDD) with undertaking the *Lemon Creek Area Plan*. CDD conducted an open house on March 10, 2016, to solicit interest from the community, provide information on the planning process, and request applications from interested people to serve on the Steering Committee. On April 12, 2016, the Planning Commission appointed the Steering Committee, which included residents, property owners, and business owners. Throughout the month of June 2016, CDD conducted six focus group meetings including: infrastructure and transportation, natural resources and recreation, business and economic development, human services, history and cultural resources, and city departments.

In September 2016, the Steering Committee began holding regularly-scheduled public meetings. The Steering Committee was presented with background information on the Comprehensive Plan and other relevant CBJ plans, zoning and land use, housing needs, and feedback received from the open house and focus groups. This information, combined with the chapters drafted by CDD planners and other relevant CBJ staff, allowed the Steering Committee to formulate informed goals and actions for each chapter of the plan. The following chapters were seen as relevant to Lemon Creek: History and Community Character, Land Use, Neighborhoods and Housing, Transportation and Infrastructure, Economic Development, and

Natural Resources and Recreation. Public testimony was also taken at each Steering Committee meeting and considered as decisions were voted upon. The Steering Committee approved each goal and action through a consensus building process resulting in a majority vote of the committee.

On February 4, 2017, a public design workshop was held to seek input from community members primarily on recreation and bike/ped connectivity throughout Lemon Creek. MRV Architects worked with CDD and Engineering staff to conduct the workshop and led the public through this design process, which ultimately resulted in an overarching design concept – *Area Plan Design Goals* (see *Lemon Creek Area Plan* Appendix A: Public Participation). *The Area Plan Design Goals* illustrates the community’s vision of how the area should develop over the next twenty years. Features include preservation of the Switzer Creek area, multi-modal paths connecting Lemon Creek to Downtown and the Mendenhall Valley, trails connecting to the Mendenhall State Game Refuge, and potential new streets in the commercial and industrial areas.

The culmination of this community planning process is the draft *Lemon Creek Area Plan*, which was distributed for a two-week public comment period from July 17 through July 30, 2017. CDD staff compiled the comments received and made recommendations to the Steering Committee. At their August 7, 2017, public meeting, the Steering Committee reviewed the public comments and considered whether or not to amend the Plan in response (see *Lemon Creek Area Plan* Appendix B: Public Comments). The Steering Committee also voted to recommend the final draft *Lemon Creek Area Plan* to the Planning Commission for consideration and favorable recommendation to the Assembly.

On September 26, 2017, the Planning Commission’s Committee of the Whole held a public meeting to discuss the draft Plan. No significant changes were recommended, and the Committee voted unanimously to forward the draft Plan to the Planning Commission for a public hearing.

On October 24, 2017, the Planning Commission held a public hearing. Public testimony was taken, and all who spoke were in favor of the Plan. The Planning Commission did not make any significant changes to the draft Plan - see page 3 for a table listing the recommended revisions.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan (Chapter 11) identifies the need to produce a neighborhood plan for the Lemon Creek and Switzer Creek areas. The draft *Lemon Creek Area Plan* complies with the Comprehensive Plan and specifically with Chapter 11, Land Use Maps G and H. The draft *Lemon Creek Area Plan* complies with the Juneau Economic Development Plan and the Housing Action Plan.

If adopted, the *Lemon Creek Area Plan* would be an addendum to the Comprehensive Plan. The *Lemon Creek Area Plan* provides a 20-year vision to guide growth, protect natural resources, and enhance and maintain amenities for livability. Where the *Lemon Creek Area Plan* and the

Comprehensive Plan conflict, or where the *Lemon Creek Area Plan* is more specific, the *Lemon Creek Area Plan* supersedes the Comprehensive Plan.

RECOMMENDATION

At its October 24, 2017 regular meeting, the Planning Commission recommended that the Assembly review and adopt the Lemon Creek Area Plan with revisions as an addendum to the Comprehensive Plan.

Chapter	Comments	Page	Goal & Action May also be Found in Chapter 8 Implementation
Chapter 3 Land Use			
	Goal 1 Action 1 Change "zoning" to "development"	20	76
	Goal 3 Action 4 Delete entire action (regarding housing stock)	21	77
Chapter 4 Housing and Neighborhoods			
	Update info regarding Housing First in the narrative: <i>The Juneau Housing First Collaborative Forget-Me-Not Manor permanent supportive housing project opened in September 2017. It was an \$8.3 million dollar project that combines 32 units of permanent supportive housing and, on-site, the JAMHI Health & Wellness, Inc. Community Health Center that offers healthcare, behavioral health, dental, and pharmacy services for the residents and the community at-large.</i> <i>The permanent supportive housing is staffed 24hours, 7-days a week and includes a facility director, benefits coordinator (2), housing specialist (2), a driver, and front desk personnel (5). Studio apartment residences are located on the 2nd and 3rd floors with dining room, kitchen, conference room, meeting rooms, and office space on the ground level. Forget-Me-Not Manor shares a parking lot with the headquarters for the Tlingit-Haida Regional Housing Authority. (per S. Ciambor, Chief Housing Officer)</i>	25	N/A
	Identify zoning in each neighborhood listed in the narrative	23 - 29	N/A
Chapter 5 Transportation and Infrastructure			
	Goal 4 Action 2 Change Responsible Party from CDD, PC, JPD to JPD only	47	82
Chapter 6 Natural Resources and Recreation			
	Goal 2 Action 2 Change wording to: "Provide greater scrutiny to compliance of water standards and erosion controls."	59	84
	Goal 2 Action 3 add JPD	59	84
Chapter 8 Implementation			
	Add a list of Acronyms/Abbreviations for Departments, Agencies, Organizations at the beginning of Ch. 8	73	73

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-36

An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

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 01.40.010 Violations penalty, is amended to read:

01.40.010 Violations penalty.

...

(b) Penalty classifications.

...

~~(v) Conviction is for a violation of CBJ 42.20.110(a)(5) for an offense comparable to AS 11.61.118(a)(2).~~

...

Section 3. Amendment of Section. CBJ 42.05.110 Violation of conditions of release, is amended to read:

42.05.110 Violation of conditions of release.

- (a) A person commits the crime ~~offense~~ of violation of conditions of release if the person
- (1) has been charged with a crime or convicted of a crime;
 - (2) has been released under AS 12.30; and
 - (3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.
- (b) Violation of condition of release is a Class B misdemeanor ~~violation punishable by a fine of up to \$1,000.~~

Section 4. Amendment of Section. CBJ 42.15.020 Larceny of money or property, is amended to read:

42.15.020 Larceny of money or property.

...

(b) Larceny of money or property is a:

(1) Class A misdemeanor if:

(A) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or

(B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another

jurisdiction of ~~an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property,~~ or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) ~~Fifteen~~ Five days of ~~active suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of

an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,
or a law or ordinance of this or another jurisdiction with substantially similar
elements.

Section 5. Amendment of Section. CBJ 42.15.025 Theft by failure to make required disposition of funds received or held, is amended to read:

42.15.025 Theft by failure to make required disposition of funds received or held.

...

(c) Theft by failure to make required disposition of funds received or held is a ~~Class A~~ **misdemeanor**:

(1) Class A misdemeanor if:

(A) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the funds received or held is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 6. Amendment of Section. CBJ 42.15.030 Buying, receiving, concealing, or disposing of stolen property, is amended to read:

42.15.030 Buying, receiving, concealing, or disposing of stolen property.

...

(d) Buying, receiving, concealing, or disposing of stolen property is a:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or

(B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—

~~42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 7. Amendment of Section. CBJ 42.15.040 Concealment of merchandise, is amended to read:

42.15.040 Concealment of merchandise.

...

(c) Concealment of merchandise is a:

(1) Class A misdemeanor if:

...

(B) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~ or

(C) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying,

~~receiving, concealing, or disposing of stolen property,~~ or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,

or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 8. Amendment of Section. CBJ 42.15.050 Retention of lost property, is amended to read:

CBJ 42.15.050 Retention of lost property.

...

(c) Retention of lost property is a ~~Class A misdemeanor~~:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ

42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 9. Amendment of Section. CBJ 42.15.060 Bad checks, is amended to read:

...

(d) Issuing a bad check is a:

(1) Class A misdemeanor if: ~~the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$1,000.00;~~

(A) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another

jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen ~~Five~~ days of active ~~suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365,

or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 10. Amendment of Section. CBJ 42.15.070 Theft of services, is amended to read:

42.15.070 Theft of services.

...

(c) Theft of service is a:

(1) Class A misdemeanor if

(A) The value of the service, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00 ~~\$1,000.00~~; or

(B) The value of the service, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, larceny of money or property, concealment of merchandise, or theft of services, or buying, receiving, concealing, or disposing of stolen property, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) ~~Fifteen~~ Five days of ~~active suspended~~ imprisonment and a term of probation of more than six months if the person has been convicted two ~~or more~~ times of an offense under CBJ 42.15.020—42.15.085 ~~080~~ or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; ~~or~~

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or ~~A sentence of active or suspended imprisonment if the person has not been previously convicted, or has previously been convicted once, of an offense under CBJ 42.15.020—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 11. Amendment of Section. CBJ 42.15.080 Theft by deception, is amended to read:

42.15.080 Theft by deception.

...

(c) Theft by deception is a: ~~Class A misdemeanor.~~

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00.

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ

42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or
 (C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

Section 12. Amendment of Section. CBJ 42.15.085 Fraudulent use of an access device, is amended to read:

42.15.085 Fraudulent use of an access device.

...

(b) Fraudulent use of an access device is a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than \$750.00 ~~\$1,000.00~~.

Section 13. Amendment of Section. CBJ 72.10.015 Reckless driving, is amended to read:

72.10.015 Reckless driving.

(a) A person who drives a motor vehicle in the City and Borough in a manner which creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless driving, punishable by a fine of not more than \$1000.00 or by imprisonment for not more than

~~one year or by both, as a Class B misdemeanor.~~ A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

(b) In addition to the penalties set forth in subsection ~~(a) -01.40.010(b)~~, the sentence for a conviction of reckless driving may include immediate revocation of a driver's license in accordance with AS 28.15.181(a)(6).

(c) Lawfully conducted automobile, snowmobile, motorcycle, or other motor vehicle racing or exhibition events are not subject to the provisions of this section.

Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2813

A Resolution in Support of the City and Borough's Application to FEMA for its Cooperative Technical Partner Grant Program.

WHEREAS, the City and Borough of Juneau (CBJ) has extreme, mountainous topography and high precipitation levels; and

WHEREAS, the CBJ has a history of significant landslide and avalanche events, which have the potential to pose a serious threat to life and property; and

WHEREAS, the CBJ's hazard maps were adopted in 1987 and may not reflect the most current scientific knowledge; and

WHEREAS, the need for accurate mapping is due in part because the CBJ Land Use Code imposes certain development restrictions on development in hazardous areas; and

WHEREAS, the CBJ Planning Commission has acknowledged the need for new and accurate maps to promote sound development decisions; and

WHEREAS, as stated in the CBJ's 2013 Comprehensive Plan, it is the CBJ's policy to minimize the threat to human safety and development posed by landslides (mass-wasting) and avalanches; and

WHEREAS, the Federal Emergency Management Agency (FEMA) Alaska Mapping Business Plan has identified the CBJ as the top priority watershed for landslide mapping; and

WHEREAS, state or federal grant funds may also be available to fund these types of projects.

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

Section 1. The Assembly of the City and Borough of Juneau supports efforts to obtain grant funding for the mapping analysis of potential landslide and avalanche areas within the CBJ.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2814

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

WHEREAS, a majority of the public boat harbors in Alaska were constructed by the State during the 1960s and 1970s; and

WHEREAS, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these harbor facilities are ports of refuge and areas for protection of ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

WHEREAS, over the past 30 years, the State of Alaska has transferred ownership of most of these state-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, the municipalities accepted ownership from the State of Alaska despite knowing that the harbor facilities were in poor condition at the time of transfer due to the State's failure to keep up with deferred maintenance; and

WHEREAS, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Harbor Facility Grant Program, AS 29.60.800; and

WHEREAS, the Department of Transportation and Public Facilities administers this program by reviewing, scoring, and ranking applicants seeking the limited state funds; and

WHEREAS, for each harbor facility grant application, the municipalities have committed to invest 100 percent of the design and permitting costs and 50 percent of the construction cost; and

WHEREAS, the City and Borough of Juneau along with the municipalities of the City of Anchorage, City of Ketchikan, City and Borough of Sitka, City of Whale Pass, City of Whittier have offered to contribute \$9,820,141 in local match funding for FY2019 towards eight harbor projects of significant local importance, as required by the Municipal Harbor Facility Grant Program; and

WHEREAS, completion of these harbor facility projects is dependent on the 50 percent match from the State of Alaska's Municipal Harbor Facility Grant Program; and

WHEREAS, during the last ten years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

WHEREAS, during the last ten years the backlog of projects necessary to repair and replace these former state-owned harbors has increased to over \$100,000,000.

