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

July 31, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-16

Submitted By:

_____
Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

A. **June 26, 2017 Regular Meeting No. 2017-15**

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 2017-18 An Ordinance Amending the Penal Code**

This ordinance aligns the CBJ penal code with state statutes and adds penalty provisions. An annotated version of this ordinance, which explained each amendment, was presented to the Committee of the Whole on July 12, 2017. The Committee of the Whole approved a motion to forwarding the ordinance to the assembly for introduction.

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

b. **Ordinance 2017-21 An Ordinance Amending the Discharging Firearms Ordinance.**

This ordinance would amend the code section prohibiting the discharging of firearms in certain areas to remove an incorrect geographic reference. CBJ 42.20.050 prohibits the discharge of firearms within a quarter mile of the Mount Roberts Trail. In describing the trail, the code specifically identifies the trailhead as beginning at Sixth Street. Although that trailhead still exists and is still in use, the official trailhead is now at Basin Road. Eliminating the specific reference to Sixth Street would result in both trailheads being recognized for purposes of CBJ 42.20.050.
At the April 3, 2017, meeting, an Assembly member questioned the reference to Sixth Street and asked staff to look into the question. This ordinance is a result of that inquiry.

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

c. **Ordinance 2017-22 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2018, and Providing for a Ballot Question Ratifying the Levy.**

This ordinance would place the question of extending the 1% temporary sales tax on the ballot at the next regular municipal election. The current 1% temporary sales tax expires on September 30, 2018. If approved, the temporary 1% tax would be extended five years, until September 30, 2023.

It is estimated that the temporary tax would generate a total of $43.3 million in sales tax revenue. It is intended that this revenue be used for a variety of capital projects focused on addressing deferred maintenance needs of public utilities and facilities. These projects would improve the condition of city owned assets, thereby helping to hold down operating costs and allowing for smaller utility rate increases moving forward. The earmarked projects include the following:

- Wastewater: infrastructure maintenance and improvements
- CBJ-owned building maintenance
- Water: infrastructure maintenance and improvements
- Airport: matching funds for federally funded projects
- Augustus Brown Pool deferred maintenance
- Centennial Hall upgrades and deferred maintenance
- Schools: major building maintenance
- Bartlett Regional Hospital: Rainforest Recovery

Center upgrades
- Information Technology: infrastructure upgrades
- RecycleWorks: Wastewater diversion program
- Affordable Housing Fund
- Park deferred maintenance
- Aurora Harbor reconstruction

This issue was reviewed by the Assembly Finance Committee at its meetings on June 14, June 28, and July 13, 2017. The Finance Committee recommended the ordinance be brought to the full Assembly for consideration.

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

d. **Ordinance 2017-24 An Ordinance Increasing the Hotel-Motel Room Rental Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.**

This ordinance would place the question of increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would generate an estimated additional $400,000 per year in revenue. The intent is to use the funding initially for renovations to the Juneau Arts and Cultural Center, and then for improvements to Centennial Hall, the CBJ's parking infrastructure, visitor information and marketing services, and other tourism and visitor services and facilities.

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

2. Resolutions

a. **Resolution 2800 A Resolution Naming the Site of the Whale Sculpture, Located on the Tidelands at West Ninth Street, the "Mayor Bill Overstreet Park."**

This resolution would name the area located around the whale sculpture as "Mayor Bill Overstreet Park". Bill Overstreet served as mayor of Juneau for three terms in the 1970s and 80s. Among many other good deeds and significant professional and volunteer achievements, Bill was instrumental in defeating the capital move vote in the critical 1982 election.

After serving as mayor of Juneau, Governor Bill Sheffield tapped him to be Alaska's trade representative in Tokyo. While living there, Overstreet

saw a full-scale humpback whale sculpture at the Tokyo Museum of Natural History and Science, which inspired him to undertake efforts to have a similar sculpture placed on Juneau's waterfront.

Because of his tireless efforts on behalf of Juneau, it is appropriate to honor Mayor Overstreet by naming the park in his memory.

A motion recommending the park be named for Mayor Overstreet was approved by the Parks and Recreation Advisory Committee at its June 6, 2017, meeting. The Lands Committee considered the resolution at its July 10, 2017, meeting and approved a motion to forward it to the full Assembly for its consideration.

The City Manager recommends this resolution be adopted.

3. Bid Award

   a. **Mendenhall Wastewater Treatment Plant Biosolids Dryer Facility BE17-133**

   The project consists of the demolition of the existing ABF building and construction of a new ~18,734 GSF metal-clad CMU building atop the existing foundations.

   Bids were opened on the subject project on July 11, 2017. The bid protest period expired at 4:30 p.m. on July 12, 2017. Results of the bid opening were as follows:

Responsive Bidders	Base Bid	Additive Alternative No. 1	Additive Alternative No. 2	Additive Alternative No. 3	TOTAL BID
Dawson Construction, LLC	$15,414,000	$546,000	$25,000	$55,000	$16,040,000
Alaska Commercial Contractors	$16,525,000	$540,000	$29,750	$37,000	$17,131,750
Engineer's Estimate	$14,217,000	$525,000	$24,000	$34,000	$14,800,000

The City Manager recommends award of this project to Dawson Construction, LLC for the total amount bid of $16,040,000.

4. Liquor License

a. **Liquor License #4493 - Renewal Kwang LLC dba Little Tokyo**

The above liquor license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code.

In the event the Assembly does protest this renewal, 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 its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Saturday, August 12.

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

b. **Liquor License #4584 - Transfer From Doug Trucano d/b/a Zephyr (No Premises) to Genuine Ventures LLC d/b/a Tracy's King Crab Shack (Juneau Subport Location) and an Application for a Restaurant Designation Permit**

The above liquor license transfer is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed the above transfer and found the business to be in compliance with CBJ Code.

In the event the Assembly does protest this transfer, 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 its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Monday, August 21.

The City Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the application for a Restaurant Designation Permit.

c. **Liquor License #4742 - Transfer From Wal-Mart Stores, Inc. to Glacier Hwy LLC**

The above liquor license transfer is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed the above transfer and found the business to be in compliance with CBJ Code.

In the event the Assembly does protest this transfer, 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 its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Saturday, August 12.

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

VIIIPUBLIC HEARING

A. **Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of $1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.**

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

The City Manager recommends this appropriation ordinance be adopted.

B. **Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.**

This ordinance appropriates $16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum through donations made for this purpose by the Benito & Frances C. Gaguine Foundation, Michelle & Robert Storer, Alison E. Browne, and the Friends of the Juneau-Douglas City Museum. These funds were raised to increase hours of operations at the museum. The funds will allow an increase in museum staffing from 0.75 FTE to 1.00 FTE for FY18. The grant fully funds salaries and benefits for this increase; there is no impact to support from the general fund.

The City Manager recommends this ordinance be adopted.

C. **Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of $15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.**

This ordinance appropriates $15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Big Read broadens our understanding of our world, our communities, and ourselves through the joy of sharing a good book.

Grant funding is provided by Arts Midwest. This federally funded grant is contingent upon funds to be received by Arts Midwest from the National Endowment for the Arts: CFDA (Catalog of Federal Domestic Assistance) #45.024.

This program has a dollar-for-dollar matching requirment and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

The City Manager recommends this ordinance be adopted.

D. **Ordinance 2017-14(b) An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.**

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment, and services. The CBJ Charter states that all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.
This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017, and June 12, 2017. The committee approved moving it forward to the full assembly. The Committee of the Whole considered the ordinance at its July 12, 2017, meeting, also approving a motion to forward the ordinance to the full assembly..

Version (b) of the ordinance makes one small change (shown in underlined italics) to the proposition language in Section 4. This change, recommended by the Clerk, is intended to make the proposition question clearer to the voters.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2017-17(b) An Ordinance Amending the General Provisions Code**

to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance would create that procedural process.

The Committee of the Whole considered the ordinance at its July 12, 2017, meeting and recommended it be forwarded on to public hearing, with one small change to correct a typographical error in 01.70.080(d)(3), shown in underlined italics.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. **Docks & Harbors Regulation Amending Fees for Commercial Use of Boat Launches 05 CBJAC 20**

As part of the Docks & Harbors comprehensive fee review process, the Board proposes adding a daily commercial use fee for boat launches. The existing regulation requires commercial haulers to secure an annual permit fee of $250 per trailer. This new regulation would allow commercial haulers to purchase a daily permit fee for $30. This regulation would align the options similar to the recreational boat launch fees which provides for an annual or daily fee, currently $90 and $15 respectively.
These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations allowing a daily commercial use permit for boat launches.

B. **Docks & Harbors Regulation Amending Shorepower Access Fees 05 CBJAC 30**

As part of the Docks & Harbors comprehensive fee review process, the Board proposes changes to the daily shorepower access fee. These fees have not been adjusted since 2005 and are imposed on vessels that do not have metered accounts with the local electrical utility. This fee is typically assessed to visiting, transient vessels. The proposed rates were calculated by assuming 80% of the stated

amperage load for a 24 hour period. The Board also reviewed the fees for summer monthly and fees for winter monthly, including live aboard electrical fees. The Board is recommending no changes to the monthly fees.
These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations pertaining daily shorepower access fees.

C. **Docks & Harbors Regulation Adding Wastewater Discharge - Marine Sanitation Devices / Requirements 05 CBJAC 45**

Three new regulations collectively work to prohibit the discharge of raw sewage into the Juneau harbors. Although the federal Clean Water Act under 33 CFR Section 312 provides the statutory framework under which the EPA and the U.S. Coast Guard regulate sewage discharges from vessels, there are no local laws requiring the same within the harbors. To achieve Docks & Harbors' goal of attaining Alaska Clean Harbors recognition, the local governing body is required to establish regulations strictly prohibiting sewage discharge.
05 CBJAC 45.005 (Wastewater discharge) defines wastewater, provides a non-monetary penalty, and issues guidance to approved discharge methods. 05 CBJAC 45.010 (Marine Sanitation Devices) provides technical definition of the three types of Marine Sanitarian Devices certified by the Coast Guard for use aboard vessels. 05 CBJAC 45.015 (Marine sanitation requirements for vessels) requires that vessels in the harbors which have permanently installed toilet facilities must be compliant with Coast Guard certified Marine Sanitation Devices. Vessels in the harbors with portable toilets are not considered permanently installed and are exempt from this regulation. However, live aboard vessels registered with Docks & Harbors must be equipped with an operable Marine Sanitation Device.
These proposed regulations were advertised consistent with CBJ code and a public hearing at the July 27, 2017, Docks & Harbors Board. There were no comments received.

The City Manager recommends the Assembly adopt the regulations pertaining to wastewater discharge, marine sanitation devices and marine sanitation requirements.

D. **SEAL Trust v CBJ Assessor 2017 - Notice of Appeal**

On June 16, 2017, the CBJ Assessor denied a request from the Southeast Alaska Land Trust for charitable use exemption status for 14 properties. On July 14, 2017, an appeal of the Assessor'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.

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

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

E. **Approval of the Supplemental Agreement for the Pump Room and Restroom Construction under contract E16-128, Seawalk Bridge to Gold Creek, Phase III**

The Supplemental Agreement will increase the Seawalk Bridge to Gold Creek, Phase III contract by $1,264,470 or 43% of the original contract award amount. CBJ Code 53.50.040 allows for supplemental agreements on existing contracts and requires Assembly approval, if the amount is greater than $250,000, and a public interest finding. The public interest finding shows that cost savings will be realized in construction, contract administration, operations and maintenance costs. Additional benefits include accelerating the construction timeline to allow for the project to be constructed in the fall and winter with a spring opening of the park, restroom and fountain.

The Assembly Public Works and Facilities Committee reviewed this request on July 13, 2017 and forwarded it to the Assembly for adoption.

The City Manager recommends the Supplemental Agreement be approved.

F. **ADOT Request to Purchase CBJ Property**

The Alaska Department of Transportation and Public Facilities (ADOT) has requested to purchase a 507 square foot fraction of Lot 3, USS 3566 which is across Egan Drive from Centennial Hall. The Division of Lands & Resources received an application from ADOT to acquire the property from the City as part of the Egan Drive reconstruction project between 10th Street and Seward Street. ADOT has requested a series of easements along the reconstruction path, but since this property is 507 square feet, of which a majority will be incorporated as ROW, ADOT has requested to purchase this parcel. *Title 53.09.260(a) – Negotiated Sales, Leases and Exchanges* states that "the proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations…" If supported by assembly motion, the

proposal will go before the Lands Committee for discussion and will return to the Assembly for adoption by Ordinance.

The City Manager requests a motion of support to further consider this disposal with the original proposer, the Alaska Department of Transportation and Public Facilities.

G. **CSP2017 0006 - Notice of Recommendation from Planning Commission re: Auke Bay Statter Harbor Improvements**

XI. STAFF REPORTS

A. **Borough Annexation**

XII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee and Liaison Reports

C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

A. **Executive Session: CLIA**

XVI. ADJOURNMENT

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 26, 2017

MEETING NO. 2017-15: 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

Mayor Koelsch requested that Masoud Abdi lead the flag salute.

II. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (telephonic), Beth Weldon and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Gary Gillette, Port Engineer; Greg Chaney, Lands and Resources Manager; Rob Steedle, Community Development Department Director; Bob Bartholomew, Finance Director; Dave Borg, Harbormaster; Jill Maclean, Senior Planner; Beth McKibben, Planning Manager, every firefighter...

III. SPECIAL ORDER OF BUSINESS

A. Recognition: Masoud Abdi's Citizenship

Mayor Koelsch welcomed Masoud Abdi as a new American and said he was very proud of him. He said the test was difficult and Travis Mead, Captain from Capital City Fire and Rescue, had helped Mr. Abdi study.

Mr. Mead said that Mr. Abdi volunteered for CCFR soon after he arrived in Juneau and they became friends. Mr. Abdi has become top of his class in training, was hired with CCFR and he was happy that Mr. Abdi had chosen to become a US citizen, a Juneau resident and a firefighter.

Mr. Abdi thanked the Mayor and Assembly for the honor and said his actions did not deserve recognition, but the idea of the American dream, that if you want something and are willing to work for it, it can happen, is true. He introduced his mother and sister and thanked his fellow employees at CCFR for being his second family.

IV. APPROVAL OF MINUTES

A. June 5, 2017 Regular Assembly Meeting 2017-13

Hearing no objection, the minutes of the June 5, 2017 Regular Assembly Meeting 2017-13 were approved.

B. June 7, 2017 Special Assembly Meeting 2017-14

Hearing no objection, the minutes of the June 7, 2017Special Assembly Meeting 2017-14 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle displayed a poster for his pedicab business called "Express Pedicab." He is not currently in business. He said he needs to be able to work at night and during the winter and it was not too dangerous for him to operate under those conditions. He would like to be able to stop turning down rides.

Deborah Craig spoke about the water issues in Flint, Michigan and the history of the events that lead to the toxic water situation. She said public officials must prioritize the health, safety and welfare of the citizens of the community. She said that the issues of public concern over mining in the community need to be addressed by all of the members of the Assembly.

Elaine Schroeder asked that Mayor Koelsch join other Mayors who have joined the Paris Climate Accord. CCTHITA recently joined with other Native nations to join the Paris accord. Local and state governments must Mayors climate agreement.

Dick Farnell spoke for the 350 Juneau group and said that Nicaragua and Syria were the only countries which did not sign - even North Korea signed the Paris Accord. Supporting the Accord is about maintaining the cohesiveness that holds the world together.

Doug Woodby said he was concerned about the economic future of Juneau and about climate change. Ignoring climate change will have lasting effects and he spoke about the impacts. He encouraged the Assembly to join the Climate Mayor's Network.

Jennifer Johnson encouraged Mayor Koelsch to join the Climate Mayor's Network. She said that children are the most vulnerable and doing what we can now will ensure a safe and healthy future for them.

Mike Tobin said he is a retired emergency doctor and he encouraged Mayor Koelsch to join the Mayor's Climate Network. Juneau is a science town and many scientists live here and have contributed to the work on climate change. Juneau is also a fishing town and warmer ocean temperatures are affecting salmon and other fish and shellfish. Juneau

is an Alaskan town and Alaska is experiencing the affects of warming more significantly than many other states. The science is abundant and clear and this is an opportunity to lead.

Andrew Heist spoke about a sales agreement for land at 2nd and Franklin to Eagle Rock Ventures and said he had concern about the design and the parking that are proposed. He said this would be a high density boarding house in the heart of the downtown business district. He was not sure this is the best use of the space and asked the city manager to delay signing the agreement until more information can be made available on the project.

Joannie Waller spoke about the sale of the 2nd and Franklin Street property. The Assembly gave the manager the authority to sign an agreement. She asked the Assembly to authorize the manager to extend the date to sign the agreement. This project as proposed is maxing out every boundary set in code and is three times larger than what was originally proposed. We live in the mixed-use zone and will deal with an overly dense and under provided for parking in this project.

Sandy Harris spoke about the sale of the 2nd and Franklin Street property. She said it was a mistake to assume that few residents would have vehicles. The proposal was for 130 single residency units and only provided for 7 parking space. Providing shared kitchens lend to interpersonal conflicts. She asked that the signing of the agreement be postponed.

Dennis Harris spoke about the problem with transportation network companies. He owns a limousine. He has heard that UBER does not want to collect sales tax on behalf of their drivers. The bill passed has an option for the city to keep transportation networks out of Juneau by adopting an ordinance and asking the voters if they want to keep this business out of Juneau. He also said the Eagle Rock Venture would be an "instant Bergmann." He supported Mayor's climate agreement.

Marlene Johnson spoke about her sister's estate in Aurora Arms, which was built in 1972. In 1987 the zoning changed and this resulted in difficulties financing the sales and purchase of these units. Sales currently need to be cash sales as the banks won't lend on these units and she asked the Assembly for relief regarding the zoning issues on the property.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2017-14 An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment and services. The CBJ Charter states that all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.

The State of Alaska, the Municipality of Anchorage, and the City of Ketchikan all currently have this flexibility in their procurement code. There are times when the ability to use alternate procurement methods would save the CBJ considerable amounts of time and money.

This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017 and June 12, 2017 and forwarded to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2017-17 An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance

would create that procedural process.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of $1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

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

d. Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.

This ordinance appropriates $16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

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

e. Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of $15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.

This ordinance appropriates $15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

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This program has a dollar-for-dollar matching requirment and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

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

2. Resolutions

a. Resolution 2792 A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution No. 2751

The Fisheries Development Committee (FDC) was originally created in 1985 as an ad hoc committee. A permanent committee was established in 1989 through Resolution 1399. In 2007, Resolution 1399 was repealed and replaced by Resolution 2418 which reduced the number of FDC members from nine to seven. Then in May 2016, the committee was further reduced from seven to five members through the adoption of Resolution 2751 which repealed Resolution 2418.

Membership and quorum challenges have plagued the committee for a number of years and the FDC chair and Assembly Human Resources Committee have worked on this issue for the past six months. HRC and

FDC chairs met with the Docks and Harbors Board to see if it would be feasible to recreate the FDC as a subcommittee or ad hoc group under the Docks and Harbors Board. The Docks and Harbors Board did not favor this move.

Other attempts to find alternative solutions were also unsuccessful. The Assembly Human Resources Committee, at its meeting on June 5, 2017, passed a motion requesting the Law Department draft a resolution to disestablish the Fisheries Development Committee.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Term Contract for Juneau International Airport Runway Painting

This is a four year term contract to provide painting of runways and aircraft movement areas at the Juneau International Airport. The contractor will provide all paint, materials, equipment, and labor to complete the project. The initial estimate was $105,000. The higher amount of the bid is due to the re-evaluation of unit quantities and new FAA requirements such as outlining certain markings. In most cases, the unit cost of the bid items actually decreased.

Bids were opened on the subject project on June 2, 2017. Upon review of the specification the award posting occurred on June 5, 2017. The bid protest period expired on June 6, 2017. Results of the bid opening were as follows:

Specialized Pavement Marking, Inc.	$132,044.92
Pacific Asphalt	$248,828.73

The bid amount is based on need and may increase or decrease in succeeding years.

The City Manager recommends the award of bid no. 18-015, term contract for Juneau International Airport runway painting, to Specialized Pavement Marking, Inc. in the amount of $132,044.92 per year.

b. Cruise Ship Berths Safety Improvements

Bid Award for Cruise Ship Berths Safety Improvements – DH17-045

Construction of this project would remove and replace existing decking in two areas of the dock: at the sloped ramp south of the parking garage, and seaward of the Visitor's Center. The new sloped dock area would comply with ADA requirements while the other decking is being replaced as it is deteriorated. A guardrail section north of the Port Field Office will also be installed.

A public bid opening was held on June 8, 2017. The Docks and Harbors Board reviewed the bids at a special board meeting on June 22, 2017 and recommended awarding the bid to Alaska Commercial Contractors in the amount of $364,900.

The City Manager recommends the total bid be awarded to Alaska Commercial Contractors in the amount of $364,900.

4. Liquor License

   a. Liquor License Renewal - Southern Glazer's Wine & Spirits of Alaska

   Wholesaler-General Liquor License # 4859 Southern Glazer's Wine & Spirits of Alaska d/b/a Southern Wine & Spirits of Alaska
   Location: 5452 Shaune Drive - Bay 2, Juneau, AK 99801

   Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above renewal and recommends the Assembly waive its right to protest this renewal.

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

5. Transfers

   a. Transfer T-988 Transfers $31,863 from the Augustus Brown Pool HVAC CIP P46-100 and $120,000 from the AB Pool Short Term Repairs CIP P44-086 to Provide Funding for the Augustus Brown Pool Covers CIP P46-106 to Procure and Install Pool Covers at Augustus Brown Swimming Pool.

   This transfer of $151,863 of sales tax funding from existing CIP Augustus Brown Pool HVAC and CIP AB Pool Short Term Repairs will provide the necessary funds to procure and install pool covers at both the leisure and lap pools at the Augustus Brown Swimming Pool. The Parks & Recreation department has determined that this will offer significant benefits including energy savings and reduction of relative humidity in the building.

   The preliminary estimate of total project costs is approximately

$150,000.

The Assembly Public Works and Facilities Committee reviewed this request on May 22, 2017 and forwarded this to the Assembly for adoption.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration. The Lands Committee considered the ordinance at its meeting on June 12, 2017, and recommended forwarding it to the Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-11. Hearing no objection, it was so ordered.

B. Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit "all security plans to the manager for review," prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the "Facility Security Officer." The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are "need to know." Because the board is not "need to know" with respect to the plan, and as it does not

oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2017-13. Hearing no objection, it was so ordered.

C. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community's vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration. The Committee of the Whole considered this ordinance at its June 12, 2017, meeting and approved forwarding it to the full Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

Public Comment:

Greg Chaney spoke as a private citizen in support of the ordinance, but said that he had concerns about the way it was written. He displayed a photo of his neighborhood and spoke about the provision that allows a property owner to average the setbacks of the residential units within a 150 foot radius of the house. He showed a picture of his calculations and said in theory it seemed good but did not help that much and was somewhat ambiguous. He said he wasn't asking for any change to the ordinance but wanted to understand if the intent was to rebuild only in the existing footprint of the building or if the setback was determined by the building.

Steve Soenksen asked to include density in this ordinance. Downtown density zoning is pegged per acre and restricts new construction to two units on any lot and multi-family housing is stuck in the mixed-use zone only. The downtown housing situation has worsened since the current zoning was put into place. He discussed two case studies of properties in Juneau which could provide more density.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-16.

Ms. White said Mr. Chaney brought up interesting points and asked for staff clarification.

Jill Maclean said CDD and the Planning Commission know that this ordinance will not solve all the issues including the density question. This ordinance is written to provide several options when applying for any project. They can use the existing zoning standards, they can apply for a variance, and they can use this ordinance if passed. The ordinance provides in the second option that the footprint of the existing residential building would be allowed to be completely rebuilt in the existing footprint. The homes built right up to property lines can be rebuilt in that existing footprint unless it encroached into the public right-of-way or onto a neighbor's property. The averaging numbers correlate to whichever setback needed a reduction. This average may not help every property owner, but it will help a majority of the applicants we have seen over the years which have used variances to address non-conforming situations. Variances are not a tool for flexibility and are not designed to be so. Over time they have been used for this and case law grows, so they lose their intent. This ordinance will allow for flexibility in construction now and will allow staff time to create new zoning in Downtown and Douglas to be more applicable to their unique situations.

Ms. White asked about the timeframes cited in the ordinance. Ms. Maclean said the intent was to keep the issue a priority for scheduling work and since overlay districts were a new concept, it was to ensure the ongoing issues would be addressed.

Mr. Kiehl had several questions and asked for an at ease to work with the attorney on a possible amendment.

Ms. Gladziszewski said that the intent is to allow the PC to get away from a variance to allow people to rebuild to current footprint, and an amendment to it has not had a full hearing by the PC and was not in favor of amending the ordinance.

Mayor Koelsch allowed for a brief at-ease. Following this, Mr. Kiehl withdrew his request to amend and said he would address his concerns when the re-write of the Comprehensive Plan was back before the Assembly.

Hearing no objection, Ordinance 2017-16 was adopted.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Resolution 2799 A Resolution Supporting the Disposal of Lot C1, Juneau Subport Subdivision by the Alaska Mental Health Trust Authority.

The Mental Health Trust Authority, through its Trust Land Office, is in receipt of a proposal to purchase the subport property from a local private investor. This resolution would voice the Assembly's support for the sale of the property.

The City Manager recommends this resolution be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Resolution 2799. Hearing no objection, it was so ordered.

B. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017-0006

On May 23, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an Industrial zone at 1758 Anka Street. On June 14, 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.

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

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

Assembly Action:

Mayor Koelsch said he had discussed any personal possible conflict of interest with Ms. Mead and he had determined none existed.

Mr. Gregory said he worked frequently with the appellant's attorney, Todd Arujo, and spoke with Ms. Mead about a personal conflict of interest. Ms. Mead said that as Mr. Arujo sometimes acts as Mr. Gregory's attorney he may have difficulty remaining impartial and it was his decision. Mr. Gregory said he preferred to abstain from this appeal and Mayor Koelsch, without objection of the Assembly, granted abstention.

Mr. Jones spoke about his service on the statewide marijuana control board and did not believe that service created a conflict for this matter, but could potentially create a conflict for him when the license in question came before the MCB in the future. He would continue to participate.

Ms. White said she had worked with Mr. Arujo several times but did not consider the work to create a conflict of interest.

MOTION, by Mr. Nankervis, to reject the appeal.

Ms. Gladziszewski asked for the grounds to reject. Ms. Mead said the Assembly could reject and appeal if the appellant failed to comply with the appellate rules (in this case this did not apply) or if the notice of the appeal did not state grounds upon which any relief could be granted. The Assembly must read the notice of appeal liberally and in favor of the appellant. Ms. Gladziszewski said in that case, she did not see any reason to reject the appeal.

Roll call:
Aye: Becker, Kiehl, Nankervis, Weldon, White
Nay: Gladziszewski, Jones, Koelsch
Motion to reject the appeal passed 5 ayes, 3 nays, 1 abstention.

Mr. Kiehl said he found that the appellant made arguments having to do with the affect

on property values and inadequate written findings, findings that did not inform us of the basis of the Planning Commission's decision. Having read the Planning Commission's decision, he saw clear discussion of the issues and clear direction and after reviewing the code sections suggested by the appellant, he could not see any situation in which he can imagine the appellant prevailing. Reading as much as possible in the appellant's favor, he could not forsee a positive outcome for the appellant.

Mr. Nankervis said he agreed and that he felt the issues brought up on appeal had been adequately addressed by the Planning Commission.

Ms. Mead said case law provided that the Assembly could not make a substantive finding at this point and the Assembly needed to read the notice of appeal such that if the evidence were presented, could the Assembly grant the relief requested. If there were sufficient evidence about the affect on surrounding property, would the Assembly be able to reverse the decision. If the Assembly could grant the relief, it must accept the appeal.

Mr. Nankervis said that he disagreed with Ms. Mead and based on the evidence before the Assembly he could not believe there was not an ability to deny a request for an appeal.

Ms. Gladziszewski gave notice of reconsideration to preserve the ability to discuss this matter at the next meeting.

Ms. Mead asked the Assembly if it would like a memo on the legal standard about failure to state grounds upon which relief can be granted. Mayor Koelsch said that would be appreciated.

C. Late Filed Application for Community Purpose Exemption - Perseverance Theatre

Assembly Action:

MOTION, by Jones, to reject the late filed application request.

In response to Ms. Gladziszewski, Ms. Mead said this was different than late-filed senior property tax exemption filings the Assembly had allowed or rejected in the past. This is a late-filed community purpose exemption and the Board of Equalization had rejected allowing the late filing in the VOA case, in a similar situation to determine. This is not a valuation issue, it is an exemption issue, which goes straight to the Assembly.

Mr. Nankervis objected.

Mr. Kiehl said he supports the theatre, but the standard for filing a late-filed appeal had

not been met.

Roll call:
Aye: Becker, Gladziszewski, Jones, Kiehl, Weldon, White, Koelsch
Nay: Gregory, Nankervis
Motion to reject the filing of a late-filed appeal.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch established a mining subcommittee regarding the proposed mining ordinance. He said the charge is to recommend what action(s) should be taken on the proposed mining ordinance, to recommend a process including a public process, to recommend if the sub-committee should include additional members, to recommend timelines, and when there are recommendations, they should return to the Assembly Committee of the Whole. He appointed Ms. Weldon, Ms. Gladziszewski and Mr. Gregory, and asked Mr. Gregory to chair the committee.

