

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

February 13, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-04

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Proclamation - Engineers Week

IV. APPROVAL OF MINUTES

A. January 19, 2017 Special Assembly Meeting 2017-02

B. January 23, 2017 Regular Assembly Meeting 2017-03

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 2016-46 An Ordinance Amending the Land Use Code Relating to Parking Waivers.

This ordinance would amend CBJ Title 49, the Land Use Code, to provide for reductions in parking requirements by means of a new waiver process. A waiver allowing a particular use at a particular location could be granted by the Planning Commission (in the case of major development) or the Director (in the case of minor development) upon finding that it would benefit the community as a whole and the proposed use is located outside of the downtown special parking districts.

On January 24, 2017, the Planning Commission considered the ordinance and recommended it be forwarded to the Assembly for its consideration.

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

b. **Ordinance 2017-02 An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling of Food and Beverages and Related Uses.**

The CBJ has received requests to use portions of right-of-way for outside seating associated with adjacent restaurants. As written, existing code sections do not explicitly anticipate this type of use. Use of these relatively small portions of land could enhance commercial activity, enliven our public spaces and generate revenue for CBJ. Commercial use of unneeded sections of ROW would be appropriate, provided that the conditions outlined in the attached ordinance are met.

The Lands and Resources Committee considered this issue at its December 12, 2016, meeting and unanimously asked staff to draft an ordinance to forward to the Assembly.

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

c. **Ordinance 2017-03 An Ordinance Amending the Uniform Sales Tax Code to Establish a Tax Exemption for the Sale of Goods Aboard Cruise Ships.**

The City and Borough of Juneau levies a sales tax for goods and services. Although called for under the tax code, the CBJ historically has not required cruise lines to collect sales tax from its passengers for sales made aboard the ship when the ship is within CBJ boundaries. In April 2016, the Cruise Line International Association (CLIA) sought a sales tax determination on the applicability of CBJ's sales tax code. CBJ's Sales Tax Administrator determined in October 2016 that sales onboard cruise ships are subject to CBJ's sales tax code. Based on this final position the current informal arrangement needs to be adopted in code as a tax exemption or we need to begin requiring the collection and payment of sales tax.

The CBJ sales tax office estimates that between \$50,000 and \$100,000 could be collected in total, per season from sales aboard cruise ships. CBJ currently receives about \$8 million in sales tax from cruise passenger who get off the ships and make purchases of goods, services and tours. CBJ also collects about \$12.5 million a year in fee revenue from local and state passenger fee programs.

The Finance Committee discussed this issue at its March 2016 and January 2017 meetings. At the January meeting staff was directed to prepare an ordinance, for assembly consideration, to exempt onboard sales.

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

- d. **Ordinance 2016-09(AE) An Ordinance Appropriating to the Manager the Sum of \$10,000,000 as Funding for CBJ Biosolids Treatment and Disposal Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Clean Water Fund State Revolving Fund.**

This appropriating ordinance provides \$10 million for the Biosolids Treatment and Disposal Project.

The terms of the low interest loans under the Alaska Revolving Loan Fund programs are 20-year repayment at a 1.5-percent interest rate. The project loans will be re-paid with Waste Water Utility customer revenues.

The Public Works and Facilities Committee heard this issue and reviewed project timelines at its January 30, 2017, meeting, and forwarded this ordinance to the full Assembly for approval.

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

- e. **Ordinance 2016-09(AF) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Teacher Excellence Fund, a University of Alaska Southeast School of Education Endowment Through the Juneau Community Foundation; Funding Provided by the City and Borough of Juneau's Fund Balance.**

As a part of the University of Alaska's Strategic Pathways process a preliminary decision was made to consolidate program leadership and administration of all education schools at the University of Fairbanks campus. The UAS School of Education has a track record of excellence in preparing educators and many in the community believed that removing the program from UAS would undermine the school's standing in the UA system as a credible four year university. A strong University adds to the diversity, quality of life, and economic viability of our community.

During the consideration phase, the City Manager, with the knowledge of the Assembly, committed to helping to fund a \$1 million endowment for the School of Education to be available to the University in support of the School of Education as long as that degree program remains centered at UAS.

At the December 14, 2016, Board of Regents meeting, after considering testimony from many informed individuals about the quality and success of the UAS program and understanding the degree to which the community supports having the program remain in Juneau, UA President Johnsen changed his position and recommended to the Board of Regents that the UA School of Education be centered at UAS. The Board of Regents voted unanimously to do so.

Proceeds of the Endowment Fund will be used to further the UAS School of Education mission of creating innovative, Alaskan grown educators to help improve the quality of K-12 education within the State of Alaska. A committee has been formed that is working on fundraising strategies for the endowment fund. Participants on this committee include representatives from public, private, and non-profit agencies in the community.

This ordinance would provide \$250,000 of initial funding to the Teacher Excellence fund during FY2017. The Assembly Finance Committee discussed

this issue at its January 11, 2017, meeting. The AFC directed that an ordinance allocating funds for this purpose be introduced and set for public hearing.

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

2. Resolutions

a. **Resolution 2788 A Resolution De-Appropriating \$4,370,300 in FY17 Funds from the Treasury for the FY17 City and Borough Operations.**

This housekeeping measure would de-appropriate \$4,370,300 from the FY17 budget, to address revenue reductions from the State of Alaska and local sales tax due to the Governor's veto and Senate Bill 210.

The Assembly recently adopted Ordinances 2016-09(V), 2016-09(W), and 2016-09(X) on December 19, 2016, to replace the lost revenue.

The Assembly Finance Committee (AFC) forwarded this request to the Assembly at its January 11, 2017, regular meeting.

The City Manager recommends this resolution be adopted.

b. **Resolution 2789 A Resolution De-Appropriating \$111,125 from the Juneau International Airport Construct Runway Safety Area Phase IIB Capital Improvement Project, Funding was Provided by Juneau International Airport Fund's Fund Balance.**

This resolution would de-appropriate \$111,125 from the Runway Safety Area Phase IIB capital improvement project. Funding is provided as follows:

Juneau International Airport Fund Balance:	\$ 111,125
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This amount was appropriated into the project from Airport Fund Balance (Ord. 2016-09(K)) at the September 26, 2016, Assembly meeting, as temporary funding while the State matching grant was being requested from the Alaska Department of Transportation (ADOT). The ADOT grant has subsequently been awarded and appropriated (Ord. 2016-09(O)).

This measure will remove the commitment of funds from the Airport Fund Balance.

The Airport Board approved this action at its January 10, 2017, meeting.

The City Manager recommends this resolution be adopted.

c. **Resolution 2790 A Resolution Endorsing Passage of Senate Bill 28, "An Act Relating to the General Grant Land Entitlement for the Petersburg Borough."**

If passed, Senate Bill 28 would allow the new Petersburg Borough to select state lands for their borough. All Alaskan boroughs share the same goal of having as much local control as possible over their jurisdictions. This resolution is a formality that is meant as a gesture of support to our neighbors to the south.

The City Manager recommends this resolution be adopted.

3. Transfer

a. **Transfer T-984 Transfers \$800,000 from Juneau Harbor Deferred Maintenance to Aurora Harbor Rebuild Phase II.**

The request is to move \$800,000 to the existing Aurora Harbor Re-Build CIP for planned improvements of Aurora Harbor Re-Build-Phase II, specifically the removal and reconstruction of a portion of the Headwalk; Mainwalks E, F, and G; electrical and lighting; domestic water lines; and fire suppression system. The project includes moving the existing boat shelters to access the work; and to return the boat shelters to the new facility upon completion.

The Docks and Harbors Board forwarded this recommendation to the Assembly for approval at its meeting on January 19, 2017.

The City Manager recommends this transfer be approved.

b. **Transfer T-985 Transfers \$150,000 from Whittier Street CIP to Aspen Avenue - Pinewood CIP.**

This action will transfer \$150,000 of Water Utility revenues from the Whittier Street CIP (R72-124) to the Aspen Avenue – Pinewood CIP (R72-125). The Aspen and Pinewood projects were combined to efficiently construct in this very flat area of the valley and take advantage of the cost savings of constructing the two projects together. These funds are the Water Utility's contribution for the water improvements needed during the reconstruction project.

Whittier is almost complete. A couple of punch list items and the final change order remain to complete the project, at which time the remaining funds will be transferred and the CIP closed.

The Public Works and Facilities Committee reviewed this request and forwarded it to the full Assembly for approval at its meeting on January 30, 2017.

The City Manager recommends this transfer be approved.

4. Liquor License

a. **Liquor License Renewals for 2017**

The following 2017/2018 Liquor License Renewals are before the Assembly for action:

Beverage Dispensary Licenses:

License # 2766 Alaska Red Dog Saloon LLC d/b/a Red Dog Saloon, 278 S. Franklin Street

Beverage Dispensary Tourism Licenses:

License # 313 Juneau Hospitality, LLC d/b/a Prospector Hotel/TK Maguires, 375 Whittier Street

Package Store Licenses:

License # 176 Breeze-In Corporation d/b/a Breeze-In Liquor, 8 Mile Old Glacier Hwy.

License # 662 Breeze-In Corporation d/b/a Douglas Island Breeze-In, 3370 Douglas Hwy.

License # 4543 Breeze-In Corporation d/b/a Breeze-In, 5711 Concrete Way

Recreational Site License:

License # 4881 Alaska Travel Adventures Inc. d/b/a Alaska Travel Adventures, 9999 Glacier Hwy. (banks of Mendenhall River)

License # 3409 Alaska Travel Adventures Inc. d/b/a Gold Creek Salmon Bake, 1061 Salmon Creek Lane

License # 4700 Alaska Zipline Adventures, LLC d/b/a Alaska Zipline Adventures, 3000 Fish Creek Road

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above list of renewals and recommend the Assembly waive its right to protest these renewals.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2017/2018 renewal period.

b. **Liquor License #2812 Location Transfer and Restaurant Designation Permit Application**

Genuine Ventures LLC d/b/a Tracy's King Crab Shack is applying for a location transfer for its Liquor License #2812 and an application for a Restaurant Designation Permit. The premises location is transferring from 406 S. Franklin Street to 432 S. Franklin Street. Copies of the applications and the premises diagrams are included in your packet.

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

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license transfer and approve the Restaurant Designation permit.

VIII. PUBLIC HEARING

A. **Ordinance 2016-09(AC) An Ordinance Appropriating to the Manager the Sum of \$700,000 as Partial Funding for the Construction of Aurora Harbor Phase II; Funding Provided by the Harbors Enterprise Fund's Fund Balance.**

CBJ Docks and Harbors requests approval of an appropriation ordinance that would transfer funds from the Harbors Fund to the Aurora Harbor Re-Build CIP account for the Phase II project.

The request is to move \$700,000 to the existing Aurora Harbor Re-Build CIP for planned improvements of Aurora Harbor Re-Build-Phase II, specifically the removal and reconstruction of a portion of the Headwalk; Mainwalks E, F, and G; electrical and lighting; domestic water lines; and fire suppression system. The project includes moving the existing boat shelters to access the work and returning the boat shelters to the new facility upon

completion. The funds would come from the Harbor Fund which has a current balance of \$3,874,900.

The Public Works and Facilities Committee reviewed this ordinance at its January 30, 2017, meeting.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2016-09(AD) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project; Funding Provided by the General Government Fund's Fund Balance.

This ordinance would appropriate \$250,000 to the Juneau School District for JSD deferred maintenance and minor improvements including carpet replacement, water heaters, etc.

Funding is provided from the General Government Fund's Fund Balance.

The Assembly Finance Committee approved this action at its January 11, 2017, meeting.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2016-10(A) An Ordinance Appropriating Funds for FY17 School District Operations.

This ordinance would make the following FY17 School District budget changes:

General Operations	\$ 2,034,200
Contributions to Fund Balance	786,000
Total Budget Changes	\$2,820,200

Funding for the changes is provided from the following:

State Foundation Funding	\$ 2,820,200
Total Funding Source Changes	\$2,820,200

These adjustments are requested by the School District due to student enrollment increasing above projections, which increases the State Foundation Funding support to education.

The Assembly Finance Committee (AFC) forwarded this request to the Assembly at its January 11, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. OLMO, LLC v Board of Adjustment - Decision on Appeal - VAR2015 0030

The proposed decision in this appeal was provided to the parties on January 30, 2017. Neither party filed written objections. In accordance with CBJ 01.50.140, the decision is now before you for adoption.

B. Meek v Planning Commission and Miller Construction - Decision on Appeal - USE2016 0016

The proposed decision in this appeal was provided to the parties on January 30, 2017. Written objection was received on February 6, 2017, and is included in your packet. In accordance with CBJ 01.50.140, the decision is now before you for adoption.

C. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

This ordinance would amend the CBJ's existing camping ordinance by adding a provision designed to prohibit camping on private property in a narrowly defined geographic area in downtown Juneau. The purpose of this amendment is to partially address the issue raised by business owners in the downtown area who are experiencing a noticeable increase of unauthorized people camping on their property, resulting in a significant increase in refuse, litter, waste and harm to private businesses. This ordinance is not an outright bar as it allows private property owners to grant permission to campers to use their property.

I recommend that you consider this ordinance in the context of other services and management measures that are already being provided or are being considered for our homeless population. This ordinance is one small piece of a larger puzzle; to be effective it must be accompanied by other measures. Absent other measures, this ordinance would likely only serve to move the problem camping to different areas. Measures that should be considered include the provision of a year round campground and a heated sheltering opportunity that is available during specified weather conditions.

The idea for this ordinance was born during work sessions on homelessness, and was drafted to provide JPD with a tool for responding to private property owners' requests and as a means to engage homeless people and help direct them towards available services. Other complementary ideas, including a year round campground, were also proposed.

The Committee of the Whole considered this ordinance at its January 9, 2016, meeting and approved moving the ordinance forward to public hearing without a final recommendation by the Committee. Public hearing on the ordinance was heard during the Assembly's regular meeting on January 23, 2017.

I recommend that you approve this ordinance with an effective date of April 15, which is the date that the Thane Campground opens for the summer. I have explored the possibility of opening a year-round campground that is near downtown and not at risk of avalanche hazard, but do not believe it is feasible to permit and open such a campground much faster than the regular opening of the Thane Campground.

The City Manager recommends this ordinance be adopted.

X. NEW BUSINESS

A. Foreclosed Property

In December 2016, the City finalized the property tax foreclosure of property located at 15860 Glacier Highway, located between Glacier Highway and Point Louisa Road. The property consists of a single family residence located on an approximately 63,000 square foot lot. It is currently assessed at just over \$391,000.

Once property is foreclosed upon and the redemption period provided for by law expires, the foreclosing municipality must decide whether the property should be retained for a public purpose or sold.

Staff asks that the Assembly direct the attorney to prepare an ordinance providing for the sale of the property. Alternatively, the Assembly may direct the attorney to prepare an ordinance providing that the property be retained for a public purpose.

The City Manager recommends that the Assembly direct the attorney to draft an ordinance providing for the sale of the property.

XI. STAFF REPORTS

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. **CLIAA Update**

XVI. ADJOURNMENT

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

SPECIAL ASSEMBLY MEETING THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 19, 2017

The Special Meeting #2017-02 of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:05 a.m. by Deputy Mayor Jerry Nankervis.

Assemblymembers present: Loren Jones, Jesse Kiehl, Maria Gladziszewski, Jerry Nankervis, Debbie White, and Norton Gregory

Assemblymembers absent: Mayor Ken Koelsch, Mary Becker, Beth Weldon

Special Guests present: Senator Dennis Egan, Representative Sam Kito III, Representative Justin Parish, CBJ's Washington DC Lobbyist Katy Kachel (Chambers, Conlon, & Hartwell LLC), and CBJ's State of Alaska Lobbyist Kevin Jardell

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, Municipal Attorney Amy Mead, Deputy Clerk Beth McEwen, Finance Director Bob Bartholomew, Police Chief Bryce Johnson, and Chief Housing Officer Scott Ciambor

I. CALL TO ORDER / ROLL CALL

II. AGENDA TOPICS

A. Update from CBJ DC Lobbyist Katie Kachel

Katie Kachel explained that there are a lot of moving pieces currently underway at the federal level as a result of the presidential transition. She provided a detailed copy of her report which has been added to this meeting's agenda packet. She answered a number of questions related to federal funding of transportation and infrastructure as well as the move towards privatizing many of the things the federal government currently provides. Ms. Kachel advised that the key areas to watch will be the regulatory changes as they come up as those will have direct impacts on how communities and projects favored by communities may or may not receive funding.

B. Updates from Senator Egan, Representative Kito, Representative Parish

Senator Egan discussed the make-up of the Senate and that he is serving on a Democratic Minority Caucus. He said his caucus has been meeting daily to try to focus their energies to make things happen. He said that if the legislature does what it did last year with respect to the budget, it will be a big hit to the whole state of Alaska and especially to Juneau. He highlighted some of the following as key issues that he is concerned with:

- Outsourcing DOT design jobs -he feels this is a short term small savings compared to the bit hit it will be to the local economy where current Alaska residents hold those positions and contribute to the local economies.
- Opioid use statewide -Federal money has been allocated for test programs being conducted in Juneau and the Aleutians East Borough to address this statewide problem.

If these test programs are successful, it is likely that they will be launched in other communities across the state.

- He was concerned by the Governor's State of the State address the night before but said that he also applauds the Governor for "doing something."

Representative Sam Kito III discussed the recent organization of the State House of Representatives. He is serving as the Chair of the House Labor & Commerce Committee and Chair of the Legislative Council. He said that since the budget is the top priority for this year's legislative session, he is looking at all options and all the various solutions. He said there has been mention in the Senate that they want to make budget cuts before they consider doing anything else. He said they cannot try to balance the budget through cuts alone without having a total impact on local economies, schools and education, and public safety. He said there have been discussions regarding multiple sources of revenue and one proposal that has been brought up is capping the permanent fund dividend. He said that proposal needs a lot of work. He said that much of the work of the legislature will be done through the committee process and encouraged those interested in following legislative topics to follow what was happening in the committees.

Representative Justin Parish echoed what Representative Kito mentioned with respect to the make-up of the House Majority. He stated that both Juneau representatives are working with a strong coastal caucus in the legislature. He mentioned that he had met with the Lt. Governor and discussed the Department of Transportation's (DOT) position cuts and was told that the Governor did not intend to outsource all the DOT work. Representative Parish praised DOT for their efforts over the last 19-20 years in pulling in federal funds that were not being utilized by other states. He said that during the past year, DOT received \$10-30 Million in funds that were originally going to other states' projects but that came to Alaska for DOT's use instead. Some other topics he mentioned included hundreds of millions of dollars leaving Alaska under current state subsidies. He also said that if the federal government is actually looking at opening up parts of ANWR for development that he would like to see a Federal Revenue Sharing program put in place.

Following the comments from the legislative delegation, Assemblymembers and the legislators discussed the following topics:

- The recent decision by the Governor regarding the Juneau Access project and what might happen to the funds already reserved for that project.
- Crime Bill SB91 and subsequent changes that might be proposed during this legislative session.
- The marijuana tax and how that was measuring up against what the predictions had been for the tax revenues.
- The federal grant funding of Project HOPE which is the pilot program going on here in Juneau and the Aleutians East Borough for addressing the opioid situation which will eventually be rolled out statewide.

C. Update from CBJ Lobbyist Kevin Jardell

Kevin Jardell gave a brief overview of what he is watching up at the Capitol. He explained that during the last legislative session, they came close to passing a bipartisan bill to restructure the PFD; however in the end there were more votes against the bill than there were for it. He said that both legislative bodies recognize that restructuring the PFD will most likely be part of the overall budget plan and it is likely that something will get passed this year.

He gave the following topics that he will be watching this session:

- The Governor's budget plan has a \$900 million hole and that while he has proposed some solutions, after last year's track record, he wants to work with the legislature to figure out how to fill the gaps;
- DOT jobs;
- Permanent Fund Corporation and the impact having them here in Juneau has on our local economy;
- Overall capital creep - he advised Assemblymembers not to overreact when they see individual jobs moving out of Juneau but to keep an eye on the overall budget/job big picture;
- Community Revenue Sharing - if it is not added to this year's budget, it is likely Alaska communities will lose this entirely;
- With a 40% reduction in the General Fund, they can't cut their way out, they will need to look at the revenue side of things;
- PERS 22% match;
- The effects of SB91 in which some costs were transferred to local communities;
- DOT reducing funding for matching funds to be used by municipally owned airports; and
- School debt reimbursement and what the Governor and legislature might do with that this year. The Governor has said that he will not veto it this year.

D. Update from CBJ Finance Director Bob Bartholomew

Mr. Bartholomew said much of what he planned on covering had already been discussed so he wanted to highlight the following three areas of the state budget that he will be keeping an eye on:

- 1) loss of direct state funding;
- 2) overall economy declining; and
- 3) the state cutting costs by pushing services from the state to the local municipalities.

He said CBJ had predicted an economic contraction in its FY17 and FY18 budgets and so far, that has been less than forecasted. He said in looking forward to the FY18 budget, CBJ already passed a placeholder budget with a deficit from the state through its reduction in community revenue sharing which leaves CBJ with a revenue deficit of approximately \$1.6 million depending on where our revenue projections come in. He said he anticipates knowing those numbers by the end of February so they can better predict the FY18 budget. He said what we need from the state if we can get it is predictability and sustainability.

One of the last things he mentioned is the possibility that may surface through the legislative session is a municipal dividend program which may be an opportunity to meet both state and municipal needs in place of the community revenue sharing. He said that would be a big discussion and it is not something likely to happen right away but it may be an alternative to fund separate endowments that are currently in place. He said there is opposition to this concept but it is something to look at.

Additional discussion took place with respect to Mr. Bartholomew and other staff's participation at the legislature with respect to the state budget and other issues relating to Juneau. Mr. Jardell also stated that since we are the capital city, often times he, CBJ representatives, and AML work together to ensure that local municipal interests are represented and present during the legislative process.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. ADJOURNMENT

There being no further business, Mr. Nankervis adjourned the meeting at 8:16 a.m.

Signed: _____
Elizabeth J. McEwen, Deputy Clerk

Signed: _____
Jerry Nankervis, Deputy Mayor

DRAFT

Federal Update
City and Borough of Juneau
Katie Kachel, Chambers, Conlon & Hartwell LLC
January 19, 2017

On January 3 the 115th Congress was officially sworn in. For the first time in a decade, we have a unified Republican government. Congressman Paul Ryan will remain the Speaker of the House and Congresswoman Nancy Pelosi will remain Minority Leader. In the Senate, longtime Democratic leader Sen. Harry Reid has retired and Sen. Chuck Schumer (D-NY) will assume the Minority Leader slot.

Majority Leader McConnell's top leadership team is unchanged and seems to be well positioned to work with the incoming Trump Administration as Sen. McConnell did not widely criticize President-elect Trump on the campaign trail and Trump has nominated McConnell's wife to be Secretary of Transportation. More on that later.

As far as committee structure. The Alaska Congressional delegation remains at the helm of committees important to the state, and Senator Sullivan gained an important slot. Congressman Don Young, the most senior Republican and 3rd longest serving member of the House, will once again serve as a senior member of the Transportation and Infrastructure Committee and Chairman of the House Resources Subcommittee on Indian, Insular and Alaska Native Affairs.

Senator Lisa Murkowski will remain Chair of the Senate Energy and Natural Resources Committee and will remain on the Senate Appropriations Committee; the Senate Indian Affairs Committee and the Senate Health, Education, Labor and Pensions Committee.

Senator Dan Sullivan will be the new Senate Commerce Subcommittee Chairman on Oceans, Atmosphere, Coast Guard and Fisheries. As far as Transportation issues, which are important to Juneau, Sullivan will serve on the Senate Commerce Subcommittee on Surface Transportation and will remain on the Senate Armed Services Committee; the Environment and Public Works Committee; and Veterans' Affairs Committee.

Confirmation hearings on federal agency nominees.

As you've probably heard in the press, President-elect Trump is nominating people to serve in his cabinet and the Senate is holding hearings before Trump is sworn into office, which the Senate's prerogative. Vice President-elect Pence announced this morning that all nominations needing confirmation have been named and over 500 what they call beachhead team members to start work on Monday morning to lead the federal agencies until nominees are confirmed.

Several nominees are expected to have a hard line of questioning by Democrats, which serve the dual purpose of aggressively vetting a good amount of controversial nominees but also dragging out hearings and sapping Republicans of precious legislative days to enact their agenda.

There are a multitude of federal agencies important to Juneau. Transportation and Interior nominees held hearings shedding a little more light on policy. In a non-contentious hearing for Elaine Chao, the nominee for Secretary of Transportation, confirmed that the Trump Administration's infrastructure plan – which is still being developed – would make use of both funding (actual spending by the federal government itself) and financing (leveraging private equity through public private partnerships (P3s)).

Senator Sullivan had a good exchange with Chao about the federal permitting system, where Chao recognized Sullivan's op-ed in the Wall Street Journal.

And, during the nomination hearing for Interior Secretary, Senator Murkowski was able to get satisfactory feedback from nominee Ryan Zinke, including; putting the state in charge of fish and game subsistence regulations; a King Cove access road and land allotments to Native Vietnam War veterans.

Appropriations/Continuing Resolution.

The federal government is currently operating under a stopgap continuing resolution (or "CR") through April 28, 2017 providing money to keep up federal operations until Congress can pass a regular bill. Of interest to Juneau, the CR provides \$500 million in FY 2017 funds for state and local grants to combat the opioid epidemic.

However, generally, a delay in finalizing appropriations until April 28 will also delay large transportation grant programs such as the TIGER program which need a full year's allotment in the federal check book to get going.

Obamacare Repeal.

Both Houses of Congress have passed budget resolutions that lay the groundwork for repealing the Affordable Care Act or Obamacare. They are attempting a complex budget procedure known as reconciliation that prevents the Senate from filibustering. While the ACA's repeal seems all but certain, replacing it with a suitable alternative remains a big, looming issue.