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

Section 1. The Assembly of the City and Borough of Juneau urges full funding in the amount of \$9,820,141 by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY2019 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



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 29, 2017

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

License Type:	Package Store	License Number:	849
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Percy's Liquor Store		

- ☐ New Application
 ☒ Transfer of Ownership Application
☐ Transfer of Location 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

Erika McConnell
Director, ABC Board
amco.localgovernmentonly@alaska.gov



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

alcohol.marijuana@alaska.gov
<https://www.commerce.alaska.gov/web/jarvis>
Phone: 907.259.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 - Transferor Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	GRE HUI RODMAN	License #:	849
License Type:	PACKAGE STORE	Statutory Reference:	AS 04.011.150
Doing Business As:	PERLY'S LIQUOR STORE		
Premises Address:	214 FRONT ST		
City:	JUNEAU	State:	ALASKA
		ZIP:	99801
Local Governing Body:	CITY & BOROUGH OF JUNEAU		

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	1016035
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application**Section 2 – Transferee Information**

Enter information for the new applicant and/or location seeking to be licensed.

Licensee:	Thibodeaus market Inc			
Doing Business As:	Percy's Liquor Store			
Premises Address:	214 Front St			
City:	Juneau	State:	AK	ZIP: 99801
Community Council:	City + Borough of Juneau			
Mailing Address:	PO Box 20290			
City:	Juneau	State:	AK	ZIP: 99802
Designated Licensee:	Pete Thibodeau			
Contact Phone:	907-957-7676	Business Phone:	586-3561	
Contact Email:	sbb@alaska.net			

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

Harborview Elementary School 1255 Glacier Hwy
.7 MILES

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

St Nicholas orthodox 326 5th St
.3 MILES



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

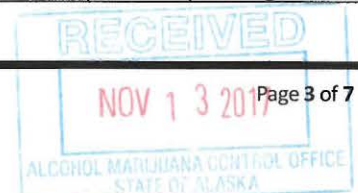
Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

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

Entity Official:	Pete Thibodeau				
Title(s):	President	Phone:	957-7676	% Owned:	70
Address:	10475 Dock St				
City:	Juneau	State:	AK	ZIP:	99801





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	ROSIE THIBODEAU				
Title(s):	VICE president	Phone:	209-4409	% Owned:	30
Address:	10475 DOCK St				
City:	Juneau	State:	AK	ZIP:	99801

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

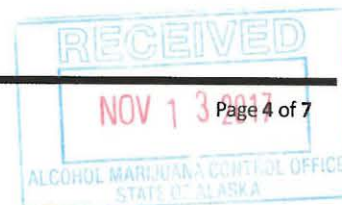
DOC Entity #:	43194D	AK Formed Date:	12/30/88	Home State:	AK
Registered Agent:	ROSIE THIBODEAU	Agent's Phone:	209-4409		
Agent's Mailing Address:	10475 DOCK St				
City:	Juneau	State:	AK	ZIP:	99801

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒ ☐





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

☒ Yes ☐ No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒ ☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Pete & Rosie Thibodeau (all package stores)
Kennys LQ - 661
Valley LQ - 4422
UQUUR Barrel - 1129
Thibodeaus Home LQ - 521

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐ ☒

If "Yes", disclose the name of the individual and the reason for this authorization:





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

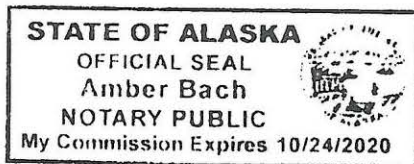
Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

[Signature]
Signature of transferor

OKE HUI RODMAN
Printed name of transferor

Subscribed and sworn to before me this 9th day of October, 2017.



[Signature]
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 10/24/20

Signature of transferor

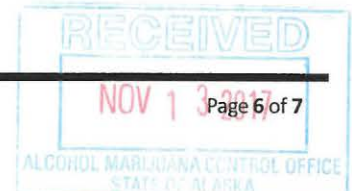
Printed name of transferor

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____

My commission expires: _____





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



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



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



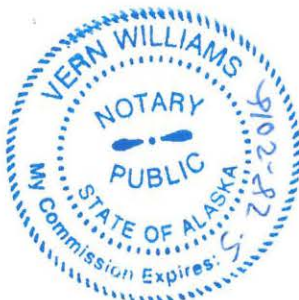
As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Pete Thibodeau

Printed name

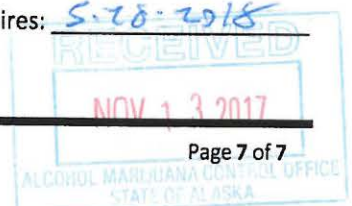
Subscribed and sworn to before me this 17 day of October, 2017.



Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5-28-2018





Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

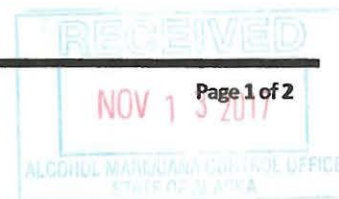
Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Thibodeaus market Inc	License Number:	849
License Type:	Package store		
Doing Business As:	Percys Liquor Store		
Premises Address:	214 Front St		
City:	Juneau	State:	AK
		ZIP:	99801





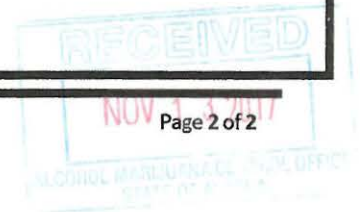
Alaska Alcoholic Beverage Control Board

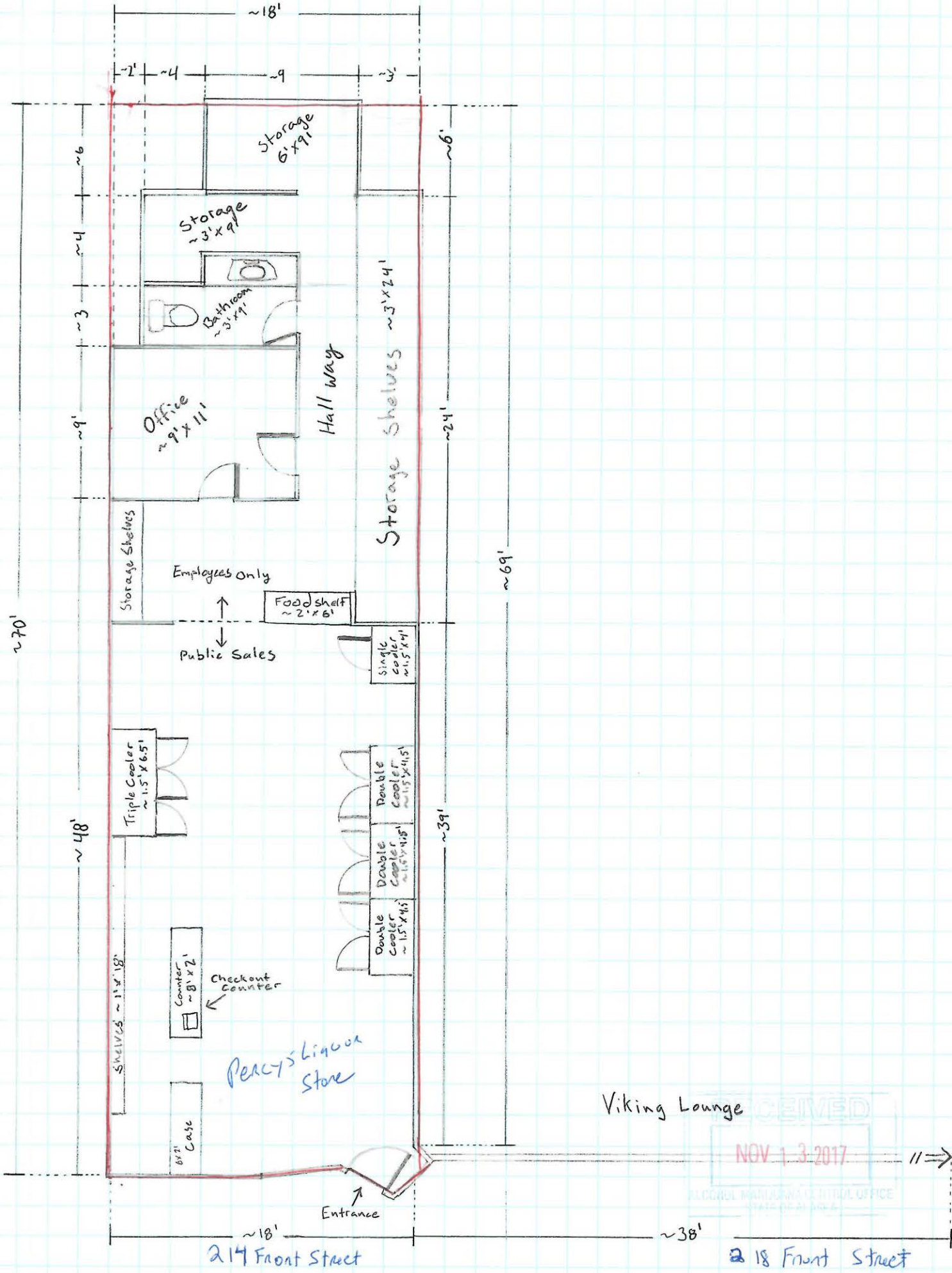
Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

see attached







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 20, 2017

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	1166
Licensee:	Triangle Club Inc.		
Doing Business As:	Triangle Club		

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

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

Licensee:	Triangle Club Inc.	License #:	1166
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Triangle Club		
Premises Address:	251 Front St		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	PO BOX 20977		
City:	Juneau	State:	Alaska
		ZIP:	99802

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

Point of Contact:	Leeann Thomas		
Contact Phone:		Business Phone:	907-586-3140
Contact Email:	triangleclubban@hotmail.com		

Seasonal License? ☐ Yes ☒ No

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





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 2 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐☒

If "Yes", disclose the name of the individual and the reason for this authorization:

--

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

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

This individual is an: ☐ applicant ☐ affiliate

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





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	17587D
-----------------------	--------

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

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



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

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

Entity Official Name:	Leeann Thomas				
Title(s):	President	Phone:	907-586-3140	% Owned:	50%
Mailing Address:	PO Box 20977				
City:	Juneau	State:	Alaska	ZIP:	99802

Entity Official Name:	Peter Schneider				
Title(s):	Vice-president	Phone:	907-789-7497	% Owned:	50%
Mailing Address:	PO Box 20977				
City:	Juneau	State:	AK	ZIP:	99802

Entity Official Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 5 – License Operation

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

2016 2017

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒ ☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐ ☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.

☐ ☐

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

☐ ☐

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

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?

☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?

☐ ☒

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

Section 7 – Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 8.

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

Initials

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





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application**Section 8 – Certifications**

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.



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



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

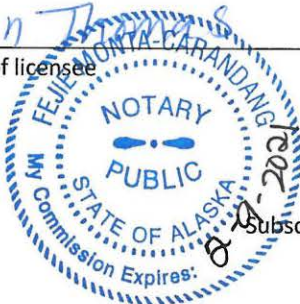


As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the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

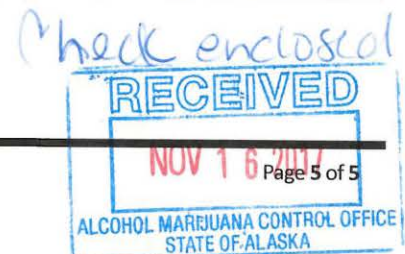
Signature of licensee

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of AlaskaMy commission expires: 2-9-2021Subscribed and sworn to before me this 13th day of November, 2017.

License Fee:	\$ 2500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					2700.00





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 27, 2017

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	728
Licensee:	JD Entertainment, Inc.		
Doing Business As:	The Island Pub		

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

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

Licensee:	JD Entertainment, Inc.	License #:	728
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	The Island Pub		
Premises Address:	1102 2nd St		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	1102 2 ND ST.		
City:	Douglas	State:	AK
		ZIP:	99824

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

Point of Contact:	FREDERICK KASNICK		
Contact Phone:	907 723 0414	Business Phone:	907 364 1595
Contact Email:	THEISLANDPUB@ALASKA.NET		

Seasonal License? ☐ Yes ☒ No

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

NOV 08 2017



Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 2 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ Yes ☐ No

If "Yes", disclose the name of the individual and the reason for this authorization:

KATHY Wilson SEC/TREAS.

