

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

November 4 2013 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2013-28

Submitted by: _____
Kimberly A. Kiefer
City and Borough Manager

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Carlton Smith and Randy Wanamaker.

Assembly Absent: Kate Troll.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Director; Travis Goddard, Planning Manager; Ben Lyman, Senior Planner; Rorie Watt, Engineering Director; Dan Bleidorn, Deputy Lands Manager; Patty DeLaBruere, Airport Manager; Kris Ritter, Dana Ritter, and Mark Likins, Airport staff members.

II. SPECIAL ORDER OF BUSINESS

A. Eagle Scout Award - Recognition of Morgan Nichols

Airport Manager Patricia DeLaBruere and Mayor Sanford thanked Morgan Nichols for his work at the Juneau International Airport to landscape the front entrance. They congratulated him on attaining the rank of Eagle Scout.

B. Interim CEO of Bartlett Regional Hospital - Jeff Egbert

Alex Malter introduced Jeff Egbert as the new interim CEO. He thanked the Assembly for Ms. Cosgrove's services in the search and in finding good candidates. The Board is very happy to have Mr. Egbert in Juneau; he is recently from Phoenix and a CEO from mid-sized and large hospitals. The Board was looking forward to gaining from his experience in the next six months.

Mr. Egbert said Bartlett Regional Hospital was a beautiful hospital with many good employees and he saw nothing but positive opportunities there. He thought it would be an easy task to serve as interim CEO as there were many good services there now.

C. LID Board of Equalization

MOTION, by Becker, to recess and convene as the Board of Equalization, to hear Resolution 2665, and confirm the assessment roll for LID No. 91. Hearing no objection, it was so ordered.

1. Resolution 2665

A Resolution Confirming the Assessment Roll for Local Improvement District No. 91, Which Provided Municipal Sewer to the Residents Along the Uphill Side of North Douglas Highway From Street Number 4355 to 5795, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.

Administrative Report:

This resolution would confirm the assessment roll for LID No. 91 for the purpose of constructing a sanitary sewer system serving the property owners within portions of North Douglas Highway. The proposed amount to be borne by property owners is \$204,365.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that they would have this opportunity to make their views known to the Assembly.

At the time of the hearing, the Assembly will sit as a Board of Equalization for the purpose of considering the assessment roll, will consider any objections made and will modify the roll if necessary at the conclusion of the hearing.

Public Comment:

Robert Warfield, 4535 No. Douglas Road, was present to discuss his sewer assessment. He said he was not protesting the assessment. He thought there was a time limit of two years and it had been almost three years since it had been installed. He was still looking for information to that effect.

Mr. Watt said that all LID installations took significant time to go through the process and it was not abnormal for the process to take this long from start to finish. There was not a time limit in the code.

Assembly Action:

MOTION, by Wanamaker, to reduce the assessment of Gary and Robin Paul from \$7,088 to \$2,600.

Mr. Wanamaker said the PWFC reviewed and recommended this reduction (outlined in a memo to the Assembly in the PWFC packet). The justification for this reduction was that it would be impractical to further develop the property based on the location of the existing structures, the proximity of Eagle Creek running through the property, and the steep slope and cliff topography behind the existing structures.

Mr. Jones asked if that would change the total on the last page and reduce the total by the difference. That was confirmed to be true.

Hearing no objection, the reduction was approved.

Mr. Kiehl asked if there was any legal reason why this LID would not be timely. Ms. Mead said she could not find anything in code that would prohibit confirming the assessment role.

MOTION, by Becker, to confirm the Assessment Roll for Local Improvement District No. 91, and

recommend to the Assembly adoption of Resolution 2665, as amended. Hearing no objection, it was so ordered.

MOTION, by Becker, to return to regular session. Hearing no objection, it was so ordered.

The Board of Equalization adjourned and the Assembly reconvened.

MOTION, by Becker, to adopt Resolution 2665, with an amended Assessment Roll for LID 91. Hearing no objection, it was so ordered.

III. APPROVAL OF MINUTES

A. October 14, 2013 - Regular Assembly Meeting 2013-26 Minutes

Hearing no objection, the minutes of the October 14, 2013 Regular Assembly Meeting 2013-26 were approved as corrected, noting a change in the roll call vote on page 13 to account for all votes.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Ms. Kiefer requested removal of the staff report regarding the Law Department Offices until the next meeting when Lands and Resources Manager Chaney would be available. Hearing no objection, the item was removed from the agenda.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Sylvia Kreel, said she lived in one of four homes at Atwater Estates on Douglas Highway. The new flood maps showed that their units were in the VE zone with a flood elevation of 25 feet. The construction of the units was initiated in 2007, completed in 2010 and the elevation certificate showed the base floor elevation of her unit was at 24 feet. At the time, 24 feet exceeded the flood elevation for the flood maps in place at the time of 23 feet. In August 2013, the newly adopted flood maps went into effect and though there was a benefit to 270 people who were removed from the flood zone, there were 226 units that were then considered into the flood zone and she was one of those affected. CDD's website acknowledges that the new maps may contain error or insufficient data for mapping. Her bank is now requiring that she purchase flood insurance at the cost of \$11,000 per year. This was onerous, and just for one unit, multiplied throughout the community, there would be an outcry. She said she was not sure how the flood designation was arrived at for her unit. The tidal data may not be the most current and CDD noticed that the current published tide charts use 2002 – 2006 information and isostatic rebound may not have been taken into account. FEMA used the 2001 LIDAR maps and the elevation was rounded up to the nearest whole number. The actual flood elevation could be recalculated to show that it was 24.2 feet, for example, but it was listed at 25. She urged the city to address the issue and to look at the problems on a neighborhood scale. There was a memo from CDD outlining the problems and proposed ways to fix them and she encouraged quick action, such as 1) hiring a coastal hydrologist to study the conditions to determine appropriate base flood elevations or reach of flood zone line to better represent storm conditions on a neighborhood scale, 2) incorporate latest tidal information to take isostatic rebound into consideration and 3) use 2013 LIDAR to help refine flood locations and insist that FEMA use exact numbers rather than rounding up to the next largest number.

Mayor Sanford asked if she had her name in to CDD for assistance. She said she spoke with Eric Feldt at CDD and he had been helpful, but he said it was up to the Assembly to authorize hiring a hydrologist to do the work to rectify the situations.

Gary Patton, said he was Ms. Kreel's neighbor. There were concerns about the accuracy of the flood maps and FEMA gave the city a deadline of August to adopt the maps. The CDD gave a number of action items to improve the maps and one was to hire a hydrologist to give a better picture of the real flood potential. FEMA was all about using the best data available and the city was on the hook to spend the money. FEMA's information was not specific to neighborhood levels. Flood insurance costs were atrocious. He was five feet above the flood plain but may have to pay the insurance because he was in an attached home. They were also looking at the loss of assessed value due to the flood zone issues. He said that for every \$5,000 of flood insurance required, the property value was lowered by \$100,000. This type of decreased assessment across the community would be a real loss. The recommendations were made to the Assembly on how to increase the accuracy overall to the borough.

Jack Kreinheder, also a neighbor, and said he supported the points made. There was a potential loss in property value. Someone who was paying \$11,000 in flood insurance a year over the life of a mortgage was \$330,000 and when selling the house there could be \$200,000 in reduced assessed value, so this could create a \$.5 million loss because of the change in the flood maps. If we are the first ones coming to you with this it is because the banks are just sending out the letters about the issue. He attended the public meetings but people are not alarmed until they get the insurance quote. The hydrologist should review the Gastineau Channel areas, North Douglas, Auke Bay and Fritz Cove Road.

Lorraine Murray, spoke about the "Disturbing the Peace" ordinance and said she did not think that the ordinance would assist people with fireworks in residential areas. She spoke about the reasonable person standard. The question should not be whether fireworks noise is reasonable on the Fourth of July, but should fireworks be a reasonable activity in a residential area. She felt it was a form of bullying or abuse to people and pets that fireworks were allowed in a residential area. Loud explosive noises were harmful. Gastineau Humane Society has said that the day after the 4th of July was their busiest time. All people have a right to enjoy their property. The people have a right to use fireworks until that use infringes on others. Fireworks are explosives and blasting was prohibited in residential districts. She referred to zoning laws and she thought that the zoning laws conditioned objectionable activities and should be available to residents who objected to fireworks. She said she has collected 80 signatures from reasonable people who felt that fireworks were an objectionable use in residential neighborhoods.

Lance Stevens and Lorene Palmer were present from the Juneau Chamber of Commerce. They are co-chairs of the Chamber's Government Affairs Committee. Max Mertz was recently elected president. They were eager to help the Assembly achieve their goals and looked forward to a partnership in moving the community forward. Ms. Palmer said she looked forward to facilitating and exchange of information and to providing feedback from the business community.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda as presented. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

- a. Ordinance 2013-11(W) An Ordinance Appropriating To The Manager The Sum Of \$145,550 As Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs

This ordinance would appropriate \$145,550 for the 2013 State Homeland Security Programs (SHSP) Grant from the Alaska Department of Military and Veterans Affairs.

These funds would be used to support the goals and activities of the Emergency Management Program through funding of planning, training, exercises and equipment purchases. These projects include:

- CBJ Staff Participation in Alaska Shield 2014 Exercise
- After Action Review Travel for Alaska Shield 2014 Exercise
- Camera and Access Systems for JPD and CCFR Facilities
- Bulk Fuel Storage Facility Assessments and Response Planning
- Pagers for CCFR
- Portable Radio Repeater for First Responders

The term of this grant is October 1, 2013 through March 31, 2015.

There is no match requirement for this grant.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- b. Ordinance 2013-28 An Ordinance Relating to Snow Removal Parking Prohibitions, Civil Fines and Civil Fine Procedure, and Providing for a Penalty.

This ordinance would replace the criminal infraction process in place for handling violations of the snow removal parking prohibition ordinance and the ordinance prohibiting the placement of snow and ice in public ways by making violations of those code sections civil violations. The penalty remains unchanged.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. Ordinance 2013-29 - An Ordinance Establishing the Human Resources and Risk Management Department.

Human Resource Risk Management (HRRM) is currently a division within the Administrative Department. This ordinance would create a Human Resources Risk Management Department, similar to other CBJ Departments such as Engineering, Library and Community Development. The responsibilities of the Human Resources division have increased over the past few years to include the Risk Management responsibility. The Risk Management function provides services to the Juneau School District and Bartlett Regional Hospital. Most recently HRRM has expanded service to provide consolidated HRRM services to

Bartlett Regional Hospital.

I recommend this ordinance be introduced at set for public hearing at the next regular Assembly meeting.

- d. Ordinance 2013-11(X) An Ordinance Appropriating To The Manager The Sum of \$58,000 As Funding For Law Department Office Space To Accomodate Additional Staff; Funding Provided By The General Fund Fund Balance.

This ordinance would appropriate \$58,000 for additional office space to accommodate 2 new Law Department staff members. Funding will be provided by the General Fund fund balance.

Two options were provided to the Assembly Finance Committee at its October 16, 2013 meeting, to provide the additional space needed. Option 1 would remodel existing office space in the Municipal Way Building at an estimated cost of \$52,000. This also includes estimates for custom office furniture that would make the best use of the remodeled space. Option 2 would allow the Law Department to move to the Sealaska Building and allow Human Resources staff to move out of the Municipal Way Building basement to the space currently occupied by the Law Department. Option 2 is estimated to cost \$58,000, which includes moving, IT installation and furniture.

The AFC approved pursuing Option 2 and requested more definite cost estimates be presented at this Assembly meeting.

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

- A. Resolution 2662 - A Resolution Reestablishing the Rules of Procedure for Assembly Advisory Boards, and Repealing Resolution 2246.

At its September 23, 2013 meeting, the Assembly Human Resources Committee reviewed and approved the following new policy as it relates to fundraising activities by CBJ Advisory Boards:

Advisory boards and committees are authorized to solicit or otherwise receive:

- *Cash donations, up to a maximum of \$250 for any single donation, and*
- *In-kind contributions such as food for a public event, or a donation of the use of a meeting facility, are permitted with no cap on the value.*

These donations are to be used for events or materials directly related to the board's or committee's charter. In the case of cash donations, the cash would be deposited in a CBJ treasury account. The expenditure of these funds would generally occur via the Clerk's Office purchasing card. It would be the responsibility of the board to track the amount of donations and expenditures. The donations raised would need to be expended or encumbered in the year collected.