Other repeals.

Efforts are underway to start another filibuster-proof budget procedure to repeal other regulations.

Trump and Infrastructure.

Trump's trillion dollar infrastructure plan is light on details but those in the transportation community are cautiously optimistic. Our latest understand is that it won't be a stimulus style infusion of federal funding, but will involve the private sector and tax incentives. The transportation community is beating the drum, however, that direct federal grants –not just financing – is required to move the needle on our infrastructure needs. Indeed, increased grant spending is almost certain to be pushed by the Democrats in any bipartisan effort. A package combining the two could work well for attractive programs for Juneau – such as bus programs and small airports – which have a constituency of support among conservatives in rural areas.

If Trump's infrastructure plan is leveraged with tax reform, there is an opportunity for a grand bargain. If the stars align, the Democrats might be willing to play ball and negotiate tax issues and direct federal grant assurances to facilitate Democratic votes in both the House and Senate.

Next Steps

The law requires the president's budget to be submitted to Congress no later than the first Monday in February (2/6/17). The president's budget is only a request to Congress; but it is expected to flesh out some of the policy statements made during the campaign and have major traction in the Republican-led Congress.

To wrap up, here are some headlines on accomplishments.

1. \$17 million in FAA funding for the Snow Removal Equipment Facility at JNU Airport. This was 30+ years in the making, as the project was always deemed low priority by FAA but we were finally able to shake it loose to the credit of your Congressional Delegation.
2. Juneau Docks and Harbors won a \$76,050 Port Security Grant, which was helped along with support letters from your Congressional delegation.
3. Congressional directive language in a pending bill prioritizing FAA funding to projects with JNU-like factors when awarding funding for MALSR systems. (Currently FAA prioritizes MALSR funding to existing systems that need replacement). Factors to be considered are airports with challenging approaches in nonradar environments, with mountainous terrain and inclement weather conditions.
4. Congress passed a 5-year extension of the Rural Community Hospital Demonstration program, which means a couple of million dollars to Bartlett. Program would have expired June 2016. ((H.R. 34) Section 15003).

Potential Questions

1. PILT. Current discretionary appropriations for the PILT program was set to expire on September 30, 2016. The CR does extend funding for PILT at FY 2016 levels. This allows the Interior Department to conduct data calls and gather the information it needs to calculate PILT payments under the statutory formula in preparation for an on-time 2017 payment. However, Congress must act to pass FY 2017 appropriations legislation that includes funding for PILT at the \$480 million level in order to ensure counties receive full PILT payments. PILT means more than \$1.8m per year for CBJ.
2. SRS. The SRS program expired on September 30, 2015 and in March of 2016 the last authorized payments to forest counties and schools under SRS were distributed by the federal government. The SRS program continues to be a critical safety-net for forest counties. The CR also does not include language to reauthorize the Secure Rural Schools (SRS) program retroactively for FY 2016 or into the future. The SRS program expired in September of 2015 and counties received their last authorized SRS payments in early 2016. If Congress fails to act, counties will revert to 25 percent forest revenue sharing payments based on annual timber receipts, rather than payments under the SRS program. The last time Congress failed to reauthorize the SRS program, counties faced, on average, an 80 percent cut in federal forest payments to counties and schools. CBJ received about \$637,211 for SRS in FY15. Both programs are two of the very few direct federal resources for the city.
3. Water Infrastructure. The CR contains \$170 million to help communities like Flint, Michigan that have contaminated drinking water systems. The funding includes grants for infrastructure improvements, lead poisoning prevention care and a lead exposure registry. The CR also provides \$20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) which would provide low interest loans for large water and wastewater projects.
4. Repeal Regulations. On January 4, 2017 the U.S. House of Representatives passed H.R. 21, the Midnight Rules Relief Act of 2017, by a largely party line vote of 238-184. The bill, which also passed the House in November of 2016, would allow Congress to simultaneously disapprove of multiple regulations issued in the last sixty legislative days of a session of Congress, if that session takes place in the last year of a president's term. The bill creates a procedure whereby Congress can consider a joint resolution that disapproves of several regulations en bloc. The current procedure, on the other hand, only allows Congress to disapprove of one regulation at a

time. The Senate is expected to consider the Midnight Rules Relief Act soon, though the prospects for its passage are less certain. In order to overcome a Democratic filibuster, Republicans will need to gain the support of at least eight Democrats before they can pass the bill. If this bill were to be passed by the Senate and enacted, Congress could effectively nullify any regulation that is finalized within the final sixty legislative days of a presidential term. Because the sixty-day time frame refers to days Congress is in session, rather than calendar days, the actual time frame may vary from term to term and could span several months. In the case of President Obama, the bill would subject all regulations issued since May of 2016 to congressional review. Many of the regulations issued by the Obama Administration in 2016 have focused on environmental protection, though many others have been finalized on issues ranging from housing to land management. Among the regulations of interest to counties that could be subject to review are the U.S. Bureau of Land Management's (BLM) Planning 2.0 rule, the U.S. Environmental Protection Agency's (EPA) rule on stormwater permitting for small communities and regulations issued by the U.S. Departments of Labor and Education that could impact counties' implementation of the Workforce Innovation and Opportunity Act (WIOA).

5. Infrastructure. In short, the plan would provide \$137 billion in tax credits to private investors over 10 years to encourage them to invest \$167 billion of equity into infrastructure, which would leverage \$833 billion of debt at a 5-1 leverage ratio, producing \$1 trillion of investment.
6. Approach Lighting.—The Committee notes the benefit of enhanced approach lighting systems that improve safety and reliability especially in areas with challenging approaches in nonradar environments, with mountainous terrain and inclement weather conditions where use of conventional navigational aids do not allow for a close-in low approach. The Committee directs FAA to consider these factors in selecting projects for funding in the Approach Lighting System Improvement Program (ASLIP).

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - January 23, 2017

MEETING NO. 2017-03 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. ROLL CALL

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

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Ed Mercer, Deputy Police Chief; Dallas Hargrave, Human Resources/Risk Management Director; Roger Healy, Engineering/Public Works Director; Scott Ciambor, Chief Housing Officer

II. SPECIAL ORDER OF BUSINESS

None.

III. APPROVAL OF MINUTES

A. January 9, 2017 Regular Assembly Meeting 2017-01

MOTION by Ms. Becker to approve the minutes of the January 9, 2017 Regular Assembly Meeting 2017-01 with correction. Hearing no objection, the minutes were approved as corrected.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt noted that in light of the desire for public testimony that Resolution 2784: *A Resolution Affirming the City and Borough of Juneau's Continuing Support of the Juneau Access Project* be pulled from the consent agenda.

Mayor Koelsch said that has been removed from the Consent Agenda and will be placed at the beginning of the Public Hearing section of the meeting.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mayor Koelsch explained that this is the portion of the meeting at which the public may testify on items that do not already appear on the agenda.

Ms. Mary Ellefson said she just came from rehearsals from a play called "Home But Not Less, A Play Built on Alaskan Voices." She said that it is an expansion of a former production that her collaborator Shona Osterhout and she presented two years ago. It is inspired by Ms. Ellefson's interviews of over 100 Alaskans from Juneau, Anchorage and around the state, including people who are or have been homeless, service providers, ER doctors, police officers, school representatives, housing experts, prison inmates, native leaders, business people, a judge, state leaders and Assemblymembers as well as conferences, meetings, and a lot of eavesdropping. It is

a presentation of a slice of homelessness and they will be showing for two weekends at McPheters Hall and then move it up to Anchorage. Each performance will be followed by a post-show discussion and this is an opportunity to create a dialogue in the community about these issues that connect all in their work to create healthier communities. Ms. Ellefson handed out a flyer about the performances and invited all to attend.

Ms. Larry Johansen stated that he started filming and webcasting the Assembly meeting with this meeting. Last year, he proposed that he start this service. It was recommended by the manager at that time not to do it. He said he has been thinking that circumstances in the world this past year have highlighted the need to get people involved and he feels the time has come where webcasting and getting our public meetings out to the community is important for resolving some of the serious issues that we have. He said he thinks the best way to do that is via webcasting. 89% of Americans own a smart phone and a majority of people spend more time on their smart phones than they do television. He said there are limited resources and by encouraging public participation, it will be able to get people involved. He hopes to do this as long as he can. It is on the website [Alaskanews.TV](#) and he was broadcasting at that time.

Mr. Gregory thanked Mr. Johansen for broadcasting live from City Hall and said it was good that this was supplementing the radio broadcasting as there were issues happening with the radio broadcast.

[Clerk's note: the radio connection switch had not been activated but was activated just after Mr. Gregory noted the problem so the radio broadcast began at 7:09 p.m.]

Mr. Don Habeger reminded the Assemblymembers about the Juneau Re-entry Coalition which is in a formal partnership with the Department of Corrections, the Alaska Mental Health, and the community in connecting local community services with those coming out of incarceration. Since it has been about a year since he spoke to the Assembly, he felt an update was in order. Their accomplishments this past year have included looking at the community, assessed the resources, and have come up with the general observation that we have enough resources to meet most needs of those coming out of incarceration. There are some stress points such as housing, mental health resource issues and those may need to be augmented in time. He said another accomplishment is that they have been working through a community plan. Essentially it is to use existing resources and partnering with them to make sure the service needs are met. The last piece is case management and it is now a partnership with H&SS. The Alaska Legislature has said that there will be community reinvestment. the National Council on Alcoholism and Drug Dependence (NCADD) is the recipient of that grant and they are looking for a warm handoff with Lemon Creek or any of the other 12 facilities so they can meet them first while they are incarcerated, next the warm hand-off, and then community connections. The hope is that this will provide for safe communities and recidivism is reduced..

VI. CONSENT AGENDA

MOTION by Mr. Nankervis to adopt the Consent Agenda with the removal of item (2)(d) Resolution 2784 as requested earlier by the City Manager. *Hearing no objection, the Consent Agenda was approved as amended.*

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 2016-10(A) An Ordinance Appropriating Funds for FY17 School District Operations.

This ordinance would make the following FY17 School District budget changes:

General Operations	\$ 2,034,200
Contributions to Fund Balance	786,000
Total Budget Changes	\$2,820,200

Funding for the changes is provided from the following:

State Foundation Funding	\$ 2,820,200
Total Funding Source Changes	\$2,820,200

These adjustments are requested by the School District due to student enrollment increasing above projections, which increases the State Foundation Funding support to education.

The Assembly Finance Committee (AFC) forwarded this request to the Assembly at its January 11, 2017, regular meeting.

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

- b. Ordinance 2016-09(AC) An Ordinance Appropriating to the Manager the Sum of \$700,000 as Partial Funding for the Construction of Aurora Harbor Phase II; Funding Provided by the Harbors Enterprise Fund's Fund Balance.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would transfer funds from the Harbors Fund to the Aurora Harbor Re-Build CIP account for the Phase II project.

The request is to move \$700,000 to the existing Aurora Harbor Re-Build CIP for planned improvements of Aurora Harbor Re-Build-Phase II, specifically the removal and reconstruction of a portion of the Headwalk; Mainwalks E, F, and G; electrical and lighting; domestic water lines; and fire suppression system. The project includes moving the existing boat shelters to access the work and returning the boat shelters to the new facility upon completion. The funds would come from the Harbor Fund which has a current balance of \$3,874,900.

The Public Works and Facilities Committee is scheduled to review this ordinance at its January 30, 2017, meeting.

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

- c. Ordinance 2016-09(AD) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project; Funding Provided by the General Government Fund's Fund Balance.

This ordinance would appropriate \$250,000 to the Juneau School District for JSD Deferred Maintenance and Minor Improvements including carpet replacement, water heaters, etc.

Funding is provided from the General Government Fund's Fund Balance.

The Assembly Finance Committee approved this action at its January 11, 2017, meeting.

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

2. Resolutions

- a. Resolution 2786 A Resolution Ratifying the Labor Agreement between the Bartlett Regional Hospital and the International Longshore and Warehouse Union, Healthcare Unit 2201

This resolution would provide Assembly ratification of the terms of the tentative agreement negotiated between Bartlett Regional Hospital and the International Longshore and Warehouse Union, Healthcare Unit 2201, for a collective bargaining agreement that will expire on December 31, 2017.

The tentative agreement includes a conversion to a new pay schedule on November 29, 2015, with the implementation of a new classification and compensation system. Wage rates were determined through a study that considered market wage data. Although each employee is impacted differently by the conversion to the new pay schedule, the cumulative impact of the conversion is approximately equivalent to a 2.3% increase in wages. Additionally, the tentative agreement includes a 1% increase to the pay schedule, effective the first pay day in July 2017. The total cost of these provisions over the life of the contract for both union and non-represented employees is projected to be approximately \$3,062,000.

In addition, there are other non-economic language changes to the collective bargaining agreement.

This tentative agreement has been ratified by the union membership and was passed unanimously by the Bartlett Regional Hospital Board of Directors.

The City Manager recommends this resolution be adopted.

- b. Resolution 2785 A Resolution Approving the Bartlett Regional Hospital Personnel Rules.

This resolution would provide Assembly adoption of the Bartlett Regional Hospital (BRH) Personnel Rules.

Title 40.10.020(5) provides that "...the hospital administrator may issue personnel rules as required to adapt the personnel plan to allow for continuous operation of the hospital; all personnel rules issued by the hospital administrator are subject to the approval of the hospital board of directors and adoption by the assembly by resolution;..." The Bartlett Regional Hospital Board of Directors approved the BRH Personnel Rules on September 29, 2016. The BRH Personnel Rules were reviewed by the Human Resources Committee on December 19, 2016. The Human Resources Committee recommended that the BRH Personnel Rules be forwarded to the Assembly for approval.

The City Manager recommends this resolution be adopted.

- c. Resolution 2781 A Resolution Reestablishing the Assembly Rules of Procedure, and Repealing Resolution No. 2550.

This resolution would amend the current Assembly Rules of Procedure. The amendments in this resolution include requests made by the Assembly at its retreat on December 3, 2016. The text being added is underlined and the text being deleted is shown by strikeout. The specific provisions being amended are at Rule 5(C)(2)(b) and (f), Rule 6(A), and Rule 17.

The City Manager recommends this resolution be adopted.

- d. Resolution 2784 A Resolution Affirming the City and Borough of Juneau's Continuing Support of the Juneau Access Project.

The Mayor has provided this Resolution for the Assembly's consideration.

As this is a policy decision for the Assembly, the City Manager has no recommendation on this matter.

Mayor Koelsch explained the Assembly Rules of Procedure Rule 8 relating to Public Participation and indicated that he would limit each speaker to no more than 2 minutes to speak. The sign-up sheet for this resolution had a column in which members could express their support or opposition to the resolution and another column indicating if they wished to testify or not. A total of 36 persons on the sign-up sheet were in support of the resolution and 24 were opposed.

Mr. Albert Judson - spoke in opposition to Resolution 2784. He spoke to the opposition expressed by the residents of Haines and Skagway and said if and/when any capital move issues are brought up, that Juneau will need the support of its friends and neighbors in these communities.

Mr. Corey Baxter, District Representative for Operating Engineers, Local 302 Union. He said that several of their members were present to support this resolution but in respect for the Assembly's time, he is speaking on their behalf and he asked them to stand up so the Assembly could see who they were. He said there are also Teamsters and Carpenters representatives in the room as well. He said they all agree with everything in this resolution but wished that it included one more whereas that specifically refers to the jobs this project represents.

Mr. Craig Dahl, Executive Director for the Juneau Chamber of Commerce said the Chamber is in full support of Resolution 2784 and urges the Assembly to take whatever actions are necessary to advocate for the retention of the appropriated funds for future construction of the East Lynn Canal Highway. He said that they were disappointed with the Governor's decision. The Chamber feels it

is important to stress that the previously allocated capital funds remain appropriated until such time that the EIS is complete and construction can proceed and they encouraged the Assembly to do everything it could to see this happen.

Mr. Patrick Owen stated that he has lived here approximately 53 years and has worked both in the construction industry and on the marine highway system. Mr. Owen said he feels that road is very important to the whole state and that will provide for the important ferries access to continue in the lower portions of Southeast AK. He would like to see the road go all the way up to Skagway and that a road would provide additional shipping options.

Mr. Robert Lindekugel expressed his opposition to Resolution 2784. He said, like most folks here, he supports access to Juneau but does not support a half billion dollar project that only extends the road another 50+ miles to another dead end. He said it does not make fiscal sense to do this considering the fiscal climate the state is currently in. He also stressed his concern that it will be the CBJ citizens paying for the additional emergency services that will come about as a result of the proposed road.

Mr. Dan Fabrello spoke in favor of the resolution. He spoke to the economic and social benefits a road would provide as well as the added benefits to those communities who will receive added ferry service as a result of ferries being freed up for use in other southeast communities. He spoke to the high cost of ferry service currently and that it amounts to travel being a luxury only certain segments of our population can afford in both time and financial resources.

Mr. Andy Mills spoke in favor of the resolution. He echoed many of the comments relating to economics and accessibility that others have discussed. He brought up that for air quality and water quality purposes, a road would be a much more environmentally friendly option over what is currently in use with our ferry system. He said that he supports the resolution, especially for an "East Lynn Canal" route and that it will hopefully provide a road all the way eventually in years to come.

Mr. Denny DeWitt spoke in favor of the resolution. He said that the importance of our ferry system is that we have a road system to complement it. He said we are no longer in a position to run ferries in areas where roads can provide transportation. He explained that the road would be part of an integrated transportation system and they would hope to get as far as Skagway to make connections to intercontinental highway systems. It would give Juneau and others a true option in terms of trucking for an alternative route of transportation. He said a road would help reduce the price of getting in and out of Juneau as the current ferry system costs are prohibitive.

Mr. Wayne Jensen spoke as the Chair of the Alaska Committee. He said the purpose of the Alaska Committee is to make state government work better for all Alaskans and enhancing Juneau as Alaska's Capital City. Since 1995, when the Alaska Committee was formed, they have consistently supported improving both physical and electronic access to the capital city. Great strides have been made in providing electronic access and lower airfares, physical access still remains an obstacle to many Alaskans. He said that historically, ongoing polling reflects that access to the capital city is still important to constituents throughout the state, especially during the legislative session. He said the ferry system is a necessary and important part of our infrastructure and will always remain so but it is incumbent on all to find more efficient and less costly ways for people to travel. Juneau is privileged to be Alaska's capital city and with that privilege comes a responsibility to serve all Alaskans to the best of our ability, therefore he urged the Assembly to pass resolution 2784 and support DOT/PF's work on completing the construction of the East Lynn Canal Highway. This will signal to the legislature and the rest of the state that completion of the

Lynn Canal Highway is not just an important project for the community of Juneau but for the rest of the state as well.

Mr. George Elgee spoke in favor of Resolution 2784. He spoke to the issue that this is a matter of access to the state capital. He said another reason he is in favor of the road is that it provides affordable access to Juneau. He said the economic forecast for the state is not good right now but this project is one that would add \$500 million dollars to the economy and it unbelievable that we would pass that up. He said he thought this project was totally dead after the governor's announcement but he is now hopeful that it may actually be turned around and he encouraged the Assembly to support the resolution.

Mr. Neil MacKinnon said he is a 68 year, and fourth generation, Juneau resident. His grandfather and great grandfather helped survey a road up the Taku River to Atlin, British Columbia. He said it doesn't matter which direction a road is put in, what matters is that there is a road out of here. He said the last two weeks, people trying to come down from Haines and Skagway couldn't make it for a one week timeframe. He said the ferries are rusting away before our eyes and it will not get any better. He said we need to look to a time forward when the other ships go off line and he encouraged passage of this resolution.

Mr. Wayne Coogan testimony highlighted the points covered in the letter he had sent to the Assembly earlier that day relating to Juneau access and homelessness issues, a copy of which was provided in the red folder. Mr. Coogan urged the Assembly to pass Resolution 2784.

Mr. Lance Stevens said he grew up in south central Alaska and all the roads up there lead to ferries and they dead end into Homer, Seward, and Valdez. He said he believes in the model that Washington has that provide links of ferries and roads. He said he was hoping to do a roadtrip with his son to Skagway and that it is cost prohibitive. The \$600 roundtrip ticket for he, his son, and his truck to take a ferry to Skagway costs more than the fuel costs to take a 5,000 miles roundtrip. He encouraged the Assembly pass this resolution to help fix that in-balance.

Mr. Mike Satre spoke in support of the resolution. He stated that he previously submitted written testimony. He said he believes the Governor made a pennywise poundfoolish decision and that the Lt. Gov. recently tweeted a photo saying need to grow Alaska. He said this project would do that and he encouraged the Assembly to do everything to advocate for funds for the East Lynn Canal highway.

Mr. Eric Forst said he has family that works in the ferry system and other family that lives in areas where ferries are a vital need. He spoke in favor of the resolution and emphasized the need for ferries to be targeted elsewhere and to provide road access in and out of Juneau.

Mr. Murray Walsh spoke in favor of the resolution. He spoke to the fact that this road is an equalizer for a far larger number of our population who just can't afford to travel and stressed the need for the Governor and Assemblymembers to think of them when making these decisions.

Ms. Terri Lauterbach spoke in opposition to this resolution. She stated that Juneau has the privilege of being the capital but also has the responsibility of being the capital. CBJ needs to take the lead in recognizing the current economic constraints of federal, state, and local budgets. She said that she reads regularly the comments in the Juneau Empire when anything about the state budget comes up and one of the most common things she reads is that we need to get rid of the mega projects before they start cutting anything else in the budget. She said the Juneau Access is a mega project and whether it is \$54 million they are talking about now or \$500 million later,

whether it is federal, state, or local money, it is still a mega project and people are not wanting to get their PFDs cut so Juneau gets a mega project funded. She said the southeast road system is our ferry system and if the money is put to the road, it will be at the cost of our ferries. She then spoke to the avalanche concerns this project would raise and encouraged Assemblymembers to take leadership in this and not pass this resolution.

Ms. Emily Ferry said she works with the Southeast Alaska Conservation Council (SEACC) and for the past fourteen years has been looking closely at document after documents regarding the Juneau Access project. She said that she has heard many of the same statements and assumptions that they have been hearing for the past fifteen years and that one of the biggest assumptions put out by the state DOT was that we will build the Juneau road and save the state money. That was the primary purpose for proposing the project. She said that it turns out that in DOT's own study, they found that it would cost the state \$5 million more each year compared to the marine highway system and she believes that was one of the reasons Gov. Walker made the decision that he did. She also spoke to the previous funding of \$7 million in the STIP for the Juneau Access project that was no longer there. She said that she was disappointed Juneau is having this divisive conversation and would like to see the efforts put towards issues that unite the community.

Mr. Dennis Harris, a third generation Juneau resident said the road up the Taku River is the only true option for Juneau Access. He said that it is not rocket science to build floating bridges, and it would cost a lot less to build that type of access road than those chosen by the state. He said he thought it would even be possible to get assistance from the Canadian side of the border to support that option.

Ms. Britta Tonneson spoke in opposition to the resolution. She is a supporter of SEACC and agreed with Ms. Ferry's comments. She spoke in favor of more resources being given to the Alaska Marine Highways so they can provide more access to Juneau and the other Southeast communities. She highlighted Juneau's role as a hub for social and health services within Southeast and the need for the ferry system to be funded to a level that can meet the needs of those traveling amongst the SE communities.

Ms. Janet Kussart spoke in opposition to the resolution. She spoke to the fact that for those wanting to use the ferry as a walk on, this is not access as a car will be needed to get to a ferry and not everyone has access to a car. She stressed the large number of locals without vehicles as well as the many travelers/tourists who travel as walk-ons and this not only does not support that option, it causes additional hardship.

Mr. Shawn Eisele spoke in opposition to the resolution. He asked them who ever drove to the ferry terminal and thought "I wish I drove further and had less parking?" He is disappointed that the Assembly is going this route as this action after the Governor's decision seems like a political gesture and he would like to see the Assembly spend its energy on other matters such as addressing those who are homeless. He said he often goes camping and it is fun. Homeless people in doorways is not camping and expects the Assembly to work to find ways to help them and not arrest them. Arresting them will not be efficient for our police force and will definitely not help those who need it most.

Ms. Corinne Conlon is a live aboard in Aurora Harbor. She opposed this resolution and highlighted the fjord aspects of Lynn Canal and the avalanche hazards which would prevent this from being a year-round road due to maintenance and safety considerations.

Mr. Guy Archibald spoke in opposition to the resolution. He said that he and his wife have three grown children who are ready to start raising their own families but the largest barrier for them staying in Juneau is the cost of living. The Juneau road will not alleviate that cost of living, that in fact he would like to see the money set aside for the road applied to the ferries and to understand that the words "Juneau Access" do not provide access, just a longer road to an unmanned ferry terminal.

Mr. Brynn Fluharty spoke in opposition to the road. She highlighted the high cost of the project vs. the high level of danger that one would encounter on the road as well as endangering and raising the cost for emergency response.

Mr. Ed Johnson spoke in support the Juneau Access project for all the reasons stated by the previous speakers. He said that 17-18 years ago Governor Knowles did a feasibility study and it was determined that the road out of Juneau was the most feasible alternative for access to Juneau.

Ms. Ahrah Landau (West 11th Street) spoke in opposition to the resolution. She said that there is no way CBJ can handle the emergency services and policing for the additional road miles. She said there is a real crime wave currently going on in her own neighborhood, including home invasions. She said JPD is doing everything they can but there is no way that JPD could police that additional stretch of road and still provide the quality of coverage currently needed in our neighborhoods. Ms. Landau also said we have many more serious crime, addiction, and fiscal matters than the road issue and she is opposed to the camping ordinance. We cannot turn our backs and lock our doors and levy fines on people who literally only have socks, jackets, and maybe sleeping bags. It is a nuisance, it may be expensive and it is messy to have people living in doorways but that is the price we pay for inadequately addressing mental health, substance abuse and poverty that are the root causes of homelessness. We can't shift the burden of our bad choices on people who can't bear it. A shelter place to sleep in bitter cold is a basic human right.