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

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

This individual is an: ☐ applicant ☐ affiliate

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





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>. Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	82103 D
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

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

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

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

Entity Official Name:	FREDERICK KASNICK				
Title(s):	PRESIDENT	Phone:	907 723 0414	% Owned:	51
Mailing Address:	1102 2 ND ST.				
City:	Douglas	State:	AK	ZIP:	99824

Entity Official Name:	KAREN DILLON				
Title(s):	V-P	Phone:	907 723 8198	% Owned:	29
Mailing Address:	8267 N. Douglas				
City:	Douglas	State:	AK	ZIP:	99801

Entity Official Name:	KATHY WILSON				
Title(s):	SEC. TREAS.	Phone:	907 959 2864	% Owned:	15
Mailing Address:	1102 2 ND ST.				
City:	Douglas	State:	AK	ZIP:	99824





Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:	2016	2017
The license was regularly operated continuously throughout each year, for 8 or more hours each day. CORRECT →	☒	☒
The license was regularly operated during a specific season each year, for 8 or more hours each day.	☐	☐
The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	☒ NO	☒ NO
The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.</i>	☐	☐

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:	Yes	No
Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?	☐	☒
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?	☐	☒

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

Section 7 – Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 8.

Read the line below, and then sign your initials in the box to the right of the statement:	Initials
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.	AA





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 8 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

AK

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

AK

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

AK

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

AK

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

Signature of licensee

Frederick Kaswick
 Printed name of licensee

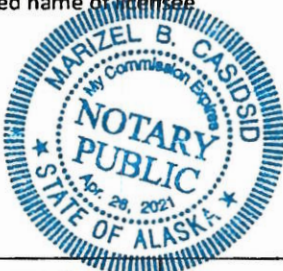
Signature of Notary Public

Marizel Bohio Casillas

Notary Public in and for the State of Alaska

My commission expires: 04/24/2021

Subscribed and sworn to before me this 24 day of Nov, 2017.



License Fee:	\$ 2500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					2700.00





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

October 31, 2017

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	13217
License Type:	Retail Marijuana Store
Licensee:	ForgetMeNot Enterprises, Inc.
Doing Business As:	GLACIER VALLEY SHOP
Physical Address:	8505 Old Dairy Road Suite 1 Juneau, AK 99801
Designated Licensee:	Norvin Perez
Phone Number:	907-419-0094
Email Address:	info@forgetmenotak.com

☒ **New Application** ☐ **Transfer of Ownership Application** ☐ **Onsite Consumption Endorsement**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our September 14-15, 2017 meeting.

Sincerely,

Erika McConnell

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

Alcohol & Marijuana Control Office

Initiating License Application

5/25/2017 1:40:16 PM

License Number: 13217**License Status:** New**License Type:** Retail Marijuana Store**Doing Business As:** GLACIER VALLEY SHOP**Business License Number:** 1047535**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Road
Suite 1
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. For those applying for a limited marijuana cultivation license, the proposed area(s) for cultivation must be clearly delineated.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☐ ☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:		License Number:	
License Type:			
Doing Business As:			
Premises Address:			
City:		State:	
		ZIP:	

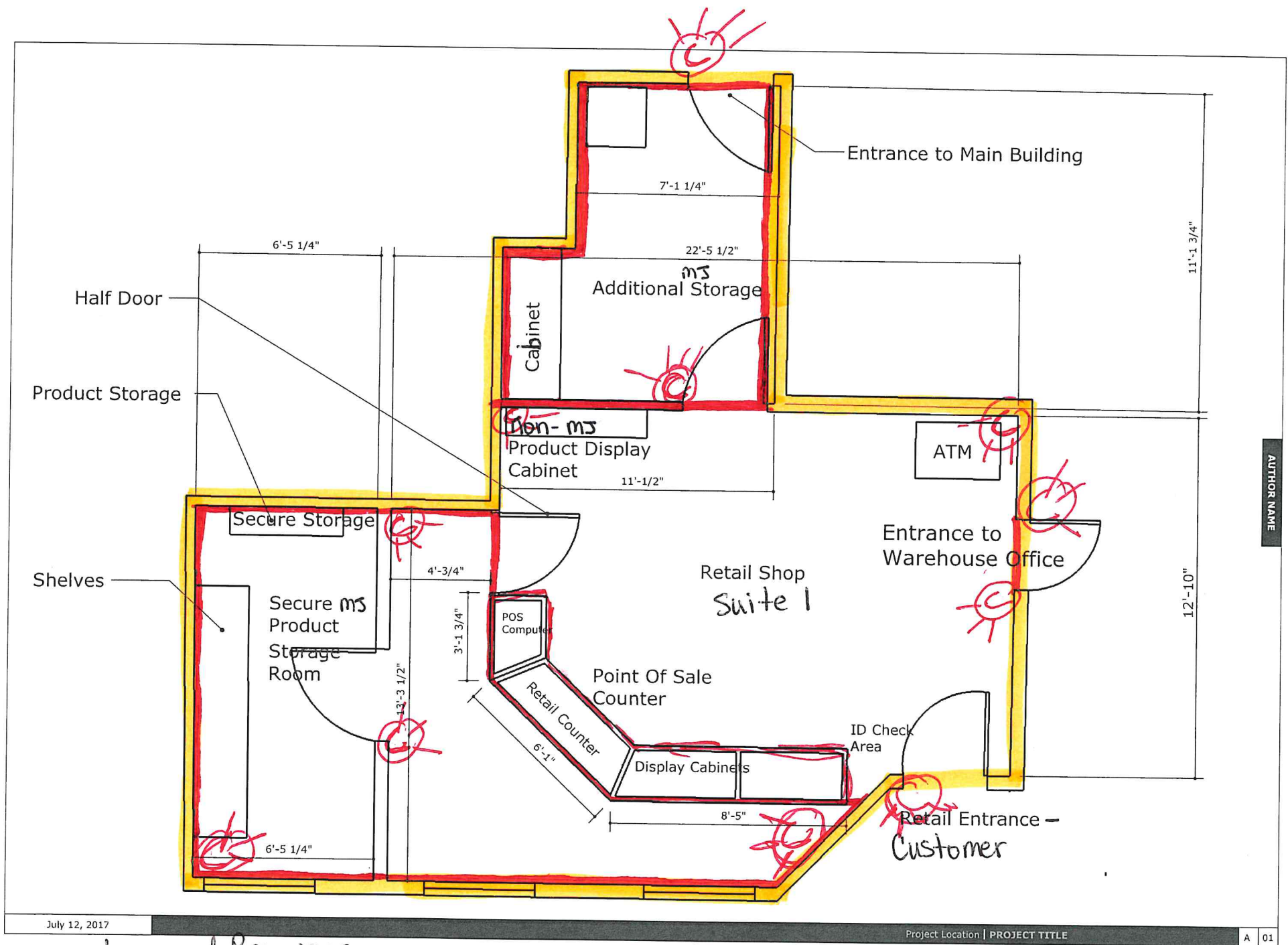


Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.



AUTHOR NAME

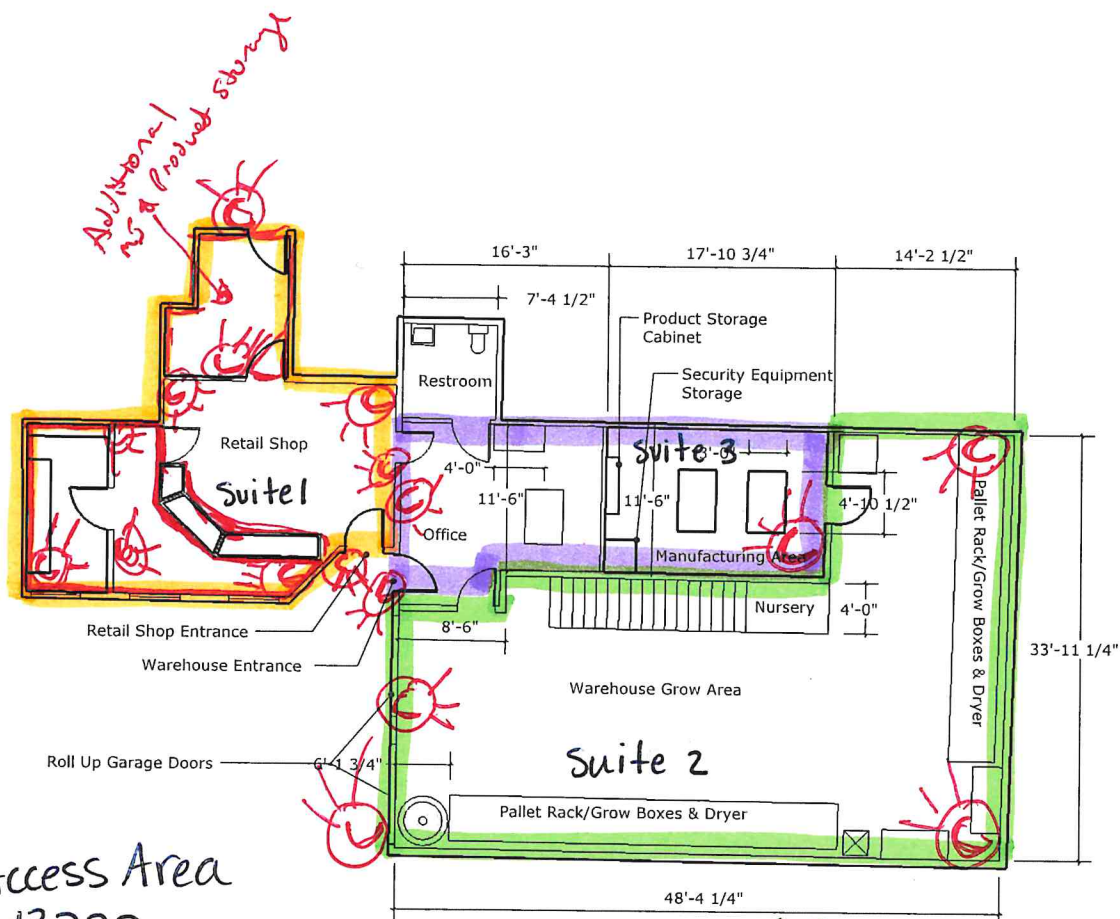
July 12, 2017

Project Location | PROJECT TITLE

A 01

= Licensed Premises
License NO. 13217

= Restricted Access
Areas



= CAMERA & Direction

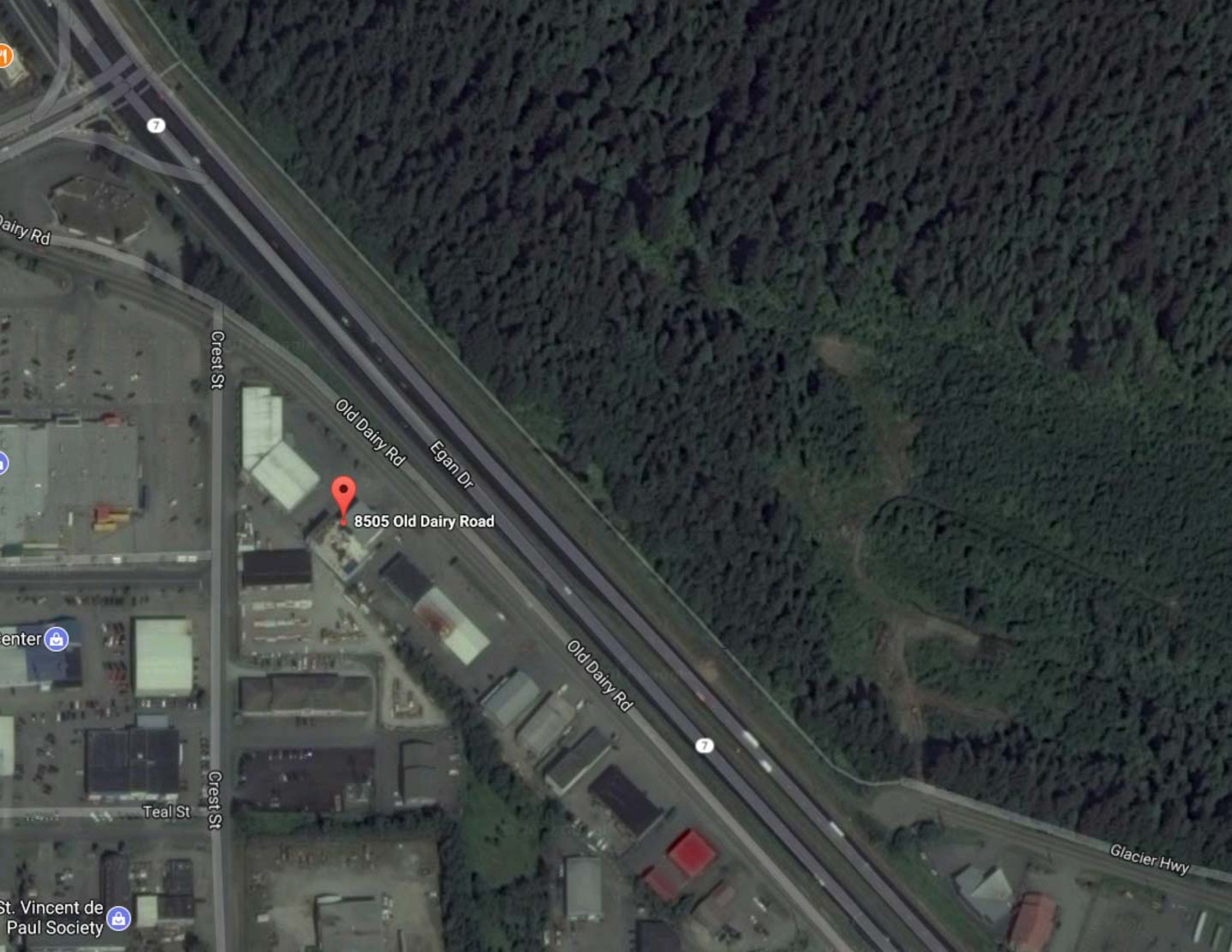
= Licensed Premises & Restricted Access Area License No. 13222