This policy does not extend to any of the adjudicatory bodies or any of the empowered boards which have a budget, manager, and staff nor to grant

making/awarding bodies.

Resolution 2662 modifies the current Advisory Board Rules of procedure in two sections:

The first change is of a housekeeping measure discovered during our board training sessions this summer and removes the word “physically” from the following section under definitions:

3. A vacancy on a City and Borough advisory board shall exist under the following conditions:

... (d) If a member is unable to “physically” attend board meetings for a period of more than 90 days; ...

The second change, related to the new policy on fundraising, is the addition of “Treasurer” to “Policy 6. Officers.”

I recommend this resolution be adopted.

- B. Resolution 2664 - A Resolution De-Appropriating \$299,490 From The Bayview Subdivision Sewer Outfall, \$250,000 From The Juneau-Douglas Treatment Plant Jet Truck And Septage Receiving Facility And \$219,832 From The Twin Lakes Pump Station Capital Improvement Projects

This resolution would de-appropriate \$769,322 in loan funding from the Alaska Department of Environmental Conservation that was not expended. The capital projects are complete and no additional funding is needed.

The Public Works and Facilities Committee approved this request at its October 14, 2013 meeting.

I recommend this resolution be adopted.

3. Liquor License

a. Liquor License Renewals

1. Package Store License #271: Alaska Cache Liquor Inc. d/b/a Alaska Cache

2. Beverage Dispensary - Tourism License #3824: Hospitality Group LLC d/b/a Frontier Suites Hotel, location: 9400 Glacier Hwy.

The above-listed liquor license renewals are before the Assembly to either protest or waive its right to protest these renewals. The Finance, Police, Fire, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code. In the event the Assembly does protest one or more of the above mentioned liquor license renewals, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

I recommend the Assembly waive its right to protest the above liquor license renewals.

4. Transfers

- a. T-947 Transfer of approximately \$4.098 million to existing or newly-created Capital Improvement Projects and the closure of twenty-two completed CIPs

This request would authorize the transfer of approximately \$4.098 million to existing or newly-created Capital Improvement Projects and the closure of twenty-two completed CIPs. The transfers are listed in the attached Impact of Budget Action (IBA) worksheet. The worksheet details the transfer amounts and available funds for each project.

The Public Works and Facilities Committee reviewed this request at its October 14, 2013 meeting and recommended forwarding to the full Assembly for approval.

I recommend approval of these transfers.

VII. PUBLIC HEARING

- A. Ordinance 2013-11(U) An Ordinance Appropriating To The Manager The Sum Of \$10,000 As Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided By A Memorandum of Understanding With The Alaska Department Of Environmental Conservation.

This ordinance would appropriate the \$10,000 for equipment purchases, maintenance and training for the Juneau Hazardous Materials (HAZMAT) Team. Funding is provided through a Memorandum of Understanding between the CBJ and The Alaska Department of Environmental Conservation.

This funding would allow the Juneau HAZMAT team to build on its present capabilities and facilitate response activities and would be crucial in allowing the Juneau HAZMAT team to provide a Level A hazmat response to the CBJ and, Southeast Alaska, and as part of the Alaska Statewide Response Team.

There is no match requirement.

I recommend this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(U). Hearing no objection, it was so ordered.

Mr. Nankervis asked for a copy of the MOU to be provided to him.

- B. Ordinance 2013-11(V) An Ordinance Appropriating To The Manager The Sum Of \$110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

This ordinance would appropriate the \$110,000 2013 Emergency Management Performance Grant (EMPG) from the Alaska Department of Military and Veterans

Affairs for the City and Borough of Juneau, Alaska.

These funds are provided to reimburse the City Emergency Programs Division- for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant. These costs include employee payroll for three CBJ Staff members in the performance of Emergency Management functions in planning, training, and exercise within the grant performance period.

EMPG Performance includes but is not limited to, the following tasks:

- Preparing the jurisdictions Local Capability Assessment (LCA) Document for the State.
- Required attendance at the Bi-Annual Conference State's Multi-Year Training and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to DHS&EM at the TEPW.
- Participation in exercises during the performance period.
- Continued utilization and work towards compliancy with the National Incident Management System (NIMSCAST).
- Completion of the FEMA Independent Study Professional Development Series.
- Timely submission of quarterly progress reports.

There is a dollar-for-dollar, in-kind match requirement which is provided through CBJ Emergency Management staff personnel services.

I recommend this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2013-11(V).

Mr. Jones asked if the grant paid for part of the salary for three people and CBJ matched the salary or were there six people employed by this grant – how were personnel costs being paid and reimbursed in-kind? Ms. Kiefer said it was a 50-50 match and for the grant CBJ provided part of the match requirement. The three people were the two Emergency Program staff and the Fire Training Officer.

Hearing no objection, it was so ordered.

- C. Ordinance 2013-25 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lots 1-3, Seven Mile Subdivision, Located Near Seven Mile Glacier Highway, Currently Zoned D-5, to D-18.

The 2008 Comprehensive Plan supports compact development to increase efficient land use in areas served by public water, sewer, and transit, and that are located within the Urban Service Area Boundary. The rezone of Lots 1-3 at Seven Mile Subdivision (.73 acres total) from D-5 to D-18 is consistent with the 2008 Comprehensive Plan and meets the intent of the Land Use Code.

The Planning Commission reviewed this rezone at its September 10, 2013 meeting, and recommended forwarding it to the full Assembly for approval.

I recommend this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-25. Hearing no objection, it was so ordered.

- D. Ordinance 2013-26 An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.

The Draft 2013 Comprehensive Plan of the City and Borough of Juneau is the result of more than two years of extensive community outreach, fieldwork, and public meetings. The Draft 2013 Comprehensive Plan contains updated data and portions of the plan were substantially reorganized to improve the Plan's readability. Also included are new policies intended to improve Juneau's economic sustainability, clarify the community's stance on emerging issues such as siting of wireless communications facilities, and address issues that have adversely affected the community for years, such as a shortage of affordable childcare.

There are five categories of changes to the draft 2013 plan from the adopted 2008 plan:

1. **Organizing:** Sections were reorganized both within and between chapters to improve readability and to consolidate similarly themed sections from multiple chapters.
2. **Updating:** New data available through a variety of sources, (e.g., the 2010 U.S. Census and 2011 American Community Survey to the Alaska Department of Fish & Game's 2012 Anadromous Waters Catalog, to housing, economic development, and other local surveys was integrated into the 2013 Draft Plan, many in new or improved charts designed to show the data in clear and understandable terms. These changes also include removing 2008 Implementing Actions that have been implemented, or modifying them to fit into the plan as Development Guidelines or Standard Operating Procedures, where appropriate.
3. **Correcting:** Errors in the 2008 Plan have been corrected wherever they were found.
4. **New Directions:** The Draft Comprehensive Plan provides guidance on new subjects, including the promotion of competition between commercial air carriers, regulation of wireless communications facilities, advocacy and engagement by the local government at the state and federal level, protection of public Right-Of-Ways, and support for quality affordable childcare.
5. **New or Improved Tools:** The Draft Plan contains an improved table of contents, list of acronyms used in the plan, and glossary, and, for the first time, an index. Although there are changes to the 2008 Comprehensive Plan throughout the draft plan, the updates are concentrated in a few chapters: Economic Development (Chapter 5), Energy (Chapter 6), Natural Resources and Hazards (Chapter 7), Transportation (Chapter 8), and Public and Private Utilities and Facilities (Chapter 12).

The Planning Commission held a public hearing on the Draft Plan on May 14, 2013, and recommended Assembly approval.

The Assembly Committee of the Whole reviewed the Plan on August 26 and September

30, 2013, and recommended Assembly approval.

I recommend this ordinance be adopted.

Public Comment:

Dennis Watson, Planning Commissioner, spoke in support of adoption of the Comprehensive Plan and said he was speaking as a private citizen as well. Many good things had already come of this plan – the economic development plan, the transit planning, and the Planning Commission inherited a much bigger product than what was before the Assembly and we had made it much smaller. It was an update.

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2013-26.

Mr. Nankervis said he did not have an objection but the plan but it was still too long and had too many areas of conflict. It was a valiant effort by many good people and it should be condensed. He thanked all for their time and energy.

MOTION, by Becker to amend Ordinance 2013-26 on page 1 of 6, in the last line of the first paragraph, to delete the words, “over the next 20 years to the year 2033,” and asked for unanimous consent.

Mr. Jones objected.

Roll call:

Aye: Becker, Crane, Nankervis, Wanamaker, Sanford

Nay: Jones, Kiehl, Smith

Motion passed, 5 ayes, 3 nays.

Ms. Becker said that if this plan was adopted, she hoped that following adoption of the pending Economic Development Plan, the Comprehensive Plan would be edited and revised.

Mr. Wanamaker supported the plan as an important step in the community’s development and said there were significant improvements made to this edition and he appreciated the work that had gone into it.

Mr. Jones said the Ordinance called for the “Commission to undertake a general review of the comprehensive plan two years after the adoption of the most recent update.” He said he assumed this meant the Planning Commission and did this statement in any way limit or require that the Planning Commission to start the review of the Comprehensive Plan if the Assembly were to review Chapter 5 based on the new economic development plan by the Assembly. Did the ordinance require the review to start with the Commission? Did the Assembly have the right to review the Comprehensive Plan without review by the Planning Commission. Ms. Mead said the intent was that the Planning Commission engage in a review every two years and make recommend amendments to the full Assembly as necessary, but did not prohibit the Assembly from undertaking a review at any time it deems necessary. The intent was that the Commission stay as a part of the process, but the process could be initiated by the Assembly.

Mr. Smith said that he stated that it was unfortunate that the Assembly was involved at the end of

the process and he would like to meet with the Planning Commission at the front end of the next review of the plan.

Hearing no objection, the Ordinance 2013-26 was adopted as amended.

E. Ordinance 2013-27 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

This ordinance would make three changes to the senior sales tax exemption ordinance. The first is a house-keeping amendment to subsection (b), and is necessary to make that subsection consistent with the rest of the ordinance with respect to the identification of the categories of individuals eligible for the senior sales tax exemption. The second change to the ordinance is the addition of a new subsection (d), which would allow the manager to issue a designated shopper card to any individual holding a valid Power of Attorney from a person authorized to be issued a card. Finally, Subsection (c) was amended to conform with subsection (d) to allow for the issuance of an actual “designated shopper” card.

I recommend this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-27.

Mr. Wanamaker said he had no objection. He had heard numerous requests from citizens that CBJ should come up with a “swipe card” for the senior exemption.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit License #5231 Suwanne Cafe, LLC d/b/a Suwanne Cafe, Location: 8800 Glacier Hwy. Ste. #100, Juneau

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its issuance. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Department is recommending the Assembly protest the license renewal based on delinquent sales tax in the amount of \$101.84 as well as all associated penalties and interest as identified in the October 24, 2013 letter to the licensee contained in your Human Resources Committee meeting packets.

In the event the Assembly does protest the renewal of the above mentioned liquor license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. The letter mentioned above meets that requirement and this would be the time for the licensee to address their

issues to the Assembly.

The Assembly Human Resources Committee considered this issue at its meeting immediately preceding this meeting and will forward its recommendation to the Assembly.

I recommend the Assembly proceed according to the recommendations of the Assembly Human Resources Committee in this matter.

Administrative Report: Attached. The manager recommended the Assembly proceed according to the recommendations of the Assembly Human Resources Committee in this matter.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to accept the recommendation of the Human Resources Committee and waive its right to protest the issuance of a new restaurant eating place liquor license and application for a restaurant designation permit for Suwanna Cafe. Hearing no objection, it was so ordered.

X. STAFF REPORTS

A. Law Office Follow-up

Removed from the agenda.