Mayor Koelsch asked people to fly a flag on every home and business in Juneau on the 4th of July.

B. Committee and Liaison Reports

Public Works and Facilities Committee: Chair Becker said the committee reviewed a proposal for innovating procurement and a suggestion to change the word "lowest" to "most" for qualified bidders. The PWFC discussed a transfer of funds from completed CIP to Pederson Hill.

Joint CBJ / JSD School Facilities Committee: Chair Becker encouraged the Assemblymembers to read the consultants report on Juneau school facilities and send any questions to consultant Joan Lott.

Docks and Harbors Board: Liaision Becker said the Board has discussed putting a small boat harbor near the Mental Health Trust land next to the proposed Ocean Center to be used for yachts and small cruise ships. They have discussed putting a fuel dock in at Statter Harbor for the for-hire ships.

Chamber of Commerce: Liaison Becker updated the Chamber Board of Directors on assembly action, and at its regular meeting, Wayne Jensen discussed the trip the Seward

Statute is making across the states on its way to Juneau.

Alaska Committee: Liaison said the group helped welcome the new Coast Guard Cutter "Bailey Barco" and approved sending a letter to the Assembly in support of the purchase of two electric buses. There is concern about the number of stories to be built on the new construction at the 2nd and Franklin lot.

Finance Committee: Chair Kiehl said the committee heard a report on city debt capacity report and future bonding, discussed future budget process, and proposals for the 1% sales tax, with more to be heard this week. The committee will review potential infrastructure requests to federal government from staff on this Wednesday's agenda.

Campus Council: Liaison Kiehl said the council is on summer hiatus. The University budget is smaller than desired and $8 million was cut in addition to the Governor's cut.

Alaska Municipal League: Liaison Kiehl said the AML Board meeting will be held in Haines in August and encouraged the Assembly to work with the Clerk if you would like to attend. He forwarded the position statements to all Assemblymembers. Any changes need to come from a member by resolution, so he asked if any Assemblymember is interested in a change to please provide to him to address at an Assembly meeting.

Human Resources Committee: Chair Jones said the HRC met and discussed the continuation of the Juneau Commission on Aging, which does not presently have a quorum, and heard from a present and a past member. The HRC agreed to work on a resolution to reconstitute the commission and bring that back to the HRC on July 31. The committee heard annual reports from the Historic Resources Advisory Commission and the Juneau Commission on Sustainability.

Hearing no objection, the Assembly accepted the recommendations of the HRC and made the following board appointments.

Historic Resources Advisory Committee:
Anastasia Tarmann appointed and Shawna McMahon reappointed to terms ending June 30, 2020.

Juneau Commission on Sustainability:
Edward King appointed to a term ending June 30, 2020.

Local Emergency Planning Committee:
Recommendation to State of Alaska to move Joel Curtis from the Alternate Haz Waste Transporter Seat to the full seat and appoint Paul Khera to the Alternate Haz Waste Transporter seat until December 31, 2017 and to extent the appointment to December 31, 2020.

Treadwell Advisory Board:
Bret Connell reappointed to a term ending May 31, 2020.

Airport Board: Liaison Jones said the Airport Board cancelled the proposed regulations on network transportation companies.

Downtown Business Association: Liaison Jones said the DBA met and discussed Main Street USA and public art and murals.

Bartlett Regional Hospital Board: Liaison Gladziszewski said the board had a visit from the Washington State Hospital Association. Sally Schneider, Chief Behavioral Health Officer, will have her last day on July 7 as she is taking a job in Pittsburg.

Juneau Commission on Sustainability: Liaison Gladziszewski said the JCOS met on June 14 and discussed the energy plan, which is now titled the *Juneau Renewable Energy Strategy.* The commission has approved its draft and staff is coordinating the publication of the draft for presentation to the Assembly. The commission discussed updating its website.

Lands and Resources Committee: Chair White said the committee received an update on the Pederson Hill Subdivision. It also discussed a proposed land trade with Aurora Arms Condo Association - in exchange for access to city uplands - to help solve the problem. She said there is another condo association having an issue of being built on leased land, which creates financing issues. At the next meeting the committee will get update on tsunami danger from Tom Mattice.

Planning Commission: Liaison White said the next meeting was set for June 27.

Aquatics Board: Liaison White said the next meeting was set for June 27.

Assembly Task Force on Homelessness: Chair White said she would work with staff to establish dates for the meetings.

School Board: Liaison Weldon said the Board met on June 13 for an evaluation of the superintendent and discussed extended learning, school sponsored trips, skills for a healthy life curriculm and adopted the 2017-2018 calendar. The next meeting is set for August 8 at 6pm and the meetings will move to JDHS for the year.

Juneau Economic Development Council: Liaison Weldon said the council is working on a grnat for low / no emission buses for Juneau. They reviewed a proposed private harbor at the mouth of gold creek. They are meeting to review a "fish fund" project with partners and will meet next on July 19.

Eaglecrest Board: Liaison Gregory said the new manager, Mr. Scanlan, will begin work

on June 28 and the meeting is set for August 3.

Affordable Housing Commission: Liaison Gregory attended the commission's retreat and shared the Assembly's thoughts. They set priorities including some of the 1% sales tax for a mobile home down payment program, and accessory apartment program, a community land trust and the affordable housing fund. They would like to fully fund the affordable housing fun up to $500,000 per year and to focus on workforce housing, a blighted property policy, and ways to facilitate mobile home parks.

C. Presiding Officer Reports

None.

XIIIASSEMBLY COMMENTS AND QUESTIONS

Mr. Gregory said he has been asked about whether it was a wise decision to remove fluoride from the water as some households are experiencing high rates of tooth decay despite good dental behaviors.

Ms. White asked Mr. Watt if Juneau has any lead pipes in the water system. Mr. Watt said no and spoke about the water system and said the consumer confident report on public drinking water standards was recently sent to all households.

Ms. Gladziszewski asked about the Aurora Arms Condo issue. Mr. Watt said that Mr. Chaney has a solution to address city and Aurora Arms' needs by trading CBJ land for access to CBJ lands, which may lead to a rezoning that might meet both party's needs.

Ms. Gladziszewski said she would like the Assembly to support the Mayor's Climate Agreement, and did not know how that got on the agenda, so would make a motion.

MOTION, by Gladziszewski, to join to create a clean energy economy and adopt, honor and uphold the Paris agreement.

Ms. Gladziszewski said Juneau has a Climate Action Plan and adding Juneau's name on the agreement would be a worthwhile endeavor.

Mayor Koelsch said there was objection and asked the clerk to call the roll.

Roll:
Aye: Gladziszewski, Gregory, Jones, Kiehl, Weldon,
Nay: Becker, White, Koelsch
Not Present: Nankervis
Motion passed, 5 ayes, 3 nays.

Mr. Jones spoke about transportation networks and asked for an explanation about operations at the airport and the harbors and about the collection of sales tax. Ms. Mead

said that the airport regulations were pulled as CBJ had no authority to enact regulations regarding this industry under state law. Ms. Mead said CBJ had authority under state law to collect sales tax from TNC drivers and the TNC companies will not register with the sales tax office. They collect the fares on behalf of the drivers and provide receipts through the app, and the drivers should be registering with sales tax before provision of service. A public service announcement would go out to this affect.

Mr. Kiehl asked for an update on the Aurora Arms solution and also asked for an update on any meetings regarding annexation. Mr. Watt said Mr. Chaney has reached out and has not been able to find a date/time to meet with Angoon, but he can try again.

Mr. Kiehl spoke about the potential sale of 2nd and Franklin lot and it would be good to get an update and address any comments about exceptions to the fire code and the number of units at 130.

Mr. Watt said the matter would be updated at Lands Committee. The closing date in the purchase and sale agreement is tomorrow but it is not date of the execution of the sale and they are interested in extending the execution for 9 months, which is provided for in the sale agreement. This is in everyone's best interest and they are making significant progress in exploring their proposal and it is not a final proposal at this time. Mr. Kiehl said the enabling ordinance conditioned the sale to be developed as the proposal that the Assembly had seen.

Ms. Becker said she attended the Auke Rec totem pole dedication, and the Bailey Barco events. She asked if HRAC has been contacted about murals downtown and suggested coordinating artwork with the historic district design standards. Mr. Jones spoke to this concern.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said he has noticed that there are many fewer taxis and people are getting more desperate to get a ride from him. He is totally against the climate accord - Juneau has so many trees that produce so much oxygen. Other places have global warming and all he can say is don't cut our trees and we should tell other people to plant trees.

Dennis Watson said he spent a lot of time working on the comprehensive plan and said he has heard no comments on when the plan will be addressed again. There were many complaints from the community about the plan needing work and the work is overdue. It is not a good idea to have staff work on it - it lengthens the process and it became very controversial. It is time to restart the review. He thanked the Assembly for recognizing Massoud Abdi's citizenship.

XV. EXECUTIVE SESSION

A. CLIA Litigation Update

MOTION, by Becker, to recess into executive session, to discuss the CLIAA litigation. Hearing no objection, the Assembly recessed into executive session at 9:57 p.m. and returned to regular session at 10:28 p.m.

Upon returning to executive session, Ms. Becker said that the Assembly received information and gave direction to the City Attorney.

Ms. Mead said that after recording was turned off assembly expressed confusion regarding what was the actual motion regarding the climate accord and requested that Ms. Sica listen to the audio recording. Ms. Sica distributed the verbatim transcription.

Ms. Weldon said she thought the intent of the motion was to put the matter on the next meeting agenda. Mayor Koelsch agreed and gave notice of reconsideration of the motion to support the Mayor's Climate Agreement.

XVI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:33 p.m.

Signed:_____ Signed:_____

Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-18 ANNOTATED

An Ordinance Amending the Penal Code.

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 42.15.020 Larceny of money or property, is amended to read:

This is a 'housekeeping' amendment that should be made regardless. Current code leaves out the CBJ's existing "buying or receiving" code section from the list of violations that count for purposes of bumping a B misdemeanor level crime to an A misdemeanor. (A B misdemeanor can be bumped to an A even if the value of property stolen is less than $250 when the defendant has had at least two prior larceny convictions in the preceding five years.)

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 $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 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.

. . .

Section 3. Amendment of Section. CBJ 42.15.030 Buying, receiving or concealing stolen property, is amended to read:

This amendment does three things:

1. It adds "disposing" to the list of things one cannot do with stolen property;

2. It changes the mens rea to "reckless disregard" rather than "knowingly." "Mens rea" refers to a guilty state of mind. To convict someone of a crime requires the prosecution to prove not just that the act occurred, but that the defendant had the requisite guilty state of mind. The statute criminalizing buying, receiving, etc., stolen property requires the prosecution to prove the defendant acted with "reckless disregard" that the property was stolen. CBJ Code currently requires that the defendant acted "knowingly." "Knowingly" means someone is aware that the circumstances exist. "Recklessly" means the person is aware of and consciously disregards a substantial and unjustifiable risk that the circumstances exist and where disregard of the risk is a gross deviation from the way a reasonable person would act. If you answer a Craigslist ad to buy a pink riding lawnmower with a camo steering wheel and a "My Kid's an Honor Student" bumper sticker, and it looks exactly like the lawnmower recently stolen from your neighbor including the bumper sticker, the prosecutor might not be able to prove you had actual knowledge the lawnmower you're buying is stolen, but could very likely prove you acted with reckless disregard.

3. The last change is a housekeeping change that should be made regardless. Under SB 91, municipalities are prohibited from imposing a penalty different than state law for similar conduct. State law provides receiving stolen property can be either a B or an A misdemeanor depending on the value of the property. Current CBJ code only provides for an A misdemeanor.

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

(a) It is unlawful for a person to buy, receive, ~~or~~ conceal, or dispose of money, goods, bank notes or other things which may be the subject of larceny and which has been taken, embezzled, or stolen from another person, with reckless disregard that the property was

taken, embezzled, or stolen.

(b) ~~(1)~~ Reckless disregard that the property was stolen ~~The requisite knowledge or belief~~ is presumed in the case of a dealer who:

(1) ~~(A)~~ Is found in possession or control of property stolen from two or more persons on separate occasions;

(2) ~~(B)~~ Has received stolen property in another transaction within the year preceding the transaction; or

(3) ~~(C)~~ Being a dealer in property of the sort received, acquires it for a consideration which the dealer knows is far below its reasonable value.

(c) ~~(2)~~ As used in this section: ~~"Dealer" as used in this section means a person in the business of buying or selling goods.~~

(1) "Dealer" means a person in the business of buying or selling goods.

(2) "Receive" includes acquiring the possession, control, or title, or lending on the security of the property.

(d) ~~(3)~~ Buying, receiving, ~~or~~ concealing, or disposing of stolen 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 $1,000.00; 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 larceny of money or property, concealment of merchandise, 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) Five days of 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—42.15.080 or 42.15.120 or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(B) 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.

Section 4. Amendment of Section. CBJ 42.15.040 Concealment of merchandise, is amended to read:

This amendment is the same housekeeping amendment explained in Section 2, above.

42.15.040 Concealment of merchandise.

. . .

(c) Concealment of merchandise is a:

(1) Class A misdemeanor if:

(A) The merchandise is a firearm;

(B) The value of the merchandise, adjusted for inflation as provided in AS

11.46.982, is $250.00 or more but less than $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 the offense of 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.

. . .

Section 5. Amendment of Section. CBJ 42.15.070 Theft of services, is amended to read:

This amendment is the same housekeeping amendment explained in Section 2, above.

42.15.070 Theft of services.

. . .

(c) Theft of service is a:

(1) Class A misdemeanor if:

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

. . .

Section 6. Amendment of Chapter. Chapter 42.15 Offenses against property, is amended by adding the following section:

This code section would allow the CBJ to prosecute people who use, without permission, another person's credit card, debit card, or the like to pay for goods or services.

42.15.085 Fraudulent use of an access device.

(a) A person commits the crime of fraudulent use of an access device if, with intent to defraud, the person uses an access device to obtain property or services with knowledge that:

(1) The access device is stolen or forged;

(2) The access device is expired or has been revoked or cancelled; or

(3) For any other reason, that person's use of the access device is unauthorized by either the issuer or the person to whom the access device is issued.

(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 $1,000.

Section 7. Amendment of Section. CBJ 42.20.060 Carrying deadly weapons, is deleted in its entirety and replaced with the following to read:

This amendment to current code does two things: it repeals a law on the books that is no longer enforceable (requiring a permit to carry a concealed weapon) and it incorporates new language that allows the CBJ to prosecute weapons violations. The text of this code section was taken almost verbatim from state law.

42.20.060 Misconduct involving weapons.

(a) A person commits the crime of misconduct involving weapons, an A misdemeanor, if the person:

(1) Possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7); *11.61.200(a)(7): criminally trespasses on someone's land with intent to commit a crime or in someone's home while in possession of a firearm and when the person is under the influence, a class C felony.*

(2) Discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A); *11.61.195(a)(3)(A) discharges a firearm at or in the direction of a building with reckless disregard of physical injury to a person or at a dwelling, a class B felony.*

(3) Manufactures, possesses, transports, sells, or transfers metal knuckles;

(4) Sells or transfers a switchblade or a gravity knife to a person under 18 years of age without the prior written consent of the person's parent or guardian;

(5) Knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(6) Except for a peace officer acting within the scope and authority of the officer's employment, other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief

administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess:

(A) A deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) A defensive weapon.

(7) Being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) A person commits the crime of misconduct involving weapons, a B misdemeanor, if the person:

(1) Is 21 years of age or older and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon:

(A) That is concealed on the person, and, when stopped, detained, questioned, or addressed in person by a peace officer for an official purpose, the person fails to:

(i) Immediately inform the peace officer of that possession; or

(ii) Allow the peace officer to secure the deadly weapon, or fails to secure the weapon at the direction of the peace officer, during the duration of the contact.

(B) That is concealed on the person within the residence of another person unless the person has first obtained the express permission of an adult residing there to bring a concealed deadly weapon within the residence.

(2) Knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;

(A) This subsection does not apply to a peace officer acting within the scope and authority of the officer's employment.

(B) It is an affirmative defense *(facts that, if proven by the defendant, provide a complete defense to the crime, even if prosecutor can prove facts establishing crime committed)* under this subsection that:

(i) The loaded firearm was a concealed handgun as defined in AS 18.65.790; and

(ii) The possession occurred at a place designated as a restaurant for the purposes of AS 04.16.049 and the defendant did not consume intoxicating liquor at the place.

(C) It is a defense *(facts that can be raised which might impede prosecutor's ability to establish crime committed)* under this subsection if the defendant, at the time of possession, was on business premises:

(i) Owned by or leased by the defendant; or

(ii) In the course of the defendant's employment for the owner or lessee of those premises.

(3) Being an unemancipated minor under 16 years of age, possesses a firearm, switchblade, or gravity knife without the consent of a parent or guardian of the minor;

(4) Except for a peace officer acting within the scope and authority of the officer's employment, knowingly possesses a firearm:

(A) Within the grounds of or on a parking lot immediately adjacent to an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle;

(B) Within a

(i) Courtroom or office of the Alaska Court System; or

(ii) Courthouse that is occupied only by the Alaska Court System and other justice-related agencies;

(iii) It is a defense under this section if, at the time of possession, the person was authorized to possess the firearm under a rule of court.

(C) Within a domestic violence or sexual assault shelter that receives funding from the state. It is a defense under this subsection if the person, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm.

(5) Is less than 21 years of age and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person, unless, at

the time of possession, the person was:

(A) In the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) Actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(c) For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms.

(d) For purposes of this section, a firearm is loaded if the:

(1) Firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) Chamber, magazine, clip, or cylinder is installed in or on the firearm.

(e) For purposes of this section, a "peace officer" means a peace officer of this state or a municipality within this state, or a peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is:

(1) Certified by this or another state as a peace officer; and

(2) Acting within the scope and authority of the officer's employment.

Section 8. Amendment of Section. CBJ 42.20.110 Harassment, is amended to read:

This amendment would do two things: it would allow the CBJ to prosecute the more serious A misdemeanor harassment cases and it amends the current B misdemeanor code section to allow CBJ to prosecute two fact patterns CBJ code currently does not explicitly address.

42.20.110 Harassment.

(a) A person commits the crime of harassment, a class B misdemeanor, if, with intent to harass or annoy another person, that person:

(1) Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

(2) Telephones another or fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

(3) Makes repeated telephone calls at extremely inconvenient hours;

(4) Makes an anonymous or obscene telephone call, an obscene electronic communication, or a telephone call or electronic communication that threatens physical injury or sexual contact;

(5) Subjects another person to an offensive physical contact;.

(6) Except as provided in AS 11.61.116, publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act;

(7) Repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury.

(b) A person commits the crime of harassment, a class A misdemeanor, if, with intent to

harass or annoy another person, that person: ~~Harassment is a Class B misdemeanor.~~

(1) Subjects another person to an offensive physical contact and the contact is with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces;

(2) Under circumstances not proscribed under Alaska statute concerning sexual abuse of a minor, the person subjects another person to offensive physical contact and the offensive physical contact is contact by the person touching through clothing another person's genitals, buttocks, or female breast.

Section 9. Amendment of Section. CBJ 42.30.040 False reports to law enforcement authorities, is amended to read:

This change would make CBJ code and state law consistent with respect to this particular criminal violation.

42.30.040 False reports to law enforcement authorities.

(a) It is unlawful for a person knowingly to give false information to any law enforcement officer:

(1) With ~~with~~ the purpose of implicating another person; or

(2) Concerning the person's identify while the person is

(i) Under arrest, detention, or investigation for a crime; or

(ii) Being served with an arrest warrant or being issued a citation.

(b) It is unlawful for a person to:

(1) Report to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) Pretend to furnish such authorities with information relating to an offense or

incident when that person knows he or she has no information relating to such offense or incident.

(c) Violation of this section shall be punished as a Class A misdemeanor.

Section 10. Amendment of Section. CBJ 42.30.060 Violating a domestic violence protective order, is amended to read:

This amendment would allow the CBJ to prosecute violations of stalking protective orders as well as domestic violence restraining orders. The addition of the "reckless disregard" mens rea in subsection (a) is just to make the code section easier to read and understand. The "reckless disregard" mens rea is already the existing legal standard even though it isn't specifically articulated. (See State v. Strane, 61 P.3d 1284 (Alaska 2007).)

42.30.060 Violating a ~~domestic violence~~ protective order.

(a) A person commits the crime of violating a protective order if the person is subject to a protective order containing a provision listed in subsection (b) of this section and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order. ~~in violation of that provision~~.

(b) This section applies to a protective order which:

(1) Prohibits the respondent from threatening to commit or committing domestic violence, stalking, or harassment;

(2) Prohibits the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner or a designated household member of the petitioner specifically named by the court;

(3) Removes and excludes the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) Directs the respondent to stay away from the residence, school, or place of

employment of the petitioner or any specified place frequented by the petitioner or any designated household member;

(5) Prohibits the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner;

(6) Prohibits the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence; or

(7) Directs the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence.

(c) Violation of this section is a Class A misdemeanor.

(d) In this section, "protective order" means an order issued, ~~or~~ filed, or recognized under AS 18.66.100—AS 18.66.180, 18.65.850, 18.65.855, 18.65.860, or 18.65.867.

Section 11. 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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-21

An Ordinance Amending the Discharging Firearms Ordinance.

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 42.20.050 Discharging firearms, is amended to read:

42.20.050 Discharging firearms.

(a) It is unlawful for any person except a peace officer in the line of duty, to fire or discharge any firearm within one-quarter mile of any public street, road or highway within the City and Borough of Juneau, except that, unless otherwise prohibited by state or federal law, it is not unlawful to discharge:

(1) A shotgun within the Mendenhall Wetlands State Game Refuge or on property within the shotgun discharge area as shown on the Shotgun Discharge Area Map, dated March 2, 2017;

(2) A firearm at a shooting range operated by the Hank Harmon Memorial Rifle Range, the Juneau Gun Club, or the federal or state government; or

(3) A firearm at a shooting range approved as required under CBJ 49.25.300, Table of Permissible Uses.

(b) It is unlawful for any person except a peace officer in the line of duty, to fire or discharge any firearm within one-quarter mile of the Mount Roberts Trail, from the trailhead ~~at Sixth Street~~ to the top of Gastineau Peak, including Gold Ridge, from May 1 through September 30.

(c) It is not a violation of subsection (a) of this section if the discharge is in accordance with rules and regulations governing a biathlon or other competitive event involving the discharge of firearms when such biathlon or other competitive event has been authorized to take place in the area or facility by the person responsible for the management of such area or facility.

(d) Discharging a firearm in violation of this section is a Class B misdemeanor.

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-22

An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2018, and Providing for a Ballot Question Ratifying the Levy.

WHEREAS, the present 5% areawide sales tax rate in the City and Borough comprises a permanent 1% tax, a temporary 1% tax, and a temporary 3% tax; and

WHEREAS, the 1% temporary component of the sales tax expires on September 30, 2018, unless the voters approve extending the duration of the tax; and

WHEREAS, the Assembly has determined that an extension of the temporary 1% sales tax, to become effective on October 1, 2018, for a period of five years, would provide a stable revenue base for important municipal services and projects; and

WHEREAS, with the extension of the 1% temporary tax, the total sales tax rate in the City and Borough would remain unchanged at 5%.

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

Section 1. Classification. Section 2 of this ordinance, if approved by a majority of qualified voters voting on the question pursuant to Sections 3 and 4, shall be of a general and permanent nature and shall become a part of the City and Borough code, until it expires under its own terms. Sections 3 and 4 are noncode sections.

Section 2. Amendment of Section. CBJ 69.05.020 Imposition of rate, is amended to read:

69.05.020 Imposition of rate.

(a) There shall be levied and collected a tax equal to the percentage of the selling price on retail sales and rentals made and services performed within the City and Borough as follows:

(1) Within the entire City and Borough – 1%

(2) Within the entire City and Borough – an additional 3%

(3) Effective October 1, 2018 ~~2013~~, within the entire City and Borough – an additional 1%.

~~Subsection (a)(3) of this section shall be automatically repealed on September 30, 2018.~~

(4) Subsection (a)(3) of this section shall be automatically repealed on September 30, 2023.

. . .

Section 3. Submission to the Voters. In accordance with Section 9.17, of the Home Rule Charter of the City and Borough of Juneau, the question of whether the extension of the temporary 1% areawide sales tax herein provided shall be levied and collected effective October 1, 2018, for a period of five years, shall be submitted to the qualified voters of the City and Borough at the next regular municipal election. The Municipal Clerk shall prepare the ballot proposition as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters at the next regular municipal election.

Section 4. Proposition. The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

Explanation

Juneau currently has a permanent 1% sales tax, a temporary 1% sales tax, and a temporary 3% sales tax. The existing temporary 1% sales tax is automatically repealed on September 30, 2018. The existing temporary 3% sales tax is automatically repealed on July 1, 2022. The total of all CBJ sales taxes currently levied is 5%.

This ballot proposition would continue the current 1% temporary sales tax rate for an additional five years, until September 30, 2023. Accordingly, if this proposition is approved, the total sales tax rate would remain at 5%.

It is the intent of the Assembly that taxes collected under this proposed extension of the temporary 1% areawide sales tax be appropriated by the Assembly for the following purposes:

- Wastewater: infrastructure maintenance and improvements
- CBJ-owned building maintenance
- Water: infrastructure maintenance and improvements
- Airport: matching funds for federally funded projects
- Augustus Brown Pool deferred maintenance
- Centennial Hall upgrades and deferred maintenance
- Schools: major building maintenance
- Bartlett Regional Hospital: Rainforest Recovery Center upgrades
- Information Technology: infrastructure upgrades
- RecycleWorks: Wastewater diversion program
- Affordable Housing Fund
- Park deferred maintenance
- Aurora Harbor reconstruction

PROPOSITION NO. _____

Authorization to Extend the Temporary 1% Areawide Sales Tax Effective October 1, 2018, for a Period of Five Years.

Shall the City and Borough of Juneau, Alaska, continue to levy and collect a temporary 1% areawide sales tax on the sale price of retail sales, services, and commercial rentals within the City and Borough for an additional five years , effective October 1, 2018, until September 30, 2023. If this proposition is approved, the total sales tax would remain at five percent.

Extend the 1% sales tax for five years YES [ ]

Extend the 1% sales tax for five years NO [ ]

Section 5. Effective Dates. (a) The amendment of subsection (a) of CBJ 69.05.020 set forth in Section 2 of this ordinance shall become effective on October 1, 2018, if the proposition required by Sections 3 and 4 of this ordinance is approved by a majority of the qualified voters of the City and Borough voting on the proposition at the next regular municipal election.

(b) Sections 3 and 4 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall be effective 30 days after adoption of this ordinance.

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. 2017-24

An Ordinance Increasing the Hotel-Motel Room Rental Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.

WHEREAS, the City and Borough of Juneau has an existing hotel-motel room tax that provides funding for the development and promotion of tourism, and the municipality's convention and community centers; and

WHEREAS, the proposed two percent increase would serve as an appropriate source of revenue to further develop the visitor, arts, and convention industries in the City and Borough of Juneau.

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

Section 1. Classification. Section 2 of this ordinance, if approved by a majority of qualified voters voting on the question pursuant to Sections 3 and 4, shall be of a general and permanent nature and shall become a part of the City and Borough code, until it expires under its own terms. Sections 3 and 4 are noncode sections.

Section 2. Amendment of Section. CBJ 69.07.020 Imposition of hotel-motel room rental tax, is amended to read:

69.07.020 Imposition of hotel-motel room rental tax.

(a) The City and Borough hereby levies a tax on hotel-motel room rentals for transients equal to nine ~~seven~~ percent of the room rent. The tax shall be applicable to all room rentals for transients unless the rental is specifically exempted from taxation by constitution or other valid law.

. . .

Section 3. Submission to the Voters. The question of whether to increase the rate of the hotel-motel room rental tax from seven to nine percent shall be submitted to the qualified voters of the City and Borough at the regular municipal election. The Municipal Clerk shall prepare the ballot proposition as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters at the next regular municipal election.

Section 4. Proposition. The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

Explanation

Juneau levies a seven percent hotel-motel room rental tax. This ballot proposition, if approved by the voters, would increase the hotel-motel room rental tax from seven percent to nine percent with an effective date of January 1, 2018.

It is the intent of the Assembly to use this permanent increase in the hotel-motel room rental tax to provide partial funding up to $1.6M for the construction of capital improvements for the Juneau Arts & Culture Center, and as funding for improvements to Centennial Hall, parking infrastructure, visitor information and marketing services, and other tourism and visitor services and facilities.

PROPOSITION NO. ___

Shall the City and Borough of Juneau, Alaska, increase the tax on hotel-motel room rentals from seven to nine percent?

Increase the tax on hotel-motel room rentals to nine percent YES [ ]

Increase the tax on hotel-motel room rentals to nine percent NO [ ]

Section 5. Effective Dates. (a) The amendment of subsection (a) of CBJ 69.07.020 set forth in Section 2 of this ordinance shall become effective on October 1, 2018, if the proposition required by Sections 3 and 4 of this ordinance is approved by a majority of the qualified voters of the City and Borough voting on the proposition at the next regular municipal election.