= Licensed Premises & Restricted Access Area License No. 13221

= Licensed Premises License No. 13217

= Restricted Access Area

* Office shared between all 3 licenses



1

7

Dairy Rd

Crest St

Old Dairy Rd

Egan Dr



8505 Old Dairy Road

Center

Teal St

Crest St

Old Dairy Rd

7

Glacier Hwy

St. Vincent de Paul Society



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

October 31, 2017

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	13221
License Type:	Standard Marijuana Cultivation Facility
Licensee:	ForgetMeNot Enterprises, Inc.
Doing Business As:	GREEN VALLEY ENTERPRISES
Physical Address:	8505 Old Dairy Road Suite 2 Juneau, AK 99801
Designated Licensee:	Norvin Perez
Phone Number:	907-419-0094
Email Address:	info@forgetmenotak.com

☒ **New Application** ☐ **Transfer of Ownership Application** ☐ **Onsite Consumption Endorsement**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our November 14-15, 2017 meeting.

Sincerely,

Erika McConnell

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

Alcohol & Marijuana Control Office

Initiating License Application

5/25/2017 1:42:38 PM

License Number: 13221**License Status:** New**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** GREEN VALLEY ENTERPRISES**Business License Number:** 1047533**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Road
Suite 2
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez
[REDACTED]
[REDACTED]**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. For those applying for a limited marijuana cultivation license, the proposed area(s) for cultivation must be clearly delineated.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	ForgetMeNot Enterprises, Inc.	License Number:	13221
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	Green Valley Enterprises		
Premises Address:	8505 Old Dairy Road, Suite 2		
City:	Juneau	State:	AK
		ZIP:	99801

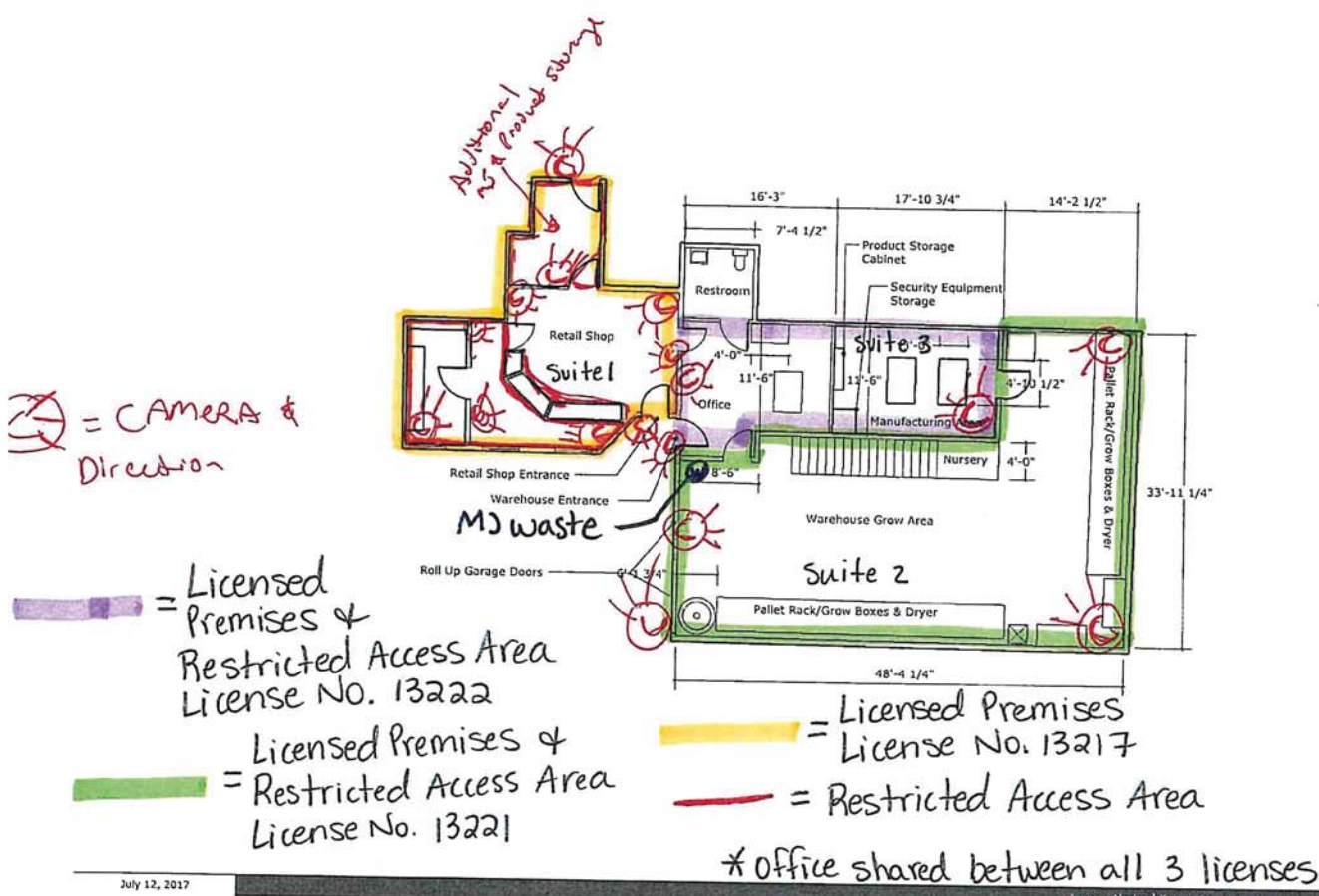


Alaska Marijuana Control Board

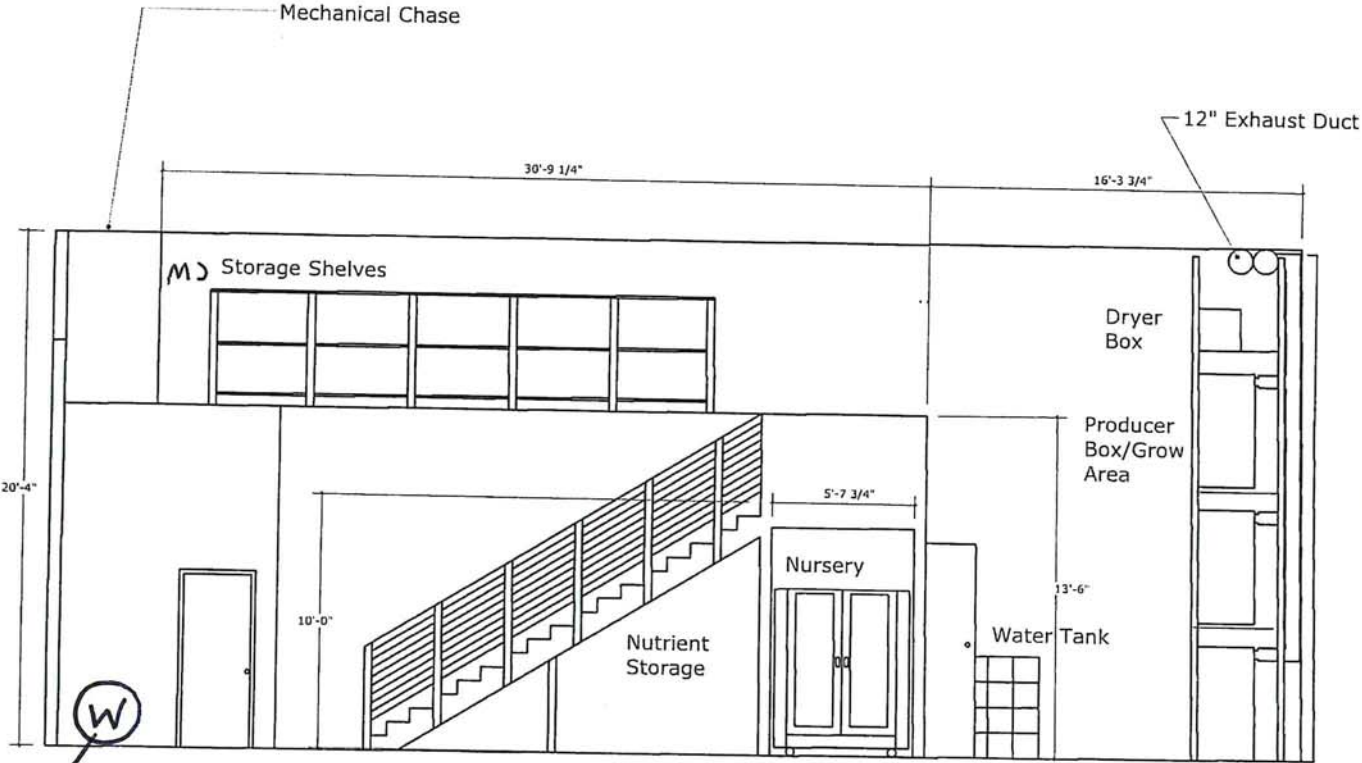
Form MJ-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.