Mr. Rob Cadmus spoke in opposition to this resolution and the extension of the dead end road and supports making the ferry system stronger. He said with respect to this resolution, his main concern is the message the Assembly is sending to the Governor and the Legislature on what CBJ's priorities are. He said there are only a limited number of "asks" that the city will get in this budget situation and there are a lot of important issues that we do need to address. He said one think everyone in the room has in common is their love of Juneau. He would like to see that being what Juneau rallies around and the Assembly's priority should be education, basic services and local transportation needs and the ferry system.

Ms. LuAnn McVay spoke in support improved ferry access to Juneau. She spoke to the safety concerns relating to avalanches as well as the increased cost it would be to provide police and emergency services. She said that the road has been said to be an equalizer and that for walk-ons on the ferry, the road is not an equalizer, it just requires an additional 50 miles drive to be a walk-on.

Mr. Dominick Branson spoke in support of the resolution for the economic and recreational reasons that were stated previously. He said that his schedule is very tight and he even went to Sitka last week and tried to use the ferry but was unable to due to the lack of service and he feels that will only get worse as the state budget is reduced. He feels that being good neighbors to the rest of Southeast Alaska, by us having the road, it would allow for better ferry service to other communities.

Mr. Clay Frick, Haines resident spoke against the resolution. He said the road access is not access, it is a 55 mile drive to a dead end road. He reiterated the comments by Emily Ferry comments. He travels quite a bit from Haines to Juneau and he is concerned about the wind/cancelation situations and what that would mean by stranding many travelers, including all the teams that use the ferries, up at the *Katzahein* if a ferry cannot get across.

Mr. Rich Harris spoke in support of the resolution for all the previous reasons stated. He said there is a safety factor for aviation and a benefit for having a road underneath the planes flying back and forth.

Mr. Al Garrison spoke in opposition to the resolution. He stated that it would be a bad idea as it would increase the crime rate. He said there is a lot of money being shuffled around and used in wrong places and he encouraged them to focus the money on meeting the needs of the people in the community and especially those in poverty.

Mr. Chuck Collins spoke in support of the resolution. He spoke to importance of building infrastructure in Southeast and is concerned that the Anchorage legislators will decide to redirect ferry and/or southeast infrastructure funds to other transportation projects in the Anchorage or Mat-Su areas.

MOTION by Mr. Nankervis to adopt Resolution 2784 for purposes of an amendment. Mr. Nankervis distributed copies of his amendment which read as follows: (new language is denoted by underlining below.)

Section 3. That the City and Borough of Juneau asks the Juneau Legislative Delegation to support maintaining previously appropriated statewide funds for the Juneau Access project to be held available to allow the project to proceed.

Section 4. The City and Borough of Juneau asks the Alaska Legislature maintain previously appropriated statewide funds for the Juneau Access project to be held available to allow the project to proceed.

Section 5. Effective Date.

Mayor Koelsch called for discussion on the amendment.

Mr. Nankervis said the purpose of the amendment is to add also in not just the Juneau legislative delegation but also the full Alaska Legislature which has control over those funds.

Mr. Jones said he has problems with some other sections and he wouldn't necessarily object to the added language but it seems to him that the Governor is the one who initially has determined whether or not those funds would be made available. He said that the legislature will have to act one way or another and if they do not act, the money stays where it is because it is a capital project. He said if they do act to take it away, this may give them a pause for thought about whether they will decide to use the funds for someplace else. It may hamper people's ideas on how to use it for other projects. He said there was some discussion the other day about the possibility of using those funds towards repairing the current ferry dock in Skagway which is having troubles handling the current ferries and is not set up for the new ones being built. He maintained his objection to this based on the fact that he does not feel it does much to the original resolution.

Mr. Kiehl said that he feels the original resolution called on people to do things they didn't have the power to do and this amendment makes it technically workable.

Roll Call Vote on the Amendment:

Ayes: Becker, Gladziszewski, Gregory, Kiehl, Nankervis, Weldon, White, Koelsch

Nays: Jones

Amendment passes 8:1

MOTION by Mr. Nankervis to adopt Resolution 2784 as amended.

Mr. Jones objected. He said they have heard a lot tonight and it has been heartfelt and he agrees with many of the statements on both sides. He thinks that technically, this resolution is now aimed towards the legislature with the amendment that just passed. However he is concerned that the language in the resolution is asking a state department (DOT) to go against the policy decision that their boss, the governor made. He said he is opposed to this resolution and for many of the other reasons, brought up tonight as well as many times in the past, he does not support the road.

Ms. Gladziszewski said this has proved once again that Juneau is deeply divided. She said it is not an easy issue, and if it were to just support a road that would be one thing but it is a longer road to another ferry and she cannot support that. She said that she really hopes the Assembly would spend similar amounts of time on issues that they can work together on because everyone in this room and upstairs cars about this town.

Ms. White spoke in favor of the resolution. She said it costs \$700 for a roundtrip to Skagway, currently with a 68% subsidy and she does not see that level of subsidy being able to continue on either the state or federal levels. She said that the ferry fleet is aging and compared the numbers of the Taku ferry to operate vs. the amount of money it costs for a car to drive on a road. She spoke to the high cost of ferry maintenance and if we were to reduce the number of miles required for ferry service in upper Lynn Canal, that would enable the fleet for use in the smaller communities. She said the idea isn't necessarily to build the road all the way but rather to shorten the ferry runs. She said historically they have been talking about a road to Skagway for over 100 years. She is strongly in support of the resolution and is willing to have additional language changes made if necessary. She said this is a shovel ready project and 90% funded from the federal government and it will put our trades to work at a time when there are no other capital projects.

Mr. Jones said in response to Ms. White's comments, he will be getting on a rusty ferry Friday night for a one way trip from Bellingham burning a lot of diesel fuel to bring his all electric vehicle to Juneau. He said the ticket was not inexpensive but the one argument that he heard tonight relating to the ferry brings him back to something he has mentioned many times. That is that as a government the Assembly has to decide what they are going to fund and what they want as a service, what the public feels they want as a service and then they have to decide how to fund it. He said that the fact that a ferry system, or a swimming pool, or a ski area costs X amount of money, and we ought to fund it at a certain level because we know people want it but that it would never be self-sufficient. We always call that a subsidy when in fact it is not a subsidy. If the people and the government say they want that service, there are some cost recovery fees charges but they enter into doing know that there will always be a cost associated.

Mr. Nankervis said he appreciates hearing from everyone who came to testify. He said that during the past year budget cycles, this was the first time he had seen so many people show up to speak to an issue. He said whether people are for it or against it, they are passionate about this topic. He said he feels it is in the best long-term interest for the viability of this community to have a road so he is in favor of the resolution. He very much appreciated the public process and how respectful everyone was of each other.

Ms. Weldon thanked everyone for showing up and testifying. She said in tallying the numbers, there did seem to be more in favor than against the resolution. She also said that during her campaign she did a survey and one of the questions on the survey was "Do you support building a road out of Juneau?" She said they surveyed with a high school team in District 2 and overwhelming the answers to that answer on the survey were more than 2:1 in favor of the road.

Mr. Kiehl also thanked everyone for testifying. He said they can't really look at public testimony as polling as he has had a lot more emails against than for the resolution and those who testified were more in favor and he said that and similar to Ms. Gladziszewski, he heard a lot on both sides that he agrees with. He said this is not a cut and dried easy vote issue. He very much appreciated hearing from the gentleman from Haines. Mr. Kiehl said our Haines and Skagway neighbors have sent resolution after resolution opposing this road and those are the same communities that have voted in our favor whenever capital move issues have come up on the ballot. He said that in terms of access to the capital, the vast majority of access is electronic. After that, a distant, distant second is by air. He said that whether or not there is an asphalt highway vs. a marine highway, there is a very minimal point of debate with respect to capitol access. He spoke to the high cost of living in Juneau and the economics of all the supplies that come in by barge. That brings it down to the cost of maintenance and the discussion of the state's budget. The State of Alaska closed four year-round highway maintenance stations up north this past year and they made one year-round station down to a seasonal road. He said that when speaking of road maintenance, he keeps thinking about a family member of his who was caught between two slides on the Old Seward Highway between Anchorage and Girdwood for hours staring uphill and praying to God that another slide didn't come down where she was. She said luckily, she got out just fine but a few years later, one of the DOT workers was clearing a slide and was killed when the next one came down. He said appreciated Mr. Nankervis' comments about public participation on the budget vs. issues like this. Other items needing attention include building the North Douglas Highway extension and the approach lighting at the Juneau Airport. Those are paths to growth in the local economy and the State of Alaska is not in a fiscal position to fund remote winter road maintenance. In light of all those concerns, he will be a no vote on the resolution.

Mr. Gregory said he grew up in Kake and spent a lot of time on those ferries and it would take a 32 hour ferry ride from Kake to Juneau. He said the ferry rides are now shorter and he was thankful for that. He said their family liked to take road trips but growing up in southeast Alaska, it was cheaper to fly out than to try to put a car on the ferry and take a road trip. He said it is a quality of life issue and when people are moving away, why are they moving away. He said this is an issue of what would attract or maintain people to stay here in Juneau and a road out of Juneau and having the ability to access the Yukon would help to incentivize people to move here and stay here. He said he also thinks about the lowest part of economic scale residents and what the quality of life is like for them. He gave the example of co-worker trying to going to Whitehorse, but the ferry schedule had changed and it derailed their entire plans and the expense to load up family and car to go to and from Skagway was costing them \$750. He said those reasons and others are why he is planning on supporting this resolution.

Roll Call vote on Resolution 2784 as amended:

Ayes: White, Weldon, Nankervis, Gregory, Becker, Koelsch

Nays: Kiehl, Jones, Gladziszewski

Motion passed 6:3.

- e. Resolution 2787 A Resolution Expressing Continued Assembly Support for the Use of Municipal Property for the Proposed Willoughby Arts Complex.

The purpose of this resolution is to affirm the Assembly's continued support for the use of CBJ property between Centennial Hall and the Juneau Arts and Culture Center for the proposed Willoughby Arts Complex. This resolution would extend the date the Juneau Arts and Humanities Council may rely on the CBJ's stated intent to commit municipal property to the project for an additional five years.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor License Renewals for 2017

The following are the 2017/2018 Liquor License Renewals received and reviewed so far:

Beverage Dispensary Licenses:

License # 1081 Shayz, LLC d/b/a Squirez, 11806 Glacier Hwy.

License # 447 Alaska Promotions, LLC, No dba, No premises (this is the former Suite 907, LLC license that was involuntarily transferred back to Ethan Billings in Oct. 2016)

Beverage Dispensary Tourism Licenses:

License # 674 MSE, LLC d/b/a Lucky Lady, 192 S. Franklin Street

Package Store Licenses:

License # 300 DeHart's LLC d/b/a DeHart's Grocery, 11735 Glacier Hwy.

Recreational Site License:

License #5095 Taku Lanes, LLC d/b/a Taku Lanes, 608 W. Willoughby Ave.

Restaurant/Eating Place Licenses:

License #4731 DJ, LLC d/b/a Asiana Gardens, 9116 Mendenhall Mall Road

License #188 Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, 318 Willoughby Ave.

License #1690 Bullwinkle's Inc. d/b/a Bullwinkle's Pizza, 9108 Mendenhall Mall Road

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above list of renewals and recommend the Assembly waive its right to protest these renewals.

Additional licenses will be forwarded for Assembly action as soon as notice is received from the Alcohol Marijuana Control Office and CBJ staff has had an opportunity to review each license up for renewal.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2017/2018 renewal period.

4. Other Items for consent

- a. Standard Marijuana Cultivation Facility - Green Elephant LLC, License No. 10315

On January 3, 2017, CBJ received notice of State of Alaska Standard Marijuana Cultivation Facility License #10315 for Green Elephant, LLC to be located at 101 Mill St., Ste. A, Juneau, AK 99801.

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

Due to the large quantity of documents associated with each marijuana license, the full set of documents will be available electronically by using the NOVUS BoardView portal in your online packets, while your paper packets will only contain the following documents:

- State of Alaska Alcohol & Marijuana Control Office – Initiating License Application #10315 online form
- Form MJ-01: Marijuana Establishment Operating Plan
- Form MJ-02: Premises Diagram
- Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental
- CBJ Planning Commission Conditional Use Permit USE2016-0027 Notice of Decision

Original paper copies of all the documents relating to this license are available for public review in the office of the Municipal Clerk during regular business hours.

VII. PUBLIC HEARING

Mayor Koelsch explained the Assembly Rules of Procedure Rule 8 relating to Public Participation and indicated that he would limit each speaker to no more than 2 minutes to speak.

- A. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

This ordinance would amend the CBJ's existing camping ordinance by adding a provision designed to prohibit camping on private property in a narrowly defined geographic area in downtown Juneau. The purpose of this amendment is to partially address the issue raised by business owners in the downtown area who are experiencing a noticeable increase of unauthorized people camping on their property, resulting in a significant increase in refuse, litter, waste and harm to private businesses. This ordinance is not an outright bar as it allows private property owners to grant permission to campers to use their property.

I recommend that you consider this ordinance in the context of other services and management measures that are already being provided or are being considered for our homeless population. This ordinance is one small piece of a larger puzzle; to be effective it must be accompanied by other measures. Absent other measures, this ordinance would likely only serve to move the problem camping to different areas. Measures that should be considered include the provision of a year round campground and a heated sheltering opportunity that is available during specified weather conditions.

The Committee of the Whole considered this ordinance at its January 9, 2016, meeting and approved moving the ordinance forward to public hearing without a final recommendation by the Committee.

I recommend that you approve this ordinance with an effective date of April 15, which is the date that the Thane Campground opens for the summer. I have explored the possibility of opening a year-round campground that is near downtown and not at risk of avalanche hazard, but do not believe it is feasible to permit and open such a campground much faster than the regular opening of the Thane Campground.

The City Manager recommends this ordinance be adopted.

Mr. Watt provided the Manager's Report for this ordinance and said that it had been discussed at the Assembly Committee of the Whole which referred it back to the Assembly without recommendation. Mr. Watt said his recommendation was that if the Assembly does adopt this ordinance that they make the effective date as of April 15, 2017 which is the date that the Thane Campground opens for the summer. Mr. Watt said that as an addendum to this report, he has asked City Attorney Amy Mead to provide a brief explanation of the legal differences between trespassing and the "no camping" prohibition as contemplated in this ordinance.

City Attorney Amy Mead explained that as the City Manager stated, both the trespass ordinance and this "no camping" amendment to our currently existing camping ordinance are specific to private property and conduct on private property. She said the difference between the two are as follows:

- 1) violating the trespass ordinance is a criminal, arrest able violation; and
- 2) violating the "no camping" ordinance is an infraction and is the equivalent to a traffic ticket.

She said the conduct and the presumption by the police are somewhat on the flip side of each other. So with the trespassing ordinance, if an officer walks by your property and sees someone walking on or camping on your property, the officer does not presume that is illegal conduct; it takes an affirmative act by the property owner to alert the police that that conduct is not wanted or allowed. The "no camping" ordinance, the officer assumes that someone camping on private property in the downtown core area is prohibited conduct and can take action. If the property owner wants to allow that, they would need to take affirmative action to allow it.

Ms. Gladziszewski asked the attorney to explain what an "infraction" means and what the consequences are if you get multiples of them. Ms. Mead explained that an infraction is what the court calls a quasi-criminal action, it is not a crime, it is something less than a crime; it is a violation. Under our code, the first offense is a \$25 ticket, the second offense is a \$50 ticket, and the third ticket is a mandatory court appearance and then it is up to the judge to do as the judge wishes. That could entail the imposition of a fine and there is a scale for the judge to be able to impose a fine up to \$500. She said it is a similar scale to that in use for an "open container" violation. Ms. Gladziszewski asked what happens if someone could not or does not pay. Ms. Mead said that if someone had many, many tickets or did not show up for court appearances, once it got

to mandatory court appearances, the court could issue a bench warrant. She said our court has not done so when a Failure to Appear has related to a ticket offense. Nothing happens until that person somehow comes into contact with the criminal justice system. She said that once they are sentenced and there are unpaid fines, there are actions that could be taken such as trying to garnish PFDs or collect that money in other ways.

Mr. Gregory asked with respect to trespassing, if a business owner calls JPD and says that someone is trespassing on their property and refuses to leave, he asked what the result of that action would be. Ms. Mead said that they would be arrested as an A or B misdemeanor depending on where it was occurring.

Ms. White said her concern is that we have narrowly defined an area in which camping is not legal without the owner's permission, she said that makes it sound as though it is easy for someone to pitch a tent on anyone's lawn and somehow that would be legal. Ms. Mead explained that the reason for switching the presumption the way it was switch is due to the fact that this is in the downtown core area where it is not residential and the property owners are not there 24-hours a day. This prohibits camping between midnight and 7am as most property owners are not in their stores during that period of time so there is no one there to direct someone to leave. If someone were to camp in your lawn, you could call the police and the police could come out and arrest that person for trespassing on your property if they didn't leave at your direction. Ms. Mead explained that the trespass code applies borough-wide.

Mr. Gregory asked for clarification what would happen if a business owner did not object to someone camping on their property. Ms. Mead explained that the business owner could post a 'camping allowed,' and they can notify the police that camping is allowed at their threshold or on their property and then camping would be allowed on that person's property.

Ms. Becker asked if Deputy Police Chief Ed Mercer could come and explain why Chief Johnson previously told the Assembly why it would be helpful to have this ordinance adopted. Deputy Chief Mercer said that right now, if JPD comes upon someone sleeping in a doorway, the police does not have any sort of authority to tell them to move on. He explained that the language of this ordinance would be very specific to give them the authority to tell them to move on or to be cited for the violation. Ms. Becker said that was what she recalled but she just wanted to make sure that was correct.

When Ms. Becker asked if she could make other inquiries, Mayor Koelsch said he would prefer to take public testimony at this time and then Assembly questions and comments could be done following the close of public testimony.

The sign-up sheets for this ordinance had a column in which members could express their support or opposition to the resolution and another column indicating if they wished to testify or not. A total of 34 persons on the sign-up sheets were in support of the ordinance and 45 were opposed.

Ms. Corinne Conlon said that during the break many of the people gathered in the Mayor's conference room had meaningful discussions with downtown business owners regarding this issue. She said it is obviously an issue and one that needs to be resolved and there is legitimate concerns from business owners about what has been happening in their businesses but she believes that the other issues relating to providing services such as warming shelters and camping locations need to be addressed first before resorting to this ordinance being enacted.

Mr. Neil MacKinnon spoke in favor of this ordinance because of the problems he personally has to deal with on a daily basis. He said it has gotten bad recently and especially over the last six months. He explained that in his commercial building, the code requires exit doors which are required to open out, and because they have to open out, they are required to have an inset from the street. He said that if someone has to exit the building, it is a life, health and safety matter that needs to be sure there is no obstruction to the doorway. He said it is not a compassion issue, I is a life/safety/health concern.

Mr. Jones said in other buildings he has been in, there is signage stating "do not block this exit" and he wondered if Mr. MacKinnon to has spoken with the police department about the fact that since those are required fire exits in the building, if that was grounds for the police to remove people from his building, absence this ordinance. Mr. MacKinnon said he has not gone as far as bothering the police about this.

Mr. Lance Stevens said that there is a crisis brewing that has caused this situation and just like all crises, it is important to remember that we are dealing with human beings. While each business in the downtown area is owned with someone who is living in this community having to deal with the ramification of another citizen in this community. Their rights are no less than the person camping in their door step. We have to remember we are dealing with a person and we need to move more quickly to find a solution prior to April, the winter months are here right now and they are still camping in the elements. This doesn't prevent them from moving to public property which is abundant downtown.

Mr. Mike Satre said these are not easy issues. He spoke in favor of this ordinance but noted that this is one small tool that will allow the police to maintain the safety of our downtown district. He said we need to come up with multiple solutions. He has been a proponent of private property rights and recently our citizens have been treating private property as public property and he encouraged the Assembly to pass this ordinance.

Mr. Eric Forst stated he is a board member of the Chamber of Commerce, Vice President of the Downtown Business Association and downtown business owner and was representing himself and his partners with businesses down South Franklin. He said that he agrees the issues are broader than any one solution but from his point of view as a business owner who wants to be open year-round that is trying to make it work, this has become a difficult problem for him and his employees. He said he is worried about their safety. There has been an element of individuals who have moved into town that are more aggressive and at a different level. He has spoken with Assemblymembers and other about this issue. He said at some point, if something isn't done, things will get worse and someone will get hurt. He gave examples of recent incidents he and Jill Ramiel have had and if the Assembly wants to keep businesses open, they need to deal with this issue.

Ms. Laura Martinsen spoke in favor of this ordinance as a tool that police officers can use to address the issues. She feels unsafe coming and going to work every day. She said she does not have time to wait for the long term solution. She deals with needles, defecation, and other unsafe things on a daily basis and would like the police to be able to remove individuals from her private property.

Mr. Chawn Summerall said if the Assembly passes this ordinance, they should provide places for the homeless to go. He said a lot of the crime currently happening is not done by the homeless but rather the people coming out of the bars. He suggested a simple fix: create a campground with simple rules.

Mr. Daren Booton spoke in favor of this ordinance. He said it is a positive and necessary step to move forward in helping the homeless population. He said he is aware of the camping underneath the docks between People's Wharf to the Warner's Wharf. He said the problem is that they are disconnecting electrical wires that service heat tapes to keep pipes from freezing. They are plugging in extension cords for whatever they wish to use them for and the trash currently in that area could fill a 20' container at this time. He said this ordinance would be one step and would provide the police with the tool they need.

Mr. Jones asked what area Mr. Booton was referring to and if that is City property or private property.

Mr. Booton said it is the area under the docks from Marine Parking Garage across the previous location of Tracy's Crab Shack south to the end of People's Wharf and there have been buildings with frozen pipes as a result. He said he deals with JPD on a daily basis and it has escalated for the past 6-8 months. He said they have had tents built down there and they have been tapping into the power since June.

Ms. Christina Love said she is the Community Resources Coordinator for AWARE, the Disability Abuse Response Team Coordinator for Juneau, a member of Juneau's Coalition on Housing and Homelessness and a member of the reentry coalition as well as a formerly incarcerated person in long-term recovery. She said most importantly, she is a person who has been homeless many time and she is speaking in opposition to this ordinance. She spoke of her own and her autistic mother's experiences as homeless persons. She said she personally knows the barriers of raising out of poverty, overcoming disabilities and navigating our systems of care. She said there is no quick solution and it requires trust, relationship, collaboration, and most importantly community. She asks that each of the Assembly consider reasonable accommodations for our most vulnerable community members. She asked them not to criminalize or fine people who are already unable to actively move in a meaningful way in their lives. She encouraged them to see how this can cause more harm and asked them to pause and know that there are resources dedicated to changing our systems of care to make services more accessible to those who need it the most.

Ms. Becker asked if AWARE is available for women who are homeless who have been asked to move along. Ms. Love said yes they are welcome to shelter with AWARE. She explained a recent conversation she had with a woman who was sleeping in one of the downtown doorways and that woman told her that she felt safer sleeping downtown in a doorway with light than she did sleeping elsewhere outside of the downtown area.

Ms. Kara Nelson echoed what Ms. Love just stated. She said that literally while she was walking into this building, she saw her cousin who was across the street and he had recently been beat up and had been in a coma for two days and had broken ribs and other injuries. He was recently released from the hospital and back to the streets. She said she is here to speak on his behalf and that he had shared with her that this is not a camping ban - it is a survival ban. He told her they were not out there trying to camp, they are just trying to survive. She said that she is a recovered addict who spent many years in incarceration as well as on the streets with 20+ years of active addiction and she is the current director of Haven House for Women and co-chair of the Juneau Reentry Coalition. She said there are many layers to this situation and she encouraged them to come up with other solutions before passing this ordinance. She said this really is a crime because no one will be able to pay those fines and it will be the cause of additional crimes to try to pay these fines.

Ms. Terry Lauterbach spoke against this ordinance. She sympathizes with people who don't feel safe everyday and that is why she is speaking. Homeless people don't feel safe any day either and they also deserve to be safe. She said we can't have the police department telling people to just move along unless there are places that are safe for them to move along to. She said the City Manager has astutely proposed that they implement an April 15 effective date and she would suggest they also take other amendments to this ordinance such as suspending it every September 30. If they will wait until summer to start it, stop it when summer is over and recognize what our weather is like here. She said that suspension should stay in effect until the City Manager can certify that camping available downtown in an authorized place plus affordable, permanent shelter allowing alcohol plus overnight holding facilities for protective custody of inebriates adds up to the number of homeless we have that are not at the Glory Hole. Until then, we do not have the right context to say move along to the homeless. She said that none of the Assemblymembers would go camping unprepared, so why would they ask the homeless to do so.

Ms. Terry Cramer spoke in opposition to this ordinance. She spoke to the need for compassion and to try to solve the underlying problem as well as find solutions to assist the shop owners such as creating community service patrols and groups that may help clean up some of the problem areas. If adopted, she suggested that they wait at least until April as recommended by the City Manager for this ordinance to go into effect.

Ms. Jaime Rountree is a downtown business owner and stated that she doesn't know if the general public realizes the extent of the problem that this has developed within the last year, beginning in the middle of last summer. She stated that some things are a choice and some people choose to urinate, defecate, vomit, deposit used needles and used condoms in a businesses doorway. She stressed that, it is a very emotional issue, but it is really hard to be empathetic to clean up weekly and the rights of the homeless should not outweigh the rights of all others.