(b) Sections 3 and 4 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall be effective 30 days after adoption of this ordinance.

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. 2800

A Resolution Naming the Site of the Whale Sculpture, Located on the Tidelands at West Ninth Street, the "Mayor Bill Overstreet Park."

WHEREAS, at the Assembly's August 6, 2007, regular meeting, former Juneau Mayor Bill Overstreet proposed siting a full-size breaching humpback whale sculpted by Skip Wallen on Juneau's waterfront in celebration of Alaska's 50th Anniversary of Statehood; and

WHEREAS, the Assembly, at its August 6, 2007, regular meeting, agreed to accept and maintain the whale sculpture and to prepare the site for the placement of the whale sculpture; and

WHEREAS, Mayor Bill Overstreet inspired the concept of the whale sculpture and organized the Whale Project Committee, private fundraising, public support for, and the sculpting of the sculpture by Skip Wallen; and

WHEREAS, the Assembly, at its September 17, 2012, regular meeting, approved the recommendation of the Docks and Harbors Board and the Parks and Recreation Advisory Committee to site the sculpture in the vicinity of the former City Shop proximate to the Juneau-Douglas Bridge; and

WHEREAS, the whale sculpture was raised on that site on September 3, 2016; and

WHEREAS, at its meeting of June 6, 2017, the Parks and Recreation Advisory Committee recommended naming the site occupied by the whale sculpture, the proposed infinity pool from which it will breach, and the hardscaped area surrounding the infinity pool as "Mayor Bill Overstreet Park"; and

WHEREAS, Mayor Bill Overstreet was instrumental in maintaining Juneau as Alaska's capital city during 1982 Capital Move election; and

WHEREAS, Mayor Bill Overstreet worked tirelessly to beautify Juneau and to improve Juneau's relations with the rest of the State.

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

Section 1. The site occupied by the whale sculpture, the proposed infinity pool from which it will breach, and the hardscaped area surrounding the infinity pool, located on the tidelands at West Ninth Street next to the Juneau-Douglas Bridge, is hereby named "Mayor Bill Overstreet Park."

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

MEMORANDUM

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

TO: Rorie Watt
City and Borough Manager

DATE: July 24, 2017

FROM: Greg Smith
Contract Administrator

File No.: 1960

SUBJ: BID RESULTS:
Mendenhall Wastewater Treatment Plant Biosolids Dryer Facility
Contract No. BE17-133

RESPONSIVE BIDDERS	BASE BID	Additive Alternate No. 1	Additive Alternate No. 2	Additive Alternate No. 3	TOTAL BID
Dawson Construction, LLC	**$15,414,000**	**$546,000**	**$25,000**	**$55,000**	**$16,040,000**
Alaska Commercial Contractors	$16,525,000	$540,000	$29,750	$37,000	$17,131,750
Engineer's Estimate	$14,217,000	$525,000	$24,000	$34,000	$14,800,000

Bids were opened on the subject project on July 11, 2017. The bid protest period expired at 4:30 p.m. on July 12, 2017. Results of the bid opening are as follows:

Project Manager: Nathan Coffee
Project Description: Demolition of the existing ABF building and construction of a new ~18,734 GSF metal clad CMU building atop the existing foundations.
Funding Source: ADEC Loan 445251; F215 Temporary Sales Tax; F215 Areawide Sales Tax; F519 Wastewater
Total Project Funds: $19,407,000
CIP No.:U76-109, U76-110
Construction Encumbrance: $16,040,000
Construction Contingency: $1,600,000
Consultant Contract Administration/Inspection: $1,200,000
CBJ Administrative costs: $480,000

Staff recommends award of this project to Dawson Construction, LLC for the total amount bid of $16,040,000.

Approved: _____
Duncan Rorie Watt, City & Borough Manager

_____
Date of Assembly Approval:

C: CBJ Purchasing

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

June 13, 2017

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

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	**License Number:**	4493
Licensee:	Kwang LLC		
Doing Business As:	Little Tokyo		

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,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov

Alcohol & 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

Renewal License Application

Form AB-17a: Restaurant / Eating Place

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant / eating place license that will expire on December 31, 2016. 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 needs to 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.

Licensee:	Kwang LLC	**License #:**	4493
License Type:	Restaurant/Eating Place	**Statute:**	AS 04.11.100
Doing Business As:	Little Tokyo		
Premises Address:	140 Seward St		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	140 Seward st				
City:	JUNEAU	**State:**	AK	**ZIP:**	99801

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	KWANG SU YOON		
Contact Phone:	907-738-3982	**Business Phone:**	907-523-0344
Contact Email:	KENNYSSITKA@YAHOO.COM		

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

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550 W 7th Avenue, Suite 1600
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alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.
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:	KWANG Su Yuon				
Address:	140 Seward St				
City:	JUNEAU	**State:**	AK	**ZIP:**	99801
Email:	KENNYSITKA @ YA HOO. COM				
Contact Phone:	907-738-3982				

This individual is an: ☐ applicant ☐ affiliate

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

Section 3 – 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 (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	122813

Alaska Division of Corporations: Yes No

Is your entity in good standing with the Alaska Division of Corporations? ☑ ☐

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Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), 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:					
Title(s):	OWNER	**Phone:**	907-738-3982	**% Owned:**	100%
Address:	140 Seward 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:**	

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

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

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Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Section 4 – 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 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

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, an AMCO employee will contact you after reviewing your 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, an AMCO employee will contact you after reviewing your application.*	☑

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:	Yes	No
Has any person 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 2015 or 2016?	☐	☑

If "Yes", list all convictions:

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Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.	KS
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.	KS
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.	KS
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 or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.	KS
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.	KS
I certify that the gross receipts for the sale of food at the restaurant equal at least 50% of the total gross receipts for calendar years 2015 and 2016.	KS

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

Signature of Notary Public

Kwang Su Yoon
Printed name of licensee

KATIE HEIN NOTARY PUBLIC MY COMMISSION EXPIRES NOVEMBER 3, 2020 STATE OF ALASKA

Notary Public in and for the State of Alaska.

My commission expires: November, 3rd 2020

Subscribed and sworn to before me this 24th day of January, 2017.

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License Fee:	$ 600.00	**Filing Fee:**	$ 200.00	**TOTAL:**	**$ 800.00**
Late Fee of $500.00 – if received or postmarked after 01/03/2017:					$500.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					$1300.00

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

June 22, 2017

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

License Type:	Restaurant/Eating Place	**License Number:**	4584
Licensee:	Genuine Ventures LLC		
Doing Business As:	Tracy's King Crab Shack		

☐ **New Application**
☒ **Transfer of Location Application**
☒ **Transfer of Ownership Application**
☐ **Transfer of Controlling Interest Application**

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

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

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

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

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
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alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
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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:	Doug Trucano		**License #:**		4584
License Type:	Restaurant Eating Place		**Statutory Reference:**		04.11.100
Doing Business As:	Zephyr				
Premises Address:	No Premises				
City:	Juneau	**State:**	AK	**ZIP:**	99801
Local Governing Body:	CBJ				

Transfer Type:

- [x] Regular transfer
- [ ] Transfer with security interest
- [ ] Involuntary retransfer

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

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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:	Genuine Ventures LLC				
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	Lot C1 Juneau Subport, Section 23, Township 41 S, Range 67 East				
City:	Juneau	**State:**	AK	**ZIP:**	99801
Community Council:	CBJ				

Mailing Address:	PO Box 21082				
City:	Juneau	**State:**	AK	**ZIP:**	99802

Designated Licensee:	Tracy LaBarge		
Contact Phone:	907-723-2004	**Business Phone:**	907-723-1811
Contact Email:	tracy@kingcrabshack.com		

Seasonal License? Yes ☑ No ☐ **If "Yes", write your six-month operating period:** May 1 - Oct 1 2017

Section 3 – Premises Information

Premises to be licensed is:

☑ an existing facility Shacks in new site ☐ 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.

2 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.

1.5 miles

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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:	Tracy LaBarge				
Title(s):	Owner	**Phone:**	907-723-2004	**% Owned:**	100%
Address:	PO Box 21082				
City:	Juneau	**State:**	AK	**ZIP:**	99802

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550 W 7th Avenue, Suite 1600
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

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

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 #:	127059	**AK Formed Date:**	2006	**Home State:**	Alaska
Registered Agent:	Tracy LaBarge		**Agent's Phone:**	907-723-2004	
Agent's Mailing Address:	PO Box 21082				
City:	Juneau	**State:**	AK	**ZIP:**	99802

Residency of Agent: Yes No

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

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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):

Genuine Ventures LLC - #2728 - RE
Molly Ventures Inc - #2728 - BD
Wolfpack Ventures, LLC - #644 BD
Saffron LLC - #2641 - RE

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:

Michael Degarimore - Bookkeeper

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STATE OF ALASKA

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550 W 7th Avenue, Suite 1600
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https://www.commerce.alaska.gov/web/amco
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.

Douglas Trucano
Signature of transferor

Douglas Trucano
Printed name of transferor

Subscribed and sworn to before me this 20 day of June, 2017.

AMBER LAUDERT NOTARY MY COMMISSION EXPIRES 3/7/2020 PUBLIC STATE OF ALASKA

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/7/2020

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: _____

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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. TL

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

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. TL

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. TL

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

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

Tracy LaBarge

Printed name

Subscribed and sworn to before me this 2 day of May, 2017.

AMBER LAUDERT NOTARY PUBLIC STATE OF ALASKA MY COMMISSION EXPIRES 3/7/2020

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/7/2020

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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.

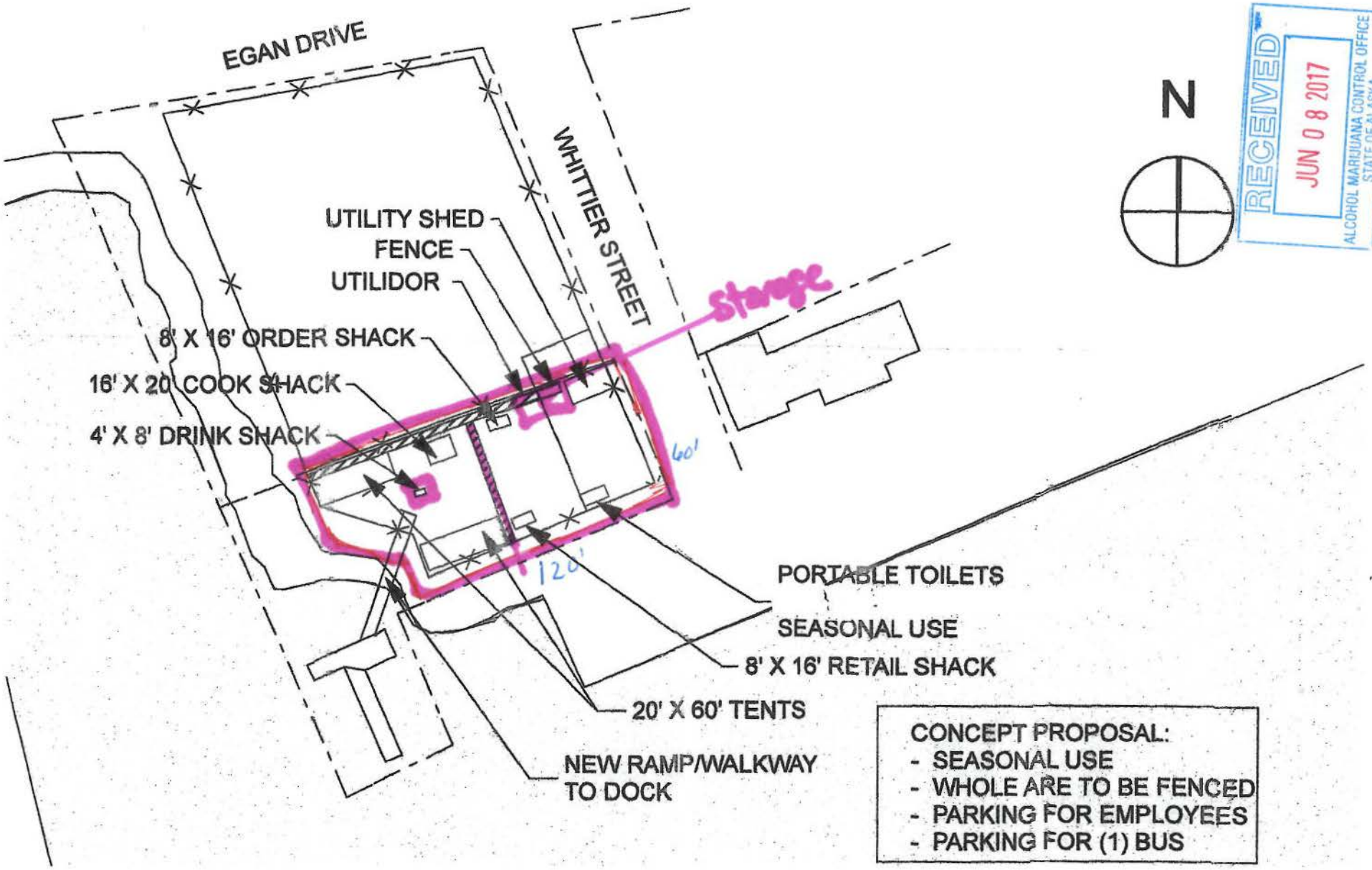
This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

	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:	Genuine Ventures LLC	**License Number:**	4584		
License Type:	Restaurant Eating Place				
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	Lot C1, Juneau Subport, Section 23, Township 41S, Range 67E				
City:	Juneau	**State:**	AK	**ZIP:**	99801

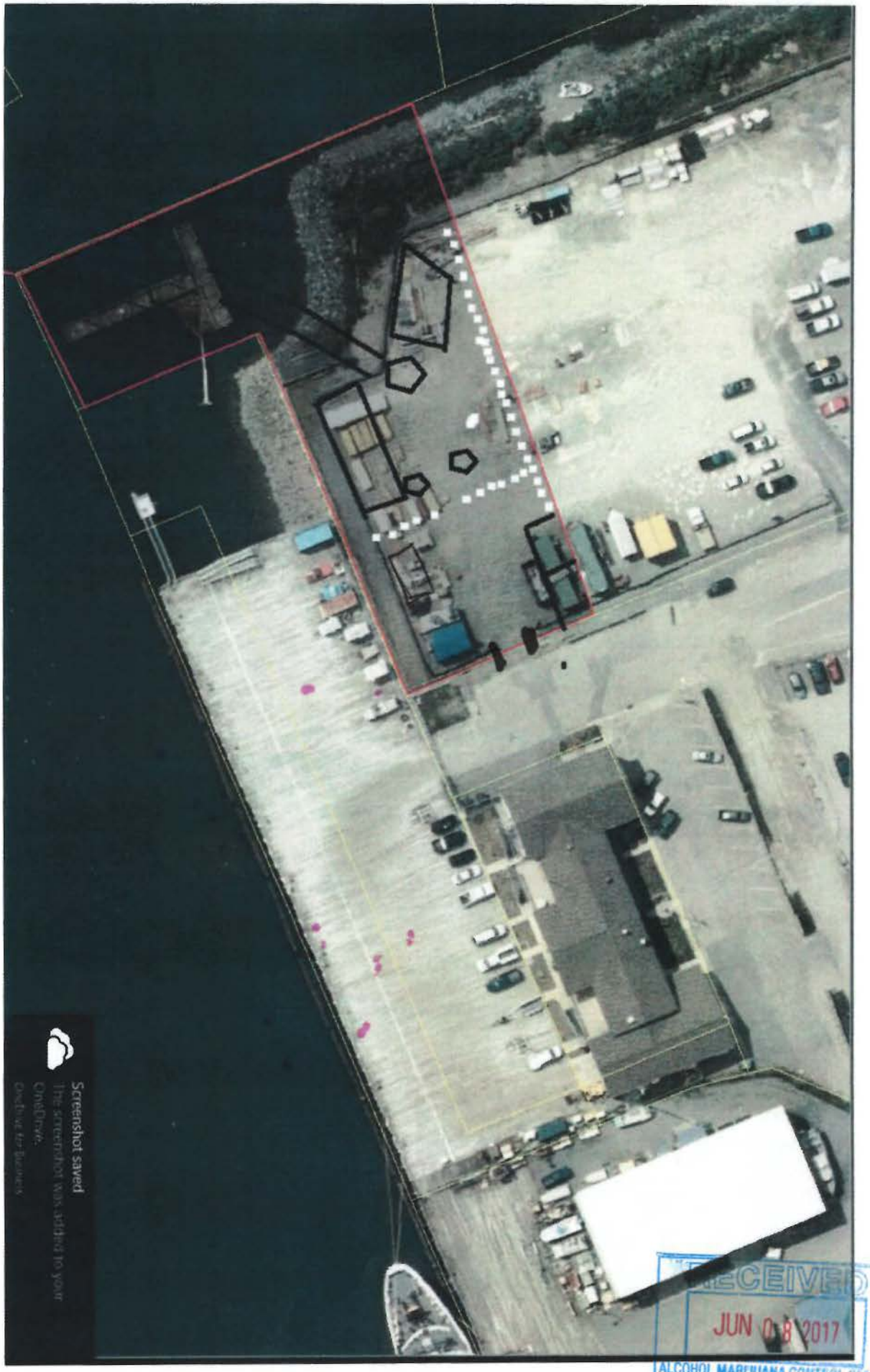


1 SITE CONCEPT PLAN

SCALE: 1" =100'

0 50' 100' 200'

Bluidng + Contanes Do Not Cerrently exist.



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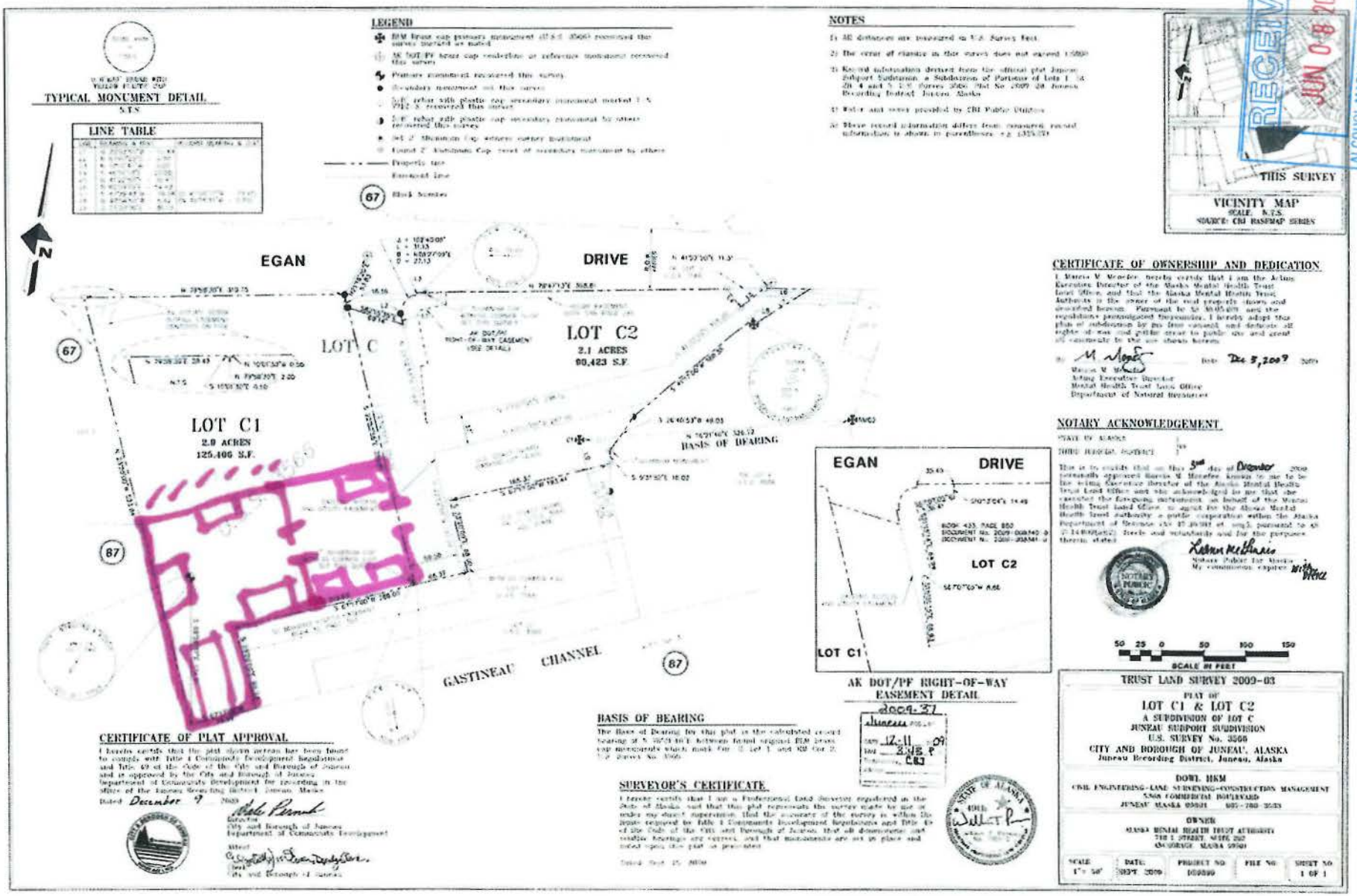
STATE OF ALASKA



WELCOM
ORDER
SHACK

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alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **detailed floor plan** of the proposed designated and undesignated areas of the licensed business and a **menu** or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required $50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Genuine Ventures LLC				
License Type:	Restaruant Eating Place	**License Number:**	4584		
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	Lot C1,Juneau Subport, Section 23, Township 41S, Range 67 E				
City:	Juneau	**State:**	AK	**ZIP:**	99801
Contact Name:	Tracy LaBarge	**Contact Phone:**	907-723-2004		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☐ **Dining after standard closing hours:** AS 04.16.010(c)
- ☑ **Dining by persons 16 – 20 years of age:** AS 04.16.049(a)(2)
- ☐ **Dining by persons under the age of 16 years, accompanied by a person over the age of 21:** AS 04.16.049(a)(3)
- ☑ **Employment for persons 16 or 17 years of age:** AS 04.16.049(c)
  NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY					
Issue Date:		*Transaction #:*		*BRE:*	

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STATE OF ALASKA

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alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Additional Information

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

9am - 10pm 7 days per week. May 1 - Oct 1

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises? Yes ☐ No ☑

If "Yes", describe the entertainment offered or available:

Food and beverage service offered or anticipated is:

☐ table service ☐ buffet service ☑ counter service ☐ other

If "other", describe the manner of food and beverage service offered or anticipated:

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours? Yes ☑ No ☐

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the third page of this form that meet the requirements of this form. Yes ☑ No ☐

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Open Daily 10:30am - 8:30pm-ish

TRACY'S KING CRAB SHACK

KingCrabShack.com

Tracy's Famous King Crab Bisque

Tracy's Recipe! A homemade cream based bisque with all fresh ingredients & King Crab; a local favorite. Gluten Free. Served with garlic rolls.

GF **Crab Bisque - 8oz** $8.25

GF **Crab Bisque - 12oz** $10.95

GF **Bisque Over Rice**
A Crab Bisque over Jasmine Rice. Served with garlic rolls. $13.95

Crab Cakes and Sandwiches

Mini Crab Cakes
Homemade mini crab cakes w/our own sweet & spicy dipping sauce.

Small (6 cakes) $10.95
Large (9 cakes) $12.95

Mini Coconut Cakes
Same great cakes coated in coconut with a sweet sauce.

Small (6 cakes) $11.95
Large (9 cakes) $13.95

Crab Cake Roll
Three of our regular mini cakes plus 2 oz of crab meat on a roll topped with spicy sauce and coleslaw. $17.95

Alaskan Crab Roll
Made famous by Pizza Masters, this play on a lobster roll has all 3 species of crab meat (King, Dungeness & Snow) on a roll topped with coleslaw. $19.95

King Crab
Served with Butter & Garlic Rolls

1 King Crab leg (12 oz) $24.95

Captain's Reserve
1 large leg + 1 killer claw & feeder claw (Approx. 1-1/2 lbs) $44.95

Large King Crab Bucket
Half of an Alaskan Bering Sea Red King Crab. 3-4 large legs + 1 killer claw & feeder claw.
(Dependent on size) Over 3 lbs. $119.95

Other Alaskan Crab
Served with Butter & Garlic Rolls

Local Dungeness Crab
From our own Hooked seafood plant, served fresh from June - Aug. Available all summer.

1/2 Crab Cluster $12.95
Whole Crab (cleaned) $20.00

OUT OF SNOW CRAB FOR THE SEASON.

Crab Shack Combo

Add a Leg for $22

Original Combo #1
1 King Leg
Crab Cakes (4)
Bisque (8 oz) $36.95

More Alaskan Seafood

GF **Sea Scallops**
Dry seared & served over Jasmine rice with a homemade Marsala sauce. $15.95

Spicy Shrimp over Rice
Sauteed Shrimp served over Jasmine rice with our creation of a spicy Cajun sauce. $14.95

Beer Battered Shrimp
Alaskan Summer Ale battered shrimp served with coleslaw, cocktail sauce & lemon. $13.95

Sides

Side of Jasmine Rice $3.00
Side of Coleslaw $3.00

GF - Gluten Free
15% gratuity included for parties of 8 or more.
5% sales tax not Included. All major credit cards & cash Accepted
Prices are subject to change based on market price. Please check current menu.

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Open Daily 10:30am - 8:30pm-ish

BEER & WINE

Must Be 21 & have a Valid ID

Beer on Tap - $6.50

We proudly serve Alaskan Brewing Company Beer made right here in Juneau!

Alaskan Amber Ale
"ALT" style beer. Rich and malty, the beer that made them famous.

Alaskan White
Both hops and malt come together to make a smooth, lighter beer.

Alaskan Variety
Seasonal varietal. See your bartender.

Denali Twister Creek IPA
From Talkeetna, Alaska. High octane, full-flavored, well balanced not too hoppy IPA. One of our best sellers!

Denali Single Engine Red
Brewed with five choice American and European malts and just enough hops for balance, from Denali Brew house in Talkeetna. Alaska.

Sitka Spruce Tip
Baranof Island Beer. The aroma is of spruce & slight tropical fruit. Solid malt background, & a noticeable bitterness . You won't find this anywhere else in Juneau.

Kona Longboard
A smooth refreshing lager. Delicate, slightly spicy hop aroma complements the malty body of this beer.

Square Mile Cider
Perfectly balances sweet and tart with a light, crisp apple flavor and a clean, refreshing finish.

Bud Light
Well you know this one....

Bottles & Cans

Agave Gold Can	$5.50
Alaskan IPA Can	$5.50
Alaskan APA Can	$5.50
Corona	$5.50
Budweiser	$4.50
O'Douls NA	$4.00

Tracy's Signature Wines

(375 ml or Half of a Wine Bottle)

2015 Pinot Gris
The nose has pears, slight melons and an intriguing baking spice note. On the palate, there is a depth and complexity. Nice texture. light to medium acidity which certainly carries the wine. Good finish. (91 pts.) $14

2014 Pinot Noir
Wonderfully aromatic and packed with flavor, this outstanding value opens lightly spicy with zingy raspberry fruit. It's like a tart jam, with citrus-peel highlights peeking through in the sappy finish. (91 pts.) $16

Non Alcoholic Drinks

Root Beer on Tap
Alaskan root beer from Glacier Brewhouse in Anchorage. $3.50

Sodas (20oz) - $2.75

- Smart Water
- Coke
- Diet Coke
- Sprite
- Lemonade
- Dr. Pepper
- Diet Dr. Pepper
- Ginger Ale
- Apple Juice
- Iced Tea (Sweetened & Unsweetened)

White Wine

Lunetta Prosecco Sparkling Wine
Northern Italy $8.00 Split

Charles & Charles Rose
Columbia Valley, Washington
Glass $6.00
Bottle $24.00

Nobilo Sauvignon Blanc
Marlborough, New Zealand
Glass $6.00
Bottle $24.00

Mark West Chardonnay
Sonoma, California
Glass $7.00
Bottle $28.00

Chateau Ste .Michelle Chardonnay
Glass $7.00
Bottle $28.00

Red Wine

Franciscan Cabernet Sauvignon
Napa Valley, California
Glass $9.00
Bottle $36.00

Dreaming Tree Cabernet Sauvignon
Sonoma, California
Glass $7.00
Bottle $28.00

House Wine

Chardonnay	$5.50
Merlot	$5.50

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Note from Tracy: Welcome to our 11th season! We are proud to offer the freshest crab & largest sizes for the best prices. If you are ever unsatisfied with your meal, please bring it to our attention so we can fix it right away. We stand behind our product 100%. Thank you for visiting! ~ Tracy

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Anchorage, AK 99501
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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 4 – Detailed Floor Plan

Provide a detailed floor plan that meets the requirements listed in Form AB-01 **and** clearly indicates the proposed designated and undesignated areas of the licensed business for purposes of this permit application.

See previous diagrams

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Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

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

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram. JL

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. JL

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license. JL

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Tracy LaBarge
Printed name of licensee

AMBER LAUDERT NOTARY PUBLIC STATE OF ALASKA MY COMMISSION EXPIRES 3/7/2020

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/7/2020

Subscribed and sworn to before me this 2 day of May, 2017.