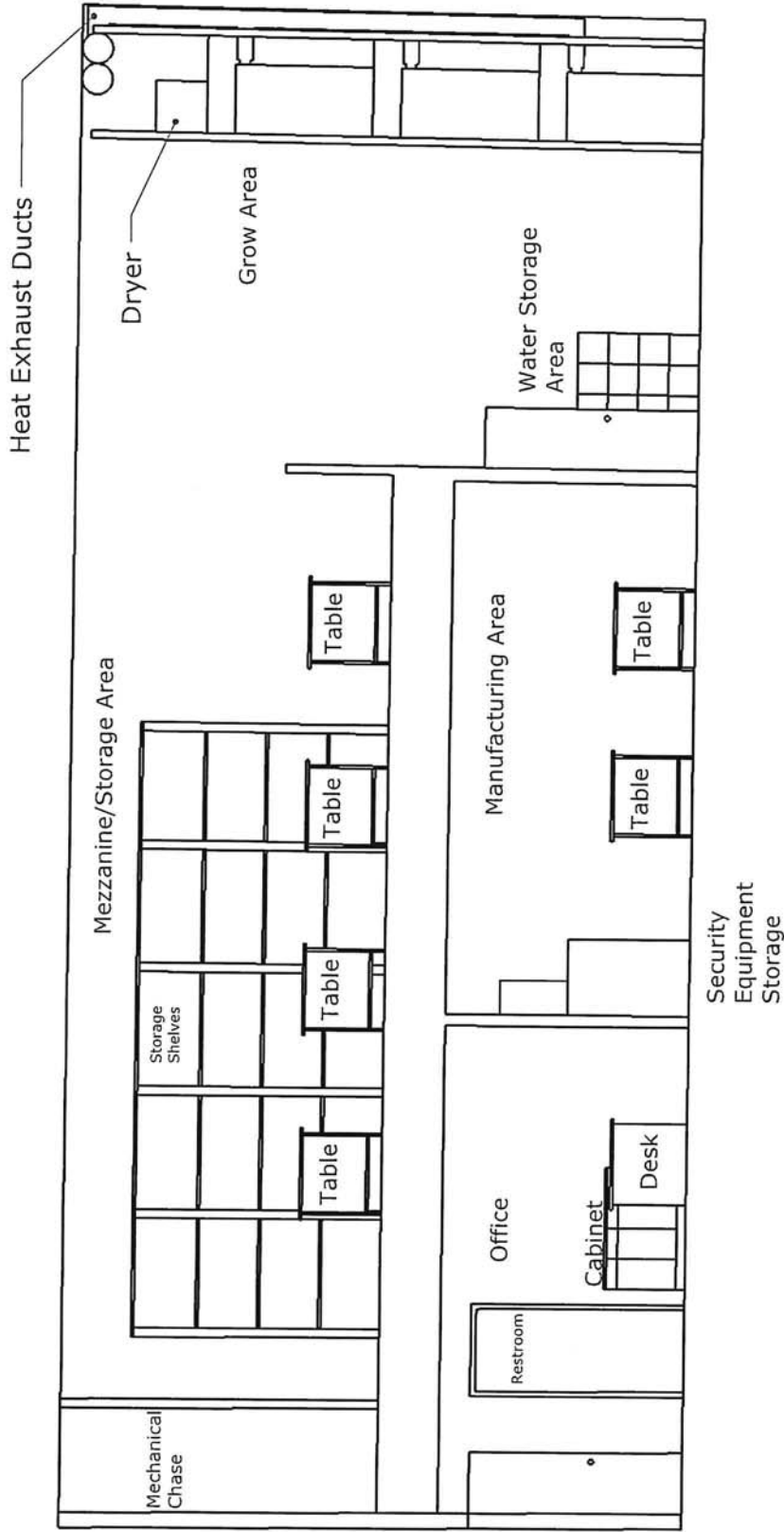
Forget Me Not



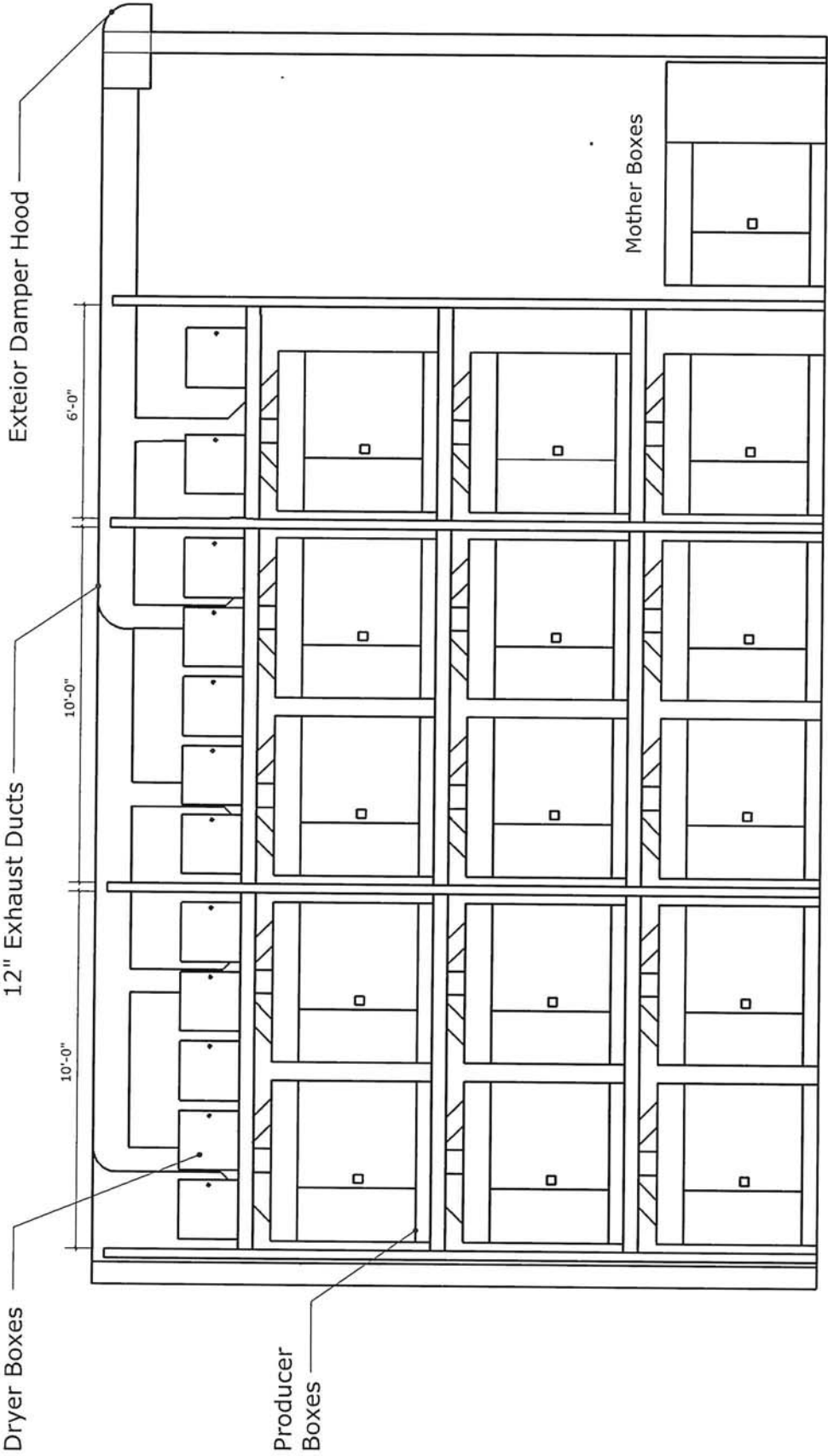
55 gallon drum for m's waste

Details 2 East Warehouse Mezzanine view - Cultivation Space alternate view

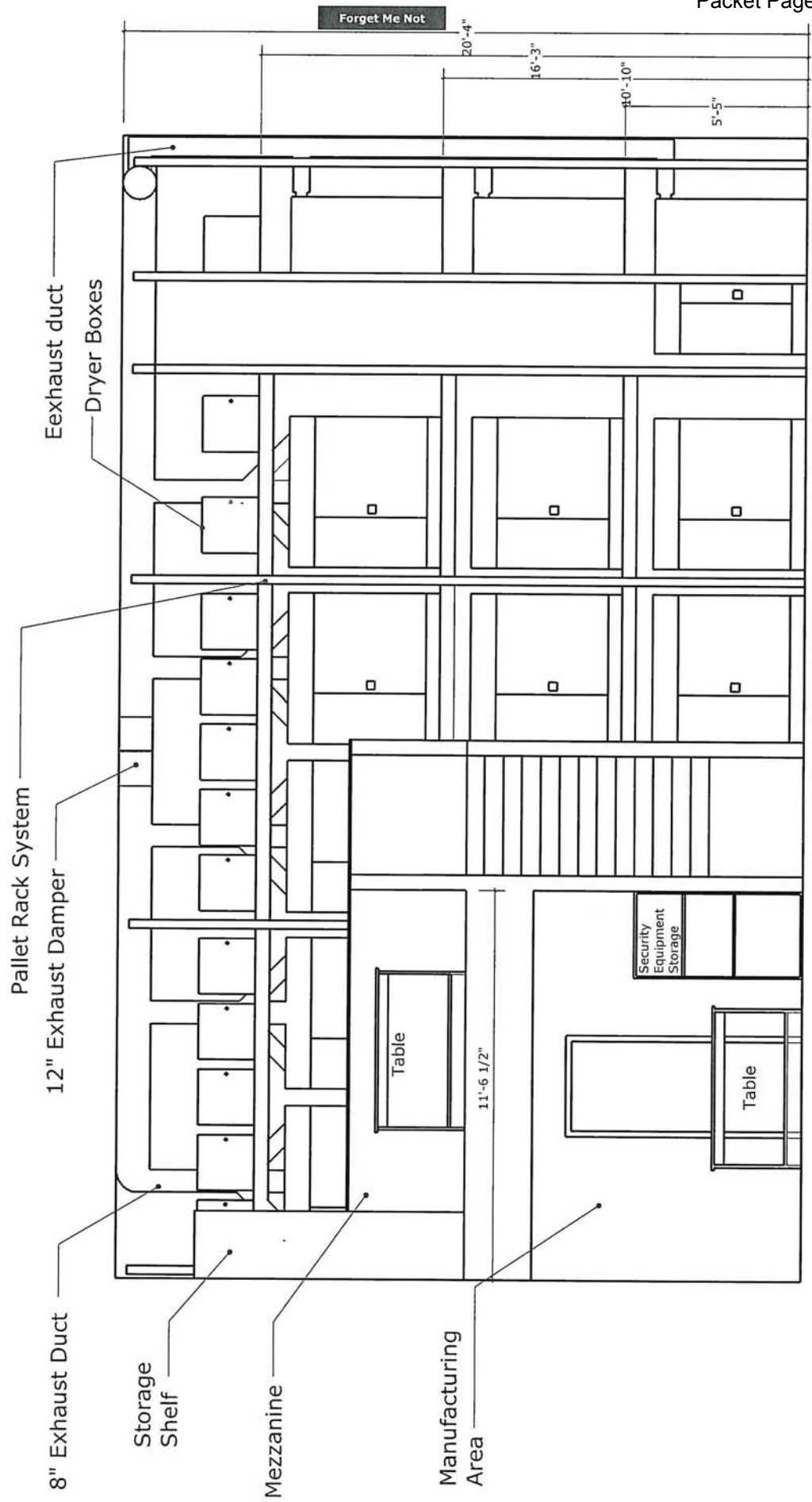
Forget Me Not



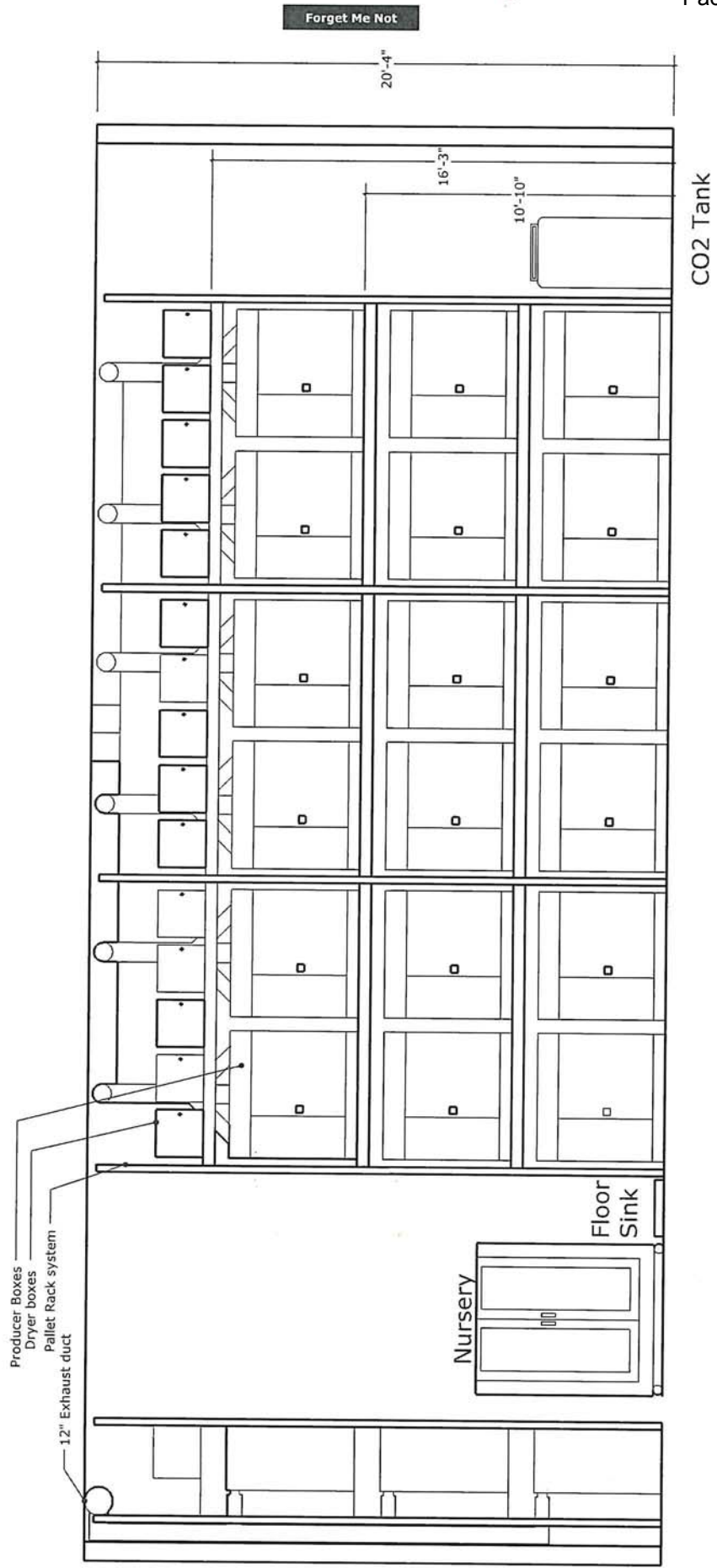
Details 3 Office/Storage/Mezzanine view - manufacturing; office AREA; since new of cultivation



Detail 5 South Warehouse Wall View Grow Area



Detail 4 Warehouse Cut View with Storage Room and Mezzanine



Detail 1 West Warehouse Wall - Close up of cultivation space





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

October 31, 2017

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	13222
License Type:	Marijuana Product Manufacturing Facility
Licensee:	ForgetMeNot Enterprises, Inc.
Doing Business As:	SOUTHEAST ESSENTIALS
Physical Address:	8505 Old Dairy Rd Suite 3 Juneau, AK 99801
Designated Licensee:	Norvin Perez
Phone Number:	907-419-0094
Email Address:	info@forgetmenotak.com

☒ **New Application** ☐ **Transfer of Ownership Application** ☐ **Onsite Consumption Endorsement**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our September 14-15, 2017 meeting.