XI. ASSEMBLY REPORTS

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Nankervis said it was important to involve the Assembly at the beginning of the review of the next edition of the Comprehensive Plan and would like to see it be a shorter plan.

Mr. Kiehl reported on the Dolly Parton Imagination Library program, which sent books to children. The First Lady Sandy Parnell would be giving out the 100,000th book in Alaska at the JACC on November 8.

Mr. Kiehl encouraged people to attend the Sealaska Heritage Institute brown bag lunch series. This year's theme was native spirituality and the program had tremendous lectures.

Mr. Kiehl asked for information on any planned Veteran's Day Observances.

Mr. Kiehl asked if there was any objection to staff providing information for the Assembly to review the code regarding the Assembly acting as the Board of Equalization for Local Improvement Districts. Hearing none, staff was asked to return information to the Assembly about the possibility of the Assembly appointed Board of Equalization to handle these matters.

Mr. Wanamaker reiterated the public interest in electronic sales tax exemption swipe cards. He said several people also suggested considering moving the date for which property taxes are due to fall behind the issuance of the Permanent Fund Dividend checks so it could be easier for some people to pay.

Ms. Crane said she would like staff to review the possibility of making quarterly payments on their property taxes.

Ms. Becker spoke about meeting with the Mayor of Terrace, BC at the Canadian American forum. She thanked Mr. Kiehl and Mr. Nankervis for their work on the Outdoor Skills training classes. She mentioned attendance at the groundbreaking ceremony for the Seward Statue and said that there had been good meetings on the transit system.

Mayor Sanford declared Nov 8 – 16 Dolly Parton Imagination Library week and encouraged people to attend the ceremony.

Mayor Sanford said there was a news report about the sale of Mr. Corbus' portion of the electric company in Juneau and encouraged people to thank him and his family for their long service.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. Parking Management

MOTION, by Becker, to recess into executive session, to discuss parking management, a financial matter, the immediate knowledge of which could have an adverse effect on the finances of the municipality. Hearing no objection, the Assembly moved into executive session at 8:27 p.m. and returned to regular session at 9:53 p.m.

Mayor Sanford said that the Assembly provided direction to staff on parking issues during executive session.

XV. ADJOURNMENT

There being no further business before the Assembly, the meeting adjourned at 9:54 p.m.

Note: Agenda packets are available for review online at www.juneau.org.

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@ci.juneau.ak.us

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2665

A Resolution Confirming the Assessment Roll for Local Improvement District No. 91, Which Provided Municipal Sewer to the Residents Along the Uphill Side of North Douglas Highway From Street Number 4355 to 5795, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.

WHEREAS, the Assembly of the City and Borough of Juneau, by Ordinance No. 2010-37 adopted December 20, 2010, created LID No. 91 for the purpose of constructing a sanitary sewer system along portions of North Douglas Highway, and benefitting the property described in Exhibit A attached; and

WHEREAS, the special assessment roll for LID No. 91 has been prepared and notice of hearing on the special assessment roll given in accordance with CBJ 15.10.130; and

WHEREAS, a hearing on the special assessment roll for LID No. 91 was held on November 4, 2013, and all interested persons were given an opportunity at the hearing to present their objections to the Assembly sitting as a Board of Equalization; and

WHEREAS, the Assembly sitting as a Board of Equalization at said hearing approved the special assessment roll with such corrections as it found necessary.

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

Section 1. That the special assessment roll for LID No. 91 as filed with the City and Borough Treasurer and to the extent corrected by the Assembly sitting as a Board of Equalization is hereby confirmed.

Section 2. The assessments set forth in said confirmed assessment roll are hereby declared to be due and payable and a lien paramount and superior to all liens except for prior assessment or property taxes.

(a) The City and Borough Treasurer shall cause notice of assessment and time for payment to be published and mailed in accordance with CBJ 15.10.190.

(b) Payments made within 45 days of the first date of publication of notice under CBJ 15.10.190 shall be without interest, penalty, discount, or bonding expenses customarily identified as "LID finance charges."

(c) Any amount remaining unpaid after the 45-day period allowed for payment of assessment without penalty or interest shall be paid in ten equal annual principal installments. The initial installment shall be billed as a separately stated charge on the annual property tax bills thereafter. All installments shall include interest on the unpaid balance at the rate of 2 percent per annum.

(d) Payments shall be made in the same manner and at the same time as property taxes.

(e) Installments shall become delinquent the day after they are due. The penalty and interest that apply for delinquent payment of property taxes shall apply to delinquent payment of an annual assessment installment and interest as they appear on the tax bill.

(f) The owner of any lot, tract, or parcel of land charged with an LID assessment may pay the entire unpaid amount of the assessment at any time after the 45-day period but before the first installment is due by paying the total remaining balance thereof to the City and Borough Treasurer with interest thereon prorated to the date of payment.

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

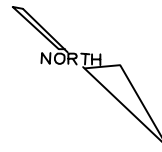
Laurie J. Sica, Municipal Clerk



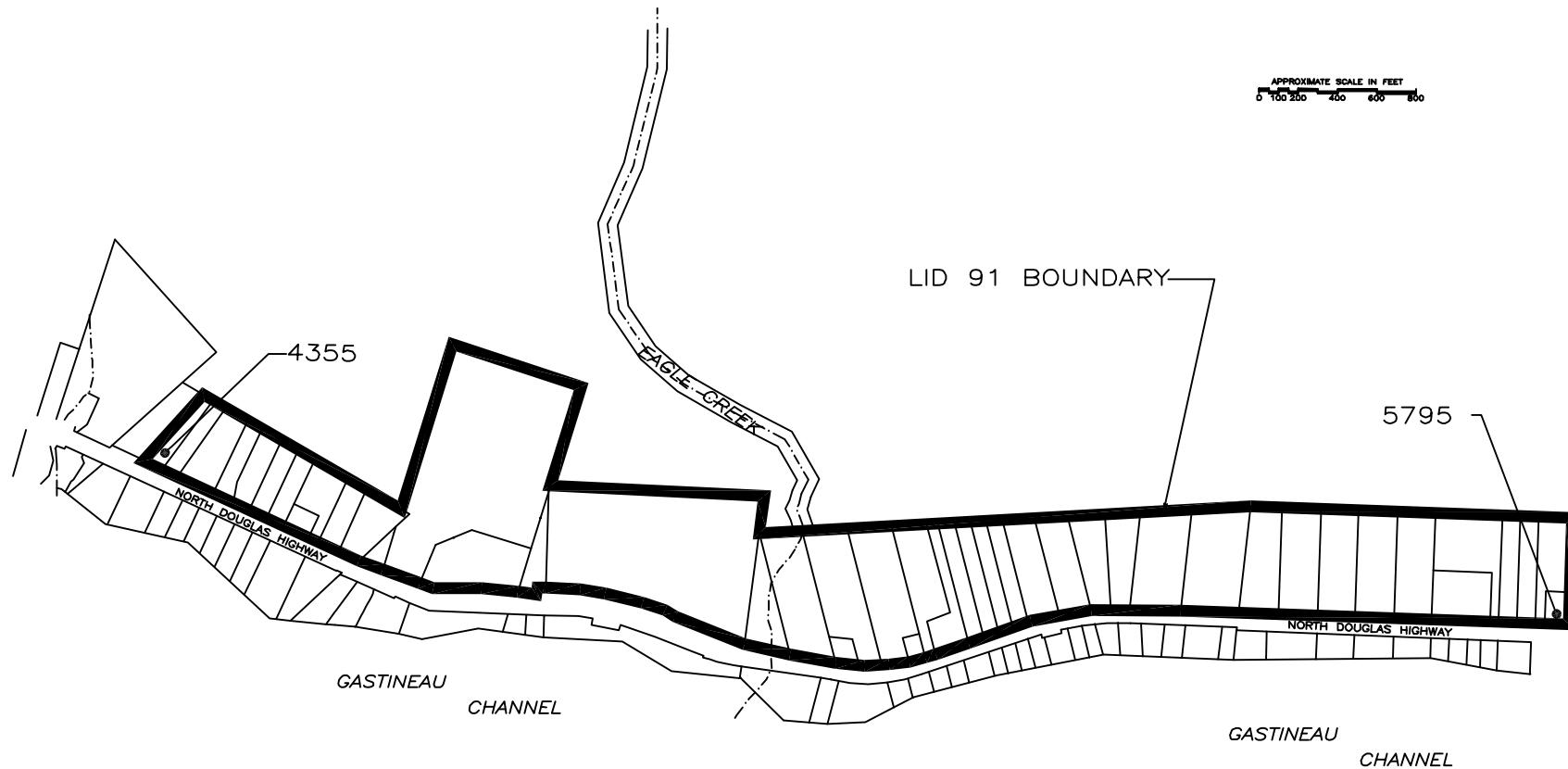
CITY AND BOROUGH OF JUNEAU

★ ALASKA'S CAPITAL CITY

ENGINEERING DEPARTMENT



APPROXIMATE SCALE IN FEET
0 100 200 400 600 800



NORTH DOUGLAS SEWER PHASE V
LID 91 BOUNDARY

NOVEMBER 2013

Exhibit A - Resolution No. 2665

NOTICE OF PUBLIC HEARING
Local Improvement District LID No. 91
North Douglas Sewer, Phase V

The Assembly of the City and Borough of Juneau will hold a public hearing on the assessment roll for LID No. 91 on November 4, 2013, at 7:00 p.m., in the City and Borough Assembly Chambers located at 155 South Seward Street, Juneau, Alaska.

The hearing is for the purpose of confirming the assessment roll. The assessment roll represents the portion of the total cost of the project improvement which will be borne by the properties within LID No. 91.

The improvement within LID No. 91 consists of construction of a sanitary sewer system along portions of North Douglas Highway.

The total cost of the project as finally computed is \$2.52 million of which \$204,365 is the amount to be borne by all benefitted properties within LID No. 91.

A plat showing the tracts and parcels of property specially benefitted and the assessment against each lot is on file for public inspection at the Engineering Department, Marine View Center - 3rd floor, 230 South Franklin Street, Juneau, Alaska.

All persons who desire to object to the assessment roll or any of the separate assessments appearing thereon shall make their objections in writing and file them at the Office of the City and Borough Clerk, 155 South Seward Street, Juneau, Alaska, 99801. Objections must be filed in writing. It is recommended that written objections be filed with the City and Borough Clerk prior to the time of the hearing. However, written objections may be filed at the hearing.

At the time and place of the hearing and at times to which the hearing may be adjourned the Assembly of the City and Borough of Juneau will sit as a Board of Equalization for the purpose of considering the special assessment roll and the separate assessments appearing thereon.

At the hearing or the time at which it may be adjourned, the Assembly will consider the objections made and may correct, revise, raise, lower, change or modify the roll or any part thereof, or set aside the roll and order the assessment to be made anew, and at the conclusion of the hearing or hearings will confirm the roll.