Local Government Review (to be completed by an appropriate local government official): Approved ☐ Disapproved ☐

Signature of local government official

Date

Printed name of local government official

Title

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Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review: Approved ☐ Disapproved ☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

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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

June 13, 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:**	4742
Licensee:	Glacier Hwy LLC		
Doing Business As:	Glacier Hwy LLC		

☐ **New Application**
☐ **Transfer of Location Application**
☒ **Transfer of Ownership Application**
☐ **Transfer of Controlling Interest Application**

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

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

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

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

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov

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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:	Wal-Mart Stores, Inc.		**License #:**		4742
License Type:	Package Store		**Statutory Reference:**		3 AAC 304
Doing Business As:	Wal-Mart Supercenter #3814				
Premises Address:	6525 Glacier Highway				
City:	Juneau	**State:**	AK	**ZIP:**	99801
Local Governing Body:	Juneau				

Transfer Type:

- [x] Regular transfer
- [ ] Transfer with security interest
- [ ] Involuntary retransfer

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OFFICE USE ONLY			
Complete Date:		*Transaction #:*	153645
Board Meeting Date:		*License Years:*	
Issue Date:		*BRE:*	

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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:	GLACIER HWY LLC				
Doing Business As:	GLACIER HWY LLC				
Premises Address:	6525 GLACIER HWY				
City:	JUNEAU	**State:**	AK	**ZIP:**	99801
Community Council:	JUNEAU				

Mailing Address:	1231 W NORTHERN LIGHTS BLVD #829				
City:	ANCHORAGE	**State:**	AK	**ZIP:**	99503

Designated Licensee:	GLACIER HWY LLC		
Contact Phone:	206-450-2288	**Business Phone:**	206-450-2288
Contact Email:	AKHAPPYTIME@GMAIL.COM		

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.

HALF MILE OR 2640 FEET

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.

0.20 MILE OR 1056 FEET

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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:	ALEXANDER DOOWOOK KIM				
Title(s):	MANAGER	**Phone:**	206-450-2288	**% Owned:**	100%
Address:	4615 SPENARD RD				
City:	ANCHORAGE	**State:**	AK	**ZIP:**	99517

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Form AB-01: Transfer License Application

Entity Official:	ALEXANDER DOOWOOK KIM				
Title(s):	MANAGER	**Phone:**	206-450-2288	**% Owned:**	100
Address:	4615 SPENARD RD				
City:	ANCHORAGE	**State:**	AK	**ZIP:**	99517

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 #:	10044950	**AK Formed Date:**	NOV 2016	**Home State:**	AK
Registered Agent:	ALEX KIM		**Agent's Phone:**	206-450-2288	
Agent's Mailing Address:	1231 W NORTHERN LIGHTS BLVD #829				
City:	ANCHORAGE	**State:**	AK	**ZIP:**	99503

Residency of Agent: Yes No

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

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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):

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:

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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

Andrea Lazenby
Printed name of transferor

Subscribed and sworn to before me this 22nd day of February, 2017.

SHAWN J. WOODS
BENTON COUNTY
NOTARY PUBLIC – ARKANSAS
My Commission Expires 04/07/2024
Commission No. 12398143

Signature of Notary Public

Notary Public in and for the State of ARKANSAS.

My commission expires: 04/07/2024

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: _____

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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

ALEXANDER DOOWOOK KIM

Printed name

TAWNI SHILPI NOTARY PUBLIC STATE OF ALASKA

Subscribed and sworn to before me this 01st day of March, 2017.

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 10-01-2018

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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:	Wal-mart Stores, Inc.	**License Number:**	4742		
License Type:	Package Store				
Doing Business As:	Glaicer HWY LLC				
Premises Address:	6525 Glacier Highway				
City:	Juneau	**State:**	AK	**ZIP:**	99801

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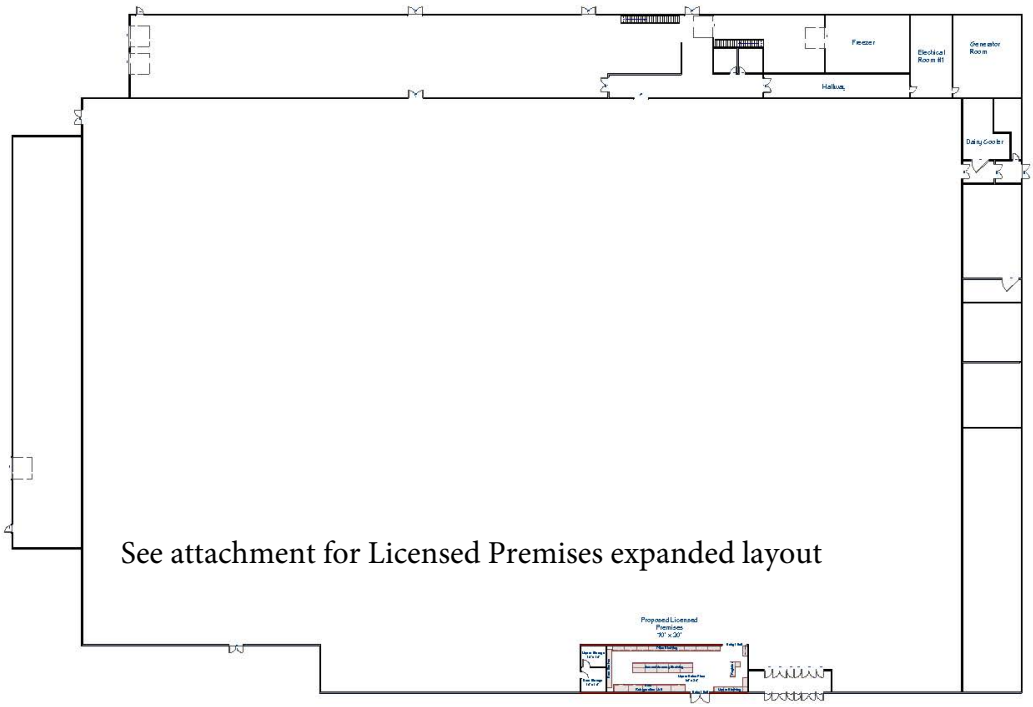
Packet Page 84 of 177

Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

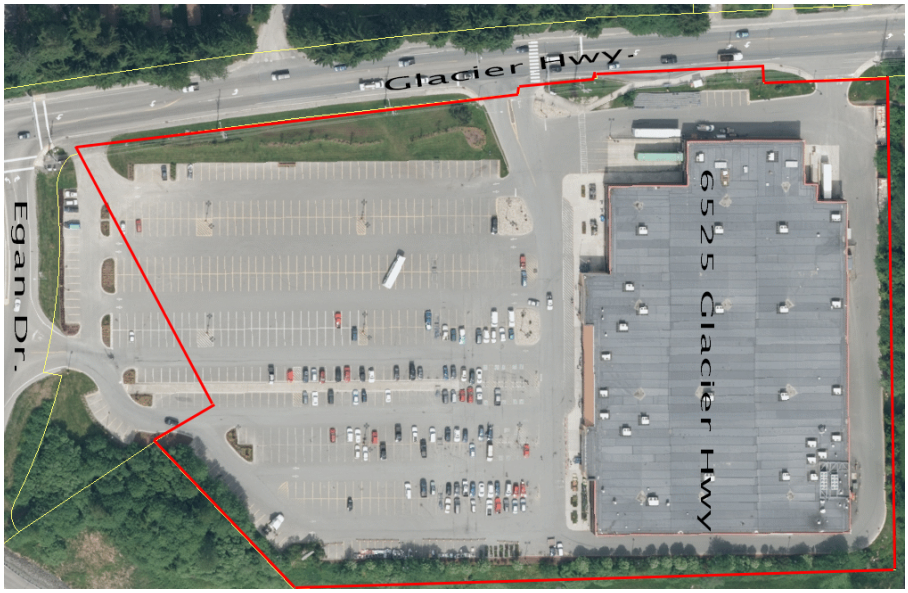
Section 2 – Detailed Premises Diagram

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.



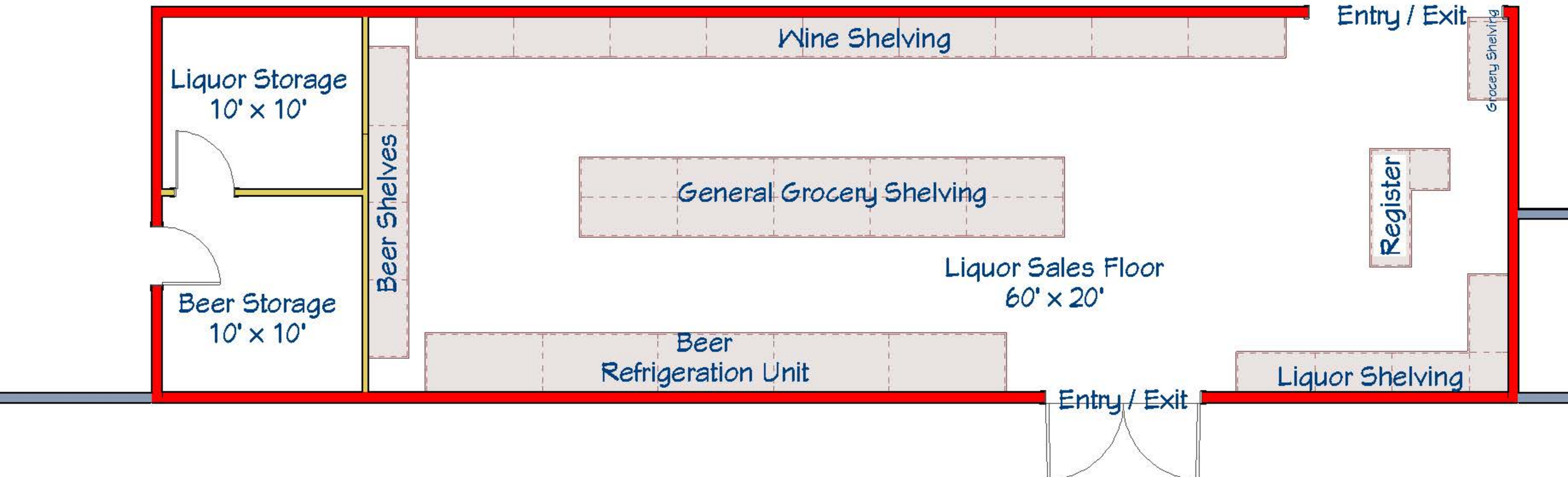
See attachment for Licensed Premises expanded layout

Property Boundaries



Glacier HWY LLC
6525 Glacier Hwy
Juneau, AK

Proposed Licensed Premises
70' x 20'



Presented by: The Manager
Introduced: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AR)

An Ordinance Appropriating to the Manager the Sum of $1,660 as Funding for Americorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development .

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of $1,660 to support travel for one employee for Americorps Training activities.

Section 3. Source of Funds

Alaska Dept of Commerce, Community & Economic Dev: $1,660

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: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(A)

An Ordinance Appropriating to the Manager the Sum of $16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.

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 $16,500 to expand hours of operation at the City Museum in FY18.

Section 3. Source of Funds

Friends of the Juneau-Douglas City Museum: $16,500

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: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(B)

An Ordinance Appropriating to the Manager the Sum of $15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.

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 $15,000 to participate in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Section 3. Source of Funds

Arts Midwest : $15,000

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. 2017-14(b)

An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.

WHEREAS, the City and Borough of Juneau Charter requires that contracts for public improvements, and where practicable, purchases of supplies, materials, equipment, and services be by competitive bid; and

WHEREAS, the Charter language can be interpreted to limit the CBJ's ability to award competitively solicited contracts on anything other than a cost basis; and

WHEREAS, the ability to allow for competitively bid contracts to be awarded based on terms other than pure cost would be of benefit to the public by allowing greater flexibility in project delivery; and

WHEREAS, this type of competitive procurement method is in widespread use by other public entities within the State of Alaska.

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

Section 1. Classification. Section 2 of this ordinance, if approved by the voters pursuant to Section 3, is of a general and permanent nature and shall become a part of the City and Borough of Juneau Home Rule Charter. Sections 3, 4, and 5 of this ordinance are noncode sections.

Section 2. Charter Amendment. The Charter of the City and Borough of Juneau is amended at Section 9.14 Competitive bidding, to read as follows:

Section 9.14. Competitive bidding.

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

(1) Professional services,

(2) Services of officers and employees of the municipality acting within the scope of their office or employment,

(3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer,

(4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school, or

(5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:

(A) The services are provided pursuant to a written agreement with the corporation, and

(B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not

exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.

(6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.

(c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

Section 3. Submission to the Voters. An amendment to Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, shall be submitted to the qualified voters of the City and Borough at the next regular municipal election. The City and Borough Clerk shall prepare the ballot title as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters at the next regular municipal election.

Section 4. Proposition. The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

PROPOSITION NO. _____

CHARTER AMENDMENT

Shall Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, be amended as set forth in Ordinance No. 2017-14 *to add the following underlined words?*

BE IT ENACTED by the City and Borough of Juneau, Alaska, that Section 9.14 Competitive bidding, reading as follows, is adopted as part of the Charter of the City and Borough of Juneau, Alaska:

Section 9.14. Competitive bidding.

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

(1) Professional services,

(2) Services of officers and employees of the municipality acting within the scope of their office or employment,

(3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer,

(4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school, or

(5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:

(A) The services are provided pursuant to a written agreement with the corporation, and

(B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.

(6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by

ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.

(c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

FOR THE AMENDMENT [ ]

AGAINST THE AMENDMENT [ ]

Section 5. Effective Dates. (a) The Charter amendment proposed in Section 2 of the ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held October 3, 2017, if a majority of the qualified voters voting on the proposition set forth in Section 4 vote for the amendment.

(b) Section 3 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

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. 2017-17(b)

An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

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

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

Section 2. Amendment of Title. Title 1 General Provisions, is amended by adding a new chapter to read:

Chapter 01.70 PUBLIC RECORDS

01.70.010 Purpose.

The purpose of this chapter is to establish uniform procedures to ensure that requests for disclosure of public records are handled in a timely, reasonable, and responsive manner. All disclosable public records shall be made available upon request and upon compliance with the requirements of AS 40.25.110 - AS 40.25.220 and this chapter.

01.70.020 Form of requests.

This section applies to all requests except for routine requests processed under CBJ 01.70.030. Requests for the inspection or copying of records shall be made in writing addressed to the

municipal clerk. The municipal clerk shall maintain a log of all requests for the disclosure of public records that shall include the date and time of the request and fee charged, if any. If a requester is unable to write a request due to a physical or mental disability, the municipal clerk shall either assist the requester in preparing a written request or treat the requester's oral request as a written request.

01.70.030 Routine Requests.

Routine requests for inspection or copying of records may be processed by the director of the department in which the records are located. For purposes of this section, a routine request is a request for records that are clearly to be made available to the public and that can be responded to quickly with a minimal amount of effort or time by staff. Routine requests may be submitted orally or in writing. Routine requests do not include requests for records that might be exempt from disclosure, requests that will or might be denied for any reason, requests that will take more than one person-hour of staff time to respond to, or requests from a person involved in litigation with the City and Borough. If it is determined that a request being processed under this section is not a routine request, the request shall be transmitted to the municipal clerk for processing under CBJ 01.70.060.

01.70.040 Description of records requested.

(a) A request for records must describe the records sought in sufficient detail to enable staff to locate and identify the records. If the records are described by the requestor in general terms, the municipal clerk shall attempt to communicate with the requestor to identify the records requested and lessen the administrative burden of processing an overly broad request.

(b) If it is determined that the description of records sought is not sufficient to allow staff to identify the requested records, the requestor shall be notified promptly that the request cannot be approved or processed until a sufficient description of the records is received.

(c) A requester may not be asked to provide a justification or explanation of need or intended use, but the municipal clerk may inquire whether the person making the request is a party, or represents a party, involved in litigation, including any judicial or administrative proceeding, arbitration, or mediation, with the City and Borough to which the requested record is relevant or could be relevant. If so, the requester shall be informed to make the request in accordance with applicable court rules.

01.70.050 Access to records, format.

(a) The City and Borough shall not be required to manipulate data to create new records in response to a request for public records, nor is it required to compile or summarize records in response to a request for information.

(b) Except as provided by law, if the request is for a public record that contains confidential information, the confidential information shall be masked or deleted before the record is provided.

(c) Records will be made available in the format in which the City and Borough maintains or disseminates records. Exact reproduction shall not be required, but any alteration of the form or medium of the record must not change the substantive content of the information.

01.70.060 Response to requests for public records.

(a) All municipal officers and employees shall, consistent with the orderly conduct of

municipal business, make a good faith and diligent effort to provide a prompt response to requests for inspection or copying of records.

(b) Requests will be responded to as staff time allows without interrupting the orderly conduct of City and Borough business. The municipal clerk will make a good faith effort to keep the requester apprised of the estimated time in which the response will be made.

(c) As soon as practicable and upon payment of any fee established under this chapter, the municipal clerk shall furnish all requested records that are disclosable. If any of the records are not disclosable, the requester shall be provided a written denial in accordance with CBJ 01.70.090.

01.70.070 Fees for copying, production, and review.

(a) *Copying fee.* The fee for copying public records may not exceed the applicable standard unit cost established by the City and Borough of Juneau print shop. "Copying" includes paper copies as well as the production of scanned PDF pages and the actual cost of paper, tapes, microfiche, disks or other media used.

(b) *Review and production fee.* Except as otherwise provided, if the review and production of records for one requestor in a calendar month exceeds five-person hours, the requestor must pay all costs associated with the review and production of the records. The review and production fee is the equivalent of the actual salary plus benefits for the time spent by City and Borough staff to search, review, and copy the records. A "search" of records shall include, but is not limited to, any computer programming work required to extract or copy electronically-stored records. A "review" of records shall include the time spent to examine the records for the purposes of determining whether the document is responsive to the request, and if so, whether

the document will be disclosed or withheld based on privilege, exemption, or other exception. The production and review fee will be in addition to the copying fee.

(c) *Electronic services and products.* The fee for electronic services and products shall be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the City and Borough.

(d) *Payment of applicable fees.*

(1) The requester shall pay all required fees before the records are disclosed, except the manager may waive this requirement in accordance with CBJ 01.70.080.

(2) The manager may require payment in advance of the review and production of records when the manager reasonably believes that the review and production will require more than five hours to complete and will generate a fee under this section that is not waivable under CBJ 01.70.080.

01.70.080 Waivers and reductions in fees.

(a) The fees required by this chapter may be reduced or waived by the city manager when

(1) The amount of the fee is $5 or less;

(2) In the case of indigency; or

(3) If the manager finds the records or electronic services and products are to be used for a public purpose.

(b) Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(c) *Fee reduction in the case of indigency*. If a person is unable to pay a fee and signs an affidavit on a form provided by the manager to that effect, the manager will waive all or part of the applicable fees in accordance with the table below. No waiver or reduction will be granted if the manager finds, based upon reliable information, that the affidavit of indigency was made fraudulently or in bad faith.

Annual gross income(from all sources in the prior year), as a percent of current Health and Human Services Poverty Guidelines for Alaska	Amount of Waiver
1 – 100%	100% waiver
101 – 149%	75%
150 – 174%	50%
175 – 199%	25%
200% plus	No waiver

(d) *Public purpose waiver or reduction.* A waiver or reduction of fees may be granted if the requester certifies, and the manager finds, that

(1) The records are likely to contribute significantly to the public's understanding of the operations or activities of the municipality;

(2) The records are not sought primarily for a purpose that is commercial or financial;

(3) The records are not sought by or on behalf of a person involved in litigation, including any judicial or administrative proceeding, arbitration, or mediation, with the City and Borough in which the records are or could be relevant; and

(4) The combined amount of all fees, including the amount of any waiver or reduction granted to the requester or to any other requesters acting in concert with the

requester in making requests for the same or related records, does not exceed $500 during any period of 12 consecutive months.

01.70.090 Denial.

(a) A request for a public record that complies with this chapter may be denied only if

(1) The record is not known to exist after a diligent search is made for it;

(2) The record is not in the City and Borough's possession, and after a diligent search, where the record is to be found remains unknown or outside the City and Borough's control;

(3) The record has been destroyed in accordance with an applicable record-retention schedule; or

(4) Nondisclosure of the record is authorized by federal or state law or regulation.

(b) A denial under this section is a final administrative order for purposes of appeal. The denial must be in writing, must specify the specific ordinance, statute, regulation, or court decision that is the basis for the denial, and must briefly state the reason for the denial. A denial must further state that, as provided by AS 40.25.124, the requester may obtain judicial review by appealing the denial to the superior court.

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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

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

NOTICE OF PROPOSED CHANGES TO REGULATIONS
Amendment of Title 05, Chapter 20
SMALL BOAT HARBOR FEES AND CHARGES

DOCKS & HARBORS BOARD IS PROPOSING TO ADOPT AN AMENDMENT TO THE FOLLOWING REGULATION

05 CBJAC 20.070(a) and (b) – Fees for commercial use of boat launches

(a) *Definition.* The fees assessed to an owner for using a ~~one or more of the~~ Douglas Harbor Boat Launch~~es~~, the Harris Harbor Boat Launch, the North Douglas Boat Launch, a ~~the~~ Statter Harbor Boat Launch, the Amalga Harbor Boat Launch, the Auke Bay Loading Facility, and the Echo Cove Boat Launch for any type of commercial use.

(b) ~~*Annual*~~ *Fee*. A commercial user of the launch ramps must pay a ~~an annual~~ fee prior to using a launch ramp as follows:

Daily fee $30.00

Annual fee (January 1—December 31): $250.00 per trailer

This regulation is proposed for adoption pursuant to CBJ's 01.60, 85.02.060, and 85.02.100. Interested persons may obtain a full copy of the proposed regulation at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, and online at www.juneau.org/harbors/proposed_regulations.php

The Board is holding a public hearing and intends to take final action on the proposed changes on July 27th at 5 pm in the Assembly Chambers. This will be introduced to the Assembly on July 31st at 7:00 p.m. in the CBJ Assembly Chambers. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and online by web form at the above web address until 4:30 p.m. on July 27th.

To obtain more information please call the Port Director Carl Uchytil at 586-0292.

REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 20
SMALL BOAT HARBOR FEES AND CHARGES

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

Section 2. Amendment of Section. 05 CBJAC 20.070(a) and (b) are amended to read:

05 CBJAC 20.070 - Fees for commercial use of boat launches.

(a) *Definition.* The fees assessed to an owner for using a ~~one or more of the~~ Douglas Harbor Boat Launch~~es~~, the Harris Harbor Boat Launch, the North Douglas Boat Launch, a ~~the~~ Statter Harbor Boat Launch, the Amalga Harbor Boat Launch, the Auke Bay Loading Facility, and the Echo Cove Boat Launch for any type of commercial use.

(b) ~~*Annual*~~ *Fee*. A commercial user of the launch ramps must pay a ~~an annual~~ fee prior to using a launch ramp as follows:

Daily fee $30.00

Annual fee (January 1—December 31): $250.00 per trailer

...

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on June 18th, 2017, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

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

Date: 7/27/2017

Carl Uchytil
Port Director

Legal Review

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

(1) Its consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority following each section; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 7/27/17

Robert H. Palmer, III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Clerk

Filing with Clerk

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

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

Date: _____

Laurie J. Sica, Clerk

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

NOTICE OF PROPOSED CHANGES TO REGULATION
Amendment of Title 05, Chapter 30
Docks and Harbors Shorepower Access Fees

DOCKS & HARBORS BOARD IS PROPOSING TO ADOPT AN AMENDMENT TO THE FOLLOWING REGULATIONS.

05 CBJAC 30.010 Shorepower access fees.

(b) Basis for computing charges – *the proposed change is to remove (With approval of the Docks and Harbors Department, a person may use a 50 amp service and be assessed a 30 amp fee provided the service is current limited to 30 amps).*

(e) Daily shorepower access fees.

Connection Type	Current Fee	Proposed Fee
20 amp(120V, 1 phase)	$4.80	$6.00
30 amp (120V, 1 phase)	$7.20	$9.00
50 amp (208V, 1 phase)	$24.00	$25.00
50 amp (208V, 3 phase)	----------	$52.00
100 amp (208V, 3 phase)	$48.00	$86.00
100 amp (480V, 3 phase)	$120.00	$198.00

(i) Shorepower cost adjustment - The shorepower access fees should be reviewed and adjusted annually.

These regulations are proposed for adoption pursuant to CBJ's 01.60 and CBJ 85.02.060, and CBJ 85.02.100. Interested persons may obtain a full copy of the proposed regulations at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, and online at www.juneau.org/harbors/proposed_regulations.php

The Board is holding a public hearing and intends to take final action on the proposed changes on July 27th at 5 pm in the Assembly Chambers. This will be introduced to the Assembly on July 31st at 7:00 p.m. in the Assembly Chambers. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and online by web form at the above web address until 4:30 p.m. on July 27th.

Interested persons may obtain more information by calling Port Director Carl Uchytil at 586-0292.

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Amendments to Title 05, Chapter 30 Docks and Harbors Shorepower Access Fees

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, 85.02.100, and 85.20.010.

Section 2. Amendment of Section. The City and Borough of Juneau Administrative Code of Regulations in Title 05, Chapter 30, is amended as follows:

05 CBJAC 30.010 - Shorepower access fees.

...

(b) *Basis for computing charges.* The Docks and Harbors Department assesses shorepower *access* fees based upon the type of connection accessed, the length of time a person accesses the connection, the season of the year, and whether a person uses a boat as a residence. Fees are assessed for five types of connections: 20 amp, 30 amp, 50 amp, 100 amp/208 volt, and 100 amp/480 volt. ~~With approval of the Docks and Harbors Department, a person may use a 50 amp service and be assessed a 30 amp fee provided the service is current limited to 30 amps~~. The Docks and Harbors Department assesses fees on either a daily or monthly period. The Docks and Harbors Department assesses a daily fee for each calendar day, or portion thereof, that a person plugs into a shorepower connection. As an alternate to being assessed the daily fee, a person may elect to pay a monthly fee, good for a calendar month, or portion thereof. To qualify for the monthly fee, a person must pay the applicable fee in advance of the calendar month or arrange for automated monthly billings with the Docks and Harbors Department, if available.

...

(e) *Daily shorepower access fees.* Fees to access shorepower on a daily basis are as follows:

Connection Type	Fee
20 amp (120V, 1 phase)	~~$4.80~~ 6.00
30 amp (120V, 1 phase)	~~7.20~~ $ 9.00
50 amp (208V, 1 phase)	~~24.00~~ $ 25.00
50 amp (208V, 3 phase)	$ 52.00
~~100 amp/208 volt~~ 100 amp (208V, 3 phase)	~~48.00~~ $ 86.00
~~100 amp/480 volt~~ 100 amp (480V, 3 phase)	~~120.00~~ $ 198.00

...

(i) Shorepower cost adjustment - The shorepower access fees should be reviewed and adjusted annually.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on

June 27th, 2017, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

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

Date: 7/27/2017

Carl Uchytil
Port Director

Legal Review

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

(1) Consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 7/27/17

Robert H Palmer III
Robert H. Palmer III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

_____
Laurie J. Sica, Clerk

Filing with Clerk

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

These regulations were accepted for filing by the office of the clerk on the _____ day of _____, _____.

A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.

Effective date: _____.

Date: _____

_____
Laurie J. Sica, Clerk

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

NOTICE OF PROPOSED CHANGES TO REGULATIONS
Amendment of Title 05, Chapter 45
SMALL BOAT HARBOR AND PORT FACILITIES USE REGULATIONS

DOCKS & HARBORS BOARD IS PROPOSING TO ADOPT AN AMENDMENT TO THE FOLLOWING REGULATIONS.

05 CBJAC 45.005- ~~(Reserved).~~ Wastewater discharge, 05 CBJAC 45.010 – Marine sanitation devices and 05 CBJAC 45.015 – Marine Sanitation requirements for vessels

The above regulations are a requirement for Clean Harbors certification which prohibits the discharge of sewer into Juneau Harbors.

These regulations are proposed for adoption pursuant to CBJ's 01.60 and CBJ 85.02.060, and CBJ 85.02.100. Interested persons may obtain a full copy of the proposed regulations at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, and online at www.juneau.org/harbors/proposed_regulations.php

The Board is holding a public hearing and intends to take final action on the proposed changes on July 27th at 5 pm in the Assembly Chambers which is a change from the previously advertised date of June 29th. This will be introduced to the Assembly on July 31st at 7:00 p.m. in the Assembly Chambers. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and online by web form at the above web address until 4:30 p.m. on July 27th.

Interested persons may obtain more information by calling Port Director Carl Uchytil at 586-0292.

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 45
SMALL BOAT HARBOR AND PORT FACILITIES USE REGULATIONS

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, and CBJ 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by adding the following new sections in Title 05, Chapter 45:

05 CBJAC 45.005 - ~~(Reserved).~~ Wastewater discharge.

(a) *Definition.* The term *wastewater* means sewage, organic human waste, waterborne industrial waste, and other wastes that are waterborne.

(b) *Prohibition and Penalties.* Untreated wastewater, inadequately treated wastewater, or any substance or material deleterious to humans, fish, plants, animals, or the marine environment shall not be discharged from a vessel within the boat harbor except in a lawful and approved manner. The Harbormaster may undertake any reasonable actions to abate a wastewater discharge, and all abatement costs shall be charged against the vessel owner or occupant(s). The penalty for violating this wastewater requirement includes but is not limited to immediate termination of moorage or boat harbor privileges, prohibition from mooring in the boat harbor or on Docks and Harbors managed property, restitution for abatement costs, and liability for the discharge.