Sincerely,

Erika McConnell

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov

Alcohol & Marijuana Control Office

Initiating License Application

5/25/2017 1:44:09 PM

License Number: 13222**License Status:** New**License Type:** Marijuana Product Manufacturing Facility**Doing Business As:** SOUTHEAST ESSENTIALS**Business License Number:** 1047537**Designated Licensee:** Norvin Perez**Email Address:** info@forgetmenotak.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.214000, -134.342000**Physical Address:** 8505 Old Dairy Rd
Suite 3
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10048969**Alaska Entity Name:** ForgetMeNot Enterprises, Inc.**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Norvin Perez**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Entity Official #2****Type:** Entity**Alaska Entity Number:** 10051717**Alaska Entity Name:** VC Enterprises, LLC**Phone Number:** 907-419-0094**Email Address:** info@forgetmenotak.com**Mailing Address:** 10672 Kenai Spur Highway
112 PMB 908
Kenai, AK 99611
UNITED STATES**Note:** No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-02: Premises Diagram**What is this form?**

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. For those applying for a limited marijuana cultivation license, the proposed area(s) for cultivation must be clearly delineated.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	ForgetMeNot Enterprises, Inc.	License Number:	13222
License Type:	Marijuana Product Manufacturing Facility		
Doing Business As:	Southeast Essentials		
Premises Address:	8505 Old Dairy Road, Suite 3		
City:	Juneau	State:	AK
		ZIP:	99801

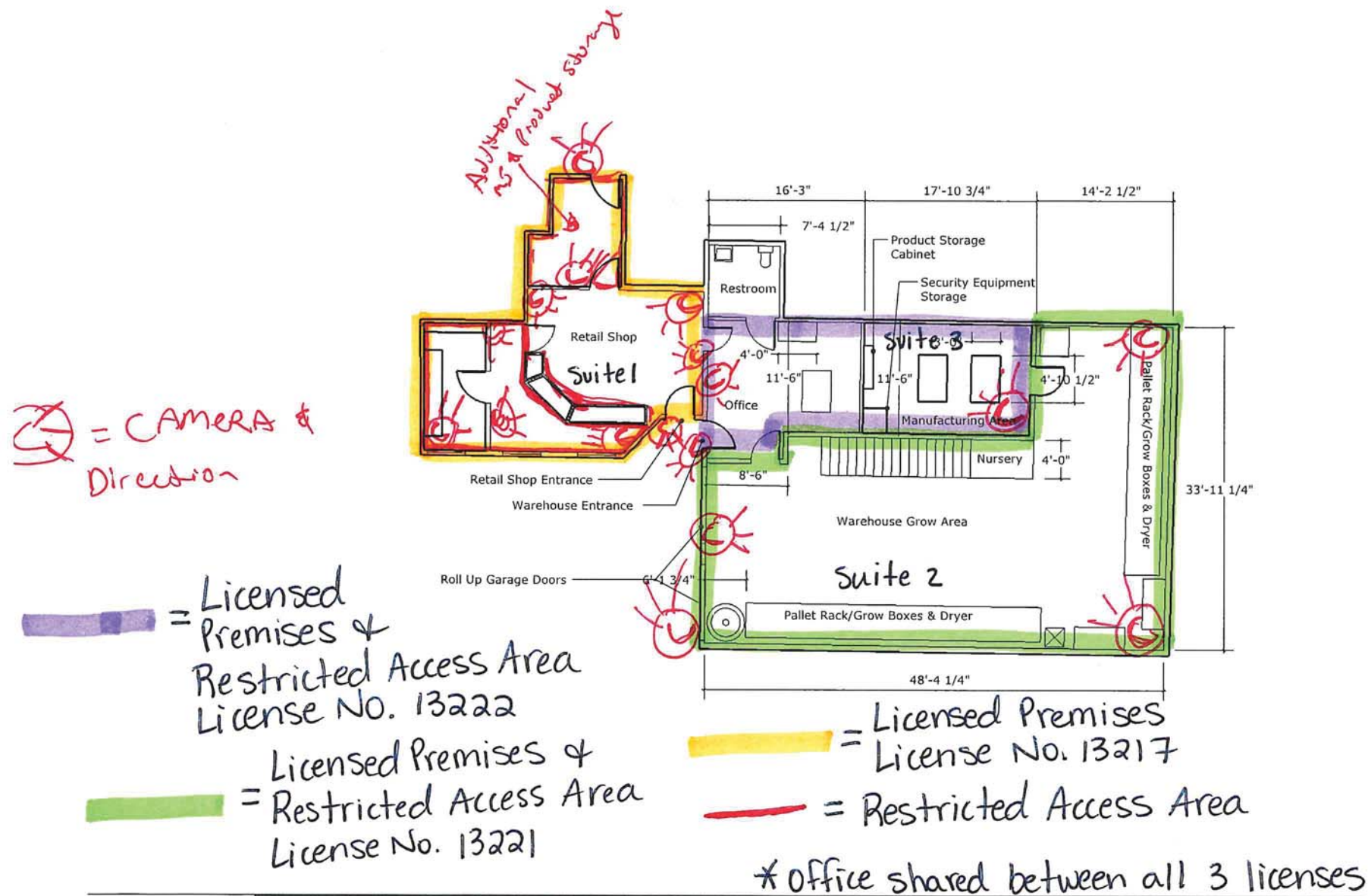


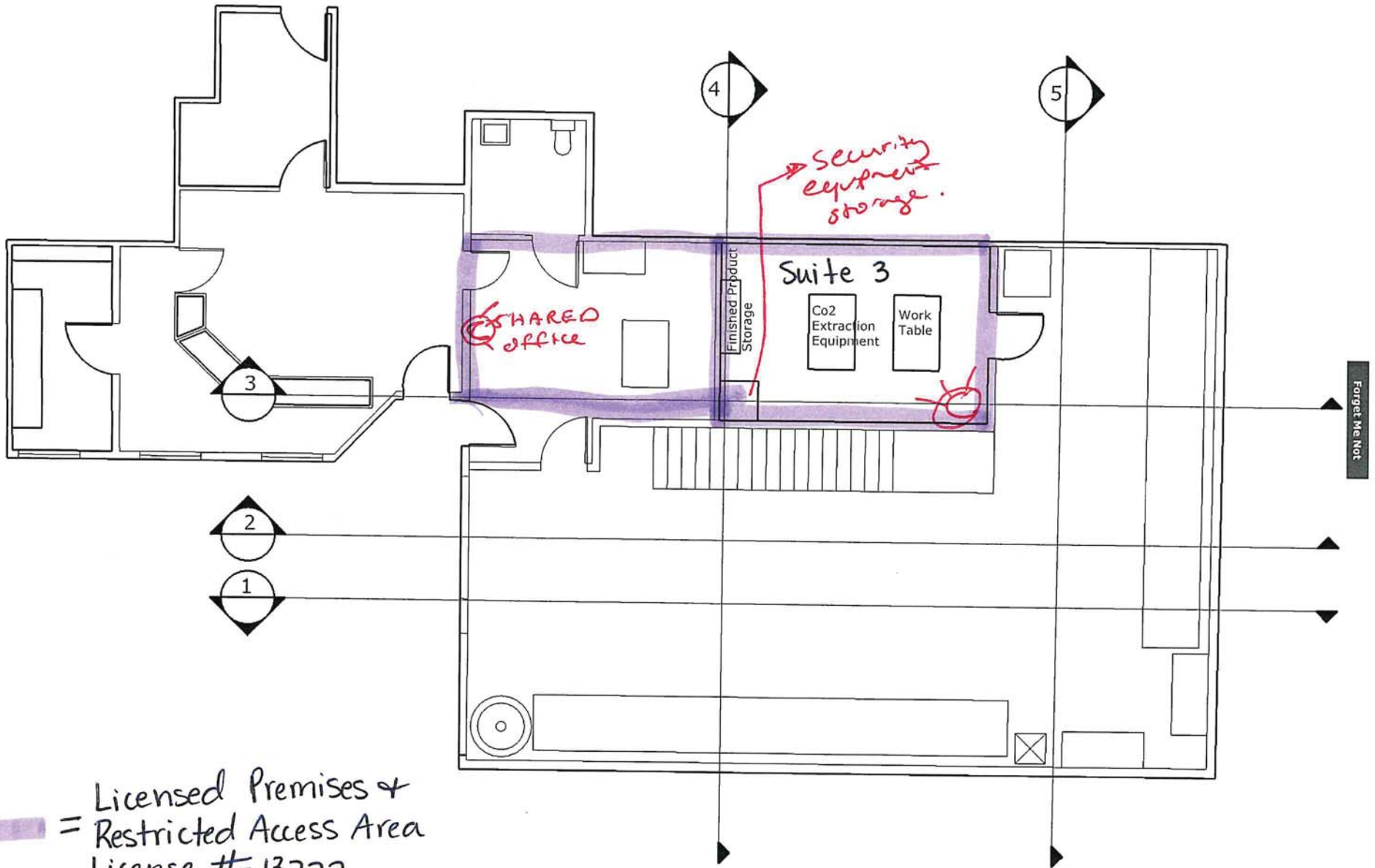
Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

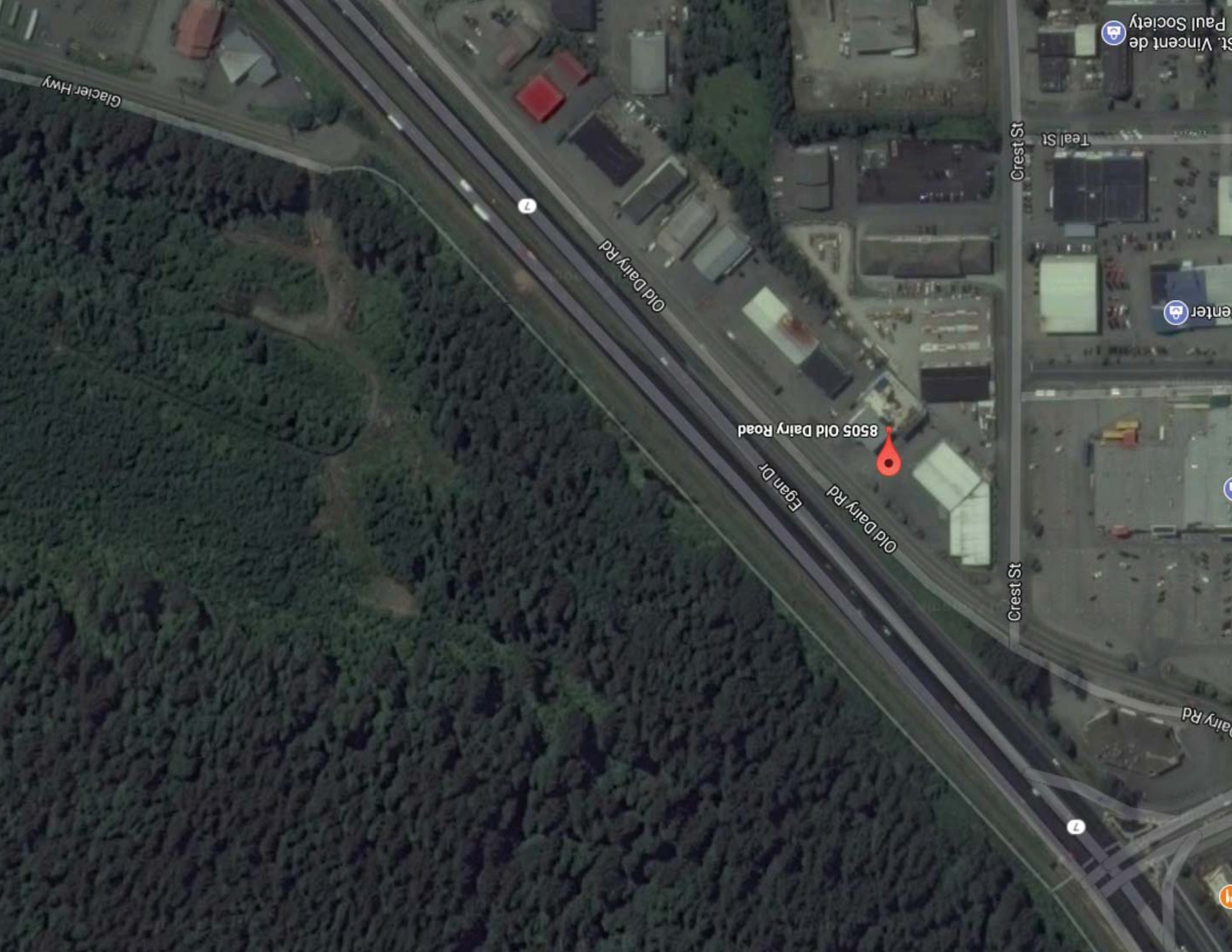
Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.