Mr. Dennis Harris said he is a lifelong Juneau resident and suggested that property owners take the same measures as those in other cities around the nation to protect their property/businesses. He suggested they install gates and fences so people can't camp in their doorways. He suggested that rather than this ordinance, the city might come up with some money to assist the business owners put up those gates and at the same time, provide places for people to go to get the help they need.

Ms. Robyn Anderson said she works and lives downtown and was speaking against the ordinance. She stressed the facts that no one wants to sleep on the streets. She said this ordinance doesn't follow best practices on housing and homelessness and would jeopardize the other HUD funding programs currently in our community. She advocated that the Assembly act on behalf of justice and not just order.

Mr. Robert Minch spoke in opposition to the ordinance. He said that he testified before this body 40 years ago on exactly this issue. Mayor Overstreet at that time had the same idea to criminalize homelessness it didn't work then and it won't work now. As a community, we have failed to step up and meet the needs of all our residence. The city could help solve the defecation in the doorways by leaving the public restrooms are open. He said that public restrooms at the Library and Visitor Center restroom areas are closed as soon as the cruise ships leave. He has volunteered at Glory Hole once a month with his Rotary Club and for 25 years, he has looked in the faces of 16,500 of homeless who come through there and there will always be a need for services.

Mr. Greg Capito spoke in favor of the ordinance. He said that he spends thousands of hours downtown over the past 40 years. During that time he has spoken with homeless people as well as business owners. Everybody, whether they are a business, a homeless person, or a worker,

downtown is telling him the same thing, that downtown has changed over the past year and not for the better. There is fear in the eyes of everybody. He supports this ordinance because he thinks it is reasonable when you read it through, it is not THE solution but it is an element to solving the problem. He said if that element is put together with other elements such as Housing First, more police foot patrols downtown, and several other initiatives, it will allow us to get a handle on the problem and make downtown safe for everybody.

Ms. Britta Tonnesson spoke on behalf of Juneau Human Rights Commission and read a statement with four points to be considered when the Assembly reviewed this ordinance. The statement was also sent via email and included in the red folder before the Assembly.

Ms. Jackie Bryant spoke in opposition of the ordinance. She said that she knows and love these people and worked at the Glory Hole for the last 22 months and just resigned. She spoke to the fact that these are human beings and there is one homeless shelter/soup kitchen in the city and it claims to be a private entity. She said that they can refuse services to anyone for any reason. She believes this ordinance is actually cruel and adding insult to injury; there is no alternative to them. Individuals are denied donated food for behavior both inside and outside the Glory Hole up to six months at a time. No services means no sack lunches, blankets, or donated clothing and no, not all of them have food stamps. She said they have found them outside in the snow, in really cold temperatures and Taku winds in open back shoes, sneakers and wet socks, some with no gloves and when asking them why they stay around the Glory Hole, she was told various things including the availability of day jobs and food. She asked them to not pass this ordinance but rather to identify additional resources such as an additional shelter, campground or whatever.

Mr. Eddie Jones said he lives at Marine View Center and has worked in social services for 15-20 years. He said there is an element who have embedded itself within the homeless that makes matters scary. He said that as a building manager, it is scary sometimes to see some of these individuals walking through the hallways when they do not belong there. He has quite a bit of compassion but it is now wearing thin as a result of some of the attitudes that he has been encountering. Even he doesn't feel safe when he comes to work sometimes. He believes the police need to be empowered to ask people to move along.

Ms. Chloe Abbot and her son were present and spoke in opposition of the ordinance. She said that she has lived in Juneau for 20 years and works at SEARCH and is shareholder. She said this should not be considering an ordinance relating to camping but rather to survival. She and her young son have delivered coats and blankets for months to the homeless. She said she has never felt unsafe and that hopefully they are possibly saving a life by keeping someone warmer. She said there was a lot of discussion earlier about a road and she suggested putting that money towards taking care of people.

Dr. Heidi Brocious spoke in opposition to the ordinance. She teaches social work at UAF and she provided a stack of papers relating to this issue that show the research as to why this approach does not work. The data and research says that this approach costs police departments and it doesn't make a difference. She urged them to look at what does work in other communities rather than something that the data shows it doesn't do what they are wanting this ordinance to do.

Ms. Cyntia Dau spoke in opposition to the camping ordinance. She stated that she has been spending time with the homeless and she provides hand warmers and other items to them whenever she does go to meet with them. She was encouraged to see that the Salvation Army and some of the Alaska native organizations are now heavily involved with this issue. She told the Assembly that

they represent all citizens of the community and urged them to put this camping ordinance aside and to get warming stations and places for them to go potty in this year of kindness.

Ms. Luann McVey spoke in opposition to the ordinance. She said that the intention is good but the ordinance is misguided. As a retired teacher, she has been happy to see how some of her former student have been doing but also sad to see the others who have not done so well. She urged the Assembly to look at solutions proposed from the Juneau Housing Coalition and to have access to public restrooms and institutions to take care of people with kindness.

Ms. Tanja Cadigan spoke in favor of the ordinance. She has worked at her family's S. Franklin Street business since she was 12 years old and would like to see something in place before April so she and her employees can go to work and operate her business in safety. She said that Juneau has been extremely compassionate to all, homeless and non-homeless. She said that last year BRH had 33 homeless people for which they provided services to the tune of \$103,000 per person and that plus other services Juneau provides shows how compassionate a community we are. She said that on the flip side of that, it is beginning to be a luxury to go to work and go to your job and not have the barriers of intimidation and having to clean up after people sleeping in your doorway. She said that problem has escalated and that the environment has changed. The problem right now is that she and her staff has to physically be standing there with JPD to ask them to leave, they cannot call from across the street or from another location, they must be standing there with JPD. She asked the Assemblymembers if they would want their daughters standing there with 5 men glaring at them and yelling profanities at them because right now that is what they are dealing with. She said there needs to be another location for them to move to and JPD needs to be empowered to move them there.

Mr. Darrell Miller said that he owns a business in the downtown core next door to City Hall and has been coming to work at this location since 1981. He said it is very emotional issue that they are trying to deal with tonight, there is a lot of work to be done. He is here in support of this ordinance as a starting point. There are a lot of good ideas and appreciates Rorie's plan to have a place for people to go. He said that warming stations in the winter, and safe locations where the police can see how people and a place where JPD can see how people are doing are good ideas. He said that he has come to a point in his career that he is tired of babysitting and cleaning after people on a daily basis so much so that he will be moving his business from its current location. He spoke to the lack of response from JPD about simple open container issues and said that this ordinance isn't a fix but it is a start.

Ms. Chris Dickerell said that as a business owner on S. Franklin, she was speaking in support of the ordinance. As a human being, she understands the predicament that the Assembly is in. She said her business supports many of the programs that help address these issues as well as creating jobs and paying for her employees rent. She urged the Assembly to identify solutions to help clean up downtown and said this ordinance is one step in that direction.

Mr. Will Kronick spoke in opposition of the ordinance. He is a social worker and said that statistically, homeless people are victims of crime rather than perpetrators. He asked the Assembly to not criminalize poverty and not pass this ordinance but rather look for a safer and more humane answer.

Ms. Tracy LeBarge spoke in support of the ordinance. As a downtown business owner, she has compassion for both those who are homeless but also for the workers and she finds herself in a hard situation. She said that downtown needs to be cleaned up downtown to make it thriving once again.

Mr. Patrick Race spoke in opposition to the ordinance. He said he is a small business owner who has lived and worked in downtown most of his life. He said he was encouraged to see everyone coming out to discuss this important issue. He said there are a myriad of ordinances already in effect that aren't enforced very well such as the open container ordinance. He said if there were an attractive alternative such as the kind of shelter that is talked about in the City Manager's comments such as a warming shelter or an open campground, this ordinance would not be needed. He said they could look at ways to solve this problem and make use of all the individuals who have come out to speak about it. This ordinance has unnecessarily divided our community and we should look for long-term solutions. He said with respect to the urgency to do something about this NOW, that it is on them as businesses and community leaders who have turned a blind eye to the problem for so long that has allowed it to grow to this stage where this ordinance was even proposed. He noted to the homeless in the community that Assembly meetings are warm and open to the public and there are a lot of committee meetings as well so he encouraged them to become civically engaged.

Ms. Mariya Lovishchuk, director of the Glory Hole spoke in opposition to the ordinance. She thanked the Assembly for all the support of the projects that they have worked on. She asked that they do not pass this ordinance until CBJ has a permanent winter campground. She echoed what Mr. Race said about not needing adding ordinances that don't work on the books. She said the no trespass ordinance is already in place for those instances that need to have individual removed from a premises and she demonstrated a sign that she modified to show how the no trespass ordinance could be more effective. She stated that passage of this ordinance would place US HUD funds for housing and homeless programs in jeopardy. She said that she also wanted to mention that there are no public restrooms open downtown. She said that the real concern is the crime element downtown which is being perpetrated by both homeless and non-homeless persons. She said it will not get us anywhere trying to address that issue with this particular ordinance.

Ms. Gladziszewski said that Ms. Lovishchuk mentioned she is serving on a committee for a winter campground and she asked Ms. Lovishchuk said that is a committee made up of representatives from AEL&P, the Glory Hole, the Juneau Coalition on Housing and Homelessness, CBJ Parks and Recreation and Lands staff.

Ms. Gladziszewski asked when this committee formed and what the status is on it so far. Ms. Lovishchuk said the committee has met three times so far and the group has identified a possible property that AELP is willing to lease to the City under the same conditions as the Thane campground in a different location which is flat and has access and it outside the avalanche zone. She said that this location, due to the very complicated Community Development Department regulations and zoning laws and requirements for Conditional Use Permits, it is not currently useable for this purpose. She said that after they discussed the logistics of this issue, it is possible but it may take a long time to move this process along.

Mr. Gregory asked Ms. Lovishchuk to elaborate on her comments about the HUD funding being placed in jeopardy if this ordinance were to be adopted. Ms. Lovishchuk explained that US HUD gives the State of Alaska continuum of care funds. The funds are divided into Anchorage and then the balance of the state. The applications are very competitive so there is a question on the application that asks the community "What are you doing to work collaboratively to work on issues of homelessness?" and also it asks about regressive laws. This law would be considered by US HUD and other experts to be regressive and so there will be a certain number of points attached to the applications that would be deducted for this ordinance. Sometimes the applications come within one or two points of each other and this ordinance would put those funds in jeopardy.

Currently St. Vincent DePaul is the biggest beneficiary of the continuum of care funds in our community but other US HUD funds that we get are the ICDBG grants and CDBG grant.

Ms. Gladziszewski asked her speak about the recent grants that were and were not awarded. Ms. Lovishchuk said there were two grants: 1) Indian Community Development Block Grant (ICDBG) was applied for last year and did not receive it, they reapplied this year and received it and the grant was for \$600,000 and they applied for it on behalf of their partner Tlingit Haida Central Council. The application just below this grant missed getting it by one point. 2) The other grant applied for was the Community Development Block Grant (CDBG) which are a pass through of HUD funds through the CBJ Community Development Department.

Ms. Jeanette Lacy Dunn spoke in opposition of the ordinance. She is a masters level licensed social worker and the primary mission of the social work profession is to enhance human wellbeing and to help meet the basic needs of all people with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. She said she has worked in health care in Juneau for the past 14 years and often works with and supports homeless individuals as well as advocate for and work towards the creation of housing options for our most vulnerable citizens. She said it already increasingly difficult to meet their basic needs due to the poverty these individuals experience. She said that anyone receiving a citation for sleeping in a doorway will not have the resources to make payment and it will just mount until we take further, costly legal action. The literature that Dr. Brocious provided will demonstrate that individuals have received as many as 200 citations for such behaviors in other cities. She said the Assembly has talked about what happens when someone has 1, 2, and 3 citations but what happens when they have 200. She said the majority of this population has experienced high levels of trauma and does not choose their circumstances and she stressed the need for our community to spend our time and money implementing viable supportive interventions to address the underlying individual needs rather than ineffective punitive measures that will only serve to further shame and demoralize these individuals. She said resources could be better used to fund additional community outreach coordinators to guide individuals to the services they need. She also encouraged supporting some of the other options that have been mentioned such as supporting the campgrounds, the public restrooms, and the warming stations.

Mr. Bill Heuman said he owns People's Wharf and owns one of the four buildings that was discussed earlier with the heat tape disconnected causing frozen pipes in his building. He said that the reality is that he now understands that he can call the police and the individuals can be cited for criminal trespass. He said the Assembly needs to determine if that is more onerous than the issuance of a citation because it is likely to be one or the other because land owners are now figuring it out. He said his real challenge is determining the question of who suffers the results of this problem and right now it is the business owners in downtown. He said the Assembly could set up tents in Marine Park in the next week and heat them and open up the public restrooms. He said great strides could be made quickly if that is what they really want to do. He said the alternative is to leave people in very unsatisfactory circumstances that they are now. He said he didn't think those solutions will be done and he encouraged passage of this ordinance as it is a less onerous process and citations are a less severe punishment than the criminal trespass option currently in place.

Ms. Karenza Bott, Mr. Derek Totemoff, and Ms. Christine Dugaqua came up together to speak against this ordinance. Ms. Bott explained that she came downtown at approximately 4am yesterday and met these folks and they began talking about these issues. She explained the breakdown in our society that begins with the inability to get ID if you do not have an ID card already. She spoke about the bureaucratic systems that are in the way for individuals to get off the

streets and out of poverty. She also spoke to the hate groups out there such as white supremacist group called Kill all Alaska Natives (KLAN). She encouraged the Assembly to come up with solutions such as sorting out the ID issue and to treat people with respect. She also noted that they cannot just put gates up on the businesses downtown as that is not up to the historic district standards in the downtown area. She also pointed out the need for public restrooms to be open in the downtown area or at the very least to make a port-a-potty available.

(Meeting time at this point was 10:47 p.m.)

MOTION by Mr. Jones to extend the time to adjourn to 11:20 p.m. Hearing no objection, it was so ordered.

Mr. James Hoagland spoke in opposition to what he called an anti-homelessness ordinance. He said as a social worker as well as a downtown business owner he agrees with much of the previous testimony in opposition to the ordinance. He stated that something not yet brought up, as a board member of the Southeast Alaska LGBT Alliance, they are confronted with many concerns of the LGBT community and their allies and one of them is the wellbeing of LGBT youth. He said that the plight of LGBT young people is that they are at a heightened risk than their peers, including heightened risk for homelessness. They are four times more likely to become homeless than their peers, largely in part of unsupportive homes or family members who kick them out onto the streets when they come out. He said if they are under the age of 18, there are some community resources available but if they are 18-21, that is a very vulnerable population and we have seen a larger number of those individuals surfacing. He said that as a community, they have been trying to come together to scrape together resources and support for them. He said he couldn't imagine being one of these individuals and getting a ticket just for the simple human act of sleeping in someplace where they could get warm.

Ms. Lisa Williams said she is homeless and was speaking in opposition to the ordinance. She said she had been under the library and she was stuck and her boyfriend had to call the Coast Guard and they ended up calling the Fire Department to help get her out. She asked if the Assembly passes this ordinance, where are they supposed to go. They are already homeless and if they had money to pay for something, they would pay for a place to stay. They are staying in cubby holes and it is scary for them because they have no where to go and she has no place to even use the bathroom. She lost her ID because someone took it and AWARE lost her property so she can't even get a job.

Ms. Sandra DeLong spoke in opposition to the ordinance as a lifelong Alaskan. She said they need to use compassion and find solutions and many good ideas proposed during this meeting. She said this ordinance does not solve any problems, it only makes more problems. While she understands and sympathizes with those dealing with issues in the business community, this can happen to anyone and these people deserve compassion and help and this is not the solution.

Mr. Bruce Denton said he is the Vice President of the Board of Housing First and also the Glory Hole. He said that two and half years ago, Housing First was presented to a Downtown Improvement Group (DIG) meeting by Scott Ciambor. At that time Mr. Denton said he spoke with then CDD Director Hal Hart, after Mr. Ciambor said it was probably a five year project and Mr. Denton said he would like to see it happen in two years. As such he has volunteered on these boards to try to accomplish this goal. While he has been working diligently towards this goal, there has been a new demographic of individuals that has caused this problem to escalate within the past eight months and it is something that needs to be stopped right now. He encouraged the Assembly to question Deputy Chief Mercer to speak further to the changing demographic. He said he doesn't see it any different from the city closing its public restroom facilities because they don't wish to

clean up the messes. He said he was disappointed that it would take a CUP for a campground to be created up by the tram. He said if they can't find a place for people to go within thirty days, we just aren't dealing with it and it needs to be dealt with.

Ms. Joyce Levine spoke in opposition to this ordinance. She said it is not December anymore and while everyone gets into this giving feeling to help the needy in December, it is not December anymore but we still need to take care of the needy, many of whom have mental problems. We need a place in our heart for people. She said they should take the money from the road to help these people. If they need a shelter, build them a shelter. By creating this ordinance, they will be cited and fined and sent to court and possibly to jail and this just adds to their already unstable minds in many cases. Homelessness is everybody's problem and we need to help these people and deal with it that way.

Ms. Mandy Cole said she has been communicating with many of the Assemblymembers on this issue. She has made the position of the Juneau Coalition on Housing and Homeless clear that they oppose this ordinance. She said what she wants to offer is a way to avoid the yes/no, us/them, business/homelessness dilemma that is essentially unsolvable. She said it feels bad to everyone to bring it to this head so she said she is hoping the Assembly will provide additional time to put together some programs and alternatives to this kind of ordinance making it criminalized to be homeless. She would like the time to see if programs that have worked in other areas would work here to address this issue. She said she understands that business leaders are saying they don't have time because things are bad right now and she understands that and thinks that is true both for them as well as for the people on the street as well. She said they have had more public discourse on this issue in the past two months than she has had as the person who has lead the Juneau Coalition on Housing and Homelessness for years. She said they have done so much by bringing it to the front and beginning the discussion. They just need more time to take all this energy that is swirling around to help and put it good use. She said that once they put plans in place and revisit them in six to eight months and see if they have made the changes needed or if this ordinance idea needs to be revisited at that time.

Ms. Becker asked what Ms. Cole would suggest that they do in eight months if it isn't resolved. Ms. Cole said that one of the things that has not been done so well is to use the accumulated knowledge of the rest of the world who has dealt with this problem. She said Juneau is ruthlessly independent and we recreate things from the ground up all the time. She said that just today when she was sending her email to the Assembly, she wanted to give them 5-6 options and she was able to give them suggestions such as what HUD says are alternatives to criminalization. They list program after program. She said with this much will and the potential for increased funding, they could do more and target this particular demographic and get people and programs together in order to help with this goal of avoiding criminalization and a goal of having both parties served and then the issue has been reframed and it is no longer who wins and who loses, it is rather that everybody gets what they need.

Ms. Gladziszewski asked how often the Juneau Coalition on Housing and Homelessness meetings. Ms. Cole said that they meet monthly and this past month's meeting was one of the biggest and most informative and productive. She said she heard things at that meeting about things people are doing within their own agencies that she didn't even know about. She said that one of the unintended but beautiful consequences of this discussion is that there are things that may be working here on a smaller scale in Juneau if they could enlarge and support more fully, may even be beneficial to the entire community.

Mr. Gregory asked Ms. Cole to speak to an event coming up that the coalition is conducting. Ms. Cole stated that on Wednesday, January 25, the 6th Annual Project Homeless Connect event will be taking place at the JACC starting at 9am. She encouraged Assemblymembers to come to the event and see it first hand and talk with the public about what their needs truly are.

Mr. Albert Judson said he has more questions than he does answers. He asked if it was possible for agreements to be made between BRH and SEARCH medical clinic medical emergencies. He also asked if it would be possible to get a van for any of the homeless to search for jobs, apartments, or other needs. He suggested having a community cafeteria at which one of the non-profits could set up a community cafeteria and recruit those who are homeless to work in the cafeteria thereby providing a warm place to get food as well as a job for the homeless. He also suggested possible solutions including renovation of abandoned buildings beside Thane Road and job development programs for which the city and the state could provide long distance education which in turn would provide for raises on jobs due to increased skills.

Mr. Fritz Moser said his business has been around since 1979. He stated that recently the locals are not coming to town in the evenings after 7p.m. and the city needs to figure out a way to improve the situation in the downtown area.

Mr. Everett Johnson spoke in opposition to the ordinance. He is homeless and if the business owners and Assembly feel they are scared, he challenged them to spend three nights in the same situation as a homeless person and see how scared they feel. He said his wife passed away 2 years ago under the bridge in his arms and he is more afraid of all of them than they are of the homeless. He said he was heartbroken to hear the way the business owners are talking and would like them to consider what it is like in his shoes. He suggested they build another shelter if they want to get the homeless off the streets. He said that each of the business owners have a warm bed, but not him. He brought his bed, his sleeping bag with him to this meeting. He suggested they try to go to bed at 2-3 am outside in the cold and see how long they can survive.

MOTION by Mr. Kiehl to that they extend the meeting adjournment time to 11:40 p.m.

Mayor Koelsch suggest the time be amended to go to midnight to be able to get through everyone who wished to testify. Mr. Nankervis and Ms. Becker objected to a midnight adjournment.

Discussion took place regarding the length of time at which the body should adjourn. Mr. Nankervis stated that he felt it was important to allow everyone an opportunity to provide their public testimony on this issue but that he did not feel there would be enough time for the Assembly to deliberate and come to a decision on the matter.

It was the consensus of the body to set the time to adjourn at 11:40p.m.

Ms. Alicia Hughes-Skandijs said that she sent an email earlier to the Assembly and that ordinances like this one do not help. Everyone is on the same side and it is just a matter of finding workable, livable situations and we should learn from the experiences of other communities with similar issues. She said she doesn't deserve to feel safe more than anyone else just because she has a home. Everyone deserves the same freedoms, even the freedom to use a restroom whether they have a home to use one in or not.

Ms. Lina Garrison said she is Eagle/Thunderbird and a natural born resident on capital hill. She said she does not support this ordinance. She said she feels for the property owners having to deal with the things she sees some of the time but we are all in the same community, in the same canoe together. She said there is a possible resolution for everyone to be happy at a low cost. She

has seen many of the same people on the streets for a long time and has seen many loose family members due to drugs, alcohol. She suggested they eliminate the liquor stores downtown which is a big part of the problem. She also suggested renovating the vacant apartments in the downtown area. She said the homeless people could be put to work remodeling them as they do have talents and can be provided with the resources to help themselves.

Mr. Gus Marx said he was asked not to comment based on the body he may be affiliated with. He is a member of the Juneau Coalition on Housing and Homelessness which opposes this ordinance. He encouraged the Assembly to give this issue more time and the time needed to see how the Housing First project works out and he likes the idea of another campground to be made available.

Mr. Mark Ridgeway said he really can't speak for or against this proposed ordinance. He said he is incredibly proud of the community for coming forth with such a broad number of possibilities for this continuous issue. He said this is a fairly simple approach to a very complex problem. He encouraged the Assembly to look at the economic incentives that this city has with respect to the taxes the city gets in selling the booze to the chronic inebriates as well as the JPD and BRH/Rainforest Recovery Center budgets that come about as a result of responding and caring for the chronic inebriates and he challenged the Assembly to look at ways to de-incentives this issue.

Mayor Koelsch said that concluded public testimony on this ordinance. *[at 11:34 p.m.]*

MOTION by Mr. Jones that they hold this ordinance to the Assembly meeting on February 13. He would recommend they not take any more testimony on Feb. 13 but provide an opportunity for the Assembly to ask questions of JPD and then be able to take action.

Mayor Koelsch asked if that is the will of the body or they would like to hold a special assembly meeting to deal with the remainder of this meeting.

MOTION by Ms. Gladziszewski to table this ordinance. She said she thinks that everyone in the room has essentially the same goal and are coming at it from slightly different places. She said that some people have a very urgent need to make this stop but she thinks they are trying for a simple solution to a complex problem. She said she would like to try to harness all the energy in this room and she commended the Mayor and the business community for wanting to get together and work on this issue and she said she would like to do that, give this a chance to work together to find a plan for things that can be done soon and also long term. She said would like to find solutions, whether that is working through a committee, the City Manager working on things and she feels this should be tabled for now, allow time for it to be worked on and then bring it back up if she had to.

Ms. White - objected to the motion to table.

Mr. Kiehl noted that the motion to table was non-debatable.

Additional discussion took place regarding parliamentary procedure. Ms. Mead explained the differences between a motion to table and the effect that would have vs. a motion to postpone to a date certain and the effect that would have.

Mayor Koelsch acknowledged a point of order request from Mr. Nankervis.

Mr. Nankervis asked that Ms. Gladziszewski's motion to table be set aside so that he could make a motion to extend the time of the meeting to end at midnight so they could conclude the rest of the business of this meeting.

Ms. Gladziszewski asked that since the motion to table was non-debatable, if they could take a roll call vote on her motion and then move forward with the remainder of the meeting including Mr. Nankervis' motion to extend the time.

ROLL CALL VOTE ON THE MOTION TO TABLE ORDINANCE 2016-44

Ayes: Gladziszewski, Kiehl

Nays: Becker, Gregory, Jones, Nankervis, Weldon, White, Koelsch

Motion failed 2:7

MOTION by Mr. Nankervis to extend the meeting time to midnight to be able to determine what to do with the remainder of the meeting's agenda items. Hearing no objection, the motion carried.

Mr. Jones noted that the motion to table took precedence to his previous motion but since the motion to table failed, that brings them back to the motion he previously made which is still before the body.

Mayor Koelsch called for discussion.

Ms. White said she would prefer to have a special Assembly meeting to deal with this and all other Assembly agenda items from this meeting. Mr. Nankervis objected since he has already scheduled an additional Assembly COW meeting for Feb. 6 and he would prefer to limit the number of additional meetings they are scheduling.

Mayor Koelsch asked the Clerk to restate the motion and take a roll call vote.