(c) *Lawful and approved discharge.* A vessel may discharge wastewater into one of the City and Borough pump out stations, or a licensed wastewater handling contractor may offload and lawfully dispose of a vessel's wastewater.

05 CBJAC 45.010 – Marine Sanitation Devices. There are three different types of Marine Sanitation Devices that can be certified by the U.S. Coast Guard to meet the requirements in 33 CFR Part 159, each having its own design, certification, and discharge criteria:

(a) Type I is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. This type of device is typically a physical/chemical based system that relies on maceration and chlorination. Type I Marine Sanitation Devices are issued a Certificate of Approval.

(b) Type II is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended

solids not great than 150 milligrams per liter. This type of device is typically a biological or aerobic digestion based system.

(c) Type III is a device that prevents the overboard discharge of treated or untreated sewage or any waste derived from sewage. This type of device is typically a holding tank and may include other types of technology including incineration, recirculation, and composting.

05 CBJAC 45.015 – Marine sanitation requirements for vessels.

(a) *Installed toilet facility regulation.* No person may operate a vessel in the boat harbor having an installed toilet facility unless it is equipped with an installed and operable Marine Sanitation Device of a type certified by the U.S. Coast Guard to comply with the requirements of 33 CFR Part 159.

(b) *Live aboard vessel wastewater requirements.* Live aboard vessels, as defined in 05 CBJAC 20.050, shall be equipped with a permanently installed, operational, and a Coast Guard approved Type I, II, or III Marine Sanitation Device. Marine Sanitation Devices must be designed, installed, and operated in such a manner as to prohibit the discharge of untreated sewage while moored within the confines of the Harbor. Vessels with a Type II or III Marine Sanitation Device must have a holding tank of no less than 10 gallons. Portable toilets are not considered a permanently installed Marine Sanitation Device and do not meet the requirements of this section.

(c) *Compliance and Inspections.*

(1) Upon application for moorage or moorage renewal, the vessel owner or owner's agent shall identify whether the vessel has a toilet or wastewater facility, and if so certify the vessel complies with the wastewater requirements. The Harbormaster may inspect the vessel and require the vessel owner or owner's agent to demonstrate the vessel complies with the wastewater requirements. A vessel that does not comply with the wastewater requirements is prohibited from mooring or anchoring in the boat harbor or on Docks and Harbors managed property.

(2) As a condition of moorage or use of the boat harbor, an owner, owner's agent, and occupant of a vessel with toilet or wastewater facility consents to the Harbormaster performing wastewater inspections upon reasonable notice and at reasonable times. A vessel owner or occupant that refuses to have the vessel inspected is deemed to have immediately terminated the moorage and the vessel shall be immediately removed from the boat harbor. Upon inspection, a vessel that does not comply with the wastewater requirements shall be given 72 hours to abate the wastewater violation or to remove the vessel from the boat harbor. A wastewater inspection may require the vessel owner, owner's agent, or occupants to demonstrate the vessel complies with the wastewater requirements. The refund provision of 85.10.050(f) applies to a vessel that has an outstanding moorage credit and that is prohibited from mooring due to a wastewater violation.

(3) Any vessel that violates these compliance or inspection provisions is subject to impound pursuant to 85.25.180.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on MAY 18th 2017, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

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

Date: 7/27/2017

Carl Uchytil
Port Director

Legal Review

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

(1) Consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 7/27/17

Robert H. Palmer, III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____ _____

Laurie J. Sica, Municipal Clerk

Filing with Clerk

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

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

Date: _____ _____

Laurie J. Sica, Municipal Clerk

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

Notice of Appeal

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

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

Action Being Appealed

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

- ☐ Agency Appealed From: Office of Assessor

- ☐ Description and Date of Decision: Letter dated June 16, followed by inquiries whether decision was a final one, and a confirmation with designated deadline for appeal (Attachments 1, 2, 3, and 4).

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
Southeast Alaska Land Trust	119 Seward Street, Suite 2 Juneau, Alaska 99801	586-3100	586-3125	info@setrust.net

☐ Parties Who Won the Decision Appealed	Mailing Address	Telephone	Fax	Email

1 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:
(1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
(2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
(3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
(b) The burden of proof is on the appellant. (Serial No. 92-36 ☐ 2 (part), 1992).

CITY CLERK
CBJ JUL 14 2017 CBJ

Issues on Appeal[2]

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

See Attachment 5.

Relief Requested

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

The Assembly should set aside the Assessor's June 16 decision and determine that Southeast Alaska Land Trust established that all 14 parcels were actually used for an exempt purpose, public recreation. Alternatively, the Assembly should set aside the Assessor's original decision and determine that conservation qualifies as an exempt purpose, and that all 14 parcels were actually used for that exempt purpose. The Assembly further should award Southeast Alaska Land Trust its costs of appeal and refund its appeal filing fees.

Tim Thomas 7/13/17

Signature **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. See Attachment 6

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.

ISSUES ON APPEAL

The decision being appealed was issued after a Decision on Appeal by the Assembly in *Southeast Alaska Land Trust v. City and Borough of Juneau Assessor* (April 5, 2107) ("Assembly Decision"). The Assembly Decision addressed a prior decision by the Assessor, denying Southeast Alaska Land Trust a charitable purpose tax exemption under AS 29.45.030(a)(3) for 14 parcels of property. Southeast Alaska Land Trust had based its request for exemption on two nonprofit charitable purposes: conservation and public recreation. The Assembly Decision determined that Southeast Alaska Land Trust had established a nonprofit charitable purpose under Article IX, §4 of the Alaska Constitution and AS 29.45.030, by making parcels available for public recreation, but specifically declined to determine whether conservation would qualify as a charitable purpose. The Assembly then remanded the matter to the Assessor to give Southeast Alaska Land Trust the opportunity to provide any reasonable form of evidence on the actual use of the 14 parcels for public recreation. Southeast Alaska Land Trust submitted evidence of actual use, and the Assessor issued the decision being appealed, denying the exemption. The bases for appeal are:

1. The Assessor erroneously revisited the nonprofitable charitable purpose issue that the Assembly had already decided.
2. The Assessor erroneously determined that the evidence of actual use for public recreation was insufficient.
3. If the Assembly does not determine that the Assessor erred in denying the public recreation exemption, then it must resolve the issue it declined to address: Does conservation constitute a nonprofit charitable purpose under Article IX, §4 of the Alaska Constitution and AS 29.45.030?

NOTICE OF REPRESENTATION

I, Leon Vance, certify that Southeast Alaska Land Trust has authorized Lael Harrison and me to represent it in this appeal, and has authorized me to submit the accompanying Notice of Appeal on its behalf. Notices and pleadings may be directed to:

Lael Harrison
Leon Vance
Faulkner Banfield, P.C.
8420 Airport Boulevard, Suite 101
Juneau, Alaska 99801
lvance@faulknerbanfield.con
Phone: 907.523.6130
Fax: 907.586.8090

DATED: July 13, 2017.

Leon T. Vance

SUBSCRIBED AND SWORN TO before me this 13 day of July, 2017.

STATE OF ALASKA
OFFICIAL SEAL
Elizabeth Parsons
NOTARY PUBLIC
My Commission Expires 08/08/2018

Notary for the State of Alaska
My Commission Expires 8-8-18

CITY AND BOROUGH OF JUNEAU

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

OFFICE OF THE ASSESSOR

June 16, 2017

Allison Gillum
Executive Director
Southeast Alaska Land Trust
119 Seward Street, Suite 2
Juneau, Alaska 99801

SEAL Trust submitted an affidavit dated May 19, 2017, purporting to describe recreational uses that occurred on the 14 properties in issue. Because the charitable purpose exemption is an exemption required under state law (as opposed to authorized by city code), I consulted with the state assessor.

The state assessor agreed with my assessment that placing property, especially vacant undeveloped property, into a protective trust with undisclosed access and use restrictions does not meet the test for charitable use. The concept of charity has to do with the element of gift and providing a good or service at a cost below the cost of providing that same thing by other means. Unlike the charitable provision of a subsidized youth camp in *Matanuska-Susitna Borough v. King's Lake Camp*, 439 P.2d 441, 443 (Alaska 1968), SEAL Trust has not provided sufficient evidence of similar charitable uses on every one of the 14 properties. While the presence of recreational facilities is not dispositive for the charitable purpose exemption, a taxpayer is not eligible for the charitable purpose exemption based on a recreational purpose when the property is vacant and lacks recreational improvements like parking lots, restrooms, informational kiosks, posted rules, boundary signs, trash cans, etc. (R. 402-403); there are no signs indicating the public can use any parcel (R. 403); and when SEAL Trust relies on other property owners and other entities to provide parking and access to SEAL Trust's parcels (R. 404-405). Thus, SEAL Trust has not provided sufficient evidence of what charity it provides or how it is being provided at a lower cost through donation or the element of gift.

The state assessor also agreed that it is the applicant's burden to prove the exemption is warranted, and that in this case, the affidavit submitted fails to satisfy that burden as self-serving affidavits are not probative[1] and prior statements contradict the substance of the affidavit.

[1] *Peterson v. Wirum, 625 P.2d 866, 870 (Alaska 1981)* (stating that post hoc self-serving statements are not probative); *State v. Agoney, 608 P.2d 762, 764 (Alaska 1980)* (describing that a party's self-serving statements are not admissible unless they qualify for some exception to the hearsay rule or are used for non-hearsay purpose).

For example, on July 20, 2016, SEAL Trust stated that it does not have records of any use of the properties (R. 406), yet the affidavit now claims SEAL Trust has records of use in 2016. Furthermore, SEAL Trust had signs posted that prohibited public access on one parcel (R. 217, 219, 220) and even stated that it may prohibit public access on other parcels (R. 403), yet the affidavit fails to address or apportion those restrictions. Moreover, at oral argument, counsel for SEAL Trust described that bird hunting was prohibited on SEAL Trust property because of a CBJ law (42.20.050), yet the affidavit states that hunting has occurred on the property in 2016 despite Ordinance 2017-08 only allowing hunting as of May 24, 2017.

Although I am concerned that I cannot consider the May 19 affidavit, I have proceeded according to the Assembly's decision dated April 5, 2017.

Respectfully,

Robin Potter ACAA III
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333

FAULKNER BANFIELD
A PROFESSIONAL CORPORATION
8420 AIRPORT BOULEVARD, SUITE 101 • JUNEAU, ALASKA 99801-6924
PHONE: (907) 586-2210 • FAX: (907) 586-8090

LEON T. VANCE
Direct Phone: 907.523.6130
lvance@faulknerbanfield.com

June 27, 2017

Sent via email: Robert.Palmer@juneau.org

Robert H. Palmer
Assistant Municipal Attorney
City & Borough of Juneau, Alaska
155 South Seward Street
Juneau, Alaska 99801

Re: Southeast Alaska Land Trust Appeal
Subject: June 16, 2017 Letter from Assessor
Our File No.: 9148-26272

Dear Rob:

Allison Gillum received the attached letter from the Assessor addressing the affidavit SEAL Trust submitted after the Assembly's remand decision. SEAL Trust has some questions about the letter.

First, is the letter intended to be the final decision on remand from the Assembly? If it is, the time for filing an appeal appears to be somewhat unclear (Allison was out of town when the letter arrived at the Trust's offices). For the sake of certainty, I have advised SEAL Trust to treat June 16 as the date notice was mailed and the start date for the deadline calculation. After the allowance for service by mail, that would make the appeal due by July 10. If you believe that a different date applies, please advise us of that date.

If the letter is not the final decision, then SEAL Trust requests guidance on the kind of information the assessor needs to confirm the validity of the recreational use exemption. The Assessor's letter emphasizes the lack of parking, improvements and signage as evidence that no charitable purpose exists. But the Assembly stated that those factors were not "legal prerequisites" for establishing outdoor recreational use as an exempt charitable purpose, and determined that SEAL Trust had established a nonprofit charitable purpose. *See Assembly Decision* at 7, 9. The purpose of the remand was to determine whether the properties actually were used for the acknowledged charitable purpose. *See*

Assembly Decision at 10. And the Assembly's remand instructions were for SEAL Trust to be "given the opportunity to provide the Assessor with any reasonable form of evidence of actual use for public recreational purposes." *See Assembly Decision* at 11. SEAL Trust believes that when considered along with the information it provided earlier, the affidavit complies with the Assembly's instructions. But if the Assessor disagrees, please advise us of what additional information is needed.

The Assessor's letter also expresses concerns about seeming contradictions between prior statements and the affidavit. SEAL Trust indeed previously stated that it did not have records of the use of the properties. But contrary to the Assessor's claim, the affidavit does not now assert that records exist. Rather, the affidavit attests that in the course of her duties Ms. Gillum "personally observed" the public using the properties for recreation, and that she "spoke to people who reported" their own use of the properties. There is no reference to records.

With respect to the Assessor's concerns about possible prohibitions against public access, the affidavit does not address that issue because there was no reason to do so. The Assembly was aware of the information the Assessor cites, but based on the entire record it correctly determined that SEAL Trust does not restrict or prohibit public access. *See Assembly Decision* at 7-8. The only issue it required SEAL Trust to address on remand was evidence confirming that the public actually used the properties for recreational purposes. The affidavit provides that confirmation.

Finally, with respect to the Assessor's concern about hunting, the affidavit is referring to two distinct points. The properties adjacent to the Mendenhall Wetlands State Game Refuge are freely accessible to the public as part of their use of the Refuge. As part of their hunting activities, many hunters use SEAL Trust properties to gain access to the Refuge lands where they actually discharge their firearms. Even if the act of shooting does not occur on SEAL Trust lands, the public uses the lands in the course of hunting. And on the Montana Creek property, SEAL Trust permits hunting, including shooting where it can be done lawfully. SEAL Trust apologizes for not making that clarification in the affidavit.

SEAL Trust has provided a variety of reasonable forms of evidence of the public's actual use of the properties for recreational purposes. If there is something specific that the Assessor would like SEAL Trust to provide, please let me know what that is.

If you have any questions about this letter, please contact me to discuss them. Otherwise, please address the questions it raises as soon as is convenient for you to do so. Thank you for your assistance.

Sincerely,

Leon T. Vance

Leon T. Vance

Attachment: June 16, 2017 letter from Robin Potter

Leon Vance

From: Leon Vance
Sent: Friday, June 30, 2017 1:47 PM
To: Robert Palmer
Subject: SEAL Trust: Remand Issue

Rob: I just wanted to check in with you about the question I raised concerning the possible appeal deadline. Do you have any information on whether the Assessor's letter is a final decision, and, if it is, what the operative appeal deadline is? Thanks for any update you can provide, even if you are not prepared to provide a formal response to my letter. Thanks!

Leon

Leon Vance | **Faulkner Banfield, P.C.** | 8420 Airport Boulevard, Suite 101 | Juneau, Alaska 99801-6924 | Phone: 907.523.6130 | Fax: 907.586.8090 | lvance@faulknerbanfield.com | www.faulknerbanfield.com

Leon Vance

From: Robert Palmer <Robert.Palmer@juneau.org>
Sent: Friday, June 30, 2017 4:43 PM
To: Leon Vance
Subject: RE: SEAL Trust: Remand Issue

Hi Leon,

To follow-up from the conversation today, please consider the Assessor's June 16 decision a final decision. Because the decision did not explicitly state it was a final decision, I will not oppose if an appeal if filed by July 16. However, there may be alternative methods to have the Assembly decide whether SEAL Trust has satisfied the charitable purpose exemption for 2016. I leave it to you and SEAL Trust to decide how to proceed.

Thanks
Rob

Robert Palmer
Assistant Municipal Attorney
Wk: (907) 586-0909
Robert.Palmer@juneau.org

From: Leon Vance [mailto:lvance@faulknerbanfield.com]
Sent: Friday, June 30, 2017 1:50 PM
To: Robert Palmer
Subject: SEAL Trust: Remand Issue

Rob: I just wanted to check in with you about the question I raised concerning the possible appeal deadline. Do you have any information on whether the Assessor's letter is a final decision, and, if it is, what the operative appeal deadline is? Thanks for any update you can provide, even if you are not prepared to provide a formal response to my letter. Thanks!

Leon

Leon Vance | **Faulkner Banfield, P.C.** | 8420 Airport Boulevard, Suite 101 | Juneau, Alaska 99801-6924 | Phone: 907.523.6130 | Fax: 907.586.8090 | lvance@faulknerbanfield.com | www.faulknerbanfield.com

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
3412	Filing SEAK Land	07/13/2017	$500.00	$500.00		
City & Borough Of Juneau		07/13/17	CBJ		80555	500.00

CITY AND BOROUGH OF JUNEAU
Treasury Division
155 South Seward
Juneau, AK 99801
(907) 586-5218

044330

DATE 7/14/17 RECEIPT NUMBER

REC'VD FROM: NAME Faulkner Banfield, PC

ADDRESS 8420 Airport Blvd. Ste 101

CITY Juneau AK 99801

STATE _____ ZIP _____

DESCRIPTION

ARS ☐ BUS TAX ☐ REA TAX ☐ POLICE CIT ☐ SALES TAX ☐ HBR ☐ UTL ☐ G/L ☐

OTHER Appeal Filing Fee

CODE	AMOUNT
1.110.0301.01.4420.0009	500.00

RECEIVED CREDIT CARD ☐

AMOUNT $ 500.00 CASH ☐ CHECK ☒

REC'VD BY: Jennie J. Ott

TREA CASH 10/88

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Phone: 907-586-0800 | Fax: 907-463-2606

DATE: July 13, 2017

TO: Mary Becker, Chair
Public Works and Facilities Committee

FROM: Michele Elfers
Chief Landscape Architect

SUBJECT: Public Interest Finding for Pump Room and Restroom Building Supplemental Agreement, Seawalk Bridge to Gold Creek, Phase III, E16-128

Phase III construction of the Seawalk Bridge to Gold Creek project is underway. Currently the contractor is working on pouring the pool concrete foundation and walls, placing the final planting medium (topsoil and gravels) on the island, and placing rock for the parking lot. Phase II is almost complete with punch list items being finished in the next few weeks. For completion of the pool and fountainworks, a pump room and additional piping must be constructed and installed. Additionally, a restroom is recommended due to high anticipated user volumes. The cost of this construction work is $650,000 for the pump room and piping and $614,470 for the restroom, for a total cost of $1,264,470.00. The original contract amount awarded to Admiralty Construction is $2,961,791.00. The additional cost of the pumproom and restroom work is a 43% increase to the original award amount.

Admiralty Construction's bid for Phase III of the Seawalk- Bridge to Gold Creek was $500,000 below the Engineer's Estimate. In addition, the Whale Project was able to fundraise an additional $250,000 to go towards the pump room construction. With the current budget, there is adequate funding in place for all restroom and pumproom project costs. Staff requests performing this work under a supplemental agreement with the Phase III contractor, Admiralty Construction. Supplemental agreements are allowed by code and have been used in projects that exhibit: bids lower than expected, newly identified needs, maintenance needs, public safety concerns, proximity, public desire, use of opportunity, and documented savings in mobilization and materials.

Issuing a Supplemental Agreement for the construction of the Pump Room and Restroom at the Seawalk Bridge to Gold Creek project will ensure that the fountain and restrooms will be completed, commissioned and functioning by spring 2018. CBJ will realize cost savings with the supplemental agreement in construction costs, contract administration costs, and operations and maintenance costs. CBJ 53.50.040 allows for Supplemental Agreements to existing contracts provided that there is a written finding that such Agreement is in the best interests of the CBJ. The size of this proposed Agreement requires Assembly approval. The following are benefits to be derived from a supplemental agreement for this work:

1. Bid Preparation Costs
    a. Staff estimates $20,000 in savings in design, bidding and CBJ overhead costs.
2. Cost and Schedule Benefits
    a. Approximately $30,000 in savings for electrical work will be realized by installing electrical infrastructure inside the pump room and restroom building. Currently, the site panel and boxes are being installed under the Phase III contract in the park. Constructing the building this fall allows for relocation inside the building, protection from weather and easier maintenance.
    b. Bidding the project would likely push the schedule back so that the foundation and walls would not be poured until early spring (warmer temperatures) and it would not be possible to finish and start-up the project prior to the summer season, making this new facility unavailable to Juneau residents and visitors for another year. Pursuing this work through supplemental agreement will save CBJ monies in inflation (approximately $15,000), but also allow Juneau residents full benefit of the facility sooner.
    c. Next spring, the seawalk, park, and parking lot will be open to residents and visitors. Construction of the restroom and pump room next spring and summer would create user conflicts and public safety issues.
    d. Part of the work is the purchase of the remaining fountain and pump room piping equipment from the fountain manufacturer, Roman Fountains. These parts have a long lead time. To install the parts in the fall and winter, a contract must be in place by early August. To complete bid documents and bid the project would push the ordering of the parts until fall.
    e. The whale piping system is very complex and there is substantial benefit for the CBJ to limit contractors working on the system. To complete the fountain, the contractor needs to connect the piping into the pump room and pumps as well as complete the piping manifold within the whale. The commissioning and startup of the fountain will require adjustments that will be more efficient if one contractor has installed most of the system. Additionally, after construction Parks and Recreation will manage the park, pumps, and fountains. When problems arise, they can work with one contractor to understand the system and potential issues. This will save CBJ time and money in operations and maintenance.
3. Similarity of Work
    a. As discussed above, piping for the whale fountain is being installed in Phase III, the pump room and restroom building project requires connections to the piping and pumps as well as piping work within the whale. Considerable time and effort is needed to understand the system in its entirety and one contractor completing the system will be more efficient.
    b. The pump room and restroom building is designed with similar structural details, materials and finishes to the two shelters in the park that are being constructed under the Phase III contract.
4. Mobilization Costs & Proximity

   a. The Phase III contractor is currently mobilized on site and therefore can offer savings in this bid item. Typically, mobilization costs are 5% of construction costs, or roughly $60,000 for this project. A supplemental agreement would lower the mobilization cost by at least $20,000.

5. Schedule Impacts
   a. In order to complete the pump room and restroom by next May, the foundation and building shell will need to be completed prior to cold winter temperatures. Bidding the project will likely result in this work being delayed by six months and occurring in the spring.
6. Inspection and Administrative Efficiencies
   a. Time can be added to the current Contract Administration and Inspection services contract for the Phase III project. Approximately $3000 in cost savings will be realized by eliminating the RFP process for services.

Following a competitive bidding process could allow for perceived bid day savings, but in our opinion the earlier completion date, the identifiable savings and the avoidance of conflict between separate contractors and subcontractors supports the finding that the award of this Supplemental Agreement is in the best interests of the CBJ.

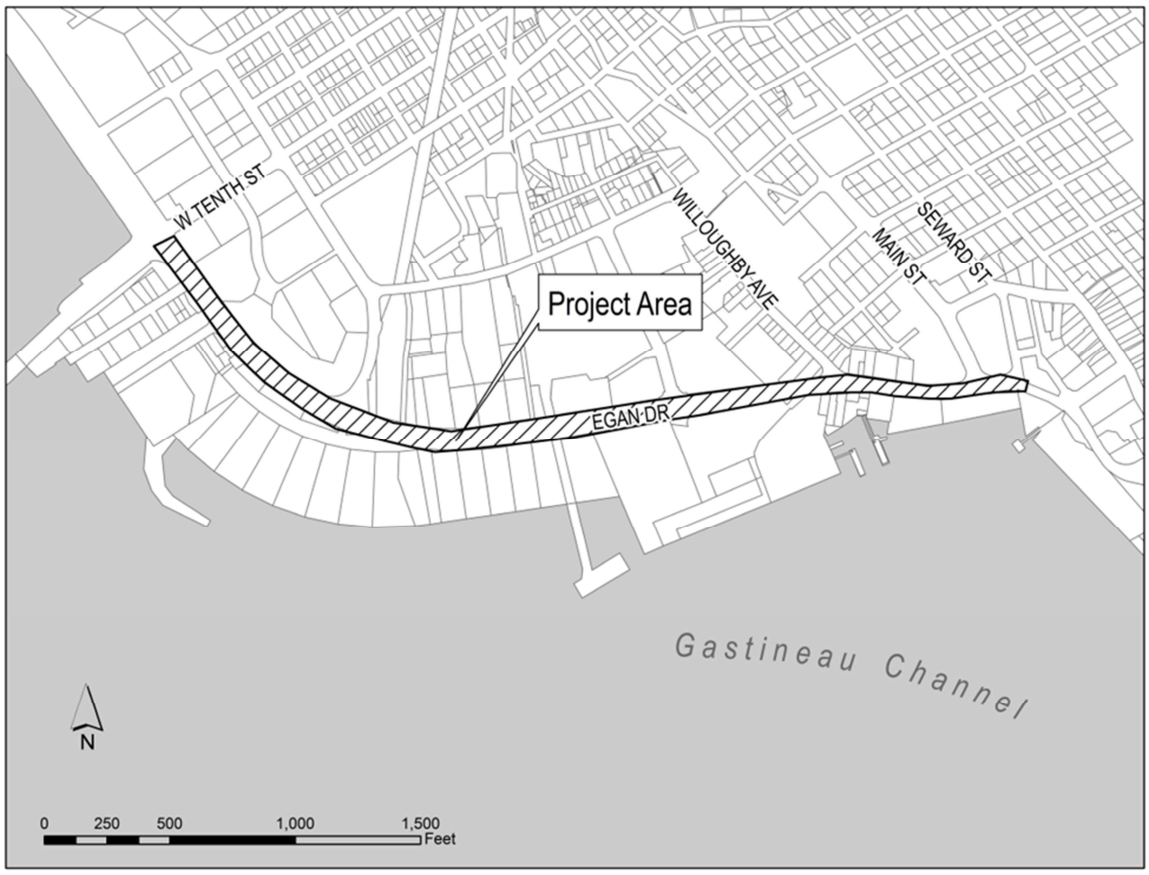
Staff requests that the PWFC forward this Supplemental Agreement request to the full Assembly for approval.

53.50.040 - Public improvement contracts.

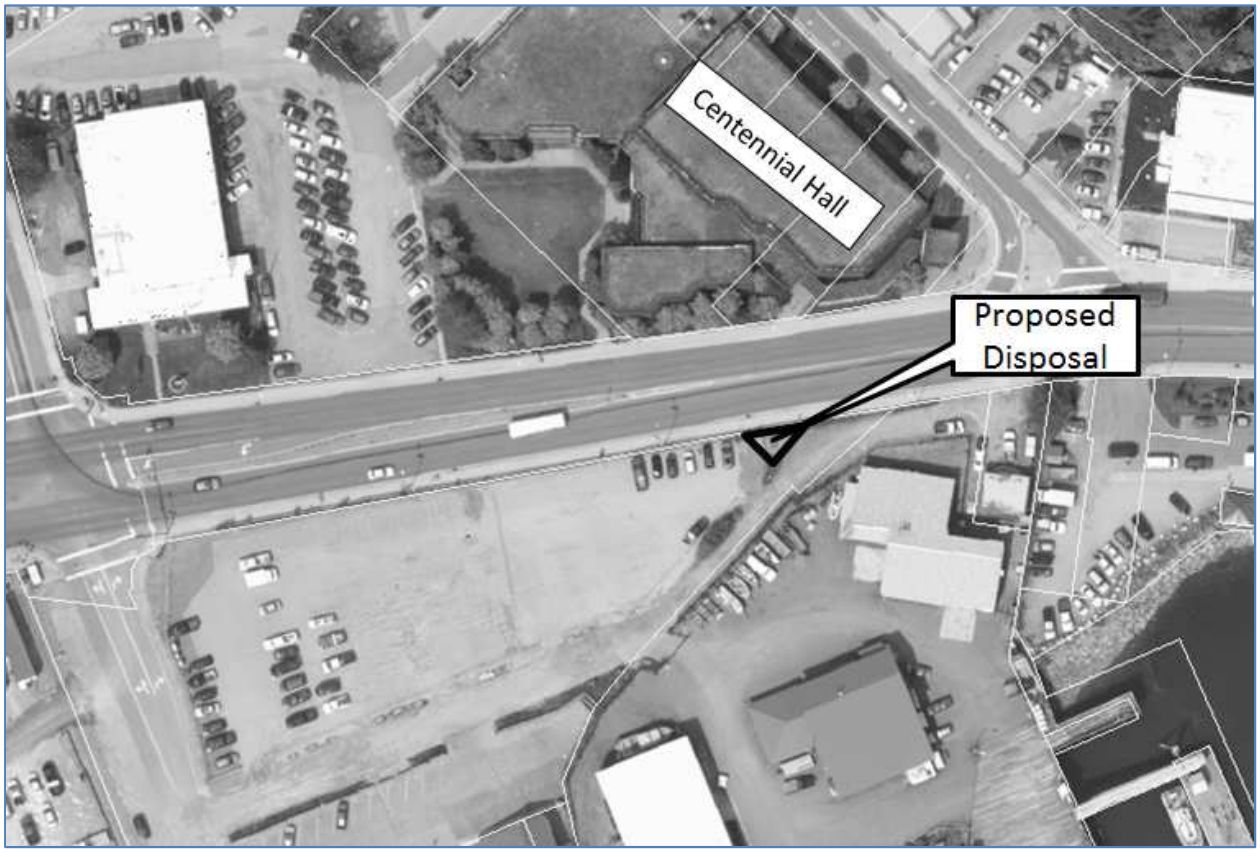
(c)

Supplemental agreements. A supplemental agreement shall be approved only as provided in this subsection (c). Competitive sealed bids shall not be required for public improvement projects procured by supplemental agreement. A supplemental agreement may be approved only if the manager makes a written finding that procuring a particular public improvement by supplemental agreement would be in the best interests of the City and Borough because doing so would save substantial and verifiable amounts of money for the City and Borough. In making this finding, the manager shall consider bid preparation costs, contractor mobilization costs, similarity of work, schedule savings, weather or environmental factors, site constraints, inspection and administration efficiencies, and other factors found relevant by the manager. The manager may approve supplemental agreements not greater than $250,000.00 or 25 percent of the contact amount, whichever is less, per contract. The manager shall notify the assembly, at its next regular meeting, of any supplemental agreement approved. Prior assembly approval shall be required for any supplemental agreement greater than $250,000.00. Nothing in this subsection shall be applied or construed in any manner inconsistent with the requirements of CBJ Charter Section 9.13. The manager shall seek an appropriation or transfer of funds by the assembly prior to incurring any obligation for any supplemental agreement unless the manager ascertains that there is a sufficient unencumbered balance in an appropriation for the project the agreement supplements, and that sufficient funds are or will be available to cover the obligation. As used in this subsection, "manager" shall have the meaning set forth in CBJ Charter Section 4.1.