 = Licensed Premises &
 = Restricted Access Area
 License # 13222



St. Vincent de Paul Society

Center

Teal St

Crest St

Crest St

Dairy Rd

8505 Old Dairy Road

Old Dairy Rd

Egan Dr

Old Dairy Rd

Glacier Hwy



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

October 26, 2017

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

License Type:	Package Store	License Number:	828
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Thibodeaus Douglas Depot		

- ☐ **New Application**
☐ **Transfer of Ownership Application**
☒ **Transfer of Location 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,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Thibodeaus Market Inc		License #:	828	
License Type:	Package Store		Statutory Reference:	04-11.150	
Doing Business As:	Thibodeaus Liquor				
Premises Address:	no Premises				
City:	Juneau	State:	AK	ZIP:	99801
Local Governing Body:	Juneau City + Borough				

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	15490, 15516
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the new applicant and/or location seeking to be licensed.

Licensee:	Thibodeaus market Inc				
Doing Business As:	Thibodeaus Douglas Depot				
Premises Address:	1017 3 rd Street				
City:	Douglas	State:	AK	ZIP:	99824
Community Council:	Juneau				
Mailing Address:	PO Box 20290				
City:	Juneau	State:	AK	ZIP:	99802
Designated Licensee:	Pete Thibodeau				
Contact Phone:	957-7676	Business Phone:	586-3561		
Contact Email:	sbb@alaska.net				

Seasonal License? ☐ Yes ☒ No

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

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1100 Feet - Juneau Montessori School

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

250 Feet - United Methodist Church



Packet Page 150 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

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

Entity Official:	Pete Thibodeau				
Title(s):	President	Phone:	957-7676	% Owned:	70
Address:	10475 Dock St				
City:	Juneau	State:	AK	ZIP:	99801



Packet Page 151 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Entity Official:	Rosie Thibodeau				
Title(s):	VICE president	Phone:	209-4409	% Owned:	30
Address:	10475 DOCK St.				
City:	Juneau	State:	AK	ZIP:	99801

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	43194D	AK Formed Date:	12/30/88	Home State:	AK
Registered Agent:	Rosie Thibodeau	Agent's Phone:	907-209-4409		
Agent's Mailing Address:	10475 DOCK St				
City:	Juneau	State:	AK	ZIP:	99801

Residency of Agent: Alaska Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒ ☐



Packet Page 152 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒ ☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Pete + Rosie Thibodeau (All Package Stores)
Kennys Liquor - 661
Valley Liquor - 4422
Liquor Barrel - 1129
Thibodeaus Home Liquor - 521

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐ ☒

If "Yes", disclose the name of the individual and the reason for this authorization:



Packet Page 153 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

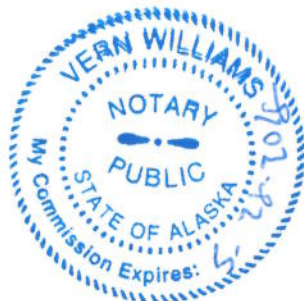


Signature of transferor

Rosie Thibodeau

Printed name of transferor

Subscribed and sworn to before me this 9 day of September, 2017.





Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5-28-2018



Signature of transferor

Pete Thibodeau

Printed name of transferor

Subscribed and sworn to before me this 12th day of September, 2017.





Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 2-9-2021



Alaska Alcoholic Beverage Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

P.T.

I certify that all proposed licensees have been listed with the Division of Corporations.

P.T.

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

P.T.

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

P.T.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

P.T.

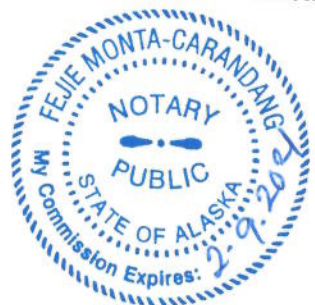
As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Pete Thibodeau

Printed name

Subscribed and sworn to before me this 12th day of September, 20 17.



Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 2-9-2021



Packet Page 155 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☒ ☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Thibodeaus market Inc	License Number:	828
License Type:	Package Store		
Doing Business As:	Thibodeaus Douglas Depot		
Premises Address:	1017 3rd Street		
City:	Douglas	State:	AK
		ZIP:	99824



Packet Page 156 of 170
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

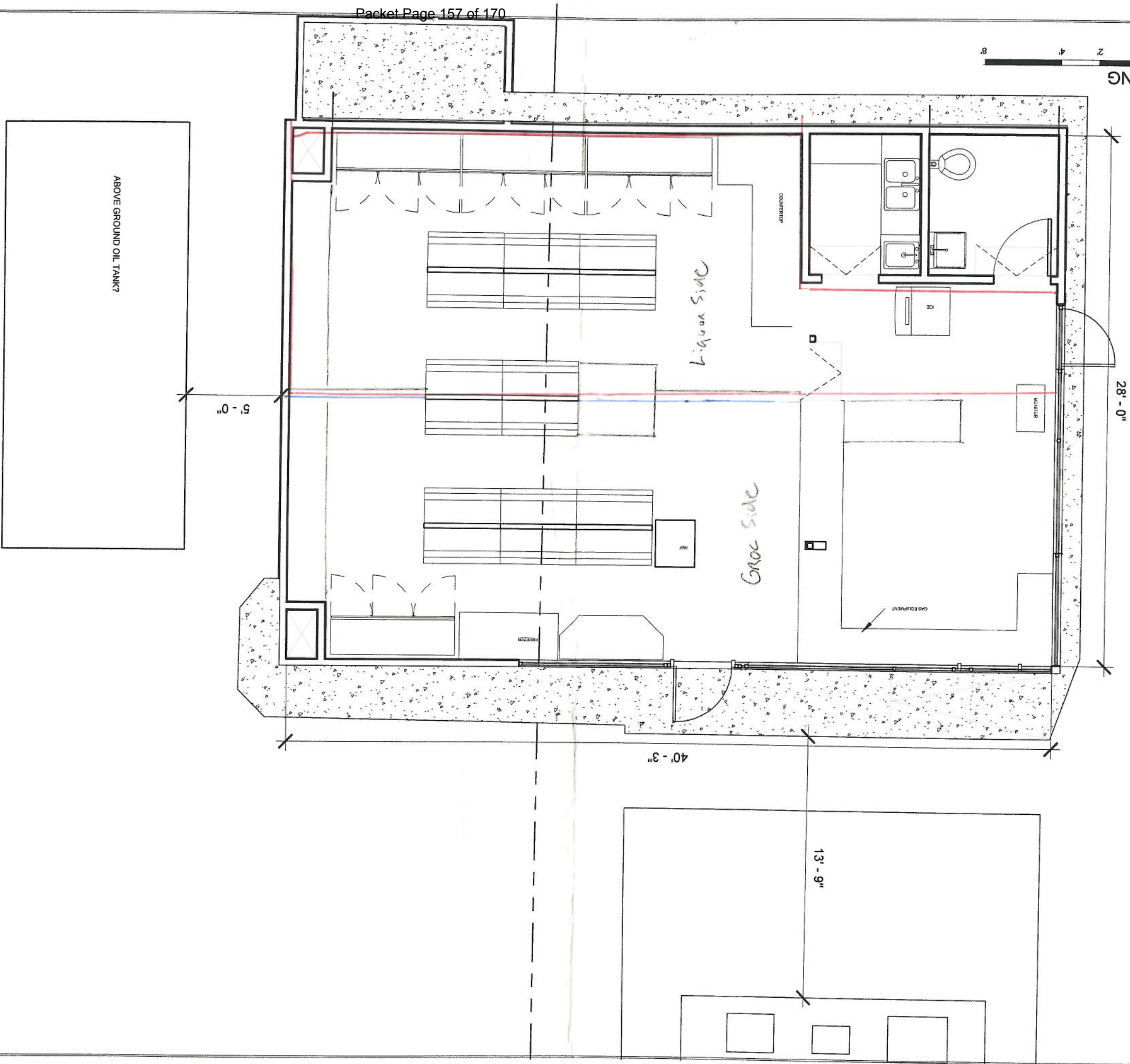
Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

see attached
Diagram -



1
FLOOR 1, EXISTING
3/16" = 1'-0"



Packet Page 157 of 170

1703

SHEET TITLE
FLOOR 1, EXISTING

DATE: 06/25/2017
DRAWN: Author
CHECKED: Checker

A100
SHEET NUMBER

CONSTRUCTION DOCUMENTS

PETE'S DOUGLAS DEPOT

for
Pete Thibodeau

atelier corbeau -
art & architecture
411 coleman street
Juneau, ak
99801





OFFICE OF THE MUNICIPAL CLERK

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

e-mail: City.Clerk@juneau.org

155 S. Seward Street, Juneau, AK 99801

December 6, 2017

Sent via certified mail, regular mail and e-mail

Pete Thibodeau
P.O. Box 20290
Juneau, AK 99802

Re: Assembly Hearing on Liquor License Transfer Application #828

Dear Mr. Thibodeau,

As we discussed on the phone, at the November 27, 2017 Assembly meeting, the action taken was to refer your liquor license transfer application to the Assembly Human Resources Committee meeting of Monday, December 18, 2017 at 6pm in the Assembly for additional review and public hearing as well the regular Assembly meeting that same evening at 7pm for additional public hearing and Assembly action.

The liquor license transfer in question is for Package Store license #828 for a transfer of ownership and premises from Thibodeau's Market Inc. d/b/a Thibodeau's Liquor with No Premises transferring to Thibodeau's Market Inc. d/b/a Thibodeau's Douglas Depot located at 1017 3rd Street, Douglas, AK 99824.

Staff from the Police, Fire, Finance, Public Works, and Community Development Departments has reviewed this license transfer and are recommending the Assembly waive its right to protest this action.

At the November 27, 2017 Assembly meeting, Mr. Robert Sewell testified under public hearing on this license requesting additional opportunity for public comment on the license application as well as concerns he had with respect to the proximity of the licensed premises to the Douglas Community United Methodist church in accordance with AS 04.11.410.

Sec. 04.11.410. Restriction of location near churches and schools. (a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

CBJ Letter to Thibodeau's Market Inc. re: License #828
December 6, 2017

Page 2 of 2

In light of the above concerns, following the November 27 meeting, I contacted our Community Development Department requesting a map as it pertains to this license and its proximity to the Douglas Community United Methodist Church. A copy of that map is attached to this letter showing that the shortest pedestrian route from the public entrance of the church building to the public entrance of the licensed premises would be 260 feet.

Also enclosed is a copy of CBJ Code 20.25.025 which sets out the conditions upon which the Assembly may protest the transfer or a liquor license as well as your right to an informal hearing before the Assembly on this matter. Your opportunity for an informal hearing before the Assembly is twofold on the evening of Monday, December 18, 2017; the first at the 6pm Assembly Human Resources Committee and the second during the Regular Assembly meeting at 7pm. Both meetings are being held in the Assembly Chambers of City Hall.

In addition to the two Assembly meetings, our office has received notice that the Douglas Advisory Board has also added this topic to its regular meeting agenda on Wednesday, December 13, 2017 at 5:30p.m. in the Douglas Library.

If you have any questions, please feel free to contact me at 907-586-0203 or send an e-mail to Beth.McEwen@juneau.org.