Roll Call Vote on MOTION by Mr. Jones that Ordinance 2016-44 be continued to the Assembly meeting on February 13 without any additional public testimony and provide an opportunity for the Assembly to ask additional questions and take action.

Ayes: Becker, Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon, White

Nays: Koelsch

Motion passed 8:1

- B. Ordinance 2016-47 An Ordinance Amending the State Permits and Licenses Chapter, CBJ 01.65, to Provide for the Review of State Marijuana Licenses.

This is a housekeeping ordinance that would amend Chapter 01.65 to provide for Assembly review of State marijuana license applications in the same manner as the code provides for the review of State liquor license applications.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Gregory to adopt Ordinance 2016-47 and asked for unanimous consent.

Hearing no objection, the ordinance was adopted.

- C. Ordinance 2016-09(AA) An Ordinance Appropriating to the Manager the Sum of \$2,075 as Funding for the Sister Cities Program; Funding Provided through a Donation from the Filipino Community, Inc.

On November 14, 2016, the Juneau Sister City Committee (JSCC) approved accepting funds, which were raised by the Filipino Community and the Sister City Committee on behalf of Kalibo, Aklan, Philippines. JSCC's plan for the money is to pay for a resident

of Kalibo to come to Juneau for the JEDC Innovation Summit in February, 2017. If this cannot be arranged on short notice the funds will be used for another benefit for Kalibo in the future.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. White to adopt Ordinance 2016-09 (AA) and asked for unanimous consent. Hearing no objection, the ordinance was adopted.

- D. Ordinance 2016-09(AB) An Ordinance Appropriating to the Manager the Sum of \$30,000, as Funding for Leasing the Juneau Subport Parking; Funding Provided by the Downtown Parking Fund's Fund Balance.

At its meeting on December 12, 2016, the Lands Committee made a motion of support for staff to draft an ordinance that appropriates \$30,000 from the Downtown Parking Fund to be used for leasing the Juneau subport parking property.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Kiehl to adopt Ordinance 2016-09 (AB) and asked for unanimous consent. Hearing no objection, the ordinance was adopted.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. STAFF REPORTS

Mr. Watt spoke briefly to the wellness report that he sent to the Assembly via email the previous day, a copy of which was in the red folder. He said the draft proposal calls for a cohesive plan on how the city will engage in working on our many issues. He said with the movement of the camping ordinance to the meeting of February 13, he will try to engage the public on this draft idea and try to develop more effort in the community to try to bring people along to a more consolidated view on how to handle these issues. He noted that they saw a lot of energy at this meeting and his goal would be to try organize and harness that energy.

XI. ASSEMBLY REPORTS

Mayor Koelsch asked that unless something is dire, that they not take up any Assembly reports, comments and questions or other items remaining on the agenda. He noted one item under Presiding Officer reports and that was the upcoming appeal hearing scheduled for February 1.

A. Mayor's Report

B. Committee and Liaison Reports

Mr. Jones reported that the full Assembly sitting as the Human Resources Committee met earlier in the evening and forwarded the following recommendations for appointment to the Bartlett Regional Hospital Board for terms beginning immediately and expiring December 31, 2019: Mark Johnson, Lance Stevens, and Dr. Bob Urata. *Hearing no objection, those appointments were approved.*

C. Presiding Officer Reports

XII. ASSEMBLY COMMENTS AND QUESTIONS

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:49 p.m.

Signed: _____
Elizabeth J. McEwen, Acting Clerk

Signed: _____
Kendell D. Koelsch, Mayor

XVI. SUPPLEMENTAL MATERIALS

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-46

An Ordinance Amending the Land Use Code Relating to Parking Waivers.

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

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

Section 2. Amendment of Section. CBJ 49.15.780 Access and parking, is amended to read:

49.15.780 Access and parking.

(a) *Purpose.* The intent of the access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties, and to provide for adequate off-street parking for cottage housing developments.

...

(2) *Parking requirement.* Each cottage housing development shall have two parking spaces per cottage. Cottage housing parking requirements are eligible for waivers as provided by CBJ 49.40.210(d)(6).

...

Section 3. Amendment of Section. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

...

(d) *Exceptions.*

(1) *Superimposed parking districts.* There is adopted the parking district map dated June 5, 2006, as the same may be amended from time to time by the assembly by ordinance. The off-street parking and loading requirements set forth in subsections (a) and (c)(2) of this section may be reduced by 30 percent in the PD-2 parking district. The requirements shall not apply in the PD-1 parking district except in the case of the expansion of an existing building or the construction of a new building, in which case they may be reduced by 60 percent.

(2) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water and are used for single-family and two-family residential and remote commercial recreational uses. If the director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year thereof shall provide the required off-street parking.

(3) *Enlargement or expansion.* No additional parking spaces are required for an enlargement or expansion if the additional spaces would amount to less than ten percent of the total required for the whole development and amount to less than three spaces. Phased expansion shall be regarded as a whole.

(4) *Replacement and reconstruction of certain nonconforming buildings.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming buildings in residential districts shall be governed by subsections 49.30.500(b) and (c).

(5) *Fee in lieu of parking spaces.*

(A) There is adopted the Downtown Fee in Lieu of Parking District Map, dated October 30, 2006, as the same may be amended from time to time by the assembly by ordinance.

(B) Off-street parking for new and existing developments, for any use, may be waived if the requirements of this section are met. The determination of whether these requirements are met shall be made by the Director if the requested waiver is for five or fewer parking spaces, or by the Commission if the requested waiver is for six or more parking spaces.

(C) The property seeking a waiver of the parking requirement must be located within the area shown on the Downtown Fee In Lieu of Parking District Map, and be supported by a finding by the Director or Commission as set forth in CBJ 49.40.210(d)(5)(B), above, that it will not have significant adverse impacts on nearby on-street parking and:

(i) Vacant on the effective date of this ordinance;

(ii) Occupied by a building built within the 50 years prior to the date of adoption of this ordinance; or

(iii) Occupied by a building built more than 50 years prior to the date of adoption of this ordinance, and the Director or Commission, after considering the recommendation of the Historic Resources Advisory

Committee, finds that the proposed development does not affect the historical significance, historical attributes, or otherwise compromise the historic integrity of the structure based on the United States Secretary of the Interior's Standards for Rehabilitation.

(D) The applicant shall pay a one-time fee to the City and Borough of \$8,500.00 per parking space waived under this section. For residential uses, this fee shall be reduced by 50 percent to \$4,250.00. This fee shall be adjusted annually by the Finance Department to reflect the changes in the Consumer Price Index for Anchorage as calculated by the State of Alaska, Department of Labor; or the United States Department of Labor, Bureau of Labor Statistics.

(E) Any fee due and not paid within 45 days after the development obtains temporary or permanent occupancy, or, in the case of existing developments, 45 days after the waiver is granted, shall be a lien upon all real property involved and shall be paid in ten equal annual principal payments plus interest. The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien. Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the finance director.

(6) Parking Waivers. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

(A) Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

(1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;

(2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;

(3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and

(4) The waiver will not materially endanger public health, safety, or welfare.

(B) Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is

filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(C) The director shall mail notice of any complete parking waiver application to the owners of record of all property located within a 250 foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

(D) Approved parking waivers shall expire upon a change in use.

Section 4. Amendment of Section. CBJ 49.30.400 Aggravation of nonconforming situations, is amended to read:

49.30.400 Aggravation of nonconforming situations.

(a) Except as provided in this section, section 49.25.430, section 49.25.440, ~~and~~ section 49.25.510, and section 49.40.210(d)(6), nonconforming situations may not be aggravated. As used herein, "aggravate" includes the physical alteration of structures or the placement of new structures on open land if such results in:

- (1) An increase in the total amount of space devoted to a nonconforming use; or
- (2) A greater invasion in any dimension of setback requirements or height limitations, a further violation of density requirements or further deficiencies in parking or other requirements.

(b) A use made nonconforming by the adoption of the ordinance codified in this title may be extended throughout any portion of a completed building manifestly designed or arranged to

accommodate such use, but may not, except as provided in section 49.30.800, be extended to other buildings or to land outside the original building.

Section 5. Amendment of Section. CBJ 49.65.430 Design requirements, is amended to read:

...

(b) *Street system.*

(1) Access to recreational vehicle parks shall be designed to minimize congestion and hazards at entrance and exit and shall be approved by the City and Borough engineer. All traffic into and out of the parks shall be through such entrances and exits. Access to recreational vehicle spaces shall be from internal streets only.

(2) No entrance or exit from a recreational vehicle park may be permitted from a local street or through an established residential neighborhood. The applicant shall construct the necessary access in all cases where there is no existing all-weather surfaced street or road meeting City and Borough standards connecting the recreational vehicle park site with an improved existing public street or road. Any street or road improvement required beyond the boundary of the recreational vehicle park must be approved by the city engineer.

(3) Access roads within the recreational vehicle park shall be surfaced with all-weather material approved by the engineering department and shall have a minimum width of 15 feet for one-way traffic and 25 feet for two-way traffic.

(4) At least one and one-half parking spaces per recreational vehicle space shall be provided in the park. Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), at ~~At~~ least one parking space shall be provided at each recreational vehicle space.

Section 6. Amendment of Section. CBJ 49.65.1110 Child care home standards, is amended to read:

49.65.1110 Child care home standards.

(a) A child care home shall comply with the following minimum standards for initial permit approval and during the use of the child care home:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), a ~~A~~ minimum of two parking spaces as required for the dwelling unit and one parking space for each on-shift employee shall be provided.

(b) The department shall issue a permit for a child care home that complies with this section and the requirements of this title.

(c) The department may initiate enforcement action consistent with CBJ 49.10, article VI for any violations of this section.

Section 7. Amendment of Section. CBJ 49.65.1110 Child care center standards, is amended to read:

49.65.1120 Child care center standards.

(a) In addition to other conditions imposed by the commission, a child care center shall comply with the following minimum standards for initial permit approval and during the use of the child care center:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) In residential zoning districts, no parking or loading areas shall be located in any setback, except in an approved driveway.

(3) Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), a~~A~~ minimum of one off-street parking space shall be provided for each on-shift employee of the child care center, plus one space per ten children served.

(b) The commission may issue a permit for a child care center that complies with this section and the requirements of this title.

(c) The department may initiate enforcement action consistent with CBJ 49.10, article VI for any violations of this section.

/

/

Section 8. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

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. 2017-02

An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling of Food and Beverages and Related Uses.

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 29.25.080 Public possession and consumption of intoxicating liquor, is amended to read:

20.25.080 Public possession and consumption of intoxicating liquor.

(a) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may consume intoxicating liquor on any public street, alley, sidewalk, easement, trail or other way dedicated or held for public vehicular or pedestrian use, including parking lots owned and operated by the municipality.

(b) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may have in his or her physical possession on any public area described in subsection (a) of this section,

intoxicating liquor in a glass, mug, open can, open bottle or other open container. A can, bottle or other container is open if it would not contain its contents when turned on its side or upside down.

...

Section 3. Amendment of Article. Article V of Chapter 53.09 Easements, Use Permits, Resource Removal Permits, and Camping, is amended to read:

Article V Easements, Licenses, Use Permits, Resource Removal Permits, and Camping.

Section 4. Amendment of Article. Article V of Chapter 53.09 is amended by adding a new section to read:

53.09.350 License to use pedestrian ways for the sale of food and beverages and related uses.

(a) An annual license authorizing the non-exclusive use of up to five hundred square feet of City and Borough owned pedestrian way for the purpose of engaging in the business of the selling of food and beverages, or for purposes related to the selling of food and beverages such as the provision of tables and chairs, may be granted by the manager in accordance with this section. Vending from food trucks and vending carts are not authorized by this section but are governed by CBJ 62.10.050 and CBJ 62.10.070, respectively.

(b) Applications for a pedestrian way license are exempt from the requirements of CBJ 53.20. Applications shall be filed with the manager on a form designated by the manager and accompanied by a non-refundable application fee of \$250.00. The application must include a description of the requested location and proposed use, a site plan delineating the proposed

1
2
3 placement and number of any tables and chairs or other moveable fixtures to be used within
4 the license area, the hours of operation, and such other information as the manager may
5 request. Prior to issuance, the applicant shall submit to the manager a certification by the
6 finance department that the applicant has met the requirements of the sales tax code. An
7 application will not be approved unless the applicant has a current state business license, has
8 all necessary permits in order to operate in the manner proposed, and the operation meets
9 applicable state and local health and sanitation requirements.
10

11 (c) Licenses are valid for the calendar year and shall expire on December 31st of each year.
12 License applications will be accepted between September 1 and December 1 each year for the
13 following calendar year, except that license applications for calendar year 2017 shall be
14 accepted between the effective date of this ordinance and May 1. Licenses shall be issued on a
15 first-come, first-served basis except that priority shall be given to those applicants who
16 operated for at least three months during the previous year under a license issued for the same
17 location as the one applied for.
18

19 (d) Prior to October 1 of each year, the manager shall evaluate possible license locations
20 and shall designate those available during the following calendar year. Upon the request of an
21 applicant, the manager may consider additional locations after October 1.
22

23 (e) The license fee, payable in advance, shall be the fair market value of the property as
24 determined by the manager.
25

(f) Each licensee must obtain at least \$1,000,000.00 of public liability insurance naming
the City and Borough as an additional insured. Prior to beginning operation, a licensee must
provide the City and Borough with a broker's certificate of insurance and copy of the

1
2
3 amendatory policy endorsement, which must include a provision for notification to the City and
4 Borough if the policy is modified, canceled, or terminated.

5 (g) Permanent improvements may not be installed in the licensed area. Movable fixtures,
6 such as tables and chairs, must be placed in the licensed area in such a manner as to leave not
7 less than five feet of unobstructed sidewalk space between the fixture and the face of the curb
8 or edge of the sidewalk if there is no curb. Movable fixtures may not be placed in any manner
9 that blocks the view by pedestrians of advertising on a building or of goods displayed in the
10 window of a business unless the licensee has obtained the permission of the affected business.
11 Licensees shall use the licensed area in such a manner as to create the least amount of
12 interference with pedestrian traffic.
13

14 (h) Licenses must be placed in the window of the licensee's primary place of business in
15 such a way as to be viewable from the pedestrian way.

16 (i) The manager may adopt standards for the use and appearance of any allowable movable
17 fixtures and the issuance and renewal of licenses, and may impose the time, place, method of
18 operation, and such other restrictions on the license as may be necessary to ensure the safe and
19 convenient use of pedestrian ways.
20

21 (j) Licenses may not be assigned or transferred without manager approval.

22 (k) Licenses may be revoked by the manager for violation of this section, upon a
23 determination that the operation of the permittee is causing a hazard or a significant
24 disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for
25 a public purpose, or for other good cause as determined by the manager. The licensee shall be
given an opportunity to be heard by the manager before any revocation. The decision of the
manager may be appealed to the assembly in accordance with CBJ 01.50.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-03

An Ordinance Amending the Uniform Sales Tax Code to Establish a Tax Exemption for the Sale of Goods Aboard Cruise Ships.

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 69.05.040 Exemptions, is amended to read:

69.05.040 Exemptions.

The tax levied under this chapter shall not apply to the following transactions:

...

(4) Sales of goods which are transported into the City and Borough on a cruise ship, which do not leave the cruise ship, and where the entire transaction, both payment and delivery, take place on board the cruise ship, and sales of services where the entire transaction, both payment and performance of the service, take place on board the cruise ship. For purposes of this exemption, "cruise ship" means a commercial passenger vessel that carries passengers, but does not include any vessels:

- (a) Authorized to carry fewer than twenty passengers;

(b) That do not provide overnight transportation for at least twenty passengers for hire; or

(c) That are operated by the United States, State of Alaska, or a foreign government.

...

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: 2/13/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AE)

An Ordinance Appropriating to the Manager the Sum of \$10,000,000 as Funding for CBJ Biosolids Treatment and Disposal Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Clean Water Fund State Revolving Fund.

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 \$10,000,000 for the CBJ Biosolids Treatment and Disposal Project.

Section 3. Source of Funds.

- Alaska Department of Environmental Conservation \$ 10,000,000

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: 2/13/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AF)

An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Teacher Excellence Fund, a University Alaska Southeast School of Education Endowment Through the Juneau Community Foundation; Funding Provided by the City and Borough of Juneau's Fund Balance.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$250,000 for the Teacher of Excellence Fund.

Section 3. Source of Funds.

- City and Borough of Juneau Fund \$250,000
Balance

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: 2/13/2017
 Drafted by: Finance

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2788

A Resolution De-Appropriating \$4,370,300 in FY17 Funds from the Treasury for the FY17 City and Borough Operations

WHEREAS, under Article IX of the Home Rule Charter of the City and Borough of Juneau, the Assembly by resolution may reduce any appropriation, except for debt service or for cash deficit, provided that no appropriation may be reduced by more than the amount of the unencumbered balance; and

WHEREAS, Ordinance 2016-09 included \$4,370,300 of support that is now lower than anticipated due to reductions in Community Revenue Sharing, State of Alaska support and PFD Impact on Sales Tax; and

WHEREAS, funding from the State of Alaska are lower than anticipated due to the Governor's Veto, and Senate Bill 210; and

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

Section 1. The budget is de-appropriated as follows from the City and Borough of Juneau for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

Roaded Service Area Community Revenue Sharing	(294,700)
Debt Service Fund School Construction Reimbursement	(3,075,600)
General Fund Support from Sales Tax	(578,000)
Roaded Service Area Support from Sales Tax	<u>(422,000)</u>
Total Budget Changes	\$ (4,370,300)

Section 2. Funding Sources. The following amounts are hereby de-appropriated for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

Community Revenue Sharing (SB210)	\$ (294,700)
Debt Retirement (Governor Veto)	(3,075,600)
PFD Impact on Sales Tax (Governor Veto)	<u>(1,000,000)</u>
Total Budget Changes	\$ (4,370,300)

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

Adopted this day of 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Clerk

Presented by: The Manager
Introduced: February 13, 2016
Drafted by: Finance

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2789

A Resolution De-Appropriating \$111,125 from the Juneau International Airport Construct Runway Safety Area Phase IIB Capital Improvement Project, Funding was Provided by Juneau International Airport Fund's Fund Balance.

WHEREAS, under Article IX of the Home Rule Charter of the City and Borough of Juneau, the Assembly by resolution may reduce any appropriation, except for debt service or for cash deficit, provided that no appropriation may be reduced by more than the amount of the unencumbered balance; and

WHEREAS, Ordinance 2016-09(K) appropriated \$412,250 of Juneau International Airport Fund's Fund Balance, with \$111,125 of the appropriation being provided temporarily until State funding was made available; and

WHEREAS, Ordinance 2016-09(O) appropriated the State matching grant in the amount of \$111,125, with funding provided by the Alaska Department of Transportation; and

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

Section 1. The budget is de-appropriated from the Construct Runway Safety Area Capital Improvement Project Phase IIB in the amount of \$111,125 in Juneau International Airport Fund's Fund Balance Funding.

Section 2. Effective Date. This resolution shall be effective immediately 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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2790

A Resolution Endorsing Passage of Senate Bill 28, “An Act Relating to the General Grant Land Entitlement for the Petersburg Borough.”

WHEREAS, Petersburg and Juneau have shared a long history as neighboring communities nestled along the fjords of Southeast Alaska; and

WHEREAS, Petersburg is a vital partner in the fabric of Southeast Alaska, linked by a common maritime heritage; and

WHEREAS, the success of Southeast Alaska relies upon the individual and joint success of all of the communities in the region; and

WHEREAS, the newly formed Petersburg Borough has applied to the State of Alaska to acquire lands within its boundaries; and

WHEREAS, all municipalities in Alaska share the common goal of maximizing control of lands within their boroughs, and the community of Juneau supports the Petersburg Borough’s right to select state lands within its borders.

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

Section 1. The Assembly of the City and Borough of Juneau endorses passage of Senate Bill 28 “An Act relating to the general grant land entitlement for the Petersburg Borough” to select 14,666 acres to satisfy its entitlement to state property.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: February 13, 2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-984

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$800,000 be transferred:

From: CIP

H51-085	Juneau Harbor Deferred Maintenance	\$800,000
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To: CIP

H51-100	Aurora Harbor Rebuild - Phase II	\$800,000
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The \$800,000 consists of:

F350 Harbor Fund	\$800,000
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Moved and Approved this _____ day of _____, 2017.

D. Rorie Watt, City Manager

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: February 13, 2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-985

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$150,000 be transferred:

From: CIP

R72-124	Whittier Street CIP	\$150,000
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To: CIP

R72-125	Aspen Avenue – Pinewood CIP	\$150,000
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The \$150,000 consists of:

Water Utility Revenues	\$150,000
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Moved and Approved this _____ day of _____, 2017.

D. Rorie Watt, City Manager

Attest:

Laurie J. Sica, Municipal Clerk



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

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

January 6, 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:	Beverage Dispensary	License Number:	2766
Licensee:	Alaska Red Dog Saloon, LLC		
Doing Business As:	Red Dog Saloon		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 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:	Alaska Red Dog Saloon LLC	License #:	2766
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Red Dog Saloon		
Premises Address:	278 S Franklin St		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	Same				
City:		State:		ZIP:	

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

Designated Licensee:	Eric Forst		
Contact Phone:	723-1275	Business Phone:	463-3658
Contact Email:	eric@reddogsaloon.com		

Seasonal License? ☐ Yes ☒ No

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





Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

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

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 #:	746434 111355
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Alaska Division of Corporations:

Yes No

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

☒ ☐




Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

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:	Eric & Tracy Forst			
Title(s):	Partner/Manager	Phone:	723-1275	% Owned: 10
Address:	1904 Wickersham Ave			
City:	Juneau	State:	AK	ZIP: 99801

Entity Official:	Doug Trucano			
Title(s):	Partner	Phone:	586-2444	% Owned: 22.5
Address:	P.O. Box 20870			
City:	Juneau	State:	AK	ZIP: 99802

Entity Official:	Neale & Toni Murphy			
Title(s):	Partner	Phone:	321-2373	% Owned: 22.5
Address:	P.O. Box 240051			
City:	Douglas	State:	AK	ZIP: 99802

Entity Official:	Gary & Meeta Jethani			
Title(s):	Partner	Phone:	760-846-8900	% Owned: 22.5
Address:	530A Spruce Mill Way			
City:	Ketchikan	State:	AK	ZIP: 99901

Entity Official:	Dave & Lori Coates			
Title(s):	Partner	Phone:	617-5802	% Owned: 22.5
Address:	14607 S.E. 267 th Street			
City:	Kent	State:	WA	ZIP: 98042





Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

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:





Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

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.

[Signature]

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.

[Signature]

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.

[Signature]

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.

[Signature]

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.

[Signature]

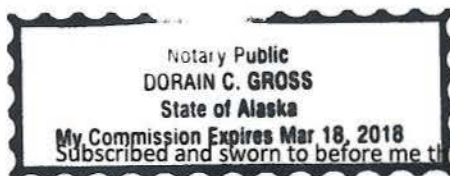
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the 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]
 Signature of licensee

[Signature]
 Signature of Notary Public

ERIC FORST
 Printed name of licensee

Notary Public in and for the State of Alaska



My commission expires: 3/18/18

Subscribed and sworn to before me this 5th day of December, 20 16.

License Fee:	\$ 2500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					2700.00





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

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

January 5, 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:	Beverage Dispensary – Tourism	License Number:	313
Licensee:	Juneau Hospitality, LLC		
Doing Business As:	Prospector Hotel / TK Maguires		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 1, 2016

Juneau Hospitality, LLC
375 Whittier Street
Juneau, AK 99801

Dear Licensee:

Enclosed is your liquor license renewal application for the 2017/2018 calendar years. The complete renewal application, corresponding fees, and any additional information requested on the application must be received at the Alcohol and Marijuana Control Office (AMCO) or postmarked no later than January 3, 2017. Any corporations or limited liability organizations that submit a renewal application must be in good standing with the Alaska Division of Corporations in order for the renewal application to be considered complete.

A personal or bank check, money order, or credit card (Visa, MasterCard, or Discover only) are all acceptable forms of payment for a renewal application. If you choose to pay by credit card, please write in your name and a valid contact phone number on the line below for the AMCO employee to call once the application is received.

Name: Joel Sims Phone: 831 206-3554

I understand that an AMCO employee will be calling me at the above number for payment information. If the call is unanswered, I must contact AMCO by close of business (4:30pm AST) the following business day and remit payment information in order to avoid having my application returned as incomplete.

AN APPLICATION THAT IS INCOMPLETE FOR ANY REASON, INCLUDING USE OF OUT-DATED FORMS OR OMISSION OF REQUIRED DOCUMENTS OR FEES, WILL BE RETURNED TO THE APPLICANT, PER 3 AAC 304.105(e).

Applications postmarked, emailed, or brought into the AMCO office after close of business at 4:30pm on January 3, 2017 will be assessed a \$500.00 late fee in addition to the regular renewal fees per AS 04.11.270(b)(3). Any incomplete applications or liquor license applications and required fees not postmarked or received in the ABC Board office by February 28, 2016 will be expired per AS 04.11.540.

This renewal season, we will be mailing out temporary licenses to all applicants that will allow you to operate while your application is in delegation and awaiting approval from the Alcoholic Beverage Control (ABC) Board. If a protest or objection is received for your application, under AS 04.11.480 or AS 04.11.470 respectively, or if AMCO staff identifies an issue, your application will be considered individually by the ABC Board, and a public hearing will be held, if required by statute. Upon ABC Board approval, your 2017/2018 liquor license will be mailed to you at the mailing address on file.

Please scan and email complete applications and documents to amco.admin@alaska.gov, or mail all complete application documents to the address above. Applications **will not be accepted** via fax machine due to State equipment shortages.