Assessment Roll

North Douglas Sewer, Phase V LID Number: 91

Parcel	Owner	Assessment
6D0601130021 4355 N DOUGLAS HWY USS 2305 L 14	KASNICK TION E & SALLY M 4355 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0601130040 4365 N DOUGLAS HWY USS 2305 L 13	TAYLOR JAMES & RUTH 4365 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0601130050 4425 N DOUGLAS HWY USS 2305 L 12-1A	GREEN TAMAR & HAMBLIN KIM 4435 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00
6D0601130060 4435 N DOUGLAS HWY USS 2305 L 12-1B	SISK JOHN B & SCHILLY MARY PAT 4435 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00
6D0601130070 4455 N DOUGLAS HWY USS 2305 L 11 TR 2	STOPHA MARK E & HANNAN SARA PO BOX 240752 DOUGLAS AK 99824	\$2,600.00
6D0601130080 4475 N DOUGLAS HWY USS 2305 L 11 TR 1	RIDER BLAKE 09 BOX 240952 DOUGLAS AK 99824	\$2,600.00
6D0601130090 4485 N DOUGLAS HWY USS 2305 L 10 TR B	SEVERSON JOHN E & MARY E 1334 COMMERCIAL ST MUNISING MI 49862	\$2,600.00
6D0601130100 0 N DOUGLAS HWY USS 2305 L 10 TR A	SEVERSON JOHN E & MARY E 1334 COMMERCIAL ST MUNISING MI 49862	\$3,700.00
6D0601130110 4525 N DOUGLAS HWY USS 2305 FR 9	SQUIRES STEPHEN & MARSHA STAUGHTON 4525 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00
6D0601130120 4535 N DOUGLAS HWY USS 2305 & 2335 FR	WARFIELD ROBERT S 4535 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0601150011 0 N DOUGLAS HWY CHANNEL VIEW L 1 ROBERT L YOUNG	SEAL 95 39709 PALM DR LOS FRESNOS TX 78566	\$23,951.00
6D0601150012 0 N DOUGLAS HWY CHANNEL VIEW L 2	HATCH MICHAEL J 4755 N DOUGLAS HWY JUNEAU AK 99801	\$5,570.00
6D0701000020 4755 N DOUGLAS HWY TRIANGLE L 3	HATCH MICHAEL J 4755 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701000031 0 N DOUGLAS HWY USS 2225 GRAVEL PIT	MASON JAMES B & SUZANN A 10481 AN COLEMAN RD JUNEAU AK 99801	\$22,400.00
6D0701010020 5025 N DOUGLAS HWY USS 2960 L 15	PAUL GARY R & ROBIN H PO BOX 240386 DOUGLAS AK 99824	\$7,088.00

Assessment Roll

North Douglas Sewer, Phase V LID Number: 91

Parcel	Owner	Assessment
6D0701010030 5045 N DOUGLAS HWY USS 2960 L 14 TR 1	GARCIA PAMELA 5045 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701010040 5065 N DOUGLAS HWY USS 2960 L 14 TR 2	LUDWIG BRUCE I & FRAN PODMOLIK PO BOX 020551 JUNEAU AK 99802	\$6,340.00
6D0701010050 5115 N DOUGLAS HWY USS 2960 L 13 FR	POPPE CHAD AUSTIN 5115 N DOUGLAS HWY JUNEAU AK 99801	\$6,758.00
6D0701010060 5125 N DOUGLAS HWY USS 2960 L 13 FR	FIELD ADDISON E & FRANCES H 5125 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00
6D0701010070 5167 N DOUGLAS HWY USS 2960 L 12A	WILBURN COLE M 5167 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701010071 5165 N DOUGLAS HWY USS 2960 L 12B	SPATH ROBERT A & FRAWLEY NANCY J 332 W TWELFTH ST JUNEAU AK 99801	\$4,206.00
6D0701010080 5191 N DOUGLAS HWY DEEP LOTS L 11D	WAGEMAKER STEVEN T PO BOX 240222 DOUGLAS AK 99824	\$3,700.00
6D0701010090 5215 N DOUGLAS HWY DEEP LOTS L 11C	BOOM ARTHUR M 4506 PROSPECT WAY JUNEAU AK 99801	\$3,700.00
6D0701010100 5253 N DOUGLAS HWY DEEP LOTS L 11B	MARTINEZ VALERIA D & ADAMS LUKE E 5253 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701010110 5255 N DOUGLAS HWY USS 2960 L 11A	PLUMB PAULINE A PO BOX 021524 JUNEAU AK 99801	\$3,700.00
6D0701010120 5275 N DOUGLAS HWY USS 2960 L 10 TR A	GRIFFEN RICK S 5275 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701010130 5295 N DOUGLAS HWY USS 2960 L 10B	MINGE WALTER RAYMOND 306 S SIXTH ST EAST RIVERTON WY 82501	\$3,700.00
6D0701010140 5305 N DOUGLAS HWY USS 2960 L 9B	DUDAS RICHARD PO BOX 021315 JUNEAU AK 99802	\$3,700.00
6D0701010150 5323 N DOUGLAS HWY USS 2960 L 9A	GUTIERREZ CHARMAGNE M & STEIN PETER 5323 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701010161 5355 N DOUGLAS HWY USS 2960 L 8B	BECKER RALPH NELS PO BOX 240838 DOUGLAS AK 99824	\$3,700.00

Assessment Roll

North Douglas Sewer, Phase V LID Number: 91

Parcel	Owner	Assessment
6D0701010162 5385 N DOUGLAS HWY USS 2960 L 8A	BECKER RALPH NELS PO BOX 240838 DOUGLAS AK 99824	\$3,700.00
6D0701010171 5405 N DOUGLAS HWY USS 2960 L 7A	SCHMIDT JOANNE & AUSTYN 5405 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00
6D0701010172 0 N DOUGLAS HWY USS 2960 L 7B	STRATEGIC CAPITAL INVESTMENTS LLC 5405 N DOUGLAS HWY JUNEAU AK 99801	\$4,752.00
6D0701090010 5475 N DOUGLAS HWY USS 3159 L 13	RILEY LARRY M PO BOX 016130 PENSACOLA FL 32507	\$3,700.00
6D0701090020 5525 N DOUGLAS HWY USS 3159 L 12	OLSEN ERLING & OLSEN OLE & HOPKINS 3028 NOWELL AVE JUNEAU AK 99801	\$3,700.00
6D0701090030 5545 N DOUGLAS HWY USS 3159 L 11	SIMPSON ROBERT B & RUTH ANN 5545 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701090040 5547 N DOUGLAS HWY USS 3159 L 10	MAYER III EDWIN V 5547 N DOUGLAS HWY JUNEAU AK 99801	\$3,700.00
6D0701090050 5651 N DOUGLAS HWY USS 3159 L 9	RAFFERTY JOSEPH P & CARROL L PO BOX 020472 JUNEAU AK 99802	\$3,700.00
6D0701090060 5655 N DOUGLAS HWY USS 3159 L 8A	MOREHOUSE CAROLYN & JEFFREY C 152 BEHREND'S AVE JUNEAU AK 99801	\$3,700.00
6D0701090070 5675 N DOUGLAS HWY USS 3159 L 7A	BLUME MICHAEL T PO BOX 033743 JUNEAU AK 99803	\$3,700.00
6D0701110011 5665 N DOUGLAS HWY USS 3171 L 27	CALVIN JAMES STEVEN & TERRI LYNN PO BOX 241018 DOUGLAS AK 99824	\$3,700.00
6D0701110031 0 N DOUGLAS HWY USS 3171 L 26	CALVIN JAMES S & TERRI L PO BOX 241018 DOUGLAS AK 99824	\$3,700.00
6D0701110051 5775 N DOUGLAS HWY USS 3171 L 25A	EWING MICK J & SHERRIE J PO BOX 021017 JUNEAU AK 99802	\$3,700.00
6D0701110052 5795 N DOUGLAS HWY USS 3171 L 25B	ZINN RICHARD W & SHARON K 5795 N DOUGLAS HWY JUNEAU AK 99801	\$2,600.00

Total: \$204,365.00

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

LID Board of Equalization

MANAGER'S REPORT:

The Assembly should recess and convene as the Board of Equalization for the purposes of hearing Resolution 2665, confirming the assessment roll for LID No. 91. At the conclusion of this hearing, the Board of Equalization should adjourn and the Assembly will reconvene.

Resolution 2665

A Resolution Confirming the Assessment Roll for Local Improvement District No. 91, Which Provided Municipal Sewer to the Residents Along the Uphill Side of North Douglas Highway From Street Number 4355 to 5795, Fixing the Time and Method of Payment of Assessments, Setting the Day of Levy, and Fixing the Time of Delinquency and the Penalties and Interest.

This resolution would confirm the assessment roll for LID No. 91 for the purpose of constructing a sanitary sewer system serving the property owners within portions of North Douglas Highway. The proposed amount to be borne by property owners is \$204,365.

Notices were published in the newspaper and sent to residents in the LID area so they would be aware that they would have this opportunity to make their views known to the Assembly.

At the time of the hearing, the Assembly will sit as a Board of Equalization for the purpose of considering the assessment roll, will consider any objections made and will modify the roll if necessary at the conclusion of the hearing.

RECOMMENDATION:

ATTACHMENTS:

File Name	Description
☐ 2665.pdf	Resolution 2665
☐ 2665 Exhibit A-LID 91 map final.pdf	Resolution 2665 Exhibit A Boundary Map
☐ 2665 Notice of Public Hearing.pdf	Notice of Public Hearing for LID No. 91
☐ LID 91 Assessment Roll.pdf	LID No. 91 Assessment Roll

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

Eagle Scout Award - Recognition of Morgan Nichols

MANAGER'S REPORT:

RECOMMENDATION:

ATTACHMENTS:

File Name

Description

No Attachments Available

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

Interim CEO of Bartlett Regional Hospital - Jeff Egbert

MANAGER'S REPORT:

RECOMMENDATION:

ATTACHMENTS:

File Name

Description

No Attachments Available

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THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – October 14, 2013

MEETING NO. 2013-26: 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 Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Johan Dybdahl, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, and Randy Wanamaker.

Assembly Absent: Carlton Smith.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Brent Fischer, Parks and Recreation Director; Lindsey Brown, Admin Officer, Parks and Recreation; Hal Hart, Community Development Director; Rorie Watt, Engineering Director; Greg Chaney, Lands and Resources Manager; and Matt Lillard, Eaglecrest Ski Area Manager.

II. SPECIAL ORDER OF BUSINESS

A. Recognizing Outgoing Assemblymember Dybdahl

Mayor Sanford recognized Johan Dybdahl for 23 years of service to the City and Borough of Juneau, including the Planning Commission from 1990 – 2004 and the Assembly from 2004-2013. Mayor Sanford presented Mr. Dybdahl with a carved, painted and inlaid yellow cedar paddle with his Sea Lion clan design, carved by Nick Vonda III. Mr. Rick Harris, Executive Vice President of Sealaska, also thanked Mr. Dybdahl for his service to the community and presented a beautiful paddle. Mr. Harris read from a letter from Chris McNeill and Albert Kookesh, on behalf of Sealaska tribal members and shareholders, sharing their appreciation for Mr. Dybdahl's service, while honoring his native values, and setting an example for the people of the region. Mr. Dybdahl said he had the pleasure of serving with many good people but thanked the person who thought of term limits. He thanked his wife, children and grandchildren for "putting up with him." He thanked the CBJ staff for their efforts to make his work easier and left everyone with a parting comment that he had never found a down side to looking at any situation as a glass "half-full." All of the Assemblymembers took turns wishing Mr. Dybdahl well and thanking him for his service and wise counsel. Mr. Dybdahl suggested that when his fellow members missed him, they could imagine him being there via teleconference.

B. Swearing in of Newly-Elected Official

Amy Mead gave the oath of office to Kate Troll, and Mayor Sanford and the Assemblymembers welcomed Ms. Troll to the office of Assemblymember. Ms. Troll took a seat at the Assembly table.

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C. Selection of Deputy Mayor

Hearing no objection, Mary Becker was selected as Deputy Mayor for 2013-14.

D. Employee Recognition

Finance Director Bob Bartholomew recognized Debbie Johnson for her 32 years of service to the City and Borough of Juneau, beginning in 1981. She kept the business flowing in the Treasury Division, through her work in the mailroom and in reconciling all checks issued by the CBJ. Her knowledge and experience would be missed by her fellow employees at CBJ.

E. Proclamation-Keeping the Lights On After School Day

Teri Campbell said she was serving as an after school ambassador for the Alaska National After School Alliance, and as a volunteer for the “Body and Mind” after school program in the middle schools. “Lights on Afterschool” was an opportunity to show off the after school programs and raise awareness about the needs. On Thursday, October 17 Juneau would join with other sites across the nation to increase the attendance of students in the program. The hours between 3-5 p.m. could be dangerous times for young people. She thanked the Assembly for the \$50,000 allotment for the program and they were seeing good participation. She invited Assemblymembers to stop by Dzanti ki Heeni or Floyd Dryden Middle Schools Thursday, October 17, when they would be offering sampler programs to get more students involved in a variety of activities.

Mayor Sanford read a proclamation declaring Thursday, October 17, 2013 as “Lights on After School Day.”

III. APPROVAL OF MINUTES

A. September 21, 2013 – Special Assembly Meeting 2013-24

Hearing no objection, the minutes of the September 21, 2013 Regular Assembly Meeting 2013-24 were approved.