Sincerely,

A handwritten signature in black ink that reads "Beth McEwen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

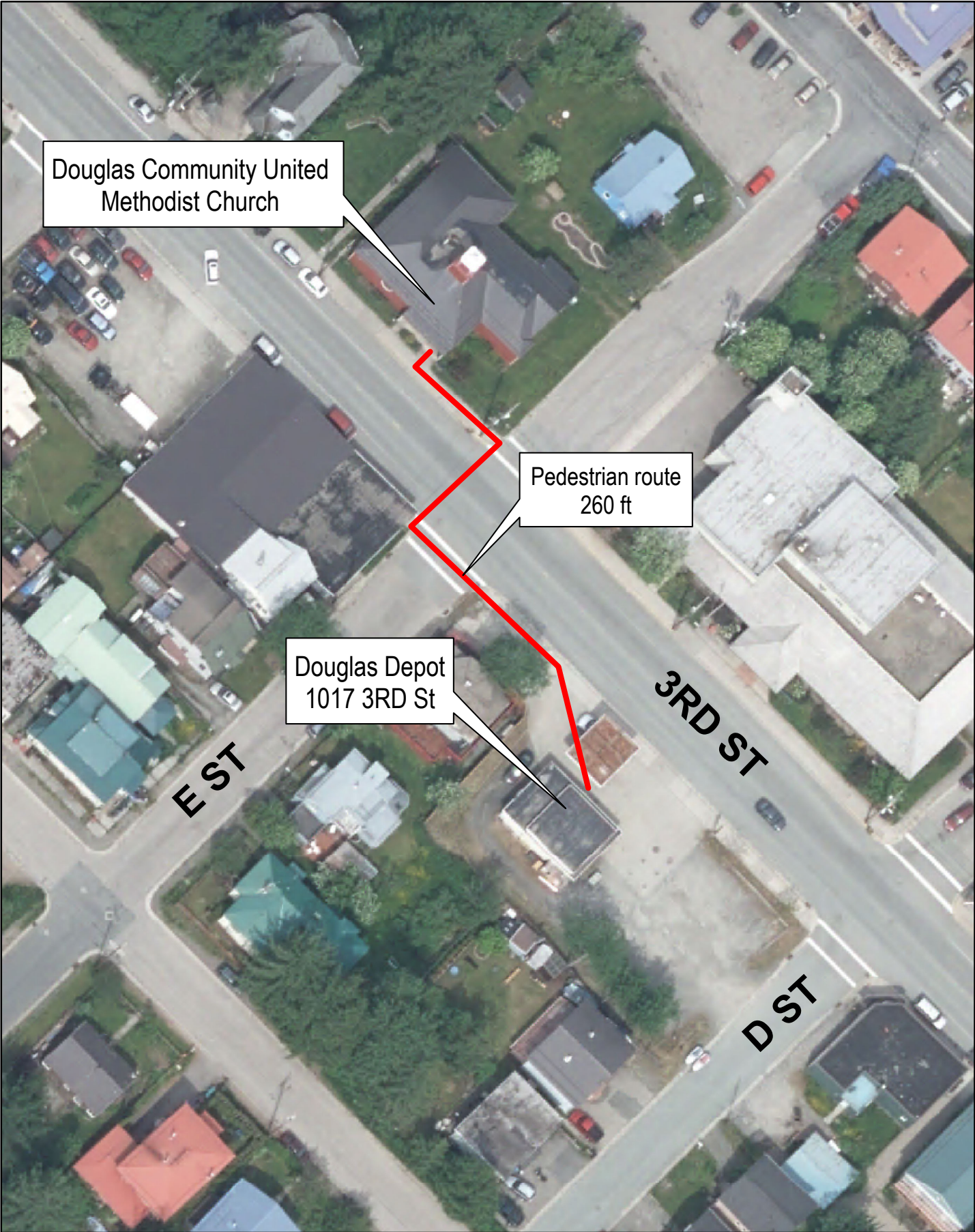
Beth McEwen, MMC
Deputy Clerk

Attachments:

Liquor License Transfer Application #828
Pedestrian Route Map
CBJ Code 20.25.025

cc via email:

Assemblymembers
Robert Sewell, Douglas Island Neighbors Association
Douglas Advisory Board
Pastor Jason Cornish, Douglas Community United Methodist Church



Douglas Community United Methodist Church

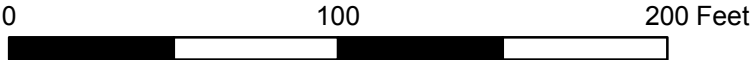
Pedestrian route
260 ft

Douglas Depot
1017 3RD St

EST

3RD ST

D ST



Imagery date: June 2013

20.25.025 - Assembly review of license issuance, renewal, transfer, or continued operation.

- (a) The assembly may protest the issuance, renewal, transfer, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:
- (1) Failure of the applicant to secure a local permit, or if the applicant is in violation of any applicable local permit;
 - (2) That the applicant has violated a provision of AS 04 or regulations adopted by the state, or a condition imposed by the alcohol control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;
 - (3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
 - (4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
 - (5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
 - (6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;
 - (7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;
 - (8) The concentration of other marijuana establishment or alcohol licenses in the area;
 - (9) Any factor identified by state statute or regulation as appropriate grounds for a protest;
 - (10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.
- (b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail

to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002; Serial No. 2016-22(am), § 3, 8-22-2016.)

State Law reference— Assembly protest, AS 04.11.480.

December 13, 2017

To: Mayor Koelsch and Assembly Members

From: Douglas Advisory Board

RE: Transfer Application #828

At our December 13th, 2017 meeting Pete Thibodeau presented plans for the operation of Thibodeau's Douglas Depot, located at 1017 3rd Street, Douglas.

Mr. Thibodeau has fulfilled all State and CBJ requirements for the transfer of the license. His plans to improve the building and the dispensing of fuel are welcomed. The services he will provide and the job opportunities for the community of Douglas have our support.

We look forward to this venture and the convenience it will provide to our residents. We thank the Thibodeau family for investing in the Douglas community.

The Douglas Advisory Board respectfully requests that the Assembly grant this application.

Sincerely,

Arnold Liebelt, Chair



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202

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

email: city.clerk@juneau.org

Notice of Appeal

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

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

Action Being Appealed

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

- ☐ Agency Appealed From:
Planning Commission

- ☐ Description and Date of Decision:
A Conditional Use Permit for a Marijuana Cultivation facility - USE2017 0022 (November 3, 2017 - date filed with clerk).

Concerned Parties

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

- | | | | | |
|---|--|---------------------|---------------------|----------------------------------|
| ☐ Party Filing Appeal | Mailing Address | Telephone | Fax | Email |
| Granite Mountain Properties Limited Liability Company, by and through Simpson, Tillinghast, Sorensen, P.C. | One Sealaska Plaza Suite 300 Juneau, AK 99801 | 907-586-1400 | 907-586 3065 | taraujo@stsl.com |
| ☐ Parties Who Won the Decision Appealed | Mailing Address | Telephone | Fax | Email |
| Always Redeye LLC | P.O. Box 240588 Douglas, AK 99824 | 907-957-3877 | N/A | alwaysredeyellc@gmail.com |

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

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

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

1 2 (part), 1992).

-over-

2016 - Appeal Form
Page 2 of 2

Issues on Appeal²

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

The proposed marijuana cultivation facility will substantially decrease the value of property in the neighboring area, including that of the appellant, and therefore the Commission should have denied the permit pursuant to CBJ Sections 49.15.330(d)(5)(B) and (f)(2), and the Commission lacked substantial evidence to conclude otherwise. In addition, the Commission's decision was not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made.

Relief Requested

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

The decision of the planning commission should be overturned and the conditional use permit should be denied.

Todd J. Araujo

Signature

November 22, 2017

Date

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

2 01.50.030(b)(5) COMMENCEMENT OF ACTION.

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

-over-



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: October 26, 2017
 File No.: USE2017 0022

Always Redeye LLC
 ATTN: Casey Wilkins
 PO Box 240588
 Juneau, AK 99802

Proposal: A Conditional Use Permit for a Marijuana Cultivation Facility
 Property Address: 2001 Anka Street
 Legal Description: Lot 16, RSH III
 Parcel Code No.: 5B1201330160
 Hearing Date: October 24, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 12, 2017 and approved the marijuana cultivation facility to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure.

Attachments: October 12, 2017 memorandum from Chrissy McNally, Community Development Department, to the CBJ Planning Commission regarding USE2017 0022.

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

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

Always Redeye LLC
 File No.: USE2016 0022
 October 26, 2017
 Page 2 of 2

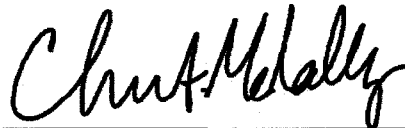
Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, October 24, 2017.

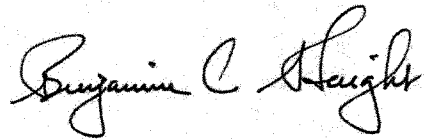
Expiration Date: The permit will expire 18 months after the effective date, or April 24, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:



Chrissy McNally, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With City Clerk

November 3, 2017

Date

cc: Plan Review

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

CITY AND BOROUGH OF JUNEAU, ALASKA

GRANITE MOUNTAIN
PROPERTIES LIMITED LIABILITY
COMPANY

Appellants.

CUP No. USE2017 0022

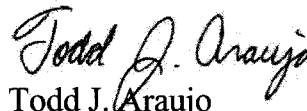
ENTRY OF APPEARANCE

Todd Araujo, of the law firm of Simpson, Tillinghast, Sorensen & Sheehan, P.C., One Sealaska Plaza, Suite 300, Juneau, Alaska 99801, hereby enters his appearance on behalf of the Appellants, Granite Mountain Properties Limited Liability Company, in the above-captioned matter. All notices, motions, and pleadings should be sent to this law firm's address and to the attention of the undersigned attorney.

DATED this 22nd day of November, 2017.

SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.
Attorneys for Granite Mtn.

By



Todd J. Araujo
taraujo@stsl.com
ABA No. 0806040

SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.
One Sealaska Plaza, Suite 300
Juneau, Alaska 99801
Phone: (907) 586-1400 Fax: (907) 586-3065

CITY AND BOROUGH OF JUNEAU

Packet Page 169 of 170

Treasury Division

155 South Seward
Juneau, AK 99801
(907) 586-5218

044338

DATE

11/22/17

RECEIPT NUMBER

REC'D

FROM: NAME

Granite Mountain Properties LLC

ADDRESS

Box 34316

CITY

Juneau

STATE

AK

ZIP

99803

DESCRIPTION

ARS ☐BUS
TAX ☐REA
TAX ☐POLICE
CIT ☐SALES
TAX ☐HBR ☐UTL ☐G/L ☐

OTHER

Appeal Filing Fee

CODE	AMOUNT
110030101.4420.0009	500.00

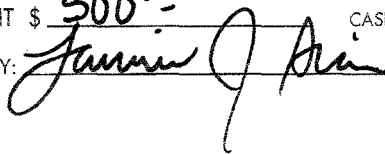
RECEIVED

CREDIT CARD ☐

AMOUNT \$

500⁰⁰CASH ☐CHECK ☒

REC'D BY:



TREA CASH 10/88

GRANITE MOUNTAIN PROPERTIES, LLC / GENERAL ACCOUNT

30376

City & Borough of Juneau		11/22/2017		
Date	Type	Reference	Original Amt.	Balance Due
11/22/2017	Bill		500.00	500.00
				Discount
				Payment
				500.00
				Check Amount
				500.00

FNBA - General Acco CUP No. USE2017 0022

500.00



Engineering & Public Works Department

155 South Seward Street

Juneau, Alaska 99801

Phone: 907-586-0800 | Fax: 907-463-2606

DATE: December 18, 2017

TO: Mayor Ken Koelsch, Chair
Assembly

FROM: Michele Elfers, Chief Landscape Architect and RecycleWorks Manager

SUBJECT: Authorization to Negotiate Land Sale to the Alaskan Brewing Company

At the Committee of the Whole meeting on November 13 a motion passed to authorize the manager to negotiate the sale of four lots in Lemon Creek with the Alaskan Brewing Company. Per 53.09.260 – Negotiated sales, leases, and exchanges, the Assembly shall review proposals to purchase City and Borough land and determine whether it should be “further considered and, if so, whether by direct negotiation with the original proposer or by competition.... Upon direction of the assembly by motion, the manager may commence negotiations....”

The Planning Commission will hear the proposal at the January 23, 2018 Planning Commission meeting.

Recommendation

Staff recommends a motion to direct the City Manager to commence negotiations for the sale of SSG Subdivision Lots 4 & 5 and SSG Subdivision Phase IV Lots 41 & 42 to the Alaskan Brewing Company.