Sincerely,

Sarah Daulton Oates
Program Coordinator



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17d: Beverage Dispensary – Tourism

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary – tourism 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:	Juneau Hospitality, LLC	License #:	313
License Type:	Beverage Dispensary-Tourism AS 04.11.400(d)	Statute:	AS 04.11.400(d)
Doing Business As:	Prospector Hotel/TK Maguires		
Premises Address:	375 Whittier Street		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	375 Whittier 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:	Joel Sims		
Contact Phone:	(831) 206-3554	Business Phone:	(831) 206-3554
Contact Email:	teamsims@yahoo.com		

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



Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17d: Beverage Dispensary – Tourism

Packet Page 82 of 175
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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

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 #:	103889
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Alaska Division of Corporations:

Yes No

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

☒ ☐



Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17d: Beverage Dispensary – Tourism

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:	Doug Andrew			
Title(s):	Partner	Phone:	(907) 821-1251	% Owned: 50
Address:	2417 Tongass Ave Suite 111-391			
City:	Ketchikan	State:	AK	ZIP: 99901

Entity Official:	Joel Sims			
Title(s):	Partner	Phone:	(831) 206-3554	% Owned: 50
Address:	17 Pasco Cuanto			
City:	Salinas	State:	CA	ZIP: 93908

Entity Official:	Jessica Meacham			
Title(s):	Manager	Phone:	(907) 957-1586	% Owned: -0-
Address:	375 Whittier 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:



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17d: Beverage Dispensary – Tourism

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:

Jessica Meacham - Gen. Manager

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:

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17d: Beverage Dispensary – Tourism

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.

JBS

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.

JBS

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.

JBS

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.

JBS

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.

JBS

I have submitted a written statement as part of this application that meets the attached Tourism Statement Guidelines.

JBS

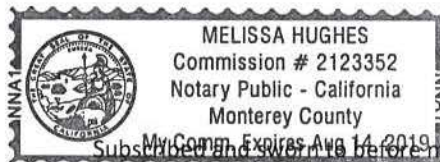
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the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

Joel B. Sims
Signature of licensee

Melissa Hughes
Signature of Notary Public

Joel B. Sims
Printed name of licensee

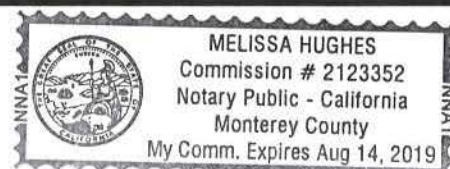
Notary Public in and for the State of *California*



My commission expires: *8/14/19*

Subscribed and sworn to before me this *15th* day of *December*, 20*14*.

License Fee:	\$ 2500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Joel Sims, Partner

Juneau Hospitality, LLC
375 Whittier St., Juneau, AK., 99801
Cell 831.206.3554



December 12, 2016

State of Alaska
ABC Board-AMCO

Dear ABC Board,

Beverage Dispensary-Tourism renewal letter. As we enter our 10th year of business we seek a renewal of our existing license in order to continue to meet the demands and expectations of tourist traveling thru Juneau.

As a year round full service Hotel, restaurant and lounge we are a frequent meeting place for travelers who need quality lodging for a night or several nights and a place to relax, eat and drink. We also assist them with lining up tours, finding interesting things to do in town and providing them with relaxation in order to continue their travels thru out Alaska. Our location, amenities and friendly staff encourage current travelers to tell their friends about us and Juneau, thus encouraging future tourist business to Alaska.

Built in the 70's the Prospector Hotel has undergone several major and minor updates over her life. All with improving guest satisfaction and meeting changing traveler-tourist expectations. Juneau Hospitality llc is owned by two friends who grew up in Ketchikan and purchased this business 10 years ago to provide superior service to travelers in the Juneau market.

Our 62 rooms have microwaves, mini fridges, cable tv, iron/boards, etc.. They do not have sinks or cooking appliances. We do have a restaurant and bar that features Alaskan seafood, steaks and pasta dishes. We also server breakfast and lunch year round.

While we do not offer guided trips or equipment for our guests we do stay in touch with many of the local providers of these excursions and assist tourists/guests in setting up wonderful tours while they are staying with us.

Respectfully submitted,





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

January 10, 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:	Package Store	License Number:	176
Licensee:	Breeze-In Corporation		
Doing Business As:	Breeze-In Liquor		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17b: Package Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store 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:	Breeze-In Corporation	License #:	176
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	Breeze-In Liquor		
Premises Address:	8 Mile Old Glacier Highway		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	P.O. Box 32318		
City:	Juneau	State:	Alaska
ZIP:	99803		

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

Designated Licensee:	Allan Ahlgren		
Contact Phone:	(907) 957-1191	Business Phone:	(907) 789-7878
Contact Email:	allan@breezein.com		

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





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

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

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 #:	13912D
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Alaska Division of Corporations:

Yes No

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

☒ ☐





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

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:	Allan Ahlgren				
Title(s):	President/Director	Phone:	(907) 957-1191	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

Entity Official:	Davida Ahlgren				
Title(s):	Secretary/Treasurer	Phone:	(907) 957-1268	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

Entity Official:	Allan Robert Ahlgren and Davida Joeaan Ahlgren, Trustees or their successors in trust, under the ALLAN AHLGREN LIVING TRUST, dated October 21, 2014, and any amendments thereto				
Title(s):	Shareholder	Phone:	N/A	% Owned:	100
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

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

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





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store**

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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

Written Orders:

Yes No

Did you sell alcoholic beverages in response to a written order in calendar years 2015 or 2016?

☒ ☐

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:



Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17b: Package Store

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.

AA

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.

AA

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.

AA

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.

AA

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.

AA

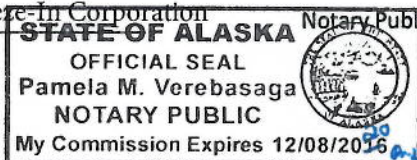
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the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

Allan Ahlgren, President
Signature of licensee

Pamela M. Verebasaga
Signature of Notary Public

Allan Ahlgren, President Breere-In Corporation
Printed name of licensee

Notary Public in and for the State of Alaska



My commission expires: 12/08/2020

Subscribed and sworn to before me this 22nd day of December, 2016.

License Fee:	\$ 1500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 1700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					





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

January 10, 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:	Package Store	License Number:	662
Licensee:	Breeze-In Corporation		
Doing Business As:	Douglas Island Breeze-In		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store 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:	Breeze-In Corporation	License #:	662
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	Douglas Island Breeze-In		
Premises Address:	3370 Douglas Highway		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	P.O. Box 32318		
City:	Juneau	State:	Alaska
		ZIP:	99803

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

Designated Licensee:	Allan Ahlgren		
Contact Phone:	(907) 957-1191	Business Phone:	(907) 789-7878
Contact Email:	allan@breezein.com		

Seasonal License? ☐ Yes ☒ No

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





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

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

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 #:	13912D
----------------------	--------

Alaska Division of Corporations:

Yes No

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

☒ ☐





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

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:	Allan Ahlgren				
Title(s):	President/Director	Phone:	(907) 957-1191	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

Entity Official:	Davida Ahlgren				
Title(s):	Secretary/Treasurer	Phone:	(907) 957-1268	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

Entity Official:	Allan Robert Ahlgren and Davida Joeaan Ahlgren, Trustees or their successors in trust, under the ALLAN AHLGREN LIVING TRUST, dated October 21, 2014, and any amendments thereto				
Title(s):	Shareholder	Phone:	N/A	% Owned:	100
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99801

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

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





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store**

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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

Written Orders: Yes No

Did you sell alcoholic beverages in response to a written order in calendar years 2015 or 2016?

☐ ☒

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:





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

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.

PP

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.

PP

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.

PP

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.

PP

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.

PP

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.

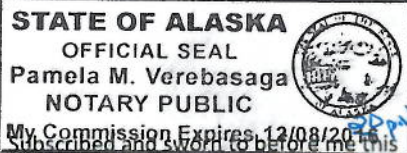
Allan Ahlgren, President
 Signature of licensee

Pamela M. Verebasaga
 Signature of Notary Public

Allan Ahlgren, President Breeze-In Corporation

Notary Public in and for the State of Alaska

Printed name of licensee



My commission expires: 12/08/2020

22nd day of December, 20 16

License Fee:	\$ 1500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 1700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

RECEIVED

DEC 27 2016



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

January 10, 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:	Package Store	License Number:	4543
Licensee:	Breeze-In Corporation		
Doing Business As:	Breeze-In		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17b: Package Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store 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:	Breeze-In Corporation	License #:	4543
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	Breeze-In		
Premises Address:	5711 Concrete Way		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

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

Designated Licensee:	Allan Ahlgren		
Contact Phone:	(907) 957-1191	Business Phone:	(907) 789-7878
Contact Email:	allan@breezein.com		

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





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store**

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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

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 #:	13912D
----------------------	--------

Alaska Division of Corporations:

Yes No

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

☒
☐


Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17b: Package Store

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:	Allan Ahlgren				
Title(s):	President/Director	Phone:	(907) 957-1191	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:	Davida Ahlgren				
Title(s):	Secretary/Treasurer	Phone:	(907) 957-1268	% Owned:	0
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:	Allan Robert Ahlgren and Davida Joeaan Ahlgren, Trustees or their successors in trust, under the ALLAN AHLGREN LIVING TRUST, dated October 21, 2014, and any amendments thereto				
Title(s):	Shareholder	Phone:	N/A	% Owned:	100
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

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

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



Alcohol and Marijuana Control Office
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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-17b: Package Store

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

Written Orders:

Yes No

Did you sell alcoholic beverages in response to a written order in calendar years 2015 or 2016?

☐ ☒

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:





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17b: Package Store**

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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.

AA

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.

AA

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.

AA

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.

AA

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.

AA

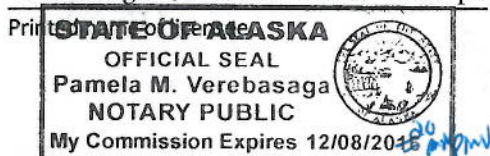
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the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

Allan Ahlgren, President
Signature of licensee

Pamela M. Verebasaga
Signature of Notary Public

Allan Ahlgren, President Breeze-In Corporation

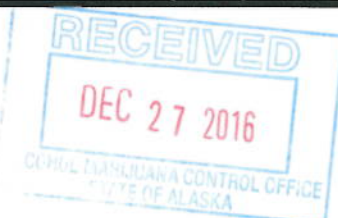
Notary Public in and for the State of Alaska



My commission expires: 12/08/2020

Subscribed and sworn to before me this 22nd day of December, 20 16.

License Fee:	\$ 1500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 1700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					





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

January 10, 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:	Recreational Site-Seasonal	License Number:	4881
Licensee:	Alaska Travel Adventures, Inc.		
Doing Business As:	Alaska Travel Adventures		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

Alcohol and Marijuana Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site 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:	Alaska Travel Adventures Inc	License #:	4881
License Type:	Recreational Site-Seasonal	Statute:	AS 04.11.210
Doing Business As:	Alaska Travel Adventures		
Premises Address:	9999 Glacier Highway		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	9085 GLACIER HWY STE. 301		
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:	CHRIS MEIER		
Contact Phone:	907-789-0052	Business Phone:	907-789-0052
Contact Email:	cmeier@bestofalaskatravel.com		

Seasonal License? ☒ Yes ☐ No

If "Yes", write your six-month operating period: April 15 - Oct. 15





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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

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.

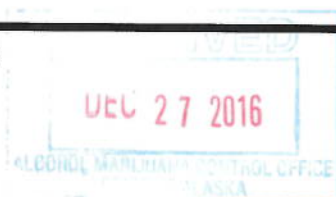
Alaska DOC Entity #:	283451D
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Alaska Division of Corporations:

Yes No

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

☒ ☐





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site

Alcohol and Marijuana Control Board

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

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.

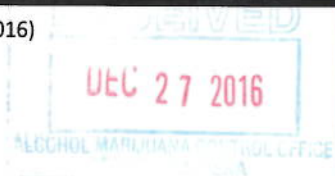
Entity Official:	CHRIS MEIER				
Title(s):	PRESIDENT/DIRECTOR	Phone:	907-789-0052	% Owned:	
Address:	9085 GLACIER HWY. STE. 301				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official:	LISA M. DINDINGER				
Title(s):	SECRETARY/GM of Gold Creek Salmon Bake	Phone:	907-789-0052	% Owned:	
Address:	9085 GLACIER HWY. STE. 301				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official:	ROBERT M. DINDINGER				
Title(s):	DIRECTOR/SHAREHOLDER/TREASURER	Phone:	425-497-1212	% Owned:	67.25
Address:	9085 GLACIER HWY. STE. 301				
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:	





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site

Alcohol and Tobacco Tax Division
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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:

DIRK LJUNGBERG, DIRECTOR of Operations (TuneA)

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.

☐

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

☒

The license was only operated to meet the minimum requirement of one time during each calendar year.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all 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:





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

Alcohol and Tobacco Tax Division, 1000

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

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.

[Handwritten initials]

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.

[Handwritten initials]

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.

[Handwritten initials]

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.

[Handwritten initials]

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.

[Handwritten initials]

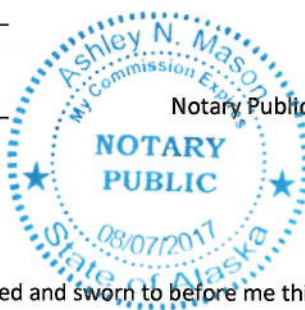
I have submitted a written statement as part of this application that meets the attached Recreational Site Statement Guidelines.

[Handwritten initials]

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

CHRIS MEYER
Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 8/7/2017

Subscribed and sworn to before me this 22 day of December, 2016.

License Fee:	\$ 400.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 600.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Travel Adventures
Recreational Site – Seasonal
Renewal License Application
License #4881

To whom it may concern,

We are applying for renewal of our recreational site license #4881. We operate a seasonal river rafting tour down the Mendenhall River from April 15, 2017 – October 15, 2017. Our tours operate daily from 7:30am to 9:30pm during the Cruise Ship Season. After enjoying a trip down the river, our guests are greeted ashore by our staff at the takeout with a complimentary snack and opportunity to purchase beer and wine, as well as, souvenirs from their adventure. We offer our beer and wine service from 9:30am to 8:30pm to each tour group upon their arrival at the takeout. Guests spend up to 30 minutes at this location before being transported by motor coach/van back to town.

Sincerely,

A handwritten signature in black ink, appearing to be "R. McE", written over a horizontal line.



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

January 10, 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:	Recreational Site-Seasonal	License Number:	3409
Licensee:	Alaska Travel Adventures, Inc.		
Doing Business As:	Gold Creek Salmon Bake		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site 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:	Alaska Travel Adventures Inc	License #:	3409
License Type:	Recreational Site-Seasonal	Statute:	AS 04.11.210
Doing Business As:	Gold Creek Salmon Bake		
Premises Address:	1061 Salmon Creek Lane		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	9085 GLACIER HWY. STE 301		
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:	CHRIS MEIER		
Contact Phone:	907-789-0052	Business Phone:	907-789-0052
Contact Email:	cmeier@bestofalaskatravel.com		

Seasonal License? ☒ Yes ☐ No

If "Yes", write your six-month operating period: Apr. 15 - Oct. 15





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site

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

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 #:	28345D
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Alaska Division of Corporations:

Yes No

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

☒ ☐





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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:	CHRIS MEIER				
Title(s):	PRESIDENT/DIRECTOR	Phone:	907-789-0052	% Owned:	
Address:	9085 GLACIER HWY STE. 301				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official:	LISA M. DINDINGER				
Title(s):	SECRETARY / GM of Gold Creek Salmon Bake	Phone:	907-789-0052	% Owned:	
Address:	9085 GLACIER HWY STE. 301				
City:	JUNEAU	State:	AK	ZIP:	99801

Entity Official:	ROBERT M. DINDINGER				
Title(s):	DIRECTOR / SHAREHOLDER / TREASURER	Phone:	425-497-1212	% Owned:	67.25
Address:	9085 GLACIER HWY STE. 301				
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:	





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

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:

DIRK LJUNGBERG, DIRECTOR OF OPERATIONS (JONEAU)

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.

☐

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

☒

The license was only operated to meet the minimum requirement of one time during each calendar year.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all 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

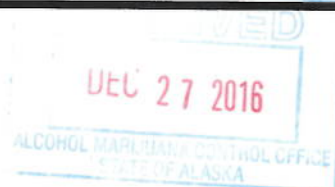
Applicant convictions in calendar years 2015 and 2016:

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:





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

Section 7 – Certifications

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

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.

Initials



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



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



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



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.



I have submitted a written statement as part of this application that meets the attached Recreational Site Statement Guidelines.



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

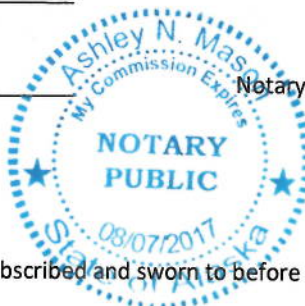
CHRIS MEIER
Printed name of licensee

Signature of Notary Public

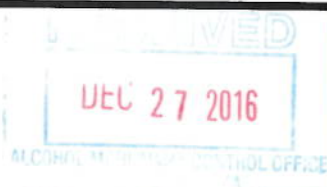
Notary Public in and for the State of Alaska

My commission expires: 8/7/2017

Subscribed and sworn to before me this 22 day of December, 20 16.



License Fee:	\$ 400.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 600.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Gold Creek Salmon Bake
Recreational Site – Seasonal
Renewal License Application
License #3409

To whom it may concern,

We are applying for renewal of our recreational site license #3409. We operate a seasonal tour, called the Gold Creek Salmon Bake from April 15, 2017 – October 15, 2017. Visitors to our site have the opportunity to enjoy a beautiful nature walk along the creek up to a stunning waterfall, pan for gold, visit our outdoor mining museum, listen to live music, roast marshmallows around the campfire, and partake in a salmon bake & buffet-style meal. We operate daily from 9:30am to 10:30pm, with beer and wine available for purchase from 10:00am to 10:00pm.

Sincerely,

A handwritten signature in black ink, appearing to be "Lipsh", written over the word "Sincerely,".



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

January 5, 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:	Recreational Site-Seasonal	License Number:	4700
Licensee:	Alaska Zipline Adventures, LLC		
Doing Business As:	Alaska Zipline Adventures		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site 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.

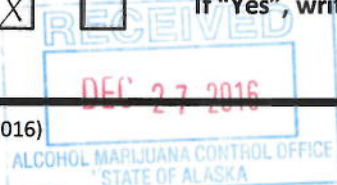
Licensee:	Alaska Zipline Adventures, LLC	License #:	4700
License Type:	Recreational Site-Seasonal	Statute:	AS 04.11.210
Doing Business As:	Alaska Zipline Adventures		
Premises Address:	3000 Fish Creek Road		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	P.O. Box 20826		
City:	Juneau	State:	AK
ZIP:	99802		

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

Designated Licensee:	David Anderson		
Contact Phone:	(907) 988-2561	Business Phone:	(907) 321-0947
Contact Email:	davy@alaskazip.com		

Seasonal License? ☒ Yes ☐ No If "Yes", write your six-month operating period: April 15 - October 15





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

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

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 #:	96624
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Alaska Division of Corporations:

Yes No

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

☒ ☐





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

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:	David Anderson				
Title(s):	Member	Phone:	(907) 988-2561	% Owned:	50
Address:	P.O. Box 20826				
City:	Juneau	State:	AK	ZIP:	99802

Entity Official:	Virginia Williams				
Title(s):	Member	Phone:	(907) 322-0682	% Owned:	50
Address:	P.O. Box 20826				
City:	Juneau	State:	AK	ZIP:	99802

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:	





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17c: Recreational Site**

Alcohol and Marijuana Control
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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.

☐

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

☒

The license was only operated to meet the minimum requirement of one time during each calendar year.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all 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:





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17c: Recreational Site

Alcohol and Marijuana Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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.

DSA

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.

DSA

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.

DSA

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.

DSA

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.

DSA

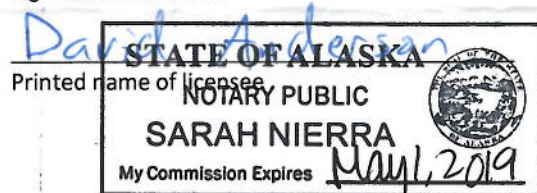
I have submitted a written statement as part of this application that meets the attached Recreational Site Statement Guidelines.

DSA

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.

David Anderson
Signature of licensee

[Signature]
Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: May 1, 2019

Subscribed and sworn to before me this 23rd day of December, 2016.

License Fee:	\$ 400.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 600.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$600.00



Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501



David Anderson
Alaska Zipline Adventures, LLC
P.O. Box 20826
Juneau, AK 99802

**Recreational Site Statement
Alaska Zipline Adventures, LLC
License # 4700**

Dear Alcoholic Beverage Control Board:

I am submitting this statement as part of a renewal application for our existing recreational site license that will expire on December 31, 2016. Our operations for the upcoming license period will remain consistent with previous license periods. Every summer Alaska Zipline Adventures offers zipline canopy tours through the rainforest at the base of Eaglecrest Ski Area. Guests of our tour spend approximately 2 hours progressing through our guided zipline course. After the zipline tour is complete, guests have the option of participating in our axe-throwing event before returning to the ski lodge. Once they arrive back at the lodge, participants have approximately 30 minutes to relax and enjoy photos from their tour before departing. During this time back at the lodge, beer is available for guests to purchase. A complimentary snack is provided to all guests, and other food and non-alcoholic beverages are available for purchase as well. Round-trip transportation from downtown Juneau is included for all tours. Below are responses to the mandatory points requested in the license application.

1. Explain what hours you'll be serving beer and wine at your establishment in relation to your event hours.

Beer is available for purchase for 30 minutes after the completion of each zipline tour. Groups will complete their zipline tours as early as 10:30 am or as late as 8:00 pm.

2. What recreational events are regularly held during a season at your establishment?

We offer zipline canopy tours through the subalpine rainforest located at the base of Eaglecrest Ski Area. Zipline participants are accompanied throughout the entire tour by at least two trained guides who clip and unclip them from the zipline cables and assist them on and off tree-based platforms. After completing the zipline



portion of the tour, but before returning to the ski lodge, guides also accompany guests during our optional axe-throwing event. This portion takes about 15 minutes. Guests have the opportunity to try competitive-style axe-throwing similar to the events seen at Juneau's Gold Rush Days and other lumberjack-themed shows around the state.

Once the entire group has completed axe-throwing, participants return to the ski lodge where they remove their gear and receive a complimentary snack. Guests have approximately 30 minutes to relax, watch pictures from their tour, and purchase beer, non-alcoholic beverages, snacks, or souvenirs. Then, guests receive transportation back to downtown Juneau or directly to their cruise ship dock.

3. What is the season of your recreational events?

Our tour season runs from April 15th through October 15th.

Thank you very much for your consideration of our liquor license renewal application. Offering local beer enhances our guests' experience of Alaska and our unique local culture. Considering our close staff supervision of guests, included transportation for all tours, and the brief time for alcohol consumption after tours are completed, we feel our tour provides an exceptionally safe environment for enjoying beer produced here in Juneau. If you have any questions regarding this application, please do not hesitate to contact me.

Sincerely,



David Anderson
Alaska Zipline Adventures, LLC
davy@alaskazip.com
(907) 988-2561





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

January 5, 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:	2812
Licensee:	Genuine Ventures LLC		
Doing Business As:	Tracy's King Crab Shack		

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

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

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

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

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

Sincerely,

Cynthia Franklin, Director
amco.localgovernmentonly@alaska.gov



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:	Genuine Ventures LLC	License #:	2812
License Type:	Restaurant Eating Place	Statutory Reference:	04.11.100
Doing Business As:	Tracy's King Crab Shack		
Premises Address:	406 S. Franklin St		
City:	Juneau	State:	AK
		ZIP:	99801
Local Governing Body:	City & Borough of Juneau		

Transfer Type:

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

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





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

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

Licensee:	Genuine Ventures LLC				
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	432 S. Franklin St				
City:	Juneau	State:	AK	ZIP:	99801
Community Council:					

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

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

Seasonal License? ☒ Yes ☐ No If "Yes", write your six-month operating period: Apr 15 - Oct 15

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.

1 mile

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 mile



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:	Tracy LaBarge				
Address:	PO Box 21082				
City:	Juneau	State:	AK	ZIP:	99802

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):	President / Owner	Phone:	907-723-2004	% Owned:	100
Address:	PO Box 21082				
City:	Juneau	State:	AK	ZIP:	99802





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:	3/11/10	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?





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):

Wolfpack Ventures LLC #644
Molly Ventures LLC #2728
Mac Ventures LLC #5430
Saffron LLC #2641

Section 7 – Authorization

Communication with AMCO staff:

Yes No

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



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





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

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

I declare under penalty of unsworn falsification 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 to the best of my knowledge and belief find the information on this application to be true, correct, and complete.

Tracy LaBarge

Signature of transferor

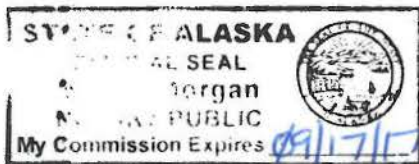
Tracy LaBarge

Printed name of transferor

Subscribed and sworn to before me this 10 day of November, 2016.

[Signature]

Signature of Notary Public



Notary Public in and for the State of ALASKA

My commission expires: 09/17/17

Tracy LaBarge

Signature of transferor

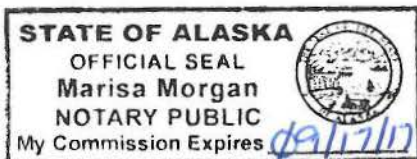
Tracy LaBarge

Printed name of transferor

Subscribed and sworn to before me this 10 day of November, 2016.