B. September 23, 2013 – Regular Assembly Meeting 2013-25

Hearing no objection, the minutes of the September 23, 2013 Regular Assembly Meeting 2013-25 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES – None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Barb Sheinberg distributed copies to the Assembly and public of two recent publications: “Southeast Alaska by the Numbers,” and “The Maritime Economy of Southeast Alaska,” produced by the Southeast Conference.

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Paul Thomas, owner of Alaska Cache Liquor, distributed a letter to the Assembly and asked to bring the Assembly's attention to what he found to be hardships forced upon Juneau due to the lack of competition in garbage service. Within the last year, the refuse collection company started by issuing short notice about the use of new cans, which did not physically fit in locations and were too big to handle. No thought was given to the money spent by the public on cans, bear enclosures and equipment that could no longer be used due to the rules of the new pickup. No thought was given to how the public was supposed to deal with 250% larger cans designed to be lifted with hydraulics, in a hilly town. After the initial pitch that the costs to the consumer would be reduced, the company then issued a 58% increase in bills this month. This was on top of the higher prices for the "blue zone," which included downtown residents and businesses and was implemented when they went to the new cans, which they now want customers to rent. He urged the Assembly to look for alternatives and competition for the community's garbage disposal needs. Juneau was being held to the whims of a monopoly.

VI. CONSENT AGENDA

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

Susan Baxter, Chair of the Sister City Committee, requested removal of Resolution 2663 regarding Kalibo as Sister City.

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda, with the removal of Resolution 2663. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2013-25

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lots 1-3, Seven Mile Subdivision, Located Near Seven Mile Glacier Highway, Currently Zoned D-5, to D-18.

Administrative Report: Attached. The manager recommended Ordinance 2013-25 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2013-26

An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.

Administrative Report: Attached. The manager recommended Ordinance 2013-26 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2013-27

An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

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Administrative Report: Attached. The manager recommended Ordinance 2013-27 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2013-11(U)

An Ordinance Appropriating To The Manager The Sum Of \$10,000 As Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided By A Memorandum of Understanding With The Alaska Department Of Environmental Conservation.

Administrative Report: Attached. The manager recommended Ordinance 2013-11(U) be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2013-11(V)

An Ordinance Appropriating To The Manager The Sum Of \$110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2013-11(V) be introduced and set for public hearing at the next regular meeting.

2. Bid Awards

a. Bid 14-028

Term Contract for Emulsion Polymer

Administrative Report: Attached. The manager recommended award of Bid 14-028 to Northstar Chemical in the amount of \$149,040.00.

Removed from the consent agenda:

3. Resolutions

a. Resolution 2663

A Resolution Endorsing the Creation of a Sister City Relationship with the Municipality of Kalibo, Capital of Aklan Province, in the Republic of the Philippines, and Requesting the Sister Cities Committee to Proceed With the Steps Necessary to Formalize the Sister City Relationship.

Administrative Report: Attached. The manager recommended adoption of Resolution 2663.

Public Comment:

Larry Snyder said he retired from the Coast Guard and had an opportunity to work with the commercial fishing fleet in Juneau. He said his wife was from Aklan and her hometown was Kalibo. This sister city relationship could benefit all. Regarding commercial fishing, this could be a wonderful opportunity to reach out with some of Juneau's products and knowledge of seafood. Kalibo would be receptive and he had spoken with the Alaska Sea Grant program regarding moving Juneau seafood products to the Philippines. He was now a part time resident

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in Kalibo for six months of the year and he hoped to have an opportunity to assist with the sister city relationship.

Dante Reyes, President of the Filipino Community, Inc. spoke on behalf of the Filipino community. He was originally from the province of Aklan. There were more than 800 Filipino people in Juneau who were from this area and he thanked the Assembly for this opportunity.

Assembly Action:

MOTION, by Kiehl, to adopt Resolution 2663. Hearing no objection, it was so ordered.

VII. PUBLIC HEARING

A. Ordinance 2013-23

An Ordinance Authorizing The Manager To Execute A Site Lease With Alaska Wireless Network, LLC For The Construction, Operation And Maintenance Of A Telecommunication Tower Facility At Eaglecrest Ski Area.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-23.

Public Comment:

Margo Waring urged the Assembly to reject this ordinance. Construction of this telecommunication facility would mean there would be three towers in the area, one at Spuhn Island, one at the quarry on the mountain and one at the base of the ski area, and she did not understand why so many were needed. Cell service had improved greatly at Eaglecrest over the past few years. There had been some boasting about dramatic improvements in cell service at the ski area and that was her experience. CBJ's Community Development Department was developing a plan for the siting of cell towers and this process was underway. At the same time there was a rush from companies to site their towers before the plan went into effect. She urged delay until the community had a better understanding of the overall picture and plan. This was a fifteen year lease at a favorable rate for what seemed to her to be a redundant tower.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-24.

Ms. Crane asked about the status of the cell tower plan. Ms. Kiefer said there was a contract with a person who was working on the plan and the contract had expired. Staff was working to negotiate an extension. Ms. Crane said that Ms. Waring made a good point, and if it would be another two years until the plan was complete, this was concerning.

Mayor Sanford hoped to have this project moving again within the next six months – the issue was also on his list for the Law Department to review.

Mr. Jones said he was not aware that there was a cell tower in the quarry at Eaglecrest and asked if all of the towers, including the one on Spuhn Island, were owned by the same company.

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Mr. Kiehl said the tower at the quarry was owned by Atlas which did not operate cell service, but leased space on towers to cell service providers. This proposed lease was at the same terms as the lease at Fish Creek quarry – it was leased at a market rate.

Mr. Jones said the lease was favorable at \$750 per month. He asked if there was an actual appraisal of this land and would this lease rate go up or down based on this rate, and would that factor into the negotiation of this lease.

Mr. Chaney said the lands division recently received an appraisal of the land for the tower and \$750 per month was right on target for that facility.

Ms. Becker asked to hear about the condition of cell service at the ski area today. Mr. Lillard said there had been some improvement based on towers installed elsewhere in the city. There was a significant break in service from the Fish Creek tower service to the base of the ski area, which was essentially a “black hole.” It was rare to get cell service in the ski area parking lot. Cell phones were now a necessity for people. Juneau Mountain Rescue based a rescue out of the ski area this weekend and if the family of one of the lost hikers been able to use their cell phone the rescue would have been sped up. Staff at the ski area saw this installation as a huge benefit.

Ms. Troll asked what would be the down side of delaying this lease if it were to be held up until information could be received in the cell tower plan. Ms. Kiefer said the safety concern was mentioned by the Ski Area Manager and she thought that a six month time frame was optimistic for the plan to work its way through the public process and adoption by the Assembly.

Mr. Wanamaker said he would support this ordinance for safety concerns. The staff had the incentive to complete the cell phone tower siting plan and the Assembly should move forward.

Hearing no objection, it was so ordered.

B. Ordinance 2013-11(Q)

An Ordinance Appropriating To The Manager The Sum Of \$106,000 As Funding For The Empty Chair Memorial, Grant Funding Provided By The US Department Of The Interior, National Park Service And Donations Provided By The Empty Chair Committee.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(Q).

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-11(Q).

Mr. Wanamaker said that he supported this ordinance with all of his heart. Some of the people that were relocated from Juneau were his relatives and some of his classmates were born in the

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internment camps. This was a fitting way of honoring their memory and the sacrifices they made, even though the sacrifices were involuntary.

Hearing no objection, it was so ordered.

C. Ordinance 2013-11(R)

An Ordinance Appropriating To The Manager The Sum Of \$50,000 As Funding For A Parking Manager, Funding Provided By The Parking In Lieu Fund and the Downtown Parking Fund Fund Balances.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(R).

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-11(R).

Mr. Nankervis and Mr. Wanamaker objected.

Mr. Nankervis said once a job was created, the municipality seemed to have it for a long time. The city was facing the probability of reduced state and federal funding and the Assembly had not looked at ways to decrease the cost of government. The number of parking spaces had increased, it was easier to enforce and there were fewer complaints about downtown. The function may be misplaced in Parks and Recreation and CDD, but there were people in the police department that were tasked with enforcing parking. CBJ had 1741 employees which worked out to one city employee for every 18 citizens and he could not imagine that current staff could not address the issue. Mr. Wanamaker agreed with Mr. Nankervis' comments.

Ms. Crane said she supported the ordinance and did not know if she would support it beyond this fiscal year but believed there were some significant problems that needed to be addressed with the parking vendor and other issues. She said some concentrated attention needed to be given to solving those problems by the end of the fiscal year.

Ms. Becker asked if there was something in the position description that would outline resolving the problems with the contractor. Ms. Kiefer said yes. Ms. Becker said she did not support the ordinance but hoped the problems would be resolved.

Mayor Sanford asked Ms. Kiefer to review the funding sources for this ordinance. Ms. Kiefer said there was \$15,000 from the Fee in Lieu of Parking fund and \$35,000 from out of the Downtown Parking Funds through the end of the fiscal year. There was general fund funding that was already allocated in the Downtown Parking Funds for this year, but there was no additional general fund funding for this ordinance.

Mr. Kiehl said the Finance Committee discussed the short term needs for a position to get a handle on the downtown parking problems, which were significant. He did not know if it was a six month or 18 month fix, but the assembly had left open the funding for many positions in the past and many CBJ positions were open now. While this is some portion of an employee

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funded now for parking, it was a job and a half in terms of the work burden and those resources were being pulled from other places. This could be done without becoming a permanent addition, but the resources were needed in the short term to get the work accomplished.

Mr. Jones said there was an executive session listed at the end of this meeting about parking management and recommended delaying the vote on this ordinance until after the executive session. Ms. Kiefer said there would be additional information provided and a motion to table was appropriate.

MOTION, by Jones, to table the motion until after the executive session. Hearing no objections, it was so ordered.

D. Ordinance 2013-11(S)

An Ordinance Appropriating To The Manager The Sum Of \$100,000 As Funding For An Economic Development Plan, Funding Provided By Closed Capital Projects.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(S).

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2013-11(S).

Mr. Jones objected. He had reviewed the RFP. He was concerned that by ordinance, the Assembly established the Juneau Economic Development Council to be the economic development organization for the borough, and the Assembly seemed to by-passing that group. He understood that JEDC could apply to do the work, but he did not know why CBJ did not ask JEDC to find the funding and to do the work, however they saw fit. He asked what the source of the CIP funds were. At the PWFC meeting, it was reported that most of it came from sales tax revenues, which he assumed if they were not spent returned to the general fund as part of the fund balance. It was part of the 3% tax and not the 1% people voted on for particular projects. The Assembly could make this part of the ordinary budget process and not a CIP. Coming up with an Economic Development Plan was a good idea but he objected to the process and leaving JEDC out of the loop.

Roll call:

Aye: Becker, Crane, Nankervis, Wanamaker, Sanford.

Nay: Jones, Kiehl, Troll

Motion passed, 5 ayes, 3 nays.

E. Ordinance 2013-11(T)

An Ordinance Appropriating To The Manager The Sum Of \$160,000 As Funding For Legal Services Provided By The City And Borough of Juneau's Law Department To Bartlett Regional Hospital And The Juneau School District, Funding Provided By Interdepartmental Charges.

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Administrative Report: Attached. The manager recommended adoption of Ordinance 2013-11(T).

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2013-11(T). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Richard Harris – RH Development - Appeal Of A Planning Commission Notice of Decision Regarding AME2013-0006 – Denial of a Request for a Zone Change from D-10 – LC at 9050 Atlin Drive or 2600 Mendenhall Loop Road.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

Ms. Becker asked if there was any legal reason to not hear the appeal. Ms. Mead said she saw no reason to deny hearing the appeal.

Hearing no objection, the Assembly accepted the appeal.

Mr. Nankervis said the Assembly should hear it itself and volunteered to serve as the presiding officer. Hearing no objection, it was so ordered.

Ms. Mead spoke about the rules of conduct regarding appeal matters before the Assembly.