VICINITY MAP



PROPERTY MAP



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: July 5, 2017
File No.: CSP2017 0006

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding a City Project Review for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility
Property Address:	11520 Auke Bay Harbor Road
Legal Description or ROW name:	Lot 3C, USS2664 and ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Planning Commission, at the June 27, 2017 regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 19, 2017, and recommended that the City Manager direct CBJ staff to design and build the project in accordance with the following recommendations:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

At the June 27, 2017 Planning Commission meeting, the Commission amended project

recommendations to including the following:

2. Construction of the proposed retail space shall not use public money.

Attachments: June 19, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding CSP2017 0006.

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

_____ July 5, 2017

Filed With City Clerk

Date

cc: Plan Review

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

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

DATE: June 19, 2017

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2017 0008 and CSP2017 0006

PROPOSAL: A Conditional Use Permit and City Project Review for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility

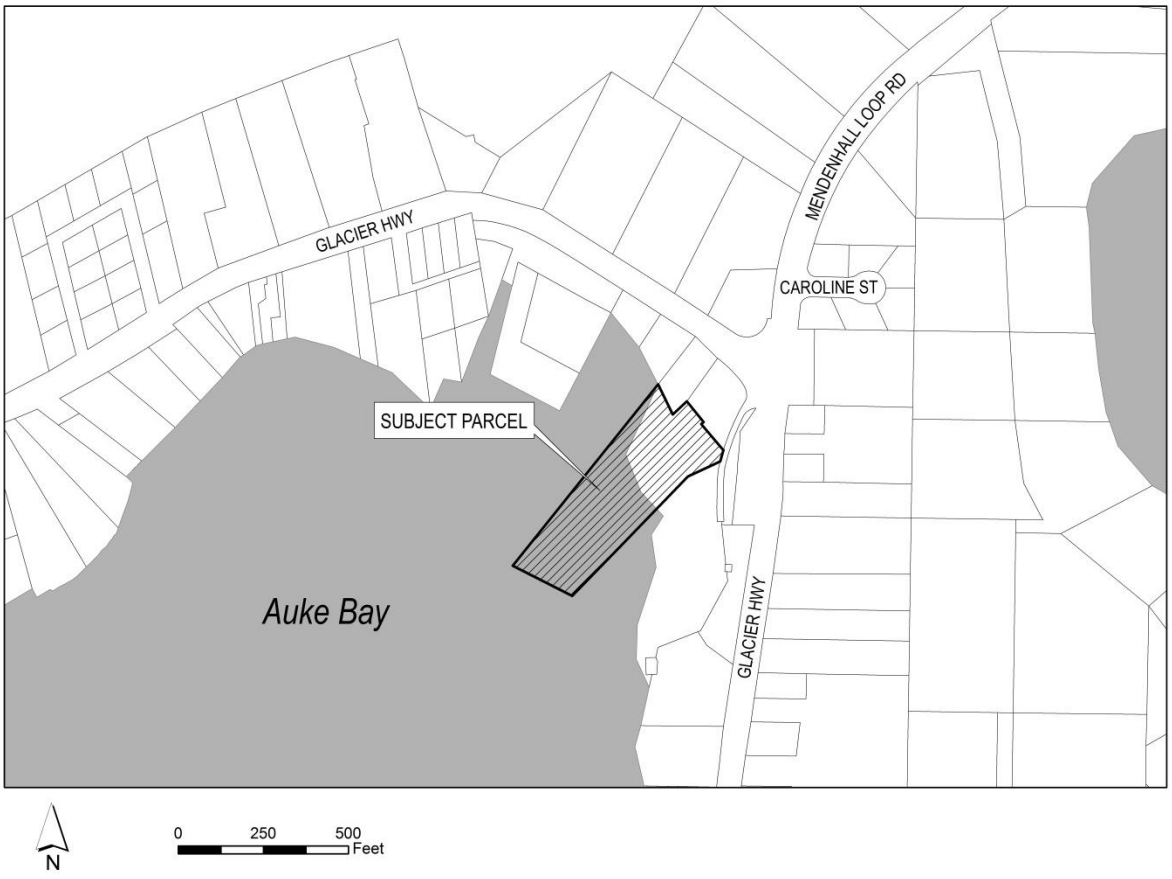
GENERAL INFORMATION

Applicant:	City & Borough of Juneau, Docks and Harbors
Property Owner:	City & Borough of Juneau
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS 2664 & ATS 16
Parcel Code Number:	4-B28-0-101-003-2
Site Size:	60,874 square feet
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use
Zoning:	Waterfront Commercial
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway

Existing Land Use: Statter Harbor

Surrounding Land Use:
North - Glacier Highway; General Commercial
South - Auke Bay
East - Statter Harbor Upland Facility; Waterfront Commercial
West - Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 - Development Permit Application
Attachment 2 - Conditional Use Permit Application
Attachment 3 - Project Narrative
Attachment 4 - Statter Harbor Plans:

4A Statter Harbor Master Plan Development Phases
4B Statter Harbor Master Plan Proposed Project—Phases III, IV, and Future Phase
4C Phase III Project Components
4D Phase IV Project Components
4E Future Phase Project Components
(NOTE: there is no 4F Attachment)
4G Phase III Tour Vehicle Circulation and Staging
4H Phase III Parking
4I Phase III Vegetative Cover/Landscaping
Attachment 5 - Restroom/shelter/commercial space site plans

PROJECT DESCRIPTION

The applicant, CBJ Docks and Harbors, requests a Conditional Use Permit for the development of new moorage and loading floats, uplands development, a kayak launch ramp, a restroom and covered shelter area with potential second floor commercial space, and removal and replacement of a section of the moorage facility. The proposed project is Phase III and IV of the Statter Harbor Master Plan, except for removal and replacement of part of the moorage facility, which is labeled as "Future Phase" on plan drawings. Site plans demonstrating the details of each of these phases are included in Attachments 4C-4G. Drawings of the restroom/shelter facility with potential commercial space are included in Attachment 5.

As in previous phases, the goals of these projects are to improve safety, reduce congestion, and increase efficiency at the facility. The proposed development improves pedestrian and vehicular access and further separates user groups to reduce conflict.

The development consists of a series of improvements including new loading floats for the charter fleet that serves cruise ship passengers on whale-watching and fishing tours; an upland staging area for charter bus loading and unloading; and an upland building with an open shelter, restrooms, and potential second floor commercial space. The charter fleet facility would include approximately 866 lineal feet of side tie moorage as well as a new fuel dispensary. A separate kayak ramp will also be constructed to reduce conflicts with boaters. Lastly, the development provides a new "Bay Walk," a continuation of the seawalk that was developed in the previous phase along the perimeter of the parking area (Attachments 4B-4D).

The "Future Phase" moorage replacement would remove and replace the oldest section of Statter Harbor moorage floats, known as the Horseshoe Area (Attachment 4E). This section of the harbor is near the end of its useful life.

Construction of the project is contingent on full funding and is anticipated to be conducted under three contracts. Dredging and fill disposal would begin in the fall of 2017. Concurrently, a second contract would be established to manufacture and install the float system, beginning in

the winter of 2017. The third contract, for constructions, restroom/shelter building, and parking/staging area, would begin in the fall of 2018. Phase IV and the Future Phase would construct additional moorage stalls and remove and replace existing ones. No funds have yet been identified for this work.

BACKGROUND

Page 2 of the Project Narrative (Attachment 3) provides background on the history of the project and previous phases of development. USE2013-0005, a Conditional Use Permit for construction of a two-lane boat ramp and associated parking, was approved in June, 2013.

The applicant notes that in 2015, the Docks and Harbors Board decided to move the boat service yard at Statter Harbor to the Auke Bay Loading Facility at Auke Nu Cove to allow more efficient use of Statter upland areas for the charter fleet floats and bus staging. The current proposal was presented to the public at special Docks and Harbors meetings on January 13, 2016, and July 21, 2016. Docks and Harbors held four more public meeting meetings at the Docks and Harbors Operations Planning Committee (June 22, 2016 and November 9, 2016) and at the Docks and Harbors Board Meetings (June 30, 2016 and November 17, 2016).

Staff notes that the proposed restroom is within a special flood hazard zone. This component of the proposed development is contingent on approval of a Flood Zone Exception, FZE 2017 0001, which will also be before the Commission at the June 27, 2017 hearing.

Staff further notes that CSP2017 0002, A City Project Review for acquisition of submerged lands, also before the Commission on June 27, 2017, does not relate to the current USE permit. These submerged lands are for construction of the two-lane boat launch ramp, which was approved in June 2013. Ramp construction was completed in May 2017.

CDD staff conducted an Agency Review Period from March 29, 2017 through April 14, 2017. No comments were received from the CBJ Lands Division, CBJ Building Division, CBJ Assessors Office, CBJ Fire Department, CBJ Streets Division, the U.S. Fish and Wildlife Service, or the Alaska Department of Transportation.

CBJ Engineering and Public Works stated, “General Engineering has no issues or negative findings in reference to the CUP application.”

The Alaska Department of Environmental Conservation Wastewater Discharge Program responded with information on permitting requirements, however these requirements were pertinent to previous Statter Harbor Phases, rather than the current ones. Permitting requirements will be addressed in the Habitat Section.

The Alaska Department of Fish and Game stated, “We have no comments on this proposal and

no fish habitat permits will be required for work."

Alaska Electric Light & Power (AEL&P) stated that they do not see any issues with power in the application.

ANALYSIS

Project Site and Design -

The charter float moorage facilities would be constructed similarly to recent improvements at Aurora and Douglas Harbors. Electrical power and lighting, water, and fire suppression systems would be included. The floats would provide loading and unloading during the day and overnight moorage during the summer season. During the winter, the area could be used for general moorage. The fueling station would serve only the charter fleet, thereby reducing congestion at the main fuel float. A close-up of this section of the proposal has been provided in Attachment 4D.

The uplands adjacent to the charter fleet facility would accommodate bus staging for loading and unloading of charter passengers. Some new parking spaces would be developed to serve the charter fleet employees. The new 14,400 square foot restroom and shelter, with potential second floor commercial space, would serve the charter fleet facility as well as users of the new launch ramp facility, recently completed under Phase II of the Statter Harbor Master Plan (Attachments 4C and 5).

The new "BayWalk" section would connect the recently completed "BayWalk" that was part of the launch ramp project. The walkway would connect along the remaining perimeter of the harbor to the Harbor Office.

The new at-grade kayak launch ramp would be developed to replace the current launch ramp that is now closed. The ramp would be a similar design to the kayak ramp at Amalga Harbor, with concrete pavers extending into the water to allow access at lower tidal ranges.

The area adjacent to the Dehart's property would be developed for better access to the fuel tanks and construction of a storage building. The building would replace existing shipping containers that provide space for spill response equipment and harbor-related storage (Attachment 4C).

Traffic, Parking and Circulation –

Vehicular Access and Circulation. Phase III and IV improvements are not expected to generate a significant amount of new traffic, because these improvements are accommodating existing uses at the harbor. All vehicular traffic will be routed through a single access point, at the

recently constructed driveway across from Squires Rest. The applicant has explained that the driveway location was coordinated with and supported by the Alaska Department of Transportation and Public Facilities (ADOT/PF) through the development of the Statter Harbor Master Plan. ADOT/PF will soon enter the construction phase of a project that would create a center turn lane from Glacier Highway into the new harbor facility, which will significantly improve egress. The existing driveway access to Statter Harbor, next to Deharts and leading to harbor offices, will continue to serve the general moorage area but will not provide vehicular access to launch ramp areas and the main parking area across from Squires Rest. The Attachment 4G site plan provides more details on tour vehicle circulation and staging. The ADOT/PF did not provide comments during the agency review period for this application, as noted in the Background section.

Pedestrian Access. The Phase II development of the two-lane boat launch ramp and parking area created a BayWalk pathway along the water's edge, with viewpoints. Phase III will extend this BayWalk through the next section of the harbor to connect with the moorage area so as to provide a safe pedestrian way to connect the various elements of the full Statter Harbor facility.

Vessel Access. The applicant's Project Narrative explains that one of the primary goals of the Statter Harbor Master Plan has been to separate uses so congestion is reduced on both land and water. Accordingly, the fairways for all harbor facilities provide for safe vessel maneuvering and exceed minimum recommended engineering standards for vessel navigation. Phase III development provides a separate launch ramp and moor location for charter fleet vessels and also a second fueling station to further reduce congestion.

Parking. The applicant has provided a detailed parking analysis on page six of the Project Narrative (Attachment 3). This table addresses CBJ code requirements for moorage and retail space and references general parking standards for boat launch ramps, which CBJ code does not provide. The table demonstrates that the Statter Harbor facility provides 310 parking spaces with the three zones, while 278 spaces are required and/or recommended according to CBJ code and boating standards. The harbor also meets all code requirements for ADA accessible spaces. Staff agrees with the applicant's analysis. Attachment 4H shows these parking spaces in detail.

Noise –

The proposed development will not generate noise that is significantly different from existing sound at the site. As noted earlier, an active boat yard existed at the site until recently, when it was moved to the Auke Bay Loading Facility. Daily noise will consist of uses that have always been conducted at the site, such as vehicle and marine vessel traffic, loading, and unloading.

During the Docks and Harbors public meetings, the public expressed concern regarding the back-up alarms on buses. The proposed plan reduces this noise by allowing a pull-through configuration staging plan, thereby limiting back-up maneuvers that trigger the alarms.

Construction activity, including dredging, filling, truck hauling, and pile-driving for the floats, will generate significant short-term noise in the area. Construction activities must comply with the CBJ Noise Ordinance, which limits construction hours to 7:00 a.m. through 10:00 p.m., Monday through Friday, and 9:00 a.m. through 10:00 p.m., Saturday and Sunday,

Lighting –

Page 8 of the applicant's Project Narrative (Attachment 3) provides a description of the lighting proposed for Phase III and IV developments. Lighting would be controlled by photo cells, and focused downward to reduce glare.

Staff recommends the following condition, which was included in the Notice of Decision for USE2013-0005, Phase Two Statter Harbor Development for the two-lane boat launch ramp and parking:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

Public Health or Safety –

The proposed development may provide public safety benefits by separating user groups, by improving pedestrian and vehicular access, and by reducing marine vessel congestion. The fairways to current and planner harbor facilities exceed the minimum recommended engineering standards for vessel navigation. No evidence indicates that the proposed development will negatively affect public health or safety.

Habitat –

The project requires a U.S. Army Corps of Engineers permit to dredge approximately 24,000 cubic yards of material to achieve a depth of -16 feet in the float basin, off-shore disposal of dredge materials, and approximately 10,000 cubic yards of fill for upland development. The development also requires an Alaska Department of Environmental Conservation (ADEC) Clean Water Certificate, which ADEC addresses through the Corps' permitting process. ADEC also requires a Stormwater Pollution Prevention Plan (SWPPP) at the time of construction.

Stormwater management will be addressed through a system of oil/water separators on the site, as recommended in the CBJ Manual of Stormwater Best Management Practices. ADEC will also review the stormwater management plan through its Permanent Stormwater Management Control Plan review process.

The proposed development does not affect any sensitive marine habitat and is not adjacent to any salmon streams. Because of this, CDD did not take the project to the CBJ Wetlands Review Board for their advisory review.

CBJ Land Use Code Habitat Policies. The project is located in a Special Waterfront Area (SWA). These areas are designated in the Juneau Coastal Management Plan for commercial and industrial development. (The Juneau Coastal Management Plan is still in effect in the CBJ Land Use Code, even though the state program no longer exists.) SWAs are exempt from the prohibition on intertidal fill for expansion of upland areas per CBJ Code (49.70.905(13)), however the fill footprint must be limited to the size necessary for the use, per the following section:

> ***49.70.960(2).*** *Fill proposals within the special waterfront areas are not subject to the fill prohibition of subsection 49.70.905(13) relating to coastal development. Each fill proposal shall be individually reviewed to ensure that configuration, timing, composition and construction practices will minimize impacts on habitats and meet the water quality standards and other Juneau Coastal Management Plan provisions. The size of any fill shall not exceed that necessary for the use unless a larger fill is needed to maintain integrity of the fill, maintain or enhance habitat values, or to fulfill other enforceable provisions of this section.*

The fill footprint was minimized significantly, by approximately 14,500 square feet, by the Docks and Harbors' decision to move the boat yard to the Auke Bay Loading Facility. The current fill footprint is the minimum necessary to address parking and circulation needs for this phase.

Other habitat policies from the CBJ Land Use Code under review include the following:

> ***49.70.950 (C)(3)*** *Wetlands and tideflats shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;*

Impacts to intertidal wetlands have been minimized, and the fill does not exceed the necessary size. Based on this analysis, the project substantially conforms with CBJ Land Use Code Policies 49.70.960(2) and 49.70.950(c)(3).

Property Value or Neighborhood Harmony –

Statter Harbor is zoned Waterfront Commercial. The Waterfront Commercial zoning district encompasses all properties on the water side of Glacier Highway from the UAS Anderson Building (adjacent to the former NOAA Lab) to properties beyond the former Fishermen's Bend store. The proposed charter floats, additional moorage, additional parking, and harbor-related amenities are consistent with Waterfront Commercial uses. The previous phase of Statter Harbor development, construction of the two-lane boat launch ramp and parking area, was located immediately adjacent to residential uses, the Auke Bay Towers Condominiums. This phase, in contrast, is in the central area of the harbor, surrounded by harbor uses on all sides.

The development will utilize non-glare lighting in conformance with standard CBJ lighting conditions. Traffic will not increase as a result of the development; instead it will be more efficiently routed. Noise will temporarily increase during construction; however construction must comply with the CBJ Noise standards as noted in the previous section. Lastly, staff notes that the CBJ Assessor's Office did not provide comments during the agency review. Staff concludes that there is no evidence that the proposed development will have any significant impacts on property value or neighborhood harmony.

CONFORMITY WITH ADOPTED PLANS

2015 Auke Bay Area Plan

Both the 2013 Juneau Comprehensive Plan and 2015 Auke Bay Area Plan designate Statter Harbor as Marine Mixed Use, defined as follows:

> *These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.*

The proposed development substantially conforms to this designation as a harbor that serves many diverse user groups. Potential second floor commercial space above the restroom and shelter facility further implements elements of this designation by creating an option for food and beverage services or retail space.

The Auke Bay Area Plan contains the following goals and policies relevant to this development:

Chapter One, Land Use and Facilities

- **Goal 1:** Develop Auke Bay into a community to live, learn, work, shop and recreate within.
- **Goal 3:** Coordinate and support the development of an Auke Bay hub that serves the needs of the University, the harbors, businesses, and residents.
- **Goal 8:** Preserve unique views that make the Auke Bay area a truly special place.
  Policies
  8.1 Identify, map, and preserve key view points in the Auke Bay area, as depicted in Appendix C.

  8.2 Limit and manage development on public lands that may block the view points as shown in the viewpoints map, located in Appendix C.

  8.3 New development should be evaluated for its impact on the viewpoints shown on the map.

Chapter Two, Natural Resources, Habitat, and Hazards

- **Goal 1:** Maintain healthy water quality in Auke Bay and Auke Lake.
- **Goal 2:** Protect and restore marine habitat in Auke Bay.
- **Goal 3:** Preserve natural areas along the shoreline and in publicly-owned uplands.
  Policy
  3.3 Develop the seawalk with consideration for protecting and preserving natural functions and characteristics of the shoreline where appropriate and feasible.

Chapter Four, Recreation

- **Goal 1** Seek opportunities to connect hiking and biking trails to provide for longer, interconnected loop systems that include connections to Auke Lake and beyond.
  Policies
  1.1 Provide direct and visible pedestrian connections at trailheads and street crossings.

  1.2 Provide signage for pedestrian routes.

  1.3 Seek pathways in the Auke Bay area to be ADA accessible during all seasons and properly maintained.

  1.4 Develop a seawalk that connects Statter Harbor's Seawalk system to Auke Creek.

  1.5 Ensure that future development enhances pedestrian access.

Chapter Five, Transportation

- **Goal 2:** Create an appropriately scaled seawalk along the waterfront, linking residential, commercial, and recreational uses to the Statter Harbor Facility.
  Policies
  2.1 Encourage public and private partnerships to accomplish an Auke Bay seawalk for the common enjoyment of the community.

  2.2 Encourage marine education, safety, artistic and cultural exhibits along the seawalk whenever feasible.

  2.3 Encourage properties fronting on the seawalk to connect to the seawalk and to provide connections from seawalk to public rights-of-ways for pedestrian cross circulation.

  2.4 The seawalk design should encourage and celebrate the bay's role in education, creativity, cultural heritage, and industry in the region.

The proposed development complies with these policies by developing the Statter Harbor facility to accommodate a wide variety of local and commercial user groups. The potential second floor commercial space above the restroom/shelter facility promotes key goals of the Auke Bay plan regarding promotion of mixed uses and new restaurant/shopping developments.

The proposal expands the "BayWalk" seawalk to extend along the full perimeter of the harbor and provides viewpoints and accessibility to the shore. The proposed development will not block the viewpoints noted in Appendix C of the plan. Lastly, the development protects water quality and marine habitat in Auke Bay through the Stormwater Pollution Prevention Plan required by ADEC and compliance with the CBJ Manual of Stormwater Best Management Practices.

2015 Juneau Economic Development Plan

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N).

The Plan does not specifically address Statter Harbor facilities in any of its chapters. However the project indirectly addresses the economic development initiative to "Enhance Essential Infrastructure." Page three of the plan identifies outdoor recreation opportunities and "popular cruise and independent visitor destination" as two of "Juneau's Assets and Competitive Advantages." Outdoor recreation opportunities are directly addressed and promoted through Statter Harbor facilities, and the facility also supports many visitor-related activities, including many independent travelers.

2013 Juneau Comprehensive Plan

As noted earlier, the 2013 Juneau Comprehensive Plan designates Statter Harbor as Marine Mixed Use. The 2015 Auke Bay Area Plan has the same designation. The previous analysis indicates substantial conformance with this designation.

The 2013 Juneau Comprehensive Plan, Chapter Five, Economic Development, includes the following Policies, Development Guidelines, and Implementing Actions related to the proposed development:

> **Policy 5.9** To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, commercial fishing, seafood processing, recreation, public access to the shoreline, and enjoyment of the waterfront through development of well-designed port facilities.
>
> **Development Guideline 5.9 – DG 1.** Assure public access to the shoreline and water when reviewing development applications.
>
> **Development Guideline 5.0 DG 2.** To the greatest extent practicable, orient new structures and facilities located on the waterfront in such a way as to preserve views of the water from public roadways and vista points.
>
> **Implementing Action 5.9 -1A3.** Assist with coordination of cruise ship traffic and commercial fishing operations minimize conflicts.
>
> **Implementing Action 5.9 1A5.** Docks & Harbors should work closely with the commercial fishing and seafood packaging industries to ensure that the unique needs of these groups are met at local facilities.

The proposed development addresses these policies and actions by developing Statter Harbor in a manner that promotes safe and efficient use by a variety of user groups, by providing viewpoints and walkways along the shoreline, and by separating commercial fishing, tourists, and local recreational users.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,

3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 9.600 for the Waterfront Commercial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 16, 2017 and June 26, 2017 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. A second notice was made to all property owners within 500 feet with a revised project description.

Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way. Furthermore, the proposed development will comply with CBJ 49.70.960(2) and 49.70.950(c)(3)

4. Will the proposed development materially endanger the public health or safety?

No. No evidence indicates that the proposed development will materially endanger public health or safety. The development will facilitate separation of uses to reduce congestion and improve safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The development is surrounded by other Waterfront Commercial uses and will not impact views or generate significant new noise or traffic.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development conforms to the 2013 Juneau Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2015 Auke Bay Area Plan by safely accommodating different users groups, by developing a seawalk and coastal viewpoints, and expanding basic harbor infrastructure.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. The development has minimized intertidal fill, implements stormwater management measures, and does not affect any sensitive marine habitat.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor commercial space, and removal and replacement of a section of the moorage facility, subject to the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan

illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

Staff recommends that the Planning Commission find that the proposed city project for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor commercial space, and removal and replacement of a section of the moorage facility, is consistent with adopted plans of the CBJ, and to endorse the city project as required by CBJ Code 49.15.540 and AS 35.30.010, with the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
USE 2016 - 0008		3/21/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Construction of new moorage and loading floats; uplands development; kayak launch ramp; restroom and covered shelter area.

PROPERTY LOCATION

Street Address	City/Zip
11520 Auke Bay Harbor Road	Juneau, 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Statter Harbor Lot 3C, USS 2664 : ATS 16

Assessor's Parcel Number(s)
4B2801010032

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

LANDOWNER/ LESSEE CONSENT

****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Acting — Landowner/Lessee Signature — Date: 3/20/17

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

X _____ Applicant's Signature — Date of Application

---OFFICE USE ONLY BELOW THIS LINE---

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action		3/21/17	CSP17-006
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		3/21/17	USE17-008
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials TJF

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

Attachment 1 - DPA

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		USE17-008	3/21/17

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: 9.600

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter; potential 2nd floor commercial space.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S):

Temporary parking

PROPOSED USE OF LAND OR BUILDING(S):

Charter Fleet Facility

UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 60,984 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 2,800 / 5,600 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan
☐ Floor Plan of proposed buildings
☐ Elevation view of existing and proposed buildings
☐ Proposed Vegetative Cover
☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$750			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$50			
Pub. Not. Sign Deposit	$100			
Total Fee	$900	Visa pAC		3/24/17

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Attachment 2 - CUP Application

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Application for a Conditional Use Permit and City/State Project Review

for

Statter Harbor Improvements

Phase III (Charter Fleet Facility)
Phase IV (Permanent Moorage)
Future Phase ("Horseshoe" Replacement)

PROJECT NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

June 6, 2017

INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements at Don D. Statter Harbor to include new charter fleet loading floats; new moorage floats; new restrooms and shelter structure; improved bus staging and circulation; kayak launch ramp; a pedestrian access "BayWalk;" and potential commercial space above shelter structure. The proposed project is Phase III and IV of the Statter Harbor Master Plan. A future phase would remove and replace existing infrastructure at the current "horseshoe" section of the moorage facility. See Attachment A for Master Plan and Phased Construction.

BACKGROUND

Improvements at Statter Harbor have been a topic of the Docks and Harbors Board and the community at large for many years. The planned improvements have been phased in accordance with available funding. Completed in 2014, Phase I removed the former DeHart's Marina and fuel float which was then replaced with new moorage slips and a new fuel float. Phase II was completed in 2016 and includes a two lane launch ramp; associated parking lot; "BayWalk;" and covered shelter. Phase III, subject of this permit, will develop a new charter fleet facility. Phase IV would develop additional permanent moorage. A future phase will remove and replace the "horseshoe" area of the existing harbor facility.

In 2015 the Docks and Harbors Board decided to move the boat service yard at Statter Harbor to the Auke Bay Loading Facility at Auke Nu Cove. This action allows more efficient use of the Statter upland areas for the charter fleet floats and bus staging. The proposed project was presented to the public at special meetings on January 13, 2016 and July 21, 2016. Public comments received were considered in further development of the plan and presented to the public at four subsequent meetings: D&H OPS/Planning Committee (June 22, 2016 and November 9, 2016); and D&H Board (June 30, 2016 and November 17, 2016).

SCOPE OF PROPOSED PROJECT

The proposed project, subject of this permit application, is to continue upgrading Statter Harbor to improve safety, reduce congestion, and increase efficiency at the facility (see Attachment B). The goals are to provide safe vehicular access to the facility; improve pedestrian access; provide adequate onsite staging and parking; and reduce conflicts between various uses. The proposed development consists of a series of improvements including: Phase III (see Attachment C) - new loading floats for the charter fleet that serve cruise ship passengers experiencing whale watching, fishing, or other marine based activities; an upland staging area for charter vehicle loading and unloading; an upland building featuring an open air shelter, restrooms, and potential second level commercial space; a kayak launch ramp; and continuation of the Statter Harbor "BayWalk;" Phase IV (see Attachment D) - additional permanent moorage slips tied to the existing Statter Harbor facility; and a Future Phase (see Attachment E) – remove and replace "Horseshoe" area of existing facility.