[Signature]

Signature of Notary Public



Notary Public in and for the State of ALASKA

My commission expires: 09/17/17

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

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 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.

jt

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

jt

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.

jt

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.

jt

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

jt

As an applicant for a liquor license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 04 and 3 AAC 304, and that I have examined this application, including all accompanying schedules and statements, and to the best of my knowledge and belief find them to be true, correct, and complete.

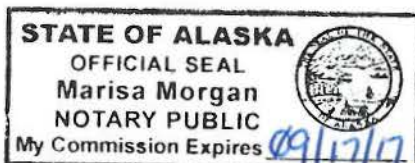
Tracy LaBarge

Signature of transferee

Tracy LaBarge

Printed name

Subscribed and sworn to before me this 10 day of NOVEMBER, 2016.



[Signature]

Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 09/17/17





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, and consumption. 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:	2812		
License Type:	Restaruant Eating Place				
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	432 S. Franklin St				
City:	Juneau	State:	AK	ZIP:	99801





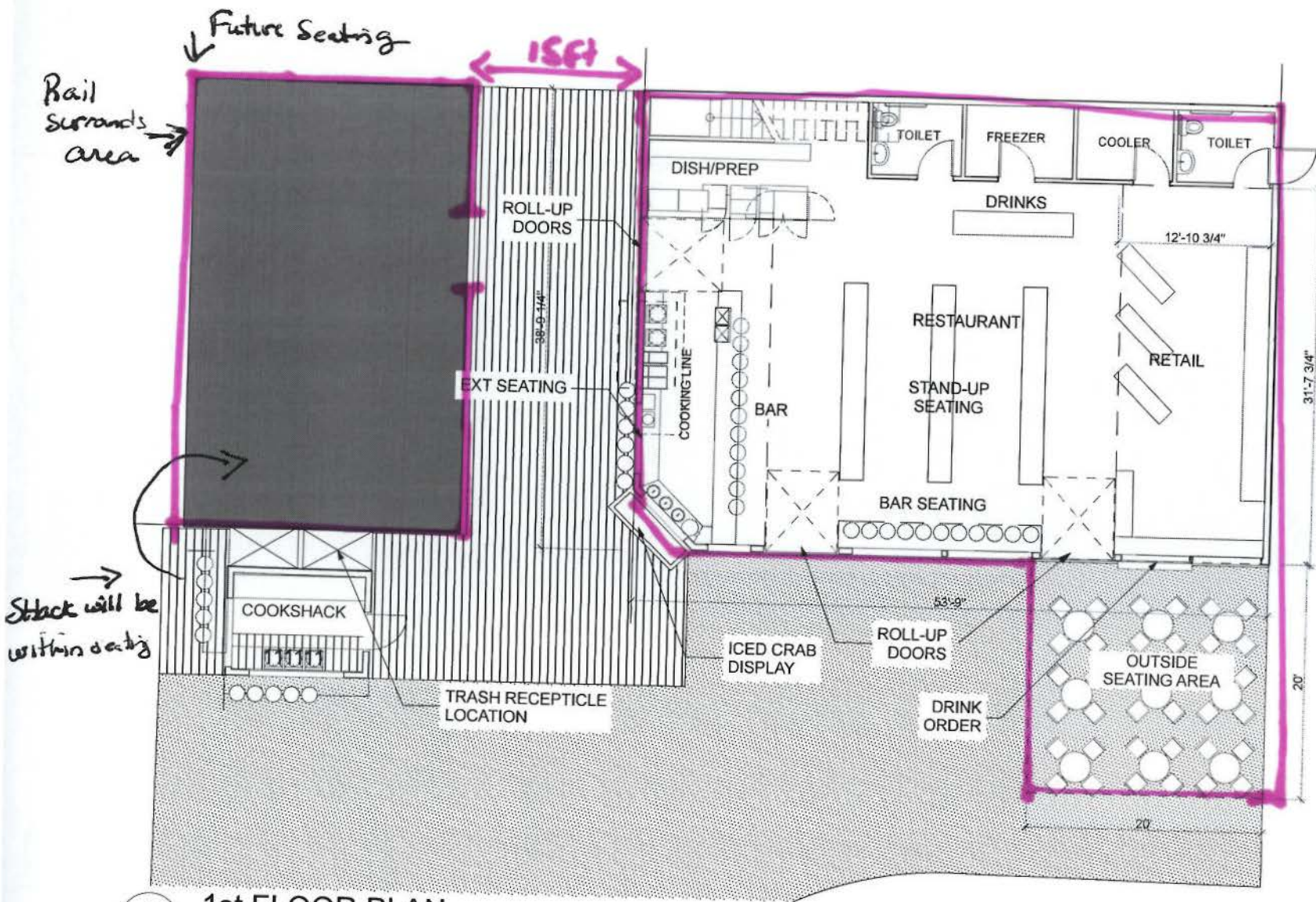
Alaska Alcoholic Beverage Control Board

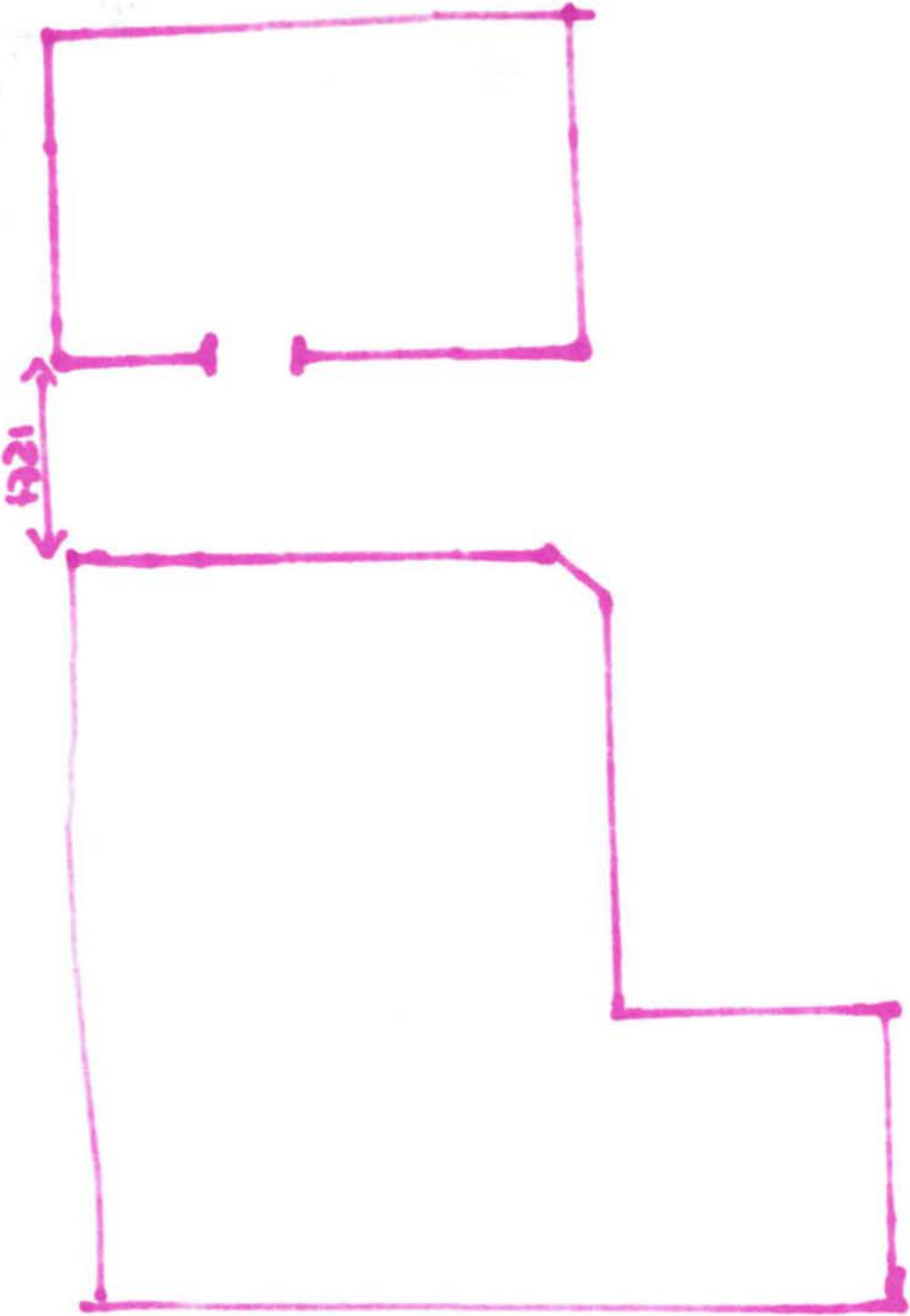
Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

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

See attached







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.

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

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Genuine Ventures LLC				
License Type:	Restaurant Eating Place	License Number:	2812		
Doing Business As:	Tracy's King Crab Shack				
Premises Address:	423 S. Franklin				
City:	Juneau	State:	AK	ZIP:	99801

Section 2 – Type of Designation Requested

This application is for the request of the following designation(s) (check all that apply):

- ☒ Bona fide hotel, restaurant, or eating place: AS 04.11.100, 3 AAC 304.715 – 3 AAC 304.745
- ☒ 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)
- ☐ Dining after standard closing hours: AS 04.16.010(c)

OFFICE USE ONLY				
Issue Date:	Transaction #:	BRE:		





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:

Open 7 day per week / 10am - 11pm

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

☐



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 4 – Detailed Floor Plan

Provide a detailed floor plan that clearly indicates the proposed designated and undesignated areas of the licensed business.

Same
see attached





Alaska Alcoholic Beverage Control Board

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.



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



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.



I declare under penalty of perjury that I have examined this form, including all attachments and accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.

Tracy LaBarge
Signature of licensee

Tracy LaBarge

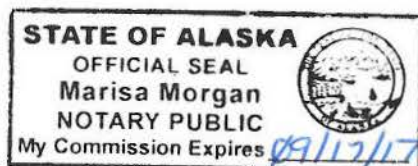
Printed name of licensee

[Signature]
Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 09/17/17

Subscribed and sworn to before me this 10 day of NOVEMBER, 20 16.



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

Approved

Disapproved



Signature of local government official

Date

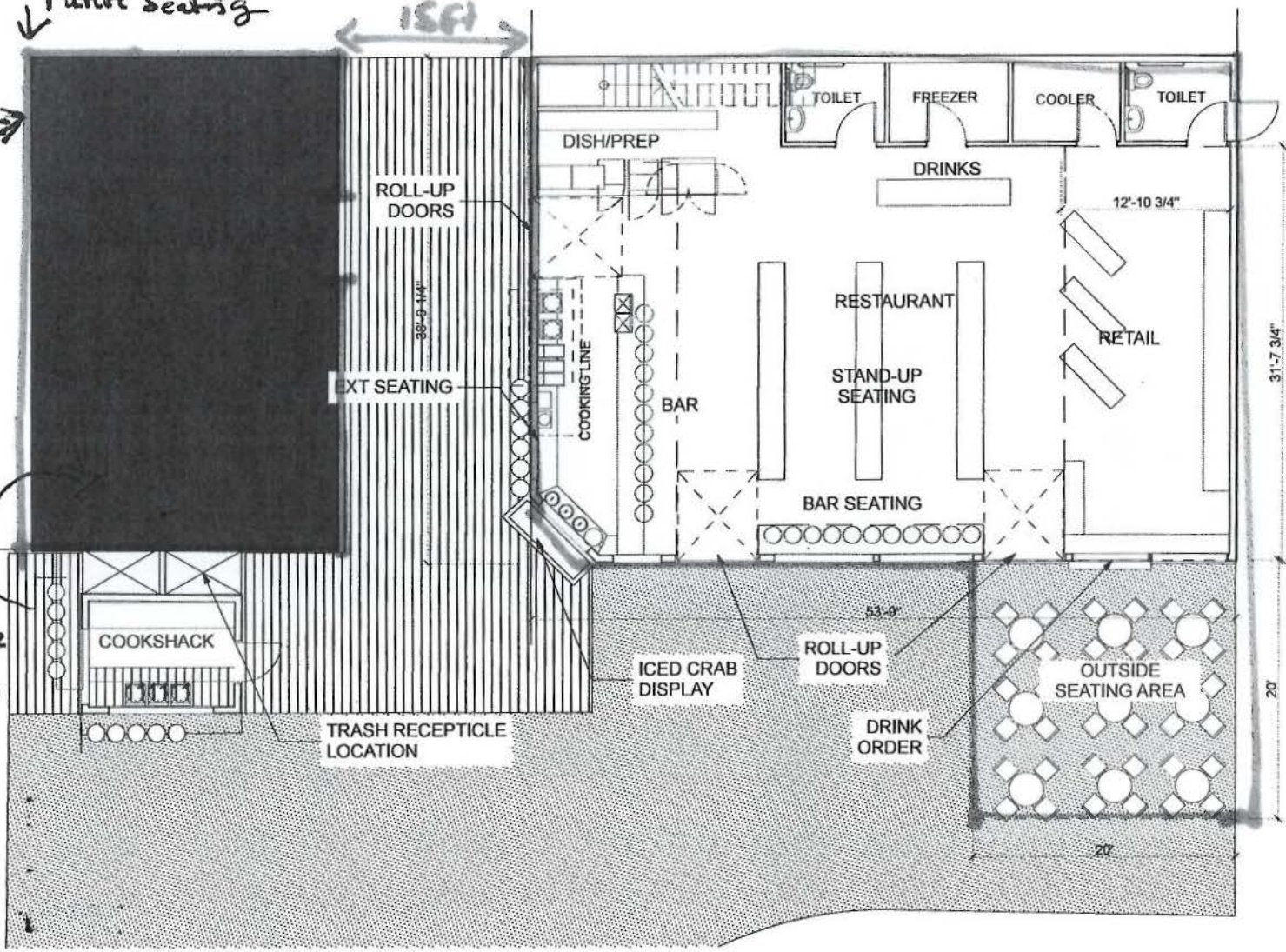
Printed name of local government official

Title

Future Seating

Rail
surrounds
area

black will be
within seating



1 1st FLOOR PLAN
SCALE: 1/8" = 1'-0"



Alaska Alcoholic Beverage Control Board

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:



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 \$8.00

GF Crab Bisque - 12oz \$10.95

Bisque Over Rice

A Crab Bisque over Jasmine Rice. Served with garlic rolls. \$12.95

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) \$13.95

Mini Coconut Cakes

Same great cakes coated in coconut with a sweet sauce.

Small (6 cakes) \$11.95
Large (9 cakes) \$14.95

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

Crab Cake Roll

Three of our regular mini cakes plus 2 oz of crab meat on a roll topped with spicy sauce and coleslaw. \$17.75

King Crab

Served with Butter and Garlic Rolls

1 King Crab leg \$26.00

Captain's Reserve

1 large leg + 1 large killer claw (Approx. 1 to 1-1/2 lbs) \$44.95

Large King Crab Bucket

Half of Alaskan Bering Sea Red King Crab. 3-4 large legs + killer claw. (Dependant on size) Over 3 lbs. \$119.95

Other Alaskan Crab

Local Dungeness Crab

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

1/2 Crab Cluster \$15.96

Snow Crab Cluster

From our own Hooked seafood plant & fishermen.

1/2 Crab Cluster \$16.95

Snow Crab Cocktail

All of the meat picked out for you. Served with lemon, butter, cocktail sauce & rolls \$24.95



GF - Gluten Free

18% gratuity included for parties of 8 or more.

5% sales tax not included. Visa/MC/Discover/Cash Accepted

Prices are subject to change based on market price. Please check current menu.

Crab Shack Combos

Original Combo #1

1 King Leg
Crab Cakes (4)
Bisque (8 oz) \$34.95

Crab Shack Combo #2

1 King Leg
1/2 Dungeness Crab
1/2 Snow Crab
8 oz Bisque \$62.95

Add a King Leg \$24.00

Alaskan Appetizers

GF Sea Scallops

Dry seared & served over rice with a homemade Marsala sauce. \$15.95

Spicy Shrimp over Rice

Our creation of a Cajun spicy shrimp sauteed & served over Jasmine rice. \$14.95

Beer Battered Shrimp

Alaskan Summer Ale battered shrimp served with coleslaw, cocktail sauce & lemon. \$12.95

Sides

Side of Rice \$3.00

Side of Coleslaw \$3.00

RECEIVED

DEC 29 2016

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

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

BEER & WINE

Must Be 21 & have a Valid ID

Beer on Tap - \$6.50

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

Alaskan Amber Ale

Alaskan Summer

Alaskan Variety

Denali Twister Creek IPA

Denali Single Engine Red

Baranof Island Sitka Spruce Tip

Kona Longboard

Square Mile Cider

Bud Light

Bottles & Cans

Alaskan APA Can \$5.50

Corona \$5.50

Budweiser \$4.50

ODouls \$4.00

White Wine

Lunetta Prosecco Sparkling Wine \$8.00 Split

Monkey Bay Sauvignon Blanc
Glass \$6.00
Bottle \$24.00

Mark West Chardonnay
Glass \$7.00
Bottle \$28.00

Chateau Ste. Michelle Chardonnay
Glass \$8.00
Bottle \$32.00

Chateau St. Michelle Dry Reisling
Glass \$7.00
Bottle \$28.00

Charles & Charles Rose
Glass \$6.00
Bottle \$24.00

Red Wine

Franciscan Cabernet Sauvignon
Glass \$9.00
Bottle \$36.00

Dreaming Tree Cabernet Sauvignon
Glass \$7.00
Bottle \$28.00

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

Iced Tea
(Sweetened & Unsweetened)

House Wine

Chardonnay \$5.50

Merlot \$5.50



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



Presented by: The Manager
Introduced: 1/23/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AC)

An Ordinance Appropriating to the Manager the Sum of \$700,000 as Partial Funding for the Construction of Aurora Harbor Phase II; Funding Provided by the Harbors Enterprise Fund's Fund Balance.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$700,000 for the construction of Aurora Harbor Phase II - Project H51-100 Phase II.

Section 3. Source of Funds

Harbors Enterprise Fund's Fund Balance	\$700,000
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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: 1/23/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AD)

An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project; Funding Provided by the General Government Fund's Fund Balance.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$250,000 for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project – S02-102.

Section 3. Source of Funds.

- | | |
|----------------------------------|-------------------|
| • General Government Fund's Fund | <u>\$ 250,000</u> |
| Balance | \$ 250,000 |

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

Adopted this __ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
 Introduced: 1/23/2017
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-10(A)

An Ordinance Appropriating Funds for FY17 School District Operations.

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

Section 2. Appropriate. This Ordinance will make the following increases to the City and Borough of Juneau School District Operating Budget for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

General Operations	\$ 2,034,200
Contributions to Fund Balance	786,000
Total Budget Changes	<u>\$2,820,200</u>

Section 3. Source of Funds. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

State Foundation Funding	\$ 2,820,200
Total Funding Source Changes	<u>\$2,820,200</u>

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

Adopted this __ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

OLMO, LLC,

Appellant,

vs.

CBJ BOARD OF ADJUSTMENT,

Appellee.

Appeal of:
Notice of Decision
CDD File No. VAR2015 0030

DECISION ON APPEAL

Appellant Olmo, LLC, filed an appeal of the Planning Commission sitting as the Board of Adjustment's (Board) decision to deny Olmo's application for a variance regarding frontage and access requirements for Olmo's proposed subdivision.

The record was prepared by the Community Development Department based upon the materials considered by the Board and application of CBJ 01.50.110.

The issues on appeal were as set forth in the presiding officer's July 25, 2016, Order re Joint Stipulation of Issues on Appeal and Briefing Schedule.

The parties filed briefs on the merits of the appeal. On December 14, 2016, the Assembly heard oral argument from the parties. The Assembly deliberated in closed session, and directed the Municipal Attorney to prepare a draft decision based on the Assembly's findings. As required by the CBJ Appeals Code, the draft decision was circulated to the parties for comment.

The Assembly, having been fully advised, denies the appeal for the reasons stated below.

I. Burden of Proof and Standard of Review.

Under CBJ Code, variance applications are decided by the Planning Commission sitting

as the Board of Adjustment. (CBJ 49.20.240.) The Board’s decision is appealable to the Assembly, and appeals are heard in accordance with CBJ Chapter 01.50. (CBJ 49.20.120.) The appellant bears the burden of proof. (CBJ 01.50.070(b).)

In this case, the parties stipulated to two issues on appeal:

1. Whether the Board’s interpretation of CBJ 49.20.250 was reasonable. The parties have agreed that the Assembly should apply the reasonable basis standard of review to this question.¹

2. Whether the Board’s decision to deny the variance was supported by substantial evidence. In this context, “substantial evidence” is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” (CBJ 01.50.010.) The Alaska Supreme Court has held that with respect to decisions made within its “sphere of expertise,” a Planning Commission’s decisions are “entitled to considerable deference.”² In reviewing the Commission’s decisions (or the Commission sitting as the Board of Adjustment as is the case here), a “presumption of validity” must be applied.³ When a fact-finding agency such as the Board chooses between conflicting determinations and there is substantial evidence in the record to support either conclusion, the Board’s findings should be affirmed on appeal.⁴ This direction, in conjunction with the standard of appeal articulated in CBJ 01.50, suggests that the role of the Assembly on appeal is limited. The Assembly does not re-weigh the evidence or second-guess the Board’s findings as long as there is evidence in the record to support those findings.

¹ See, *City of Kenai v. Friend of Recreation Ctr.*, 129 P.3d 452 (Alaska 2006).

² *Lazy Mountain Land Club v. Matanuska-Susitna Borough Bd. of Adjustment & Appeals*, 904 P.2d 373, 386 (Alaska 1995).

³ *South Anchorage Concerned Citizens, Inc. v. Coffey*, 862 P.2d 168, 173 (Alaska 1993).

⁴ *Anderson v. State*, 26 P.3d 1106 (Alaska 2009).

II. Relevant Facts.

CBJ Code requires that lots have direct and practical access to a publicly maintained right-of way. CBJ 49.15.424. As explained in the March 3, 2016, staff report, Olmo filed a variance application in connection with a proposed three-lot subdivision (intended to be further subdivided into six common wall lots.) Although Olmo's parcel abuts North Douglas Highway, it does not have direct access to a right-of-way. The parcel is currently accessed via a shared driveway located within a 20 foot easement that travels over two neighboring lots.⁵ Thus, the only way for the proposed subdivision to meet the requirement for frontage and access called for by CBJ 49.15.424 would be for Olmo to create direct access from each lot to North Douglas Highway or to construct a public street dedicated to serve the subdivision. In support of the variance application, Olmo argued that neither option was practical due to the extreme steepness of the terrain leading to its parcel.

III. The Board's Interpretation of CBJ 49.15.424 Was Reasonable.

Though not specifically identified as an issue on appeal, Olmo argues that the only reason a variance was needed in this case was because of the Board's misinterpretation of CBJ 49.15.424. (Olmo Opening Brief at p. 28.)

CBJ 49.15.424, Access, provides in part:

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:

⁵ One of the neighboring lots is owned by the only member of Olmo, LLC. The owners of the other parcel objected to Olmo's variance application. As noted in the Board's brief, the driveway used to access Olmo's parcel is located almost entirely on this third lot.

- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
- (2) Use of an existing publicly maintained street;
- (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
- (4) A combination of the above.

We find the Board's interpretation of CBJ 49.15.424(b), as articulated in its Opposition Brief, reasonable. (Opposition Brief at pp. 9 – 12.) CBJ 49.15.424(b) is properly read to apply to access *within* a subdivision (as opposed to access *to* a subdivision as provided by 49.15.424(a)). The code explicitly requires lots to have direct and practical access to a public right-of-way and either a minimum of 30 feet of frontage on the right-of-way or the minimum lot width provided for in CBJ 49.25.400, Minimum dimensional standards. We cannot find ambiguity in the ordinance as proposed by Olmo.⁶ We find the Board's interpretation of 49.15.424(b) to require each lot of the subdivision to have direct and practical access to a public right-of-way reasonable in light of the plain language of the text, and, as argued by the Board in its Opposition, the legislative history and the general policy reasons justifying the imposition of frontage requirements.

IV. The Board's Interpretation of CBJ 49.20.250 Was Reasonable.

We find the Board's application of CBJ 49.20.250 reasonable in light of the plain language of the ordinance, and consistent with the Alaska Supreme Court's analysis of the same code section in *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979).

The standards for granting a variance application are set forth in CBJ 49.20.250. First, an

⁶ See *Ward v. State, Dept. of Public Safety*, 288 P.2d 94 (Alaska 2012); *City of Homer v. Gangl*, 650 P.3d 396 (Alaska 1992); *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979).

applicant must show that "hardship and practical difficulties result[ing] from an extraordinary situation or unique physical feature" make it difficult for the owner to comply with the provisions of Title 49. Once the Board determines an applicant has made a sufficient showing that this threshold question has been met, a variance may be granted if the Board determines that:

- (1) The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;
- (2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;
- (3) The authorization of the variance will not injure nearby property;
- (4) The variance does not authorize uses not allowed in the district involved;
- (5) Compliance with the existing standards would:
 - (A) Unreasonably prevent the owner from using the property for a permissible principal use;
 - (B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;
 - (C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; or
 - (D) Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and
- (6) A grant of the variance would result in more benefits than detriments to the neighborhood.

(CBJ 49.20.250(b).)

Significantly, when asked what hardship would result if the variance were not granted, Olmo told the Board that it would be 'unable' to proceed with the subdivision because of "financial hardship" and that "constructing a public street to the lots is not financially feasible, and the street would have to pass through an adjacent lot that the developer does not own." In analyzing the CBJ's variance ordinance, the Alaska Supreme Court in *City & Borough of Juneau*

v. Thibodeau, 595 P.2d 626, 635-636 (Alaska 1979) stated:

Peculiarities of the specific property sufficient to warrant a grant of a variance must arise from the physical conditions of the land itself which distinguish it from other land in the general area. The assertion that the ordinance merely deprives the landowner of a more profitable operation where the premises have substantially the same value for permitted uses as other property within the zoning classification argues, in effect, for the grant of a special privilege to the selected landowner. We do not believe that the variance provision in the instant ordinance is intended to achieve such an inequitable result. Rather, where the ordinance equally affects all property in the same zoning classification, relief from the general conditions of the governing law properly must come from the assembly through an amendment to the zoning code.