X. STAFF REPORTS

Ms. Kiefer said the lobbyist contract was finalized and signed. Staff was continuing to work with businesses that were requiring local seniors to use a sales tax exemption card issued by the store, to get the stores to stop that practice and accept the cards issued by CBJ. The Economic Plan Request for Proposals was issued and available to the public. The evaluation committee included Carlton Smith and scoring of the proposals would begin approximately in December. Ms. Kiefer, along with a staff committee, would revise the CBJ tree policy based on a number of recent issues and a re-evaluation of the current tree policy showed it was out of date.

Ms. Crane asked for an update regarding Mr. Hohman's property the property in Douglas at some point. Ms. Mead said that the lawsuit was still pending. The judge had a motion for summary judgment in which CBJ filed to put a lien on the property for the cost of the construction. There was no trial date. The court vacated the trial date and she suspected that the entire matter would be addressed on summary judgment. That included all the matters that

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the CBJ could affirmatively deal with that were of imminent and emergency nature. There were other issues with the home that were still pending. The Building Official's order was still in place prohibiting occupancy or entry of the property without noticing the Building Official. The sale that was pending with the contractor fell through. Once the court decided the issue there may be further steps to take. The court had six months from the date the briefing was completed to issue a decision.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford reported on his trip to Skagway where he met with Yukon Government officials. They talked about an economic development corridor over the Klondike Highway for telecommunications, power and general economic development. The meetings included Minister Scott Kent from the Ministry of Energy, Mines and Resources; Minister Curry Dixon from the Ministry of Economic Development, Shirley Abercrombie, Assistant Deputy Minister from the Ministry of Energy, Mines and Resources; Commissioner Susan Bell, Alaska Department of Commerce and Community Development; Gene Therriault, Deputy Director of the Alaska Energy Authority, Robert Venables, Energy Coordinator of Southeast Conference; Mark Schaeffer, Mayor of Skagway, Stan Selmer, Former Mayor of Skagway, and himself as Mayor of Juneau and Southeast Conference Board member.

Mayor Sanford said there was a news release regarding the Alaska Industrial Development and Export Authority (AIDEA) MOU with Niblack Mines for a mill site close to Ketchikan.

Mayor Sanford said Dawson Construction was busy with the work on the Walter Soboleff Center. They were learning new tactics to address the tidal influence on the site. The tower crane was installed and in operation and the slab was set, so steel would be going up soon.

Mayor Sanford said that all the Assembly was invited to participate in the Alaska Association of Student Government Leadership conference for a dinner on Friday, October 18, at 7 p.m. at JDHS Main Gym.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW meeting of Monday, October 28 would be held as a Special Assembly meeting instead, to allow action to be taken, and would include meeting with the Planning Commission, starting at 6 p.m.

Public Works and Facilities Committee: Chair Wanamaker said PWFC met today at Noon. At the meeting, the committee recommended to the Assembly that the City Manager or Mayor send a letter to the Alaska Department of Transportation (DOT) about some of the Statewide Transportation Improvement Projects (STIP) changes.

MOTION, by Wanamaker, authorize the Mayor to sign a letter encouraging DOT to work with CBJ staff to find suitable solutions to the Auke Lake Wayside problem in the STIP amendments.

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Mayor Sanford asked if the PWFC had been presented with a letter from Mr. Watt in that regard. Mr. Wanamaker said yes, that was appropriate and they encouraged the Mayor or City Manager to sign that.

Hearing no objection, it was so ordered.

Finance Committee: Chair Crane said the next meeting was on Wednesday, October 16, at 5:30 p.m. and the packet had been distributed.

C. Liaison Reports

Juneau Economic Development Committee: Liaison Jones said the JEDC Board would meet on Tuesday, October 15 at Noon, part of agenda was to review the applications for board members on JEDC, which would be forwarded to the Assembly for approval.

Airport Board: Liaison Nankervis said the Airport Board met on Wednesday, October 9th. Abby's Kitchen was selected as the new food and beverage concessionaire at the Aiport. JPD assumed responsibility for security at the airport on October 1. An emergency drill was held at the airport on September 14. There would be an Eagle Scout award ceremony on November 4 for landscaping work done at the airport. Mr. Nankervis said the Red Cross was recently at the airport teaching staff the new CPR and Heimlich maneuvers and the same day the airport bartender had an opportunity to save a choking patron.

Parks and Recreation Advisory Committee: Liaison Nankervis said the PRAC met recently and issued comments on the Auke Lake wayside for the STIP.

Juneau Commission on Sustainability: Liaison Nankervis said JCOS had been meeting to discuss solid waste and recycling issues. JCOS sent a letter regarding the heating, design and materials plan for long term energy savings for the new library.

Hospital Board: Liaison Crane said the CEO had resigned and the board proceeded quickly for recruitment of an interim CEO and there was a transition plan in place.

Eaglecrest Board: Liaison Kiehl said season pass sales were proceeding at pace.

Affordable Housing Commission: Liaison Kiehl said AHC expressed support of the Assembly for the housing development on Vista Drive and AHC strongly recommends this to the Assembly for its support.

Alaska Committee: Liaison Becker said discussion items included Gavel to Gavel programming. CBJ funds half of the cost, which was much less expensive than 25 other states' programs. There was significant discussion regarding confusion over parking which must be alleviated before the legislature arrives. It was important to get information about parking to all the rental car agencies. The Legislative Reception committee was meeting again and the annual event will be held on January 23. CBJ's new lobbyist would be attending Alaska Committee meetings.

UAS Campus Council: Liaison Becker said there is a lot of construction going on at the University, including the new dorms and preparation for the siting of the whale statue, which

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will be dedicated on October 25 from 5 – 7 p.m. UAS was working on accreditation issues and a there was a new Arts and Science Bachelor degree was being offered this year.

D. Presiding Officer Reports

Mr. Jones said all appeals were moving forward in a timely manner and the first hearing would be on October 30 for the O'Brien v. CBJ Assessor.

Mayor Sanford asked to suspend the order of business and hold Assembly comments and the questions and action on Ordinance 2013-11(R) until after executive session. Ms. Becker asked to make her comments before the break. Hearing no objection, it was so ordered.

Ms. Becker said there would be 323 students from around the state in Juneau for the Alaska Association of Student Government event and they would really like people to come to the event on Friday October 18 at 7 p.m. at JDHS and talk to the students. Participants need not be an Assemblymembers and the public was invited.

Ms. Becker said on October 24, there would be a ground breaking ceremony for the Seward Statue at the court building at 11 a.m.

XII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIII. EXECUTIVE SESSION

A. Parking Management

MOTION, by Becker, to enter into executive session, to discuss a financial matter, specifically parking management. Hearing no objection, the Assembly entered executive session at 8:50 p.m. and returned to regular session at 9:30 p.m.

Mayor Sanford called the meeting back into session.

MOTION, by Kiehl, to remove Ordinance 2013-11(R) from table for consideration. Hearing no objection, Ordinance 2013-11(R) was before the Assembly. Mayor Sanford said there was a motion on the floor for adoption. Mr. Wanamaker maintained his objection.

Mr. Jones asked if it was appropriate to make a motion to table until after the next briefing by the Administration in November. Ms. Mead said that was an appropriate motion.

MOTION, by Jones, to table Ordinance 2013-11(R) until the next Administrative report had been provided.

Roll call:

Aye: Becker, Jones, Nankervis, Wanamaker

Nay: Crane, Kiehl, Troll, Sanford

Motion failed, 4 ayes, 4 nays.

Roll call to adopt Ordinance 2013-11(R):

Aye: Crane, Kiehl, Troll, Sanford

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Nay: Nay, Jones, Nankervis, Wanamaker
Motion failed, 4 ayes, 4 nays.

XIV. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford distributed the draft Committee and Liaison assignment list and asked the Assemblymembers to take time to review and provide any concerns to him.

Hearing no objection, the annual Assembly Retreat was set for Wednesday, October 30 at 8 a.m. – Noon, in the Assembly Chambers. Mayor Sanford asked the Assemblymembers to provide any topics of special interest to him and the group would discuss Assembly goals. He asked members to provide specific ideas for goals to him.

MOTION, by Crane, that the assembly confirm its policy that Project Labor Agreements (PLA's) will be used to the fullest extent of the law, and further request that the Docks and Harbors Director engage with the Juneau Building Trades to reconcile any legal issues that may prevent attachment of a PLA to project 16b.

Mr. Wanamaker supported the motion. He said the PWFC would work with the city attorney to develop a uniform program so the city could follow the CBJ PLA policy without inconsistency to set up a standardized review process that would involve multiple personnel arriving at a group determination rather than an individual review, which may lead to arbitrariness or misunderstanding. This program could be applied across all entities uniformly.

Mr. Kiehl supported the motion and the effort to set up the review process. Dock Project 16b would benefit greatly from the PLA policy. Juneau saw the impact of missed cruise ship visits and we run the risk of not delivering dock projects on time. When the Assembly began getting letters from the Building Trades about this, he asked for information from the manager on the last five years of projects and the on-time performance of projects with PLA's was dramatically better than those without.

Mr. Jones said that Project 16b was out to bid on a sealed bid and its due date was within a few weeks and asked what impact the potential requirement for a PLA would have on the bid process, especially regarding the timing of the project. Would CBJ be required to pay bidders for their prep time if the bid was delayed or pulled? Ms. Mead said most of the bids issued by CBJ, and she was not familiar with this one in particular, stated CBJ could pull the bid for the CBJ's reasons. With a PLA to be legally defensible, the entity making the decision had to articulate a legitimate, strong, government interest in having the PLA. The PLA needed to be drafted in such a way that the language met those government interests. That was essentially what a court would review if a lawsuit was filed – the legitimate interest and how the PLA met those goals. A policy discussion would need to take place with reasons articulated before discussing what was to go into the bid before making it a PLA bid. In regards to Project 16b, the bid would need to be pulled, and Docks and Harbors would need to define policy reasons to move forward with a PLA, and then the bid would need to be resolicited.

Mr. Jones said if all of that took place and the decision remained the same, i.e., to not have a PLA, what impact would there be on the RFP process and any cost to CBJ for pulling the bid. Ms. Mead said there would not be costs for pulling the bid.

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Ms. Crane asked if CBJ had a policy to use PLA's within the full extent of the law, why was this evaluation not done before the RFP was created instead of looking at this after the fact.

Ms. Mead said that when PLA's were challenged, the challenge was based on equal protection grounds and the procurement code grounds. For the equal protection challenge, the court would look at whether or not the municipality had articulated a legitimate government interest that outweighed the non-union members right to seek their economic fortunes, and whether the PLA met the government interest. The procurement code challenge was similar, it was whether the PLA met the goals articulated in the CBJ procurement code. The cases that had been discussed as examples all went the same way. There was an Attorney General opinion in 1999 that laid out the two analyses that the court made and the opinion discussed different projects that had passed equal protection and procurement code challenges by courts. One was a case where timing was a factor. One was a case in which it was a particularly complex project. The summarizing of the different types of cases that went before the court became understood to be a "factor test." When the Assembly made the motion to use PLA's to the extent legally defensible, the piece that was missing was that a "no" decision on a PLA was always legally defensible as they were not challenged, there was nothing to challenge. The "yes" to a PLA was what got challenged and a "yes" had nothing to do with a factor test, it was a "balancing test." The articulation of the policy was the only way to determine if the use of a PLA was legally defensible and that policy articulation had not happened. The PLA decisions came over with a "factor" analysis which was not enough for the Law Department to determine if it was legally defensible. The Assembly could move forward with a resolution or motion that articulated its intent that the departments go through this policy analysis and when reasons could be articulated that made it worthwhile to go ahead and use it – that is what Mr. Wanamaker would like me to draft up for review.

Mayor Sanford said the question was whether the Airport and the Docks and Harbors departments did a written analysis on their projects that had to do with the "nine criteria" that the Assembly reviewed when it adopted its resolution about PLA's and Ms. Mead said they did do that analysis.

Mr. Wanamaker said that the Assembly had a policy and the message to departments needed to be it was a city wide policy for everyone to use – it was not up to people whether to choose to follow it or not. The motion encouraged discussion and he asked for a favorable vote on the motion.