The charter fleet facility (Phase III) would include approximately 866 lineal feet of side tie moorage; new fuel dispensary; upland bus staging and vehicular parking; public restrooms and covered pedestrian area; a new kayak launch ramp; "BayWalk;" and support area for storage, fuel tanks, and

associated uses. There is also the potential to include commercial space for restaurant or water related retail use on a second level above the restrooms and shelter structure.

The new moorage floats (Phase IV) would be developed as funding allows providing approximately eleven new forty-two foot slips and approximately 234 lineal feet of side tie moorage and/or loading space. The "Horseshoe area (Future Phase) would remove and replace the oldest section of Statter Harbor moorage floats that is nearing its end of useful life.

PROJECT DESCRIPTION

The charter float system (Phase III) would be constructed similar to other recent harbor facility improvements at Statter, Aurora and Douglas Harbors. Electrical power and lighting; domestic water; and fire suppression system would be included. The floats would provide loading and unloading during the day and overnight moorage for the charter fleet during the summer season. During the winter it could be used for general moorage. A fuel dispensary outlet would be located at the end of the most seaward float. This fueling station would serve the charter fleet thereby reducing congestion at the main fuel float.

The uplands immediately adjacent to the charter fleet facility would be developed to accommodate bus staging for loading and unloading of charter passengers. Some new parking spaces would be developed to serve the charter fleet employees. A new public restroom facility would be developed to serve the charter fleet facility as well as the new launch ramp facility. An open air shelter would be constructed for use by charter passengers waiting to load vessels and the general public to use for observing harbor activities. A new "BayWalk" section would be constructed to connect the recently completed "BayWalk" that was part of the launch ramp project and continue to the existing "BayWalk" adjacent to the moorage facility and harbor office.

A new at-grade kayak launch ramp would be developed to replace the current launch ramp that is now closed. The kayak ramp would be similar in design as Amalga Harbor with concrete pavers extending into the water thus accessible at a variety of tidal ranges. The area adjacent to the DeHart's property would be developed for better access to the fuel tanks and construction of a storage building. The building would replace existing shipping containers that provide space for spill response equipment and harbor related storage.

PERMITTING

The proposed project requires a number of permits and reviews prior to construction including an Army Corps of Engineers (ACOE) permit; an Alaska Department of Environmental Conservation (ADEC) clean water certificate; a City and Borough of Juneau (CBJ) City/State Project Review; a CBJ Conditional Use Permit; and CBJ Building Permit. Due to shoreline construction work a Stormwater Pollution Prevention Plan (SWPPP) will be required at the time of construction.

The ACOE permit has been applied for and is currently under review. The work covered under this permit would be dredging approximately 24,000 cubic yards to achieve a depth of -16 foot elevation in the float basin; off shore disposal of dredge materials; deposit of approximately 10,000 cubic yards of clean fill for uplands development; and installation of piles for floats. Concurrent with the ACOE process, ADEC would review the project for potential impacts to water quality.

PND Engineers has performed environmental sampling and submitted the information to ACOE who, in turn, has determined the dredge material is eligible for off shore disposal. The exact location, method of disposal, and other considerations will be determined through the ACOE permitting process. ACOE will also review and analyze potential impacts resulting from fill material being deposited in tidal areas at the shore side edge of the project.

The Planning Commission would review the project for a CBJ Conditional Use Permit and a City/State Project Review. A local building permit would be sought once final design is completed and prior to construction of the facility. The elevation of the lowest floor of the proposed restroom building would be below the base flood elevation as currently established by Federal Emergency Management Administration (FEMA). After discussion with CDD, planners advised seeking an exception to the flood elevation standard. A separate exception application (FZE2017 0001) has been submitted for this project.

NEIGHBORHOOD HARMONY

The proposed launch ramp project is allowed with a conditional use permit and found in the Table of Permissible Uses at 9.600 - Marine commercial facilities including fisheries support, commercial freight, and passenger traffic. One of the conditional use permit standards of review for development projects is whether the project substantially decreases the value of or is out of harmony with property in the neighboring area.

The proposed project is within an area that has a land use designation of Marine Mixed Use (M/MU). The Comprehensive Plan identifies these lands as being characterized by high density residential and nonresidential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. The proposed charter fleet floats and additional moorage are consistent with the MMU land use designation of the Comprehensive Plan.

Zoning of the project property is Waterfront Commercial (WC) which encompasses all properties water side of Glacier Highway extending from the UAS Anderson Building (adjacent to the former NOAA Lab) to two properties beyond the former Fishermen's Bend Store. Generally uses in this zoning district require a conditional use permit approved by the Planning Commission and must be water-dependent, water-related, or water-oriented. The proposed charter fleet floats and additional moorage are consistent with the WC zoning district.

AUKE BAY AREA PLAN

The CBJ Assembly adopted the *Auke Bay Area Plan* in 2015. The plan envisions a cohesive community on the shores of Auke Bay and adjacent uplands. A certain level of community currently exists in the area with private, state, federal, and city infrastructure serving higher education; recreation; retail businesses; an active harbor; offices; and residences all contributing to vitality of this popular and naturally beautiful area. Docks and Harbors endeavors to build on the sense of community as new projects are developed. A pedestrian "BayWalk" is being developed that will provide vital links to harbor facilities from Glacier Highway through the site along the water's edge and onto the publically accessible float system.

The Phase III proposed project has the potential to provide a unique opportunity for commercial development. The covered gathering area and restroom building proposed for the project may include a second story for water related commercial uses (see Attachment F). The size of the facility would be approximately 2,800 square feet on each floor. The waterfront commercial zone allows a variety of water-dependent, water-related, or water-oriented uses including restaurant, retail, office, or community oriented space. Based on the parking calculations discussed above there would be adequate parking available within the Statter Harbor complex to support a second story use. Docks and Harbors is investigating the potential to provide the commercial space to support goals of the Auke Bay Area Plan and thereby contributing to the overall vitality of the community at Auke Bay. Funding for such development might include public private partnerships; leasing developable air rights; D&H developed space for lease, or other options.

VESSEL ACCESS

One of the primary goals of the Statter Harbor Master Plan from its beginning in 2005 has been to separate uses so congestion is reduced both on land and on water. The fairways to current and planned harbor facilities are adequate for safe vessel maneuvering and exceed the minimum recommended engineering standards for vessel navigation. The proposed project provides a separate location for charter fleet vessels with adequately designed access and maneuverability. A fueling station to serve the charter vessels is planned as shown on the site plan.

VEHICULAR and PEDESTRIAN ACCESS

The Statter Harbor Master Plan identified primary access to the new launch ramp and bus loading area to be the recently constructed driveway at Glacier Highway across from Squires Rest and the former UAS Bookstore (see Attachment G). This driveway location was coordinated with and supported by the Alaska Department of Transportation and Public Facilities (ADOT/PF) through the development of the Statter Harbor Master Plan. ADOT/PF is entering into the construction phase of a project that would create a center turn lane from Glacier Highway into the new boat launch facility thereby significantly improving ingress to this facility. The existing driveway access to Statter Harbor (adjacent to DeHart's Store) will continue to serve the general moorage area.

During public comment an issue was raised regarding the number of buses transiting through the boat launch area and in front of the adjacent residence. The commenter preferred that the buses use the existing entry as is currently used. AutoTurn, a computer modeling program, was used to analyze maneuvering requirements for a variety of vehicles. The program was used to model maneuvering configurations for the largest of the motor coaches that frequent Statter Harbor in the transfer of passengers from cruise ships to charter activities. The modeling shows that large motor coaches ($45^{+/-}$ feet) are not able to make safe ingress or egress from the existing driveway entrance to Statter Harbor. While smaller vans and buses (25 feet or less) may be able to maneuver through the existing "S" curve driveway, limited sight distances and the close proximity of the roundabout causes concerns for safe use of the existing driveway for transfer buses and vans. It is planned that all commercial transfer buses use the entry/exit across from Squires Rest.

The launch ramp project created a dedicated pedestrian BayWalk which would be extended along the water's edge through this project and connect to the moorage area. This will create a safe pedestrian way connecting the various elements of the overall Statter Harbor facility.

PARKING

With the completion of Phase II of the Statter Harbor Master Plan (Launch Ramp) the number of parking spaces has increased dramatically. The former truck/trailer spaces near the Harbormaster's Building have been converted to regular vehicle spaces thereby increasing parking capacity for the overall Statter Harbor facility. Parking for Statter Harbor is provided in three zones (see Attachment H): 1) Zone A is adjacent to the Harbormaster's Building; Zone B is located at the Launch Ramp; and Zone C is located at the proposed charter fleet facility. An analysis was performed using requirements of the CBJ zoning code and general harbor engineering standards from States Organization for Boating Access (SOBA).

The table below shows existing and proposed facilities; the parking requirement or engineering standard for each use; and the number of spaces provided for each use. The analysis shows that the number of spaces provided at Statter Harbor exceeds the requirements/standards.

Existing Facilities:			Parking Required/Recommended:	
Permanent Moorage Stalls	70		Requirement for Permanent Moorage (2)	23.3
Side Tie Transient Moorage (1)	286		Requirement for Transient Moorage (2)	95.3
Launch Ramps	2		Truck/Trailer Parking Recommended (3)	100
Launch Ramps	2		Car Parking Stalls for Launch Ramp (4)	30
Proposed New Facilities:				
Permanent Moorage Stalls	11		Requirement for Permanent Moorage (2)	3.6
Side Tie Transient Moorage (6)	7		Requirement for Transient Moorage (2)	2.3
Side Tie Charter Float Moorage (7)	28		Requirement for Charter Float Moorage (2)	9.3
Potential 2nd Floor Commercial (8)	2,800 sq.ft.		Potential 2nd Floor Commercial (5)	14
			Total Parking Required/Recommended	**277.8**
Parking Provided				
Zone A				
Vehicle Spaces				115
ADA Van Spaces				1
ADA Spaces				4
Zone B				
Truck/Trailer Spaces				95
Vehicle Spaces				78
ADA Van Spaces				1
ADA Spaces				5
Zone C				
Vehicle Spaces				10
ADA Van Spaces				1
			Total Parking Provided	**310**
Notes:	(1) 10,000 Ln. Ft. / 35' Average Vessel Length			
	(2) CBJ Code Requires 1 Parking Space for Every Three Moorage Stalls			
	(3) SOBA Recommends 50 stalls per launch lane			
	(4) SOBA Recommends 30% of Truck/Trailer Stalls			
	(5) CBJ Code Requires 1 Parking Space for Every 200 Square Feet			
	(6) 234 Ln. Ft. / 35' Average Vessel Length			
	(7) 866 Ln. Ft. / 35' Average Vessel Length			
	(8) 2,800 sq. ft. / 200 sq. ft. per space			

STORMWATER MANAGEMENT

The proposed project includes upland development of impervious surfaces for pedestrian walkways, pedestrian plazas, and asphalt paving in the staging and parking areas. Landscape features within the project area will catch rainwater and filter through the soils below. Storm water management of the impervious areas (walkways, plazas, parking, and staging) would be through a system of oil/water separators. The proposed oil/water separators will be part of stormwater management for the project site. ADEC will review the stormwater management plan through its Permanent Stormwater Management Control Plan Review process. This is similar to what has occurred in past projects such as the new Launch Ramp.

The CBJ Manual of Stormwater Best Management Practices recommends oil/water separators as a BMP for addressing oil control in stormwater management systems. The proposed project will be designed with oil/water separators in accordance with best management practices.

VEGETATIVE COVER

In the Waterfront Commercial zoning district Title 49 of the City Code requires 10% of the project area to be retained in vegetative cover. This particular project consists of uplands and submerged lands. The project area for vegetative cover purposes was calculated on the area of uplands only (see Attachment I). The uplands area of the proposed project is approximately 74,922 square feet. The total vegetative cover shown on the plan is approximately 7,553 square feet or 10.1% thus meeting the code requirement. In addition, there is approximately 3,500 square feet of landscaped plaza area which will feature planters and other amenities such as benches and tables.

SOUND

Activities associated with the proposed charter fleet float project are not expected to generate sounds dissimilar from those that exist today. Until recently an active boat yard existed on the site. The boat yard has since been moved to the Auke Bay Loading Facility thus sound generated by that activity no longer occurs on the site.

During public comments a concern was raised regarding the sound of back-up alarms on buses that would be staging at the proposed charter fleet facility. Two options for orientation of the bus staging area were considered. One had head-in angled spaces for buses while the other provided pull-through spaces. The pull-through configuration was chosen to reduce the need for back-up maneuvers that would trigger back-up alarms.

During construction it is anticipated that sound levels would increase relative to current background conditions. Trucks and equipment performing construction of the facility would be expected to increase the duration of sound but the levels would likely not rise significantly. Distinct sound generators during construction would be activities associated with dredging; hauling and placing rock for fill; and driving of piles for the floats. Probably the highest level of sound during construction would be the back-up signals on equipment and trucks. These signals are required by OSHA and must not be disconnected.

Measures would be taken to minimize generation of sound during construction. Piling would be vibrated or drilled first then only driven with impact hammers for the last portion to reach final loading capacity. CBJ code provides guidance on working hours for certain sound generating activities[1] and it is planned that work would take place within these hours unless certain construction activities that may be tide related requiring construction outside the normal working day.

LIGHTING

The proposed charter fleet float facility will include site lighting and lighting on the floats to provide safe operations during dark conditions. The lighting design has not been completed at this time but the overall concept is to provide adequate lighting for safe and convenient operations during dark periods of the day but not cause glare or light pollution onto adjacent properties.

Lighting would be controlled by photo cells thus only lit when dark conditions occur. D&H embraces a concept of adequate but not over lighting a facility. Luminaires would be mounted on light standards at a height for adequate light distribution and would be focused downward so not to cause glare beyond the areas to be illuminated. Light standards would be painted flat black so not to cause undesirable light reflection and glare. Specific fixtures have not been selected at this point in the design process but will be submitted with a building permit for the facility. Lighting for the proposed development would be similar to those used at the newly completed launch ramp.

SCHEDULE

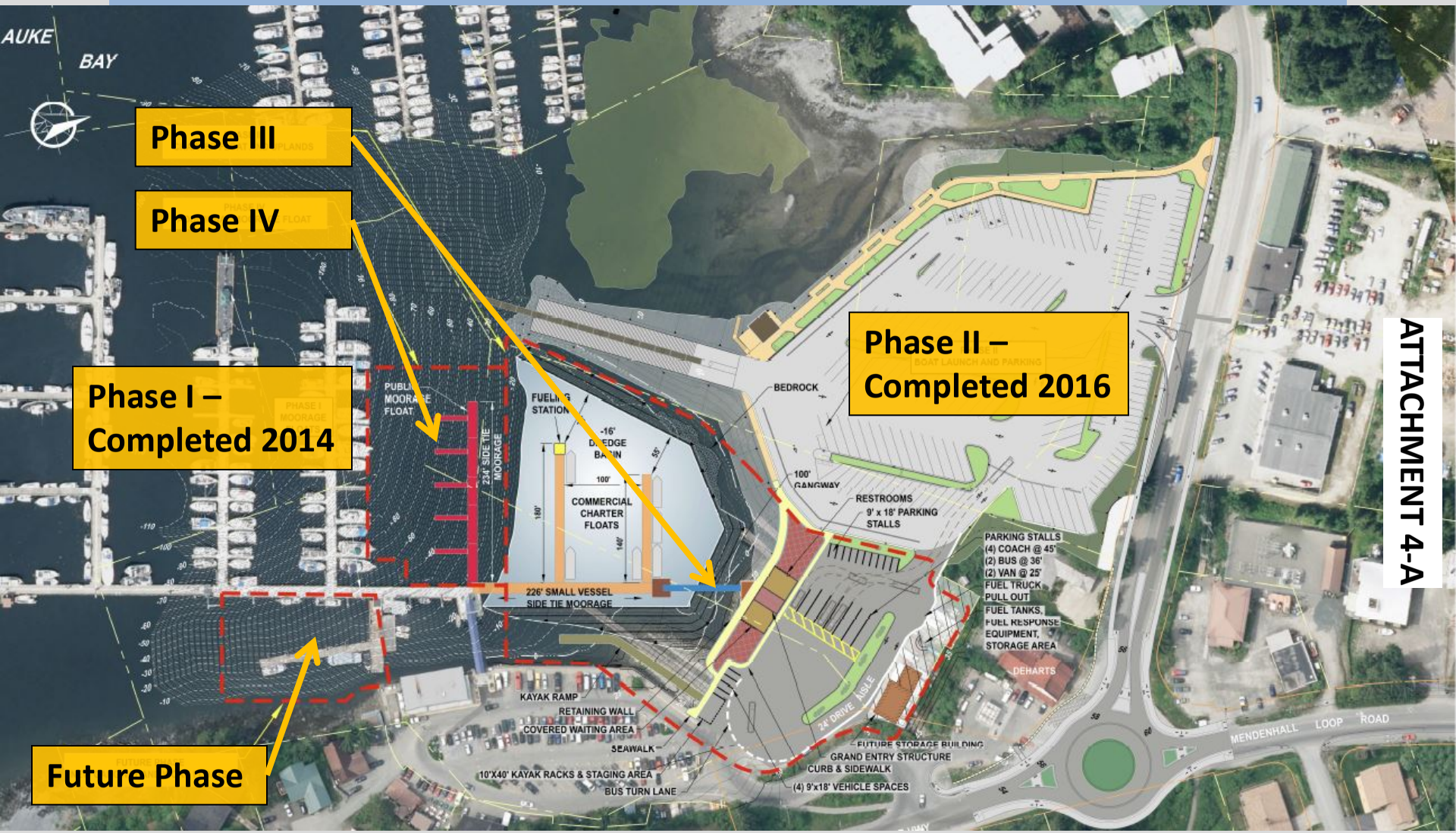
Phase III of the project is anticipated to be constructed under three contracts. The first contract would complete dredging and disposal of dredged material to begin in fall 2017. Concurrently a second contract would be let to manufacture and install the float system beginning in winter 2017. In this scenario the charter float system would be operational in spring of 2018. The third contract would begin in fall 2018 and be completed in spring 2019. This work will include a gangway to the floats; development of the restroom/shelter building; and construction of the parking/staging area. Work of Phase IV and the Future Phase is dependent on available funding thus does not have a specific schedule at this time.

ATTACHMENTS

A. Statter Harbor Master Plan
B. Proposed Project
C. Phase III – Project Components
D. Phase IV – Project Components
E. Future Phase – Project Components
F. Building Concept Drawings
G. Tour Vehicle Circulation and Staging
H. Parking Zones
I. Vegetative Cover and Landscaping

[1] 42.20.095 - Disturbing the peace. (b) *Construction of buildings and projects.* It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

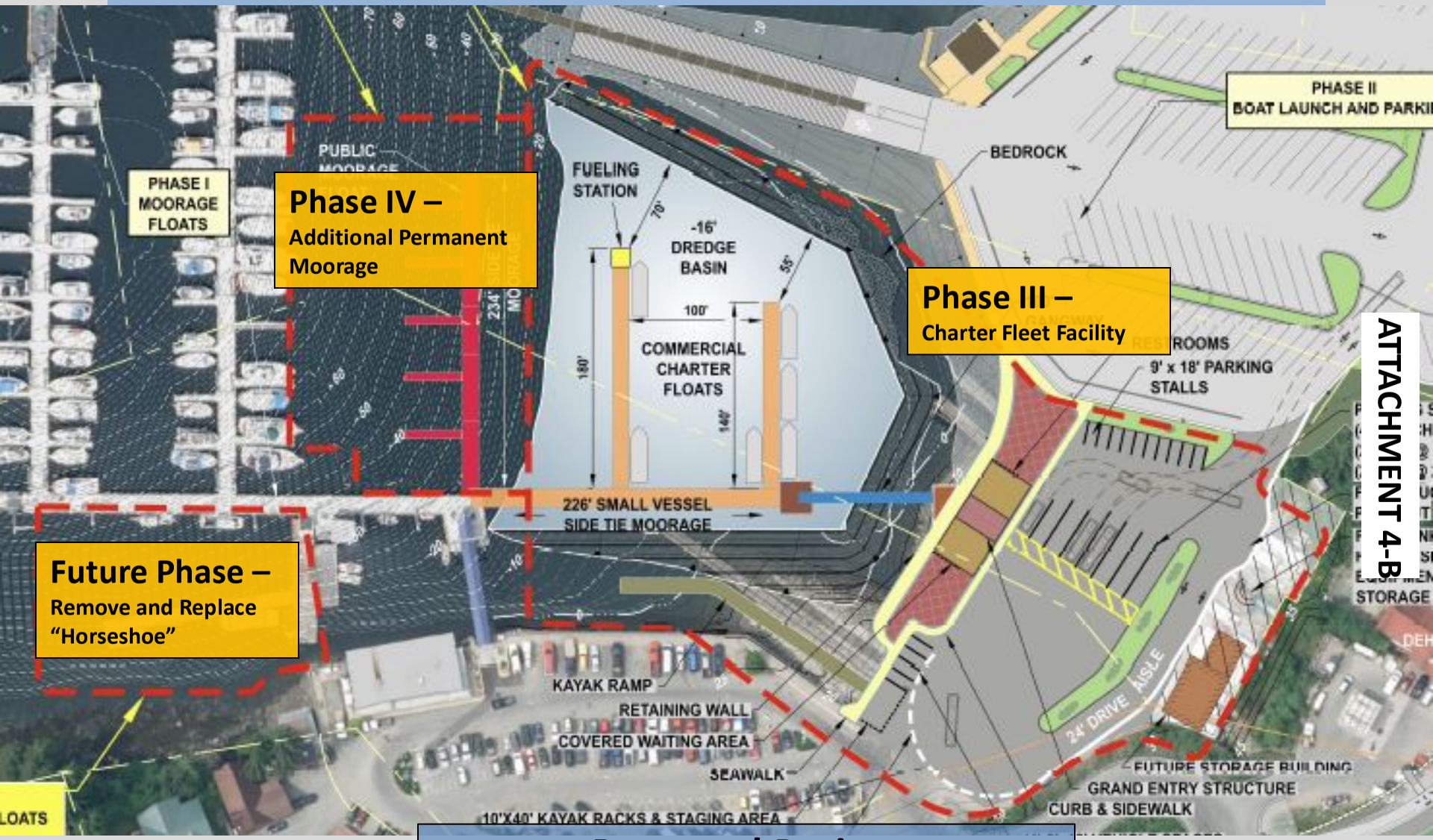
Statter Harbor Master Plan



Development Phases

Attachment 4

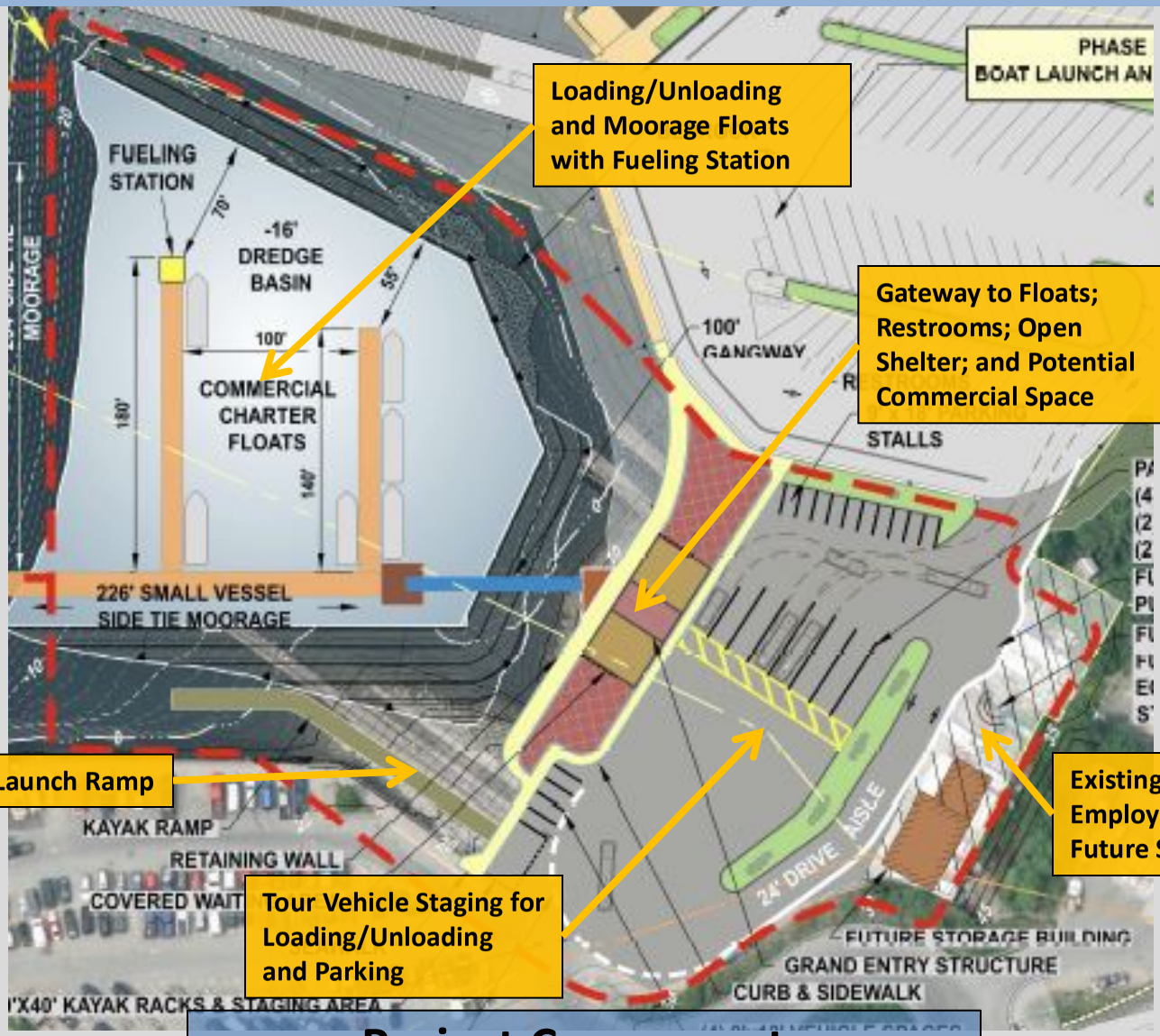
Statter Harbor Master Plan



Proposed Project

Attachment 4

Statter Harbor Improvements – Phase III

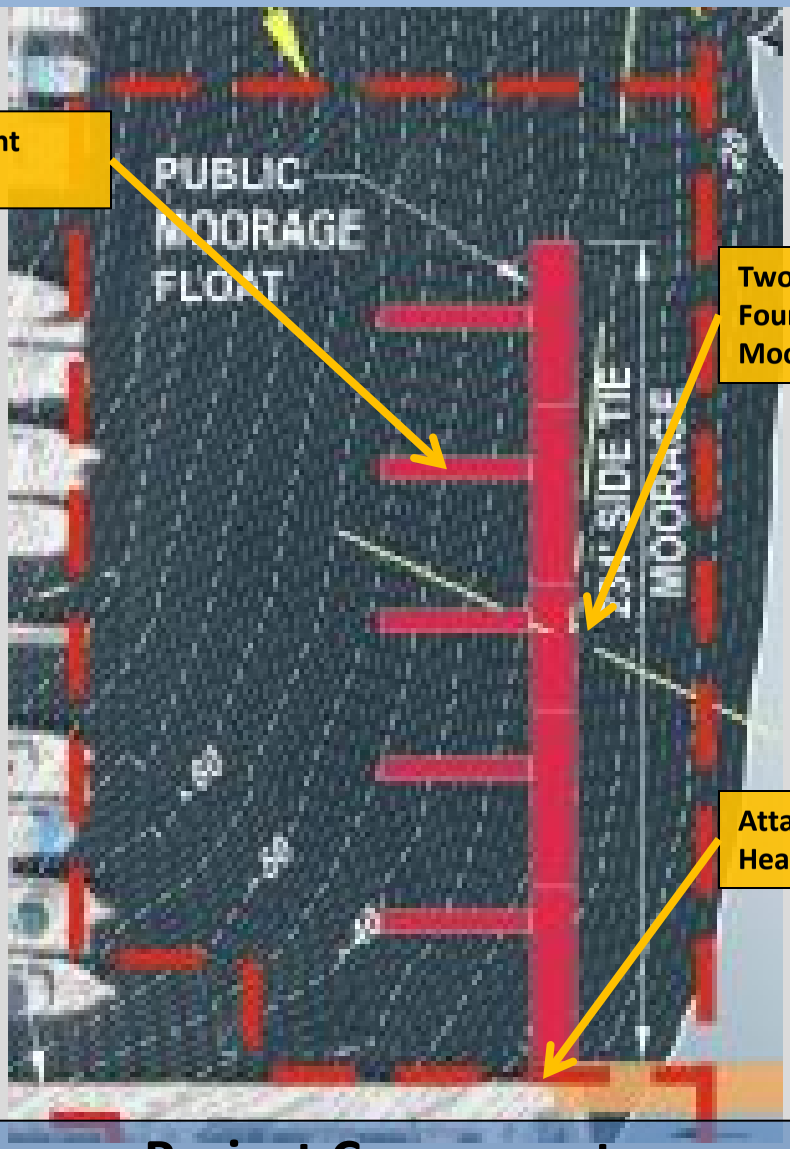


Project Components

ATTACHMENT 4-C

Attachment 4

Statter Harbor Improvements – Phase IV



Eleven Permanent Moorage Slips

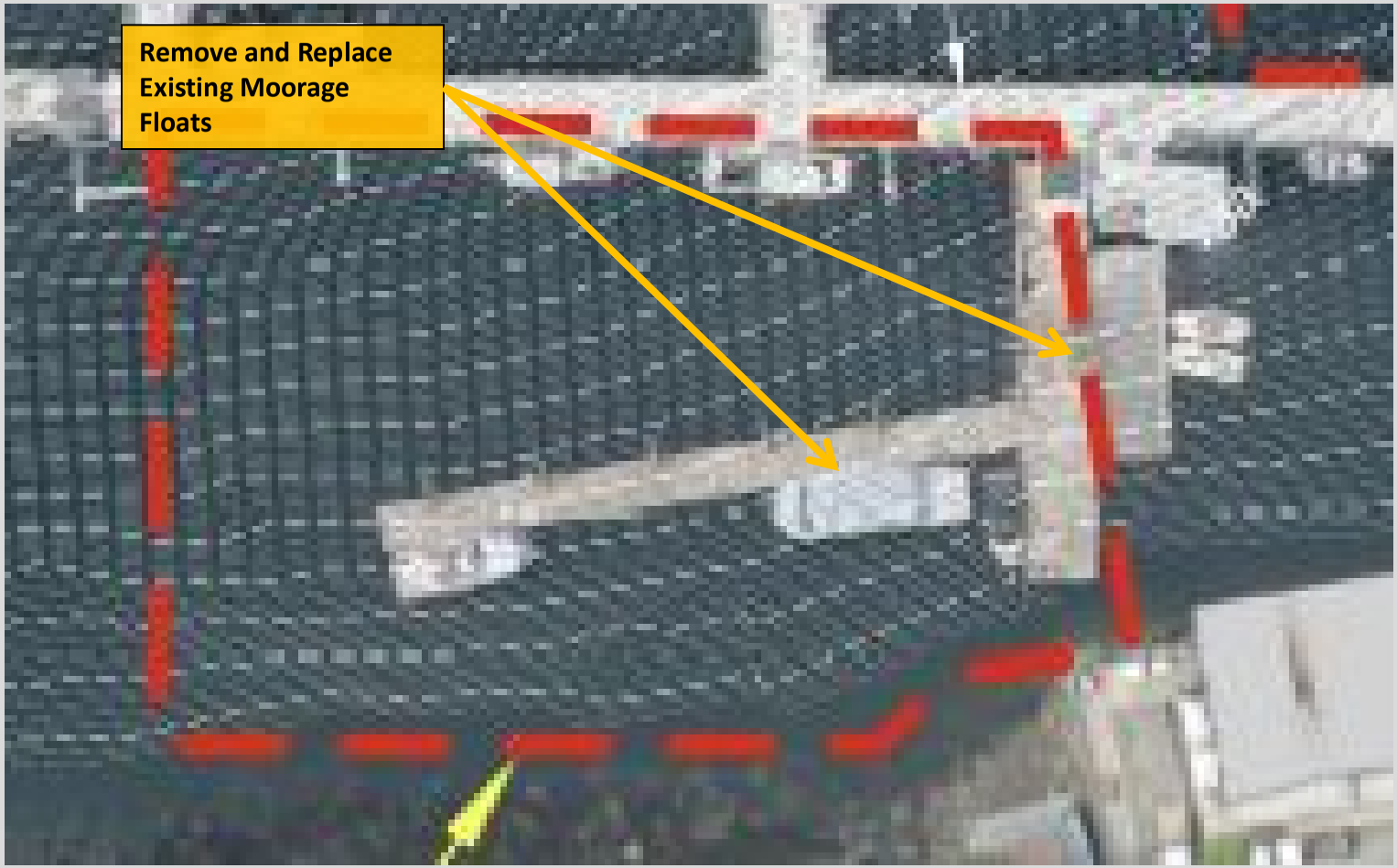
Two Hundred Thirty Four Feet of Side Tie Moorage