It is undisputed that Olmo's lot presents a challenging topography, but we find it significant that Olmo has the ability to develop its property without the need to subdivide and thus, without requiring improved access

While it would have been helpful if the Board's finding on this threshold issue had been more clearly articulated, we nevertheless find that the Board's decision is supported by substantial evidence for the reasons explained below.

V. The Board's Decision to Deny the Variance Was Supported by Substantial Evidence.

The Board considered whether the variance should be granted by applying the criteria articulated in CBJ 49.20.250(b). After consideration of the issue at three separate hearings held on March 8, 2106, March 22, 2016, and April 12, 2016, the Board adopted the findings made in the March 3, 2016, staff report that the variance would not meet the standards in CBJ 49.20.250(b)(1), (2), (5) or (6). Olmo argues on appeal that the Assembly should reverse the Board's decision as not supported by substantial evidence.

A. CBJ 49.20.250(b)(1).

The Board determined that granting Olmo a variance to the direct and practical access requirement would be inconsistent with justice to other property owners. In reaching this

conclusion, the Board considered the history behind the approval of Olmo's existing driveway easement in 1982 (both the fact that it was to serve only a single family dwelling and that it was approved with the intention that a public street would be built if future development were to occur), the policy considerations embodied in the comprehensive plan and code behind the requirement for direct and practical access, and the safety concerns that arise when lots do not meet Title 49's access requirements. Based on these considerations, we find the Board's determination with respect to CBJ 49.20.250(b)(1) was supported by substantial evidence.

B. CBJ 49.20.250(b)(2).

The Board determined that neither the intent behind Title 49, nor public safety and welfare, would be preserved if the variance were granted. The Board considered Olmo's proposal – to allow what would eventually be a six lot subdivision use a steep, narrow driveway located in a narrow twenty foot easement – to be too far outside the minimum public health, safety, and welfare standards embodied in Title 49. The Board specifically noted that the narrowest roadway allowed by CBJ Code to serve subdivisions in the urban service area (where Olmo's proposed subdivision is located) is a twenty-two feet wide paved roadway within a sixty foot right-of way, and also considered the International Fire Code's requirement that travel ways be a minimum of twenty feet.

We conclude that the Board's finding on this point was supported by substantial evidence.

C. CBJ 49.20.250(b)(5)(A – D)

1. CBJ 49.20.250(b)(5)(A). The Board determined that denying Olmo's variance application would not unreasonably prevent Olmo from using its property for a permissible use. The Board considered that the only reason why Olmo needed to apply for a

variance was because of Olmo's decision to subdivide. As noted in the Board's opposition and as stated in the staff report, Olmo could have developed its property without subdividing, and therefore without triggering the requirement that the development comply with the access requirements in CBJ 49.15.424. The Board specifically considered that Olmo could have constructed up to fourteen multi-family units, or could have constructed up to three two-unit buildings as was being proposed, without subdividing the property.

We find the Board's conclusion supported by substantial evidence.

2. CBJ 49.20.250(b)(5)(B). Similarly, the Board found that denying the variance would not unreasonably prevent Olmo from using its property in a manner consistent with existing, neighboring development in the neighborhood. Noting the property was zoned D-18 and identified as Medium Density Residential, the Board again relied upon its finding that the property could be developed with up to fourteen multi-family units with a conditional use permit, or up to eight units with nothing more than a building permit, without the need to subdivide.

3. CBJ 49.20.250(b)(5)(C). In concluding that denying the variance would not be unnecessarily burdensome, the Board relied upon staff's assertion that other smaller, similar subdivisions had been required to comply with the access requirements in CBJ 49.15.424. Given that Olmo's request for a variance was not related to an inability to construct a road but rather the financial implication of doing so, and in light of the Supreme Court's holding in the *Thibodeau* case, *supra*, we find the Board's decision on this point supported by substantial evidence.

4. CBJ 49.20.250(b)(5)(D). The Board found that granting the variance would result in an overall net decrease in overall compliance with Title 49 based upon the fact that the requirements in CBJ 49.15.424 would not be met.

D. 49.20.250(b)(6).

With respect to CBJ 49.20.250(b)(6), the Board concluded that granting the variance would not result in more benefits than detriments to the surrounding neighborhood. The Board relied upon staff's finding that the proposed development would "increase the use of the existing substandard access" located in the easement, and that the increased development could "result in detriments to users of North Douglas Highway because the existing access may cause traffic impacts on North Douglas Highway." (Record at p. 27).

We disagree with the Board's finding. While there are significant policy and safety and welfare concerns to support denial of the variance, we cannot find the Board's conclusion regarding traffic impacts to be supported by substantial evidence. Additionally, we agree with Olmo's assertion that the Board failed to consider the benefits of Olmo's proposal. Given the significant need in the community for housing, we cannot find that the Board's decision on this issue was supported by substantial evidence.

VI. Conclusion

In light of the deferential standard of review the Assembly must apply to Board of Adjustment decisions and the applicable burden of proof, we must deny Olmo's appeal. We find the Board's decision to deny Olmo's variance was supported by substantial evidence. We agree with the Board's finding that Olmo can develop its property without subdividing and that granting the variance to allow for the creation of lots with such substandard access would result in a development that fails to meet the minimum health, safety and welfare considerations embodied in the CBJ's Land Use Code. We also agree with the Board's finding that approving the variance in order to allow Olmo more profitable development than presented by the other permissible development opportunities Olmo has available to it is not justified. For these

reasons, the Board of Adjustment's decision is affirmed.

DATED _____, 2017.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
ALASKA

By: _____
Maria Gladziszewski
Presiding Officer on Appeal

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

JOE MEEK and JCM Rentals, Inc.,	
	Appellant,
vs.	
CBJ PLANNING COMMISSION,	
	Appellee,
and	
MILLER CONSTRUCTION,	
	Appellee/Intervenor.

Appeal of:
 Notice of Decision
 CDD File No. USE2016-0016

DECISION ON APPEAL

Appellants Joe Meek and JCM Rentals, Inc., (hereinafter collectively “Meek”) filed an appeal of the Planning Commission’s decision to grant a conditional use permit to Miller Construction for a temporary asphalt plant in an area zoned industrial. The applicant, Miller Construction, intervened in the appeal.

The record was prepared by the Community Development Department based upon the materials considered by the Planning Commission and application of CBJ 01.50.110. The record was supplemented with a verbatim transcript of the June 14, 2016, Planning Commission hearing upon stipulation by the parties.

The issues on appeal were as set forth in the presiding officer’s October 3, 2016, Order on Motion to Simplify the Issues.

The parties filed briefs on the merits of the appeal. On December 19, 2016, the Assembly heard oral argument from the parties. The Assembly deliberated in closed session, and directed the Municipal Attorney to prepare a draft decision based on the Assembly’s

findings. As required by the CBJ Appeals Code, the draft decision was circulated to the parties for comment.

We find the reasoning set forth in the Commission's briefing persuasive. For the reasons relied upon by the Commission and as stated below, the appeal is denied.

I. Burden of Proof and Standard of Review.

Under CBJ Code, applications for conditional use permits are decided by the Planning Commission. CBJ 49.15.330. The Planning Commission's decision is appealable to the Assembly, and is heard in accordance with CBJ Chapter 01.50. (CBJ 49.20.120.) The appellant bears the burden of proof. (CBJ 01.50.070(b).)

Meek challenges the Commission's decision on the following three grounds:

1. The decision is not supported by adequate written findings.

The Assembly may set aside an agency decision "if the decision is not supported by adequate written findings or the findings fail to inform [the Assembly] of the basis upon which the decision appealed from was made." (CBJ 01.50.070.)

2. The Commission failed to follow its own procedures.

If the Assembly finds the Commission "failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties," the Assembly may set aside the decision being appealed. (CBJ 01.50.070.)

3. The Commission's decision is not supported by substantial evidence in light of the whole record.

In this context, "substantial evidence" is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." (CBJ 01.50.010.) The Alaska Supreme Court has held that with respect to decisions made within its "sphere of

expertise,” a Planning Commission’s decisions are “entitled to considerable deference.”¹ In reviewing the Commission’s decisions, a “presumption of validity” must be applied.² As correctly noted by Meek, when a fact-finding agency such as the Planning Commission chooses between conflicting determinations and there is substantial evidence in the record to support either conclusion, the Commission’s findings should be affirmed on appeal. (Meek Opening Brief at p. 5, *citing, Anderson v. State*, 26 P.3d 1106 (Alaska 2009).) This direction, in conjunction with the standard of appeal articulated in CBJ 01.50, suggests the role of the Assembly on appeal is limited. The Assembly does not re-weigh the evidence or second-guess the Commission’s findings as long as there is evidence in the record to support those findings.

II. The Planning Commission’s Decision Was Supported by Substantial Evidence.

Meek argues the Assembly should reverse the Commission’s finding that the asphalt plant would not materially endanger public health or safety because the finding was not supported by substantial evidence. Meek argues the Commission failed to give sufficient consideration of airborne emissions, odor, neighborhood harmony, the plant’s negative impact on property values, or the project’s consistency with the comprehensive plan. Meek argues the Planning Commission simply “rubber stamped” the staff report. (Reply Brief at p. 1, and December 19, 2016, hearing.)

Meek does not challenge that the proposed asphalt plant was an appropriate use under the CBJ’s Table of Permissible Uses. (*See* 49.25.300, Table of Permissible Uses, at 4.100.) As such, the Commission was required to adopt the director’s determination as articulated in the June 1, 2016, staff report unless the Commission found, by a preponderance of the evidence, that

¹ *Lazy Mountain Land Club v. Matanuska-Susitna Borough Bd. of Adjustment & Appeals*, 904 P.2d 373, 386 (Alaska 1995).

² *South Anchorage Concerned Citizens, Inc. v. Coffey*, 862 P.2d 168, 173 (Alaska 1993).

the director's determination was in error. (CBJ 49.15.330(e)(2).)³ If the Commission determines it will adopt the staff report, the Commission may also consider whether to impose conditions in accordance with CBJ 49.15.330(g) if it finds doing so is warranted to under CBJ 49.15.330(f).

The record reflects that the Commission – at its June 14, 2016, hearing and as presented in the staff report – considered and heard evidence on parking, traffic impacts and mitigation, noise, public health and safety (especially as related to odor), impacts to habitat, dust, lighting, property values and neighborhood harmony, and the project's conformity with the CBJ's comprehensive plan. The Commission also had before it comments from the Alaska Department of Environmental Conservation (finding the proposal met ADEC's requirements for such a use), the Alaska Department of Transportation, and the Alaska Department of Fish and Game. At the public hearing, the Commission heard from fifteen members of the public – speaking both for and in opposition to the project, from staff, and from the applicant and his representative. In light of this evidence, the Commission adopted staff's findings and determined that CBJ 49.15.330(f) warranted setting conditions in accordance with CBJ 49.15.330(g).

Based upon our review of the staff report and the evidence presented at the June 14, 2016, hearing, we find the Commission's decision was supported by substantial evidence. The fact that the Commission reached a different conclusion after hearing the evidence than Meek might have liked is not enough to overcome the presumption of validity we must afford Planning Commission decisions.⁴

³ The Commission may nevertheless deny the application if it determines it is warranted to do so under CBJ 49.15.330(f).

⁴ In connection with the "rubber stamping" argument, Meek complains the applicant's communications with staff while the conditional use permit application was pending amounted to inappropriate *ex parte* contact. (Reply brief at p. 1.) We reject this argument given the pre-application requirement stated in CBJ 49.15.330(b). Additionally, because this issue was raised for the first time in Meek's reply, we also find this argument waived.

III. The Commission’s Decision Was Supported by Adequate Written Findings.

The Assembly may set aside an agency decision “if the decision is not supported by adequate written findings or the findings fail to inform [the Assembly] of the basis upon which the decision appealed from was made.”

Because we find the notice of decision and the record as a whole – which includes the thirteen page staff report and its fourteen attachments⁵ - sufficient to provide us with a clear understanding of the basis of the Commission’s decision, we find the findings sufficient under CBJ 01.50.070(a)(2).

IV. The Commission Properly Followed Its Rules of Order.

Meek argues the Planning Commission’s decision should be set aside because the Commission failed to follow its rules of procedure. We will address each of Meek’s arguments.

1. Meek argues that it was improper for the Commission to allow Mr. Miller and his business associate to provide public testimony. Meek argues this gave “the impression that there were members of the public who supported the Plan when they were actually interested parties.”

Rule 5(b)(4) and Rule 7(D)(3) of the Commission’s Rules of Order provide that any member of the public having an interest in being heard shall be given an opportunity to testify. We find it would have been inappropriate for the Commission to have refused Mr. Miller or his business associate the opportunity to speak.

2. The Commission allowed the applicant time to respond to questions from the Commission after public testimony was closed.

We find that allowing the applicant the opportunity to respond to issues raised by the public and to address questions from the Commission after the close of public testimony is

⁵ *Brown v. Personnel Board, City of Kenai*, 327 P.3d 871 (Alaska 2014).

specifically provided for by Rule 5(B)(6) of the Commission's Rules of Order.

3. The Commission permitted the applicant's representative to speak in "derogatory terms" about members of the public.

In support of this claim, Meek cites to the public testimony of Mr. Miller. In reviewing the transcript of the hearing, we cannot find Mr. Miller's testimony was disparaging or demeaning and find no appealable error in the Planning Commission Chair's management of the hearing.

4. The Commission did not deliberate on issues raised during public comment.

The general rule is that when a decisional document shows on its face that an important factor was not considered, the matter should be remanded for further consideration by the decision-making body.⁶ Here, we find the public's testimony went to all of the same issues upon which the Commission decided the permit: parking, traffic impacts and mitigation, noise, public health and safety (especially as related to odor), impacts to habitat, dust, lighting, property values and neighborhood harmony, and the project's conformity with the CBJ's comprehensive plan. Though it would have been helpful if the Commission had more specifically acknowledged some of the public comments, we cannot find the Commission committed reversible error. There is substantial evidence in the record as a whole to support the Commission's decision.

Because we find the Commission properly adhered to its rules of procedure, we find the Appellants failed to meet their burden under CBJ 01.50.070(a)(3).

V. Conclusion

In light of the deferential standard of review the Assembly must apply to Planning

⁶ *Keane & Concerned Citizens of Bristol Bay v. Local Boundary Commission*, 893 P.2d 1239 (Alaska 1995).)

Commission zoning decisions and the applicable burden of proof, we must deny the appeal. The Commission's decision was supported by substantial evidence, the Commission followed its rules of procedure, and its decision was supported by adequate written findings.

The Planning Commission's decision is affirmed.

This is a final administrative decision of the City and Borough of Juneau. It may be appealed pursuant to the Alaska Rules of Court. Appeals should be filed with the Juneau Superior Court within 30 days from the date this decision is distributed to the parties.

DATED _____, 2017.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
ALASKA

By: _____
Loren Jones, Presiding Officer

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

JOE MEEK and JCM RENTALS, INC.,

Appellant,

vs.

CBJ PLANNING COMMISSION,

Appellee.

and

MILLER CONSTRUCTION,

Appellee/Intervenor

Appeal of:
Notice of Decision
CDD File No. USE2016-0016

APPELLANTS' OBJECTIONS TO PROPOSED DECISION

Appellants, Joe Meek and JCM Rentals, Inc. (collectively "Appellants"), by and through their counsel of record, the Law Offices of Royce & Brain, and pursuant to CBJ Code §01.50.140(a)(4) hereby file their objections to the proposed decision.

The first objection that Appellants make is in regards to page four of the decision. The issue is not only that Appellants are not in favor of the asphalt plant. It is also that Appellee/Intervenor Miller Construction ("Miller") had not met conditions on past conditional use permits and the same thing is happening here. For instance:

- The Planning Commission considered light pollution and adopted the Staff Report's recommendation requiring the submission of a lighting plan before a grading permit would be issued. But, the Community Development Department issued the grading permit without receiving a lighting plan.

LAW OFFICES OF ROYCE & BRAIN
1407 West Thirty-First Avenue, 7th Floor
Anchorage, AK 99503-3678
Telephone: (907) 258-6792
Facsimile: (907) 276-2919

- The Planning Commission considered noise mitigation and adopted the Applicant's plan to only use their generator for the first month of operation until AEL&P could install power. However, the generator was used for a complete season and AEL&P has no record of being contacted regarding the installation of power to the Property.
- The Planning Commission considered traffic mitigation issues and accepted Miller's proposal to transport incoming aggregate on non-paving days: yet Miller hauled aggregate on paving days anyway.
- The Planning Commission considered impacts to the surrounding habitat and adopted the Staff Report recommendation requiring the submission of a Storm Water Pollution Prevention Plan ("SWPPP"). Miller submitted a SWPPP, but has not installed the storm water drainage system shown in that plan.
- The evidence and recommendations provided to the Planning Commission cannot be considered adequate when not a single condition that was attached to the Conditional Use Permit ("CUP") is being met. The Planning Commission's mission to protect the public from negative impacts with this CUP cannot be categorized as anything short of a complete failure.

The second objection that Appellants make is in regards to section IV(1) on page five of the proposed decision. Appellants' argument was not that Miller Construction's associates could not speak during the hearing: it was that they should publically acknowledge their status as the applicant and speak during the designated time for the

applicant as contemplated by Rules of Order B(3) and B(6). The applicant should not have been speaking during the time for public testimony as allowed by Rule of Order B(4). Instead of the two bites at the apple they get: presenting their request and then making a response, they got three bites at the apple when they also spoke during the time for public testimony. It was improper to provide the applicant a third opportunity to testify and to rebut public testimony during the time for public testimony instead of during rebuttal.

The third objection relates to IV(2) on page five of the proposed decision. In this section, the CBJ identifies one of Appellants' arguments as "[t]he Commission allowed the applicant time to respond to questions from the Commission after public testimony was closed."¹ In fact, Appellants' argument was that the applicant was allowed to continue speaking after its time to do so had expired.² Specifically, the Commission allowed the applicant time to respond to the Commission's questions directed to staff after the applicants opportunity to respond to the Commission's questions per Rule of Order 5(b)(6) was over. Rule of Order 5(b) establishes the order of public hearings and, in that rule, there is no provision for the applicant to answer Planning Commission questions directed to staff or for the applicant to participate in Planning Commission deliberations. Both of these actions routinely follow the conclusion of the applicant's responses allowed under Rule of Order 5(b)(6). The applicant's participation in the Planning Commission's proceedings was

¹ Proposed Decision on Appeal at p. 5.

² Opening Brief at p. 17 (Mr. Walsh answered questions during the time for staff questions: at this point, his speaking time had expired).

Appellants' Objections to Proposed Decision

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a violation of Rule 11 which states “[n]o person except a member or the Director of Community Development may participate in Commission proceedings except as provided in the agenda item for public participation and except that the Attorney, planner assigned to the agenda item, and other CBJ staff may comment on professional or procedural aspects.”

LAW OFFICES OF ROYCE & BRAIN
Counsel for Appellant

DATED: 2/16/17

Taylor McMahon
Taylor B. McMahon, Esq.
Alaska Bar Association No. 0901001

CERTIFICATE OF SERVICE

I hereby certify that on 2/16/17 a true and correct copy of the foregoing document was served via
☐ Hand Delivery ☐ U.S. Mail ☐ Facsimile on:

Municipal Clerk Email
City.Clerk@juneau.org

Amy Mead
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Murray Walsh
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Robert Palmer
Robert.Palmer@juneau.org

By: Kirsten Klewein
Kirsten Klewein / ~~Megan Hendrickson~~

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-44

An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

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 53.09.340 Camping, is amended to read:
53.09.340 Camping.

(a) Except as provided in subsection (c) of this section, no person shall camp or establish or maintain a campsite:

(1) On any part of a public right-of-way not designated for camping by an official sign;

(2) For a period in excess of 48 hours within the boundaries of any one area on a public right-of-way, designated for camping by an official sign; or

(3) On City and Borough land other than a public right-of-way within one-half mile of the same location for a period in excess of 48 hours.

(4) On any parcel or right-of-way within or abutting the Downtown Juneau Area unless authorized by the property owner. For the purposes of this section, the Downtown

Juneau Area is defined as North of 900 South Franklin, South of Fourth Street, East of Main Street and the waterside of the cruise ship docks, and West of Franklin Street as depicted on the adopted Downtown Juneau Area No Camping Map dated xx, 2017, as the same may be amended from time to time by the assembly by ordinance.

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

(1) *Camp* means to be personally present with the intent of remaining between the hours of 12:00 midnight and 7:00 a.m., other than in a permanent residential structure constructed and maintained in accordance with applicable codes.

(2) *Campsite* means a shelter, tent, camping equipment, furniture, bedding, cooking or eating utensils, or other outdoor or household items indicating an intent to remain or return for the purpose of staying overnight.

Establishment or maintenance of a campsite by a person may be established if the campsite includes mail addressed to that person, items having other indicia of ownership or control by that person, or items identified by a witness as owned or controlled by that person. It shall be a defense to liability under this section if the defendant can establish that an item came to be located at the campsite solely by an act of God or an act or omission of a third party other than an employee or agent of the defendant, if the defendant establishes that the defendant exercised due care with respect to disposal of the item, including foreseeable acts or omissions of such third party. Items not claimed by the defendant shall be confiscated as unclaimed property and disposed of according to sections 55.50.230 through 55.50.310.

- (c) The manager or the manager's designee may issue permits for recreational camping in excess of that otherwise allowed by this section upon a showing by the applicant that such use will result in no waste, damage, or pollution to the land occupied.
- (d) Violation of this section is an infraction.

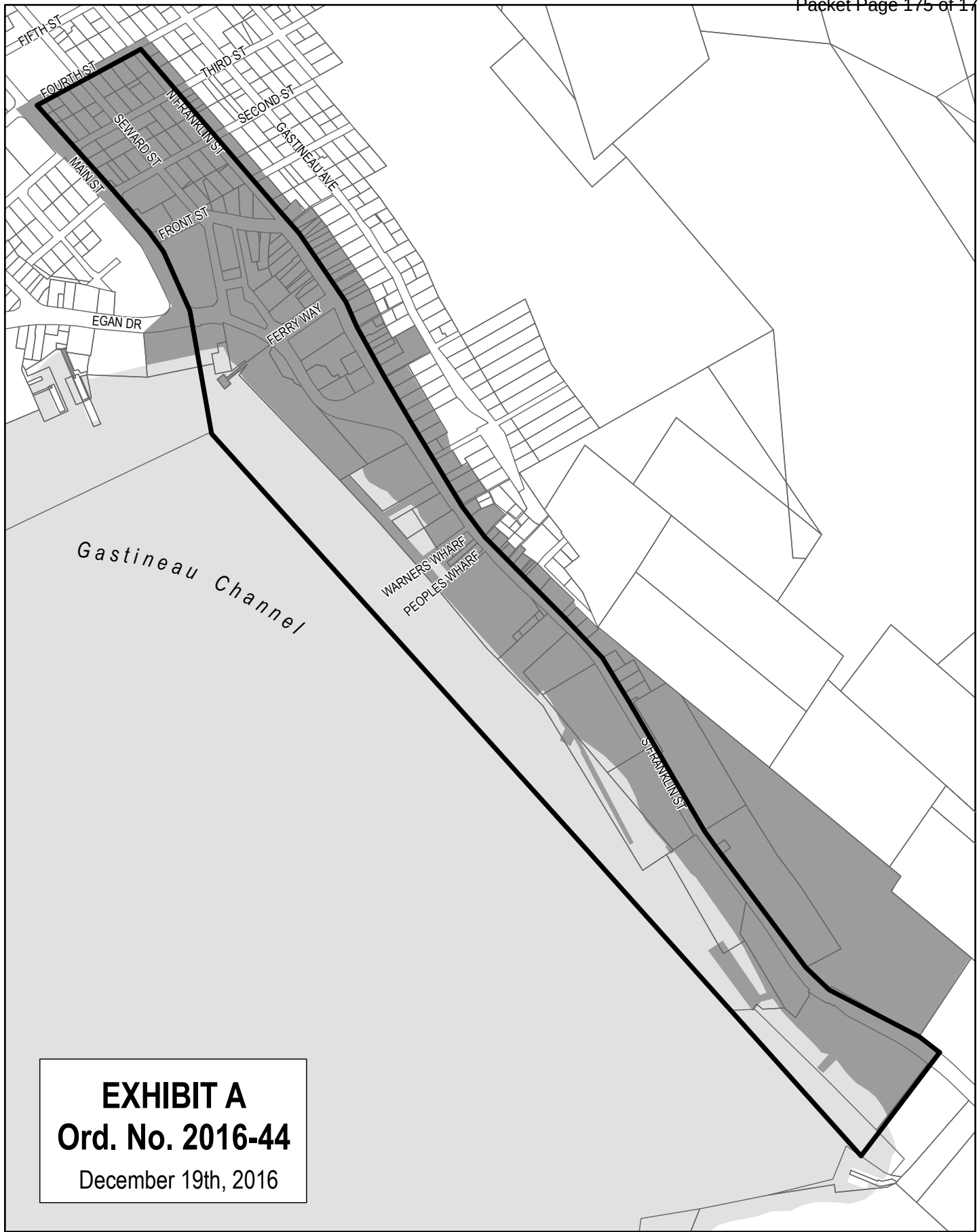
Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



NO CAMPING AREA

500 250 0 500 Feet

-  Downtown Juneau Area Boundary
-  No Camping Area