Mr. Jones said the original motion urged doing whatever is legally defensible. The attorney advises us that not doing a PLA is always legally defensible. Until PWFC developed a policy that everyone could follow, it appears that Docks and Harbors and other projects have followed the current policy if they have done the analysis and this use of a PLA on Dock Project 16b could delay this project.

Mr. Nankervis said it seemed that there was an effort to look for reasons *not* to use a PLA and that seemed against the policy.

Ms. Becker asked how the Docks and Harbors decided not to use a PLA and did they review this with the Law Department. Ms. Mead said Docks and Harbors went through the "nine factor test," and sent it to the Law Department for review. Because it was a decision to not use a PLA, there was nothing for her to review. She could not analyze the legal defensibility as

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there was nothing to look at. The breakdown of focusing on the “nine factors” was artificially narrowing the focus because just because those cases found those projects to be justified in using a PLA, there could be 50 other types of cases. It was all about coming up with the policy and articulating the reasons. One problem was that the way the analysis has happened, it has been one staff member making a decision. What was being considered was having a multi-person effort. The met the process in place but there was nothing for her to review and that was a change from past Law Department practice.

Ms. Crane restated the motion. Hearing no objection, it was so ordered.

Mr. Wanamaker said he would be out of town November 11 – 17 and would attend the dedication of a new memorial for the USS Juneau in Hudson County, New Jersey, on November 13, the anniversary of the sinking of the ship. The ceremony would be on the site of the building of the original USS Juneau. He requested a proclamation from CBJ to become part of the program and hearing no objection, it was so ordered.

Mr. Wanamaker thanked the Assembly and staff for the work on the Empty Chair project.

Mr. Kiehl invited the Assembly to join him and Mr. Nankervis when they helped a large group of volunteers to teach an outdoor skills program to Floyd Dryden students on October 21 and 22, focusing on safety, including firearms, planning, cold water issues and more.

Mr. Kiehl welcomed Ms. Troll to the Assembly.

Ms. Troll said she was honored to be on the Assembly and Mr. Dybdahl’s service had been exemplary. She was learning the ropes and invited all the Assemblymembers to educate her along the way.

Mr. Nankervis encouraged committees and boards to try to avoid conflicting meeting dates and times when possible.

Mr. Jones attended an event to honor former Bartlett Regional Hospital Board members, which was a good experience. He attended the Fallen Firefighter memorial which was very moving. He invited everyone to attend the Juneau World Affairs Council Canadian forum and said there was a breakfast at the Senior Center for Alaska Day on October 18.

XV. ADJOURNMENT - 10:08 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor

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

October 14, 2013 - Regular Assembly Meeting 2013-26 Minutes

MANAGER'S REPORT:

RECOMMENDATION:

ATTACHMENTS:

File Name

Description



[2013-10-14 Assembly Minutes DRAFT.docx](#)

October 14, 2013 Assembly Meeting Minutes

Presented by: The Manager
Introduced: 11/04/13
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-11(W)

An Ordinance Appropriating To The Manager The Sum Of \$145,550 As Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

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 \$145,550 to support the activities related to the 2013 State Homeland Security Program.

Section 3. Source of Funds

Alaska Department of Military and Veterans Affairs	\$145,550
--	-----------

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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

Ordinance 2013-11(W) An Ordinance Appropriating To The Manager The Sum Of \$145,550 As
Funding for the State Homeland Security Program, Grant Funding Provided by the State of Alaska
Department of Military and Veterans Affairs

MANAGER'S REPORT:

This ordinance would appropriate \$145,550 for the 2013 State Homeland Security Programs (SHSP) Grant from the Alaska Department of Military and Veterans Affairs.

These funds would be used to support the goals and activities of the Emergency Management Program through funding of planning, training, exercises and equipment purchases. These projects include:

- CBJ Staff Participation in Alaska Shield 2014 Exercise
- After Action Review Travel for Alaska Shield 2014 Exercise
- Camera and Access Systems for JPD and CCFR Facilities
- Bulk Fuel Storage Facility Assessments and Response Planning
- Pagers for CCFR
- Portable Radio Repeater for First Responders

The term of this grant is October 1, 2013 through March 31, 2015.

There is no match requirement for this grant.

RECOMMENDATION:

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

ATTACHMENTS:

File Name	Description
☐ 2013-11(W).doc	2013-11(W)

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-28

An Ordinance Relating to Snow Removal Parking Prohibitions, Civil Fines and Civil Fine Procedure, and Providing for a Penalty.

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 03.30.051 Traffic fine schedule, is amended to read:

03.30.051 Traffic fine schedule.

...

TRAFFIC FINE SCHEDULE

...		
Chapter 72.24	Snow Removal	
72.24.010	Parking in violation of snow removal prohibition	55.00
72.24.075	Placing snow in public ways	55.00

...

Section 3. Amendment of Section. CBJ 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

...		
72.14	Parking Payment Equipment	
72.14.020	Improper parking; vehicle other than motor vehicle	25.00
72.14.025	Failure to deposit money	25.00
72.24	<i>Snow Removal</i>	
72.24.010	<i>Parking in violation of a snow removal prohibition</i>	55.00
72.24.075	<i>Placing snow in public ways</i>	55.00
	WATERS AND HARBORS	
Title 85	Boat Harbor	
85.10.050(k)	Violate posted parking	25.00
85.20.030(a)	Boat launch ramp fee and permit required	75.00
85.25.010	Fail to register	25.00
...		

1 **Section 4. Amendment of Chapter.** Chapter 72.24 Snow removal, is amended to
2 read:

3 **72.24.010 Snow removal parking prohibitions.**

- 4 (a) Upon a finding that prevailing or impending weather or street conditions make it
5 necessary, the manager may impose a snow removal parking prohibition on one or more
6 City and Borough streets for snow plowing or related purposes.
- 7
- 8 (b) It is ~~an infraction~~ *violation, subject to a civil fine*, to park or permit a vehicle to stand
9 upon a street in violation of a snow removal parking prohibition.
- 10
- 11 (c) Nothing in this section shall be construed to permit parking at any time or place where it
12 is otherwise forbidden.

13 ...

14

15 **72.24.075 Placing snow in public ways prohibited.**

- 16
- 17 (a) No person may place or cause to be placed any snow or ice on any sidewalk, street,
18 roadway, parking place, or other public place so as to impede or render unsafe vehicle or
19 pedestrian use.
- 20
- 21 (b) It is not a violation of this section to place snow or ice:
- 22 (1) on a street within 18 inches of a curb or shoulder, provided
- 23 (A) the snow or ice is removed from a sidewalk and the municipality has not cleared
24 that area of the street since the last snowfall, or
- 25

1 (B) the snow or ice is removed from a sidewalk or driveway on which it was
2 deposited by City and Borough snow clearing operations in a location that
3 interferes with normal vehicular or pedestrian access to private property.
4

5 (2) on any part of a street which has been blocked for the purpose of clearing the street
6 of snow,

7 (3) provided that the exceptions in subsections (1) and (2) shall not apply to snow or ice

8 (A) placed on a sidewalk by an abutting property owner,
9

10 (B) removed from a private parking lot, or

11 (C) placed in the no-parking space on any side of a fire hydrant or otherwise placed
12 on the sidewalk or in the street in such a manner as to interfere with normal
13 access to the fire hydrant.
14

15 (c) *It is a violation, subject to a civil fine, to place or cause to be placed snow or ice in public*
16 *ways as prohibited by this section.*
17

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

19 Adopted this _____ day of _____, 2013.
20
21

22 _____
Merrill Sanford, Mayor

23 Attest:

24
25 _____
Laurie Sica, Municipal Clerk

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

Ordinance 2013-28 An Ordinance Relating to Snow Removal Parking Prohibitions, Civil Fines and Civil Fine Procedure, and Providing for a Penalty.

MANAGER'S REPORT:

This ordinance would replace the criminal infraction process in place for handling violations of the snow removal parking prohibition ordinance and the ordinance prohibiting the placement of snow and ice in public ways by making violations of those code sections civil violations. The penalty remains unchanged.

RECOMMENDATION:

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

ATTACHMENTS:

File Name	Description
☐ 2013-28.pdf	Ordinance 2013-28

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-29

An Ordinance Establishing the Human Resources and Risk Management Department.

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

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

Section 2. Amendment of Chapter. CBJ 03.10 Departments, is amended to read:
03.10.010 Departments established.

(a) The following departments of the City and Borough are established:

- (1) Finance;
- (2) Community development;
- (3) Public works;
- (4) Engineering and transportation;
- (5) Fire;
- (6) Administration;
- (7) Police;
- (8) Parks and recreation;
- (9) Airport;
- (10) Library;
- (11) *Human resources and risk management.*

1 (b) The manager may require a department or division to report to the manager through a
2 deputy manager or the head of another department, either full time or for the purpose of
3 coordinating a specific project.
4

5 ...
6

7 **03.10.070 Administration department.**

8 (a) *Responsibilities.* The administration department shall be responsible for:

9 (1) Municipal clerk functions including elections, recording and safeguarding all
10 proceedings of the assembly, safeguarding all other municipal records, and the
11 publishing of required notices, information and publicity;

12 (2) Real property management, including acquisition and disposal; recycling and
13 solid waste programs and services;

14 (3) ~~Risk management~~ *Reserved*;

15 (4) Operation, maintenance and planning of computer resources; systems
16 development, support, and training; establishment of data processing
17 standards;

18 (5) Reserved;

19 (6) ~~Personnel functions including administration of the personnel management~~
20 ~~plan and the personnel rules, the classification plan, the compensation plan,~~
21 ~~the recruiting and examination programs, the personnel records system, labor~~
22 ~~relations and union contract negotiations, employee orientation and training,~~
23 ~~and other related personnel issues~~ *Reserved*;

24 (7) Other related services as assigned by the manager.
25

1 (b) Department head and authority. The department head shall be the manager. The
2 manager may organize the department into such divisions and distribute the department
3 responsibilities as the manager determines appropriate. A responsibility assigned to the
4 department under subsection (a) of this section may be temporarily assigned by the manager
5 to another department. The manager may make a permanent assignment of a part of any
6 administration department responsibility to another department and may permit other
7 departments to perform administration department functions necessary or convenient for the
8 efficient operation of such other departments. Such reassignments and authorizations may be
9 made specifically or by implication.
10

11 ...

12
13 ***03.10.079 Human resources and risk management department.***

14 *The human resources and risk management department shall be responsible for:*
15 *Personnel functions including administration of the personnel management plan and the*
16 *personnel rules, the classification plan, the compensation plan, the recruiting and examination*
17 *programs, the personnel records system, labor relations and union contract negotiations,*
18 *employee orientation, training and other related personnel issues, and risk management.*
19

20 ...

21
22 **Section 3. Amendment of Section.** CBJ 05.05.010(b)(5) is amended to read:
23 **05.05.010 Airport manager.**

24 ...
25

1 (b) The airport manager is responsible for the overall supervision and direction of the
2 affairs of the municipal airport. The authority and duties of the airport manager shall include
3 the following:

4 (1) To be responsible for carrying out all applicable laws, ordinances, rules, and
5 regulations.

6 (2) To be responsible for carrying out policies established by the airport board of
7 directors.

8 (3) Chapter 44.05 notwithstanding, to prepare and submit to the airport board of
9 directors for approval, a plan of organization and a job classification plan for the personnel
10 employed at the airport.

11 (4) To prepare an annual budget as required by City and Borough ordinance.

12 (5) To select, employ, control, discipline, and discharge all airport employees and
13 such other employees as the assembly by ordinance places under the supervision of the
14 airport manager, subject to the provisions of the City and Borough personnel rules and the
15 administration of the ~~personnel division~~ *human resources and risk management department*,
16 except that the airport manager may adapt the personnel plan to allow for the peculiarities of
17 the operation of the airport, as approved by the airport board.
18

19 ...
20
21

22 **Section 4. Amendment of Section.** CBJ 44.05.040, Personnel director, is
23 amended to read:
24

25 **44.05.040 ~~Personnel~~ *Human resources and risk management* director.**

1 The manager shall appoint a human resources *and risk management* director. The human
2 resources *and risk management* director shall be responsible for the administration of the
3 personnel management plan and the personnel rules. In addition to the responsibilities
4 specified in the personnel rules, the human resources *and risk management* director shall:

5 ...
6

7
8 **Section 5. Amendment of Section.** CBJ 85.02.060(4)(B) is amended to read:

9 **85.02.060 General powers.**

10 ...