Attached to Existing Headwalk System

Project Components

ATTACHMENT 4-D

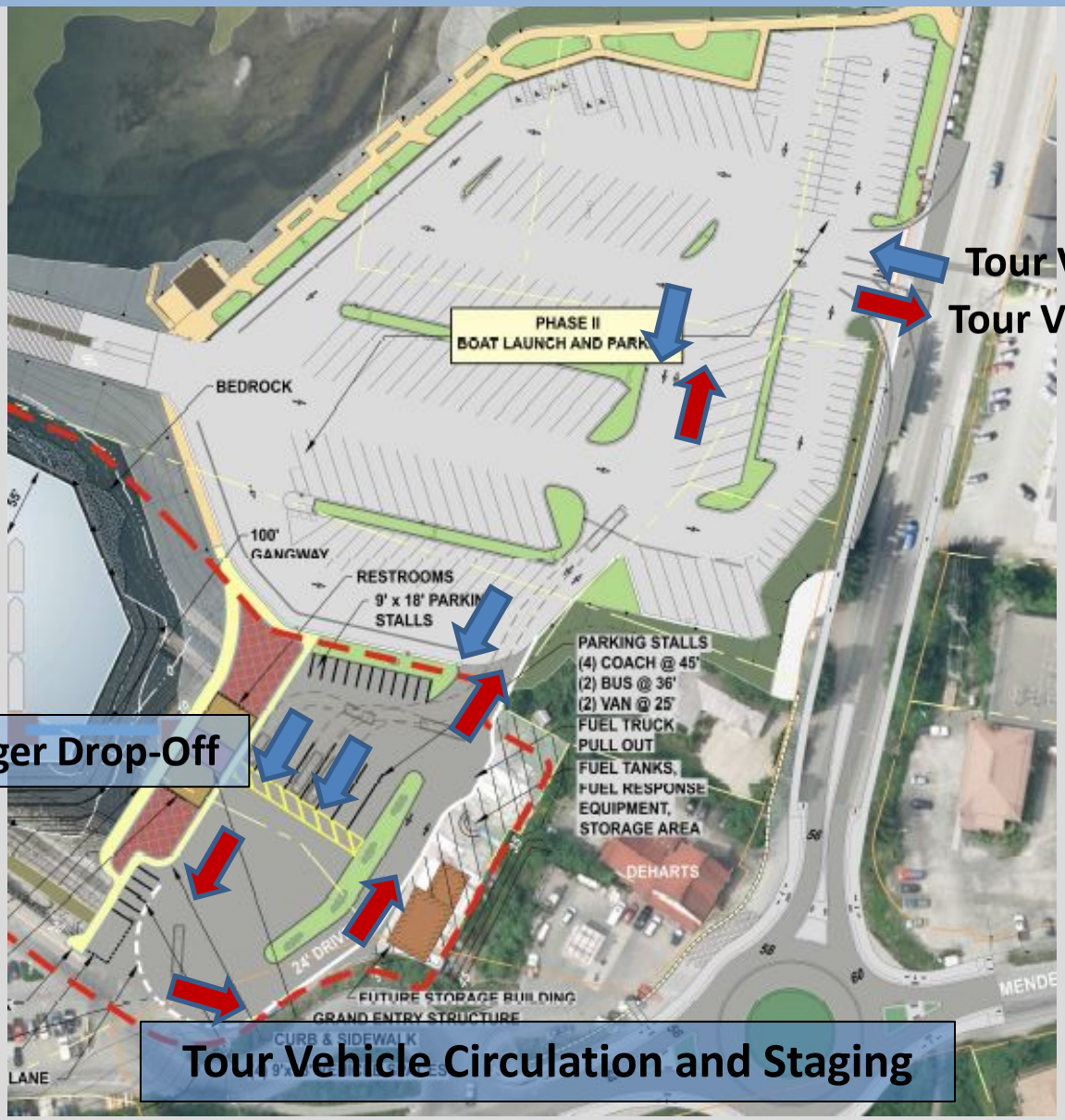
Statter Harbor Improvements – Future Phase



ATTACHMENT 4-E

Project Components

Statter Harbor Improvements – Phase III



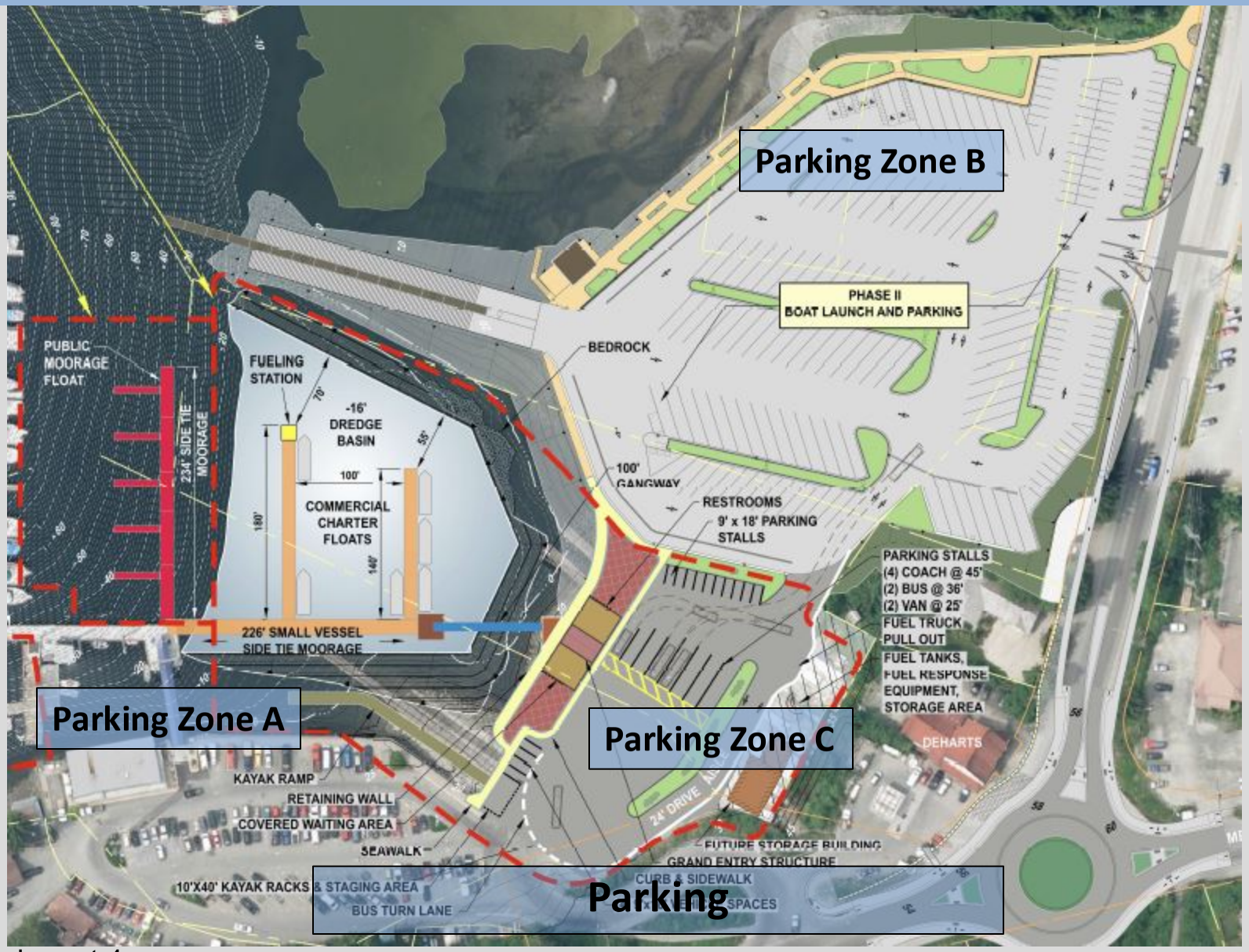
Ingress

Egress

ATTACHMENT 4-G

Attachment 4

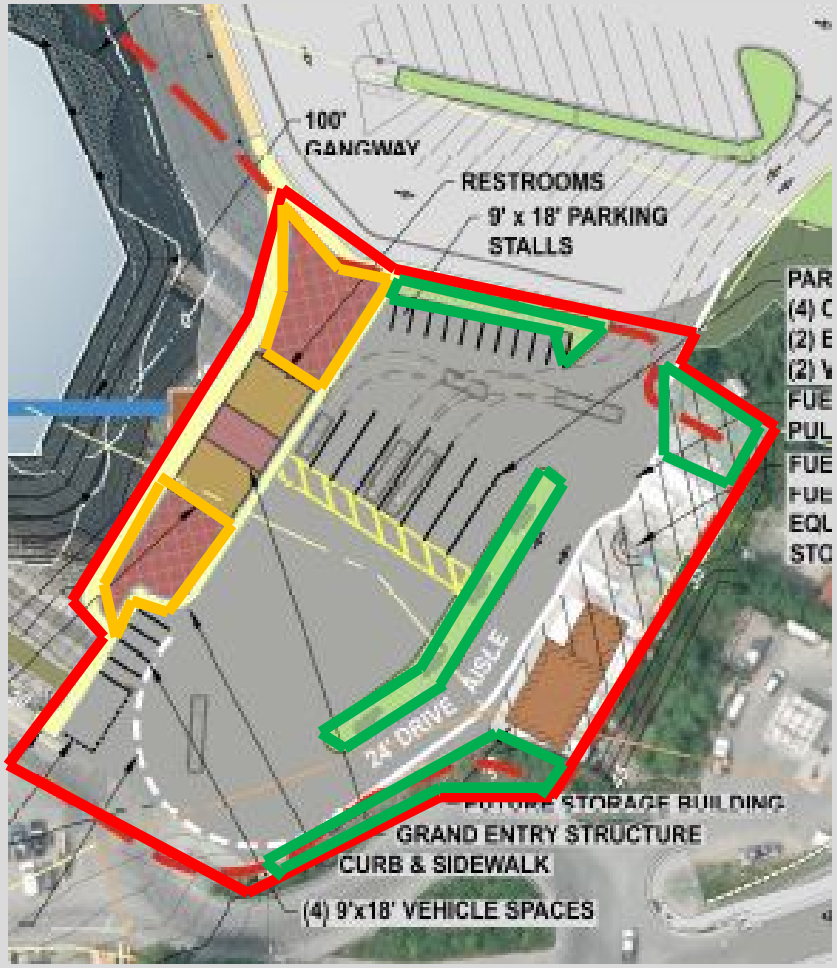
Statter Harbor Improvements – Phase III



ATTACHMENT 4-H

Attachment 4

Statter Harbor Improvements – Phase III



Uplands Area

Vegetative Cover

Landscape Plaza

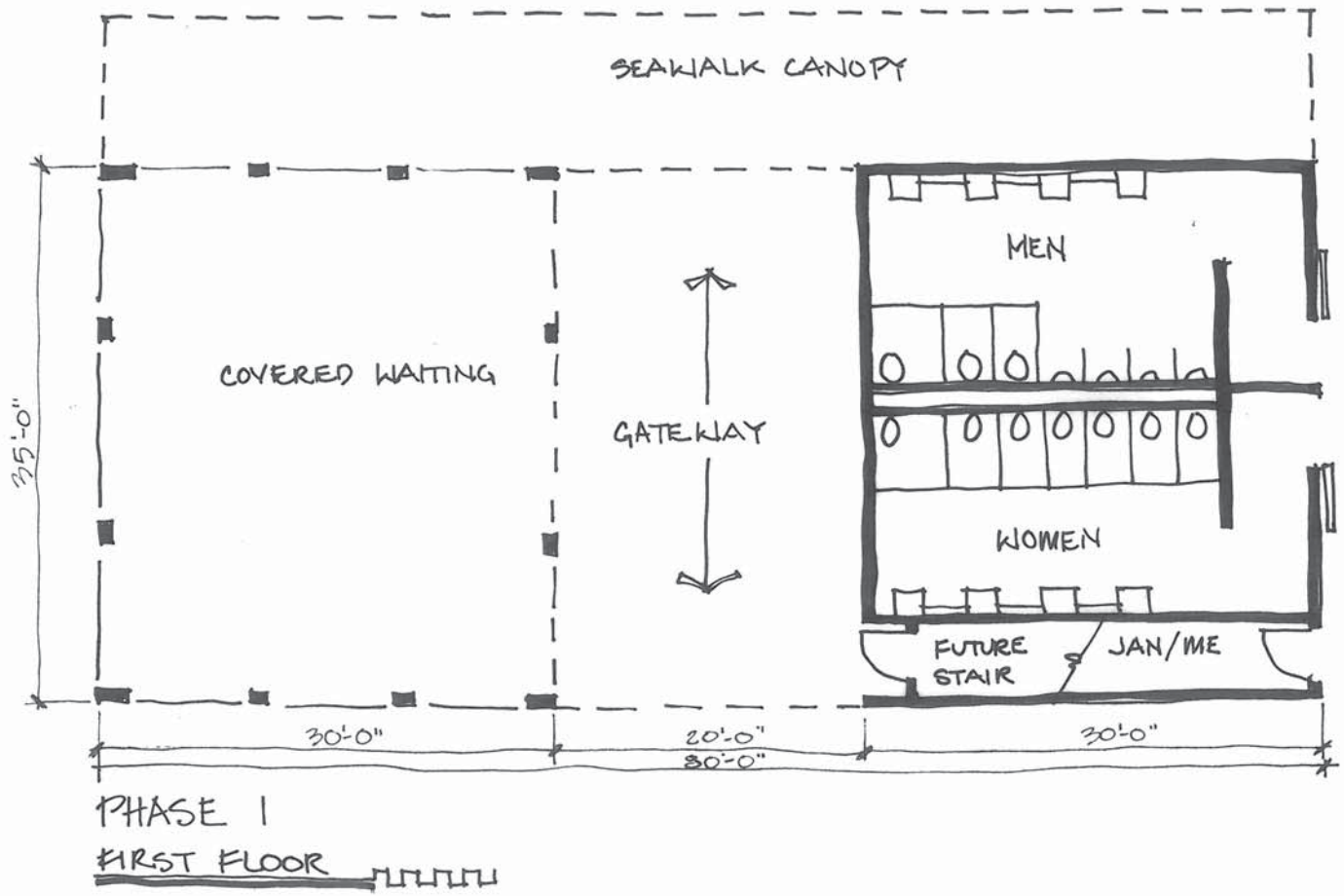
Uplands Area = 74,922 Square Feet
Vegetative Cover = 7,553 Square Feet
Landscape Plaza = 3,500 Square Feet

ATTACHMENT 4-I

Vegetative Cover / Landscaping

Attachment 4

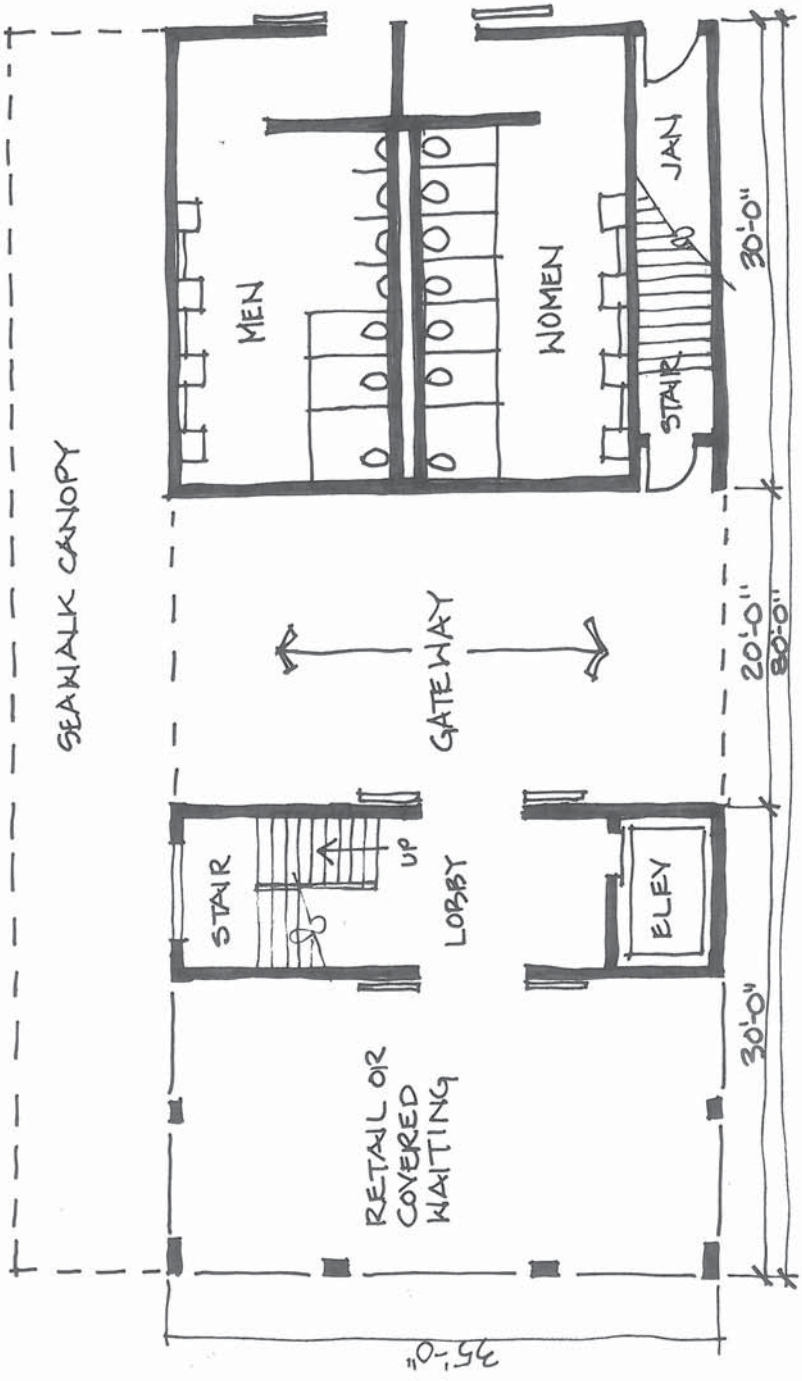
ATTACHMENT F



Jensen Yorba Lott inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT

CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

A1

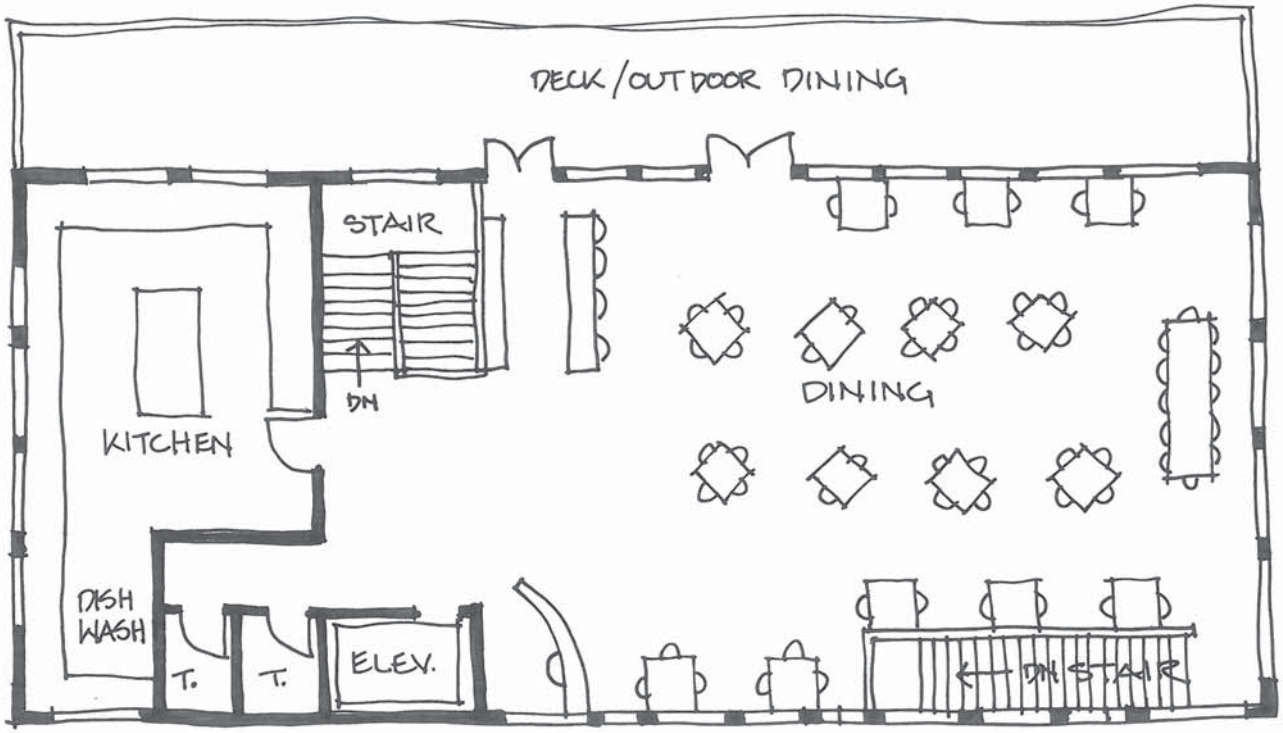


CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

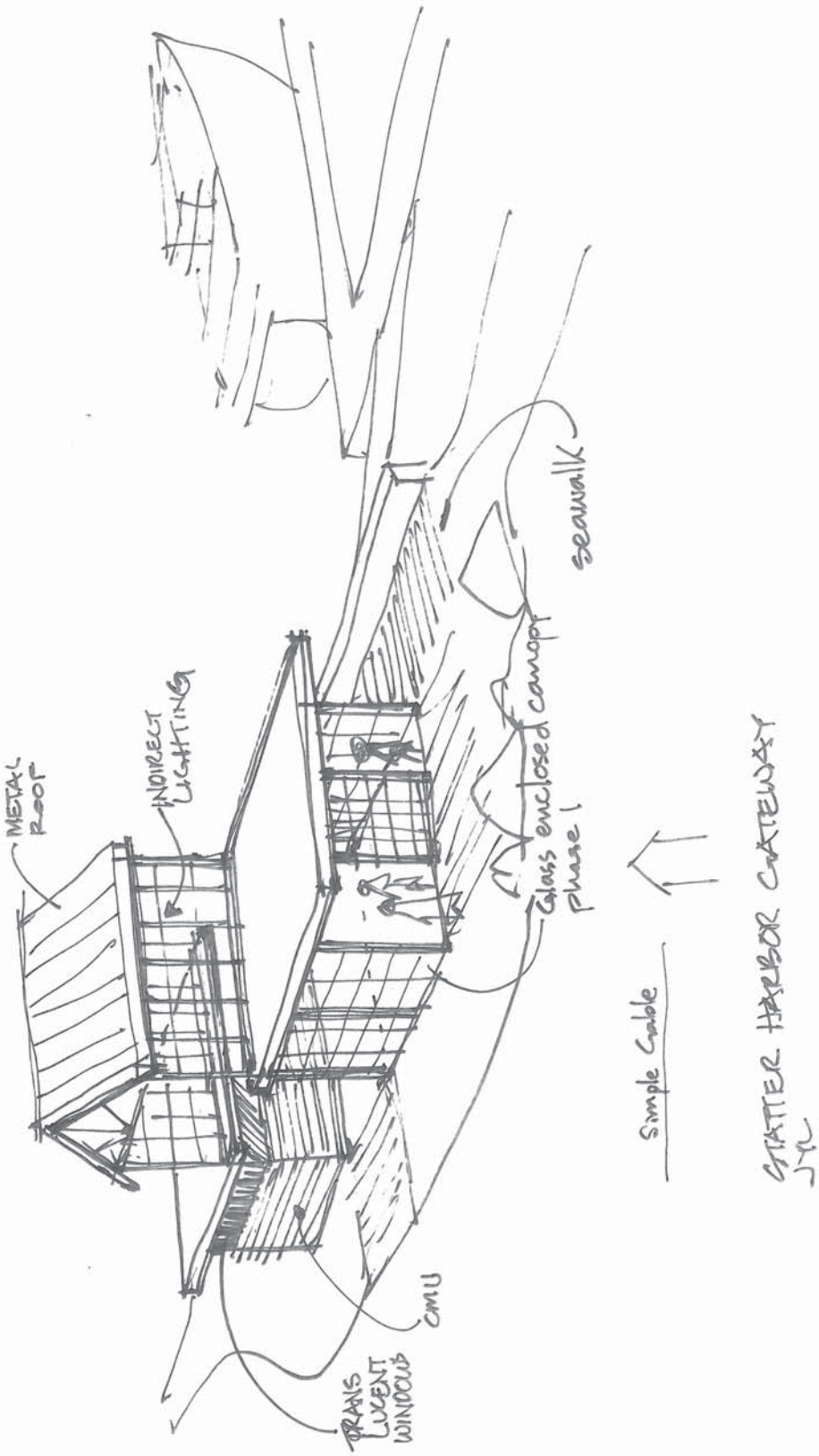
A2

Jensen Yorba Lott inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT

Attachment 5 - Site Plans



PHASE 2
FUTURE SECOND FLOOR


METAL ROOF
INDIRECT LIGHTING
Glass enclosed canopy phase 1
seawall
Simple Gable
GRATTER HARBOR CATTELWAY
JYL
CMU
TRANS LUCENT WINDOWS