11 (4) (A) Within the docks and harbors appropriation and in conformity with the rates of
12 pay established for municipal positions of similar responsibility, establish, and may amend,
13 the pay plan for harbor employees.

14 (B) The Docks and Harbors Department shall conform to the City and Borough
15 Personnel Management Code, the City and Borough Personnel Rules, Personnel
16 Classification Plan, and the Manager's policies relating to personnel. The Docks and Harbors
17 Department shall utilize the services of the ~~Personnel Division~~ *Human Resources and Risk*
18 *Management Department* when hiring or terminating any employee, when responding to
19 grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City
20 and Borough ~~Personnel~~ *Human Resources and Risk Management* Director shall annually
21 certify that the Harbor Department Classification Plan conforms to that utilized for
22 employees of the Manager.
23

24 ...
25

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

...

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie Sica, Municipal Clerk

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

Ordinance 2013-29 - An Ordinance Establishing the Human Resources and Risk Management Department.

MANAGER'S REPORT:

Human Resource Risk Management (HRRM) is currently a division within the Administrative Department. This ordinance would create a Human Resources Risk Management Department, similar to other CBJ Departments such as Engineering, Library and Community Development. The responsibilities of the Human Resources division have increased over the past few years to include the Risk Management responsibility. The Risk Management function provides services to the Juneau School District and Bartlett Regional Hospital. Most recently HRRM has expanded service to provide consolidated HRRM services to Bartlett Regional Hospital.

RECOMMENDATION:

I recommend this ordinance be introduced at set for public hearing at the next regular Assembly meeting.

ATTACHMENTS:

File Name	Description
☐ 2013-29.pdf	Ordinance 2013-29

Presented by: The Manager
Introduced: 11/04/2013
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-11(X)

An Ordinance Appropriating To The Manager The Sum Of \$58,000 As Funding For Law Department Office Space To Accommodate Additional Staff; Funding Provided By The General Fund 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 \$58,000 for Law Department Office space to accommodate additional staff.

Section 3. Source of Funds

General Fund Fund Balance \$58,000

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
greg_chaney@ci.juneau.ak.us
Voice (907) 586-5252
Fax (907) 586-5385

TO: Assembly Lands Committee

FROM: Greg Chaney *Daniel Blue*
Lands and Resources Manager

SUBJECT: Additional information concerning options for accommodating new Law Department employees.

DATE: October 25, 2013

Issue: The Law Department is adding additional staff members – a new attorney and a new administrative assistant. The Law Department's office space, as it is currently configured, cannot absorb the new staff members. At the October 16th Finance Committee, additional information was requested, the material below has been gathered to answer those questions.

Although two alternatives were presented at the October 16th meeting, six options had been evaluated by staff:

- ***Move new Law employees into existing space in other departments.***
This option was determined to be inappropriate because the Law Department functions as a team. All staff members need to be in close proximity for optimal efficiency.
- ***Move the Law Department into vacant space in the Marine View Building.***
This option involved some increased expenditures to cover additional lease costs. The proposal was determined to be unsuitable by the City Attorney because layout of the vacant office space broke the Law Department into two locations which would reduce office efficiency.
- ***Remodel the former Harley Davidson location into legal offices.***
The owners of this property were extremely motivated to have paying tenants in their space but the relatively high costs of remodeling and the relatively low amount CBJ could offer per square foot for a long term lease was too little for the building owners to consider seriously. Other renters offered to pay higher lease rates and the building's owners rejected CBJ's lease offer.
- ***Lease space in the Goldstein Building.***
The Goldstein Building does not have a vacant area large enough to accommodate the Law Department's needs.

The mechanism for meeting Law's additional office space needs was narrowed to two realistic options that were presented at the October 16th Finance Committee meeting:

- *Remodel Law's current space in the Municipal Way Building and a conference room on the 2nd floor.*
- *Move Law Department to vacant Sealaska Plaza office space and move Human Resources staff to Law's current offices.*

Sealaska Plaza has office space that was recently vacated by a private law firm. This area can be occupied immediately with minimal remodeling and Sealaska has offered to lease this location to CBJ approximately 20% below market rate since CBJ will be a stable long term tenant. When the Dr. Walter Soboleff Heritage Center is completed, Sealaska Heritage staff will move into the new building, providing the potential for CBJ to lease additional office space in the future.

Projected Costs:

Relative estimates presented at the October 16th Finance Committee meeting were based on projections and partially completed negotiations with building owners. There are several factors that will influence the actual expense of remodeling, or moving, so final costs may be different than those presented at the October 16th Finance Committee meeting. However staff anticipates the actual figures will be within +/- 10% of the figures presented to the Finance Committee.

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

Ordinance 2013-11(X) An Ordinance Appropriating To The Manager The Sum of \$58,000 As
Funding For Law Department Office Space To Accomodate Additional Staff; Funding Provided By
The General Fund Fund Balance.

MANAGER'S REPORT:

This ordinance would appropriate \$58,000 for additional office space to accommodate 2 new Law Department staff members. Funding will be provided by the General Fund fund balance.

Two options were provided to the Assembly Finance Committee at its October 16, 2013 meeting, to provide the additional space needed. Option 1 would remodel existing office space in the Municipal Way Building at an estimated cost of \$52,000. This also includes estimates for custom office furniture that would make the best use of the remodeled space. Option 2 would allow the Law Department to move to the Sealaska Building and allow Human Resources staff to move out of the Municipal Way Building basement to the space currently occupied by the Law Department. Option 2 is estimated to cost \$58,000, which includes moving, IT installation and furniture.

The AFC approved pursuing Option 2 and requested more definite cost estimates be presented at this Assembly meeting.

RECOMMENDATION:

I recommend this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

ATTACHMENTS:

File Name	Description
☐ 2013-11(X).doc	Ordinance 2013-11(X)
☐ Chaney Memo 10 25 13.pdf	Memo From Lands Manager

Presented by: The Manager
Introduced: 11/04/2013
Drafted by: Finance

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2664

A Resolution De-Appropriating \$299,490 From The Bayview Subdivision Sewer Outfall, \$250,000 From The Juneau-Douglas Treatment Plant Jet Truck And Septage Receiving Facility And \$219,832 From The Twin Lakes Pump Station Capital Improvement Projects.

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, 2005-11(U) appropriated a \$1,200,000 loan from the Alaska Department of Environmental Conservation as funding for the Bayview Subdivision Sewer Outfall capital improvement project and 2007-21(AF)(b) appropriated a \$250,000 loan from the Alaska Department of Environmental Conservation as funding for the Juneau-Douglas Treatment Plant Jet Truck and Septage Receiving Facility and 2011-11(E) appropriated a \$825,000 loan from the Alaska Department of Environmental Conservation as funding for the Twin Lakes Pump Station capital improvement project; and

WHEREAS, the Bayview Subdivision Sewer Outfall, Juneau-Douglas Treatment Plant Jet Truck and Septage Receiving Facility and Twin Lakes Pump Station Capital Improvement Projects are complete.

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 Bayview Subdivision Sewer Outfall capital improvement project in the amount of \$299,490 and the budget is de-appropriated from Juneau-Douglas Treatment Plant Jet Truck and Septage Receiving Facility capital improvement project in the amount of \$250,000 and the budget is de-appropriated from the Twin Lakes Pump Station capital improvement project in the amount of \$219,832; all funding from the Alaska Department of Environmental Conservation.

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

Adopted this day of 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk

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

Resolution 2664 - A Resolution De-Appropriating \$299,490 From The Bayview Subdivision Sewer Outfall, \$250,000 From The Juneau-Douglas Treatment Plant Jet Truck And Septage Receiving Facility And \$219,832 From The Twin Lakes Pump Station Capital Improvement Projects

MANAGER'S REPORT:

This resolution would de-appropriate \$769,322 in loan funding from the Alaska Department of Environmental Conservation that was not expended. The capital projects are complete and no additional funding is needed.

The Public Works and Facilities Committee approved this request at its October 14, 2013 meeting.

RECOMMENDATION:

I recommend this resolution be adopted.

ATTACHMENTS:

File Name	Description
☐ Resolution_2664.doc	Resolution 2664

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2662

A Resolution Reestablishing the Rules of Procedure for Assembly Advisory Boards, and Repealing Resolution 2246.

WHEREAS, citizen advisory boards are an important community resource for the Assembly; and

WHEREAS, "Advisory Board" is a general term and includes those bodies which include in their title the word Board, Committee, Commission, or Council and is a governmental body of the City and Borough of Juneau having only authority to advise or make recommendations to the Assembly without authority to establish policies or make decisions for the Assembly, and does not include the Docks & Harbors Board, Airport Board, Hospital Board, Eaglecrest Ski Area Board and the Planning Commission; and

WHEREAS, it is necessary for the orderly conduct of board business that policies and rules of procedure be adopted.

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

SECTION 1. MEMBERSHIP.

Policy 1. Residence: Members of Boards, Commissions or Committees shall be residents of the City and Borough of Juneau with special consideration to be made in certain instances to provide for necessary expertise as the need arises.

Policy 2. Non-discrimination: Unless otherwise required by federal or state programs, nominations to boards, commissions, or committees shall be made with due regard to talent, interest or requirements of code or ordinance, and without regard to race, creed, color, age, religion, national origin, sex, marital status, political ideology, sexual orientation, or sensory, mental or physical handicap.

Policy 3. Diversity: Committee appointments shall reflect a membership appropriate for accomplishing the goals of the committee, and should include cultural, social, political, technical and economic viewpoints sufficient to ensure wide-ranging and active debate.

Policy 4. Board Vacancies: Candidates for nomination to vacancies on advisory boards shall be solicited from residents through appropriate public announcement of vacancies. Vacancies shall be announced for a period of at least ten days between the public announcement of a vacancy and the date on which nominations take place, unless the Assembly has determined that a lesser time is appropriate under the circumstances of a particular appointment. During such periods, residents may convey recommendations of candidates for nomination to vacancies to members of the Assembly or the Clerk's office.

A. Definitions:

1. "Advisory Board" is a general term and includes those bodies entitled "board," "committee," "commission," "council," or the like, and comprise a governmental body of the City and Borough of Juneau having authority only to advise the Assembly rather than to establish policies or make decisions for the Assembly.

2. "Vacancies" include vacancies in positions which have never been filled; vacancies caused by the vacation of a position by an incumbent for any reason prior to expiration of term of office; and vacancies which will occur at the expiration of an incumbent's term whether or not the incumbent has signified a desire to succeed himself or herself.

3. A vacancy on a City and Borough advisory board shall exist under the following conditions:

- (a) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
- (b) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
- (c) If a member submits his or her resignation to the Assembly;
- (d) If a member is unable to attend board meetings for a period of more than 90 days; or
- (e) If a member misses more than 40 percent of the board meetings in a 12-month period.

The chair of the advisory board shall notify the Clerk's office of any vacancy on the board. Upon notification, the Clerk shall follow the procedures for filling vacancies as outlined in this section.

Policy 5. Appointment Process:

A. Applications: All new applications are kept on file with the Municipal Clerk's office for one year. In the event a vacancy occurs in the interim, the applicants will be contacted by the Clerk's office to determine if the applicant would like his or her application submitted for the vacant seat. Applications, except those of appointed board members, are purged after the one-year period has expired and applicants will need to reapply for future vacancies.

B. Reappointment of Committee Members: Incumbent committee members may seek reappointment at the end of their term of office. Incumbent members will need to submit new applications to be considered in the same manner as all other applications. Factors considered in re-appointing incumbents are the enthusiasm of the individual, need for continuity, and the attendance record of the individual. Appointments and reappointments are based on merit, and incumbent members are not automatically reappointed.

C. Terms: Members of advisory boards shall be appointed for a term of three years unless otherwise specified in their governing legislation. The Assembly shall endeavor to make appointments during the month in which the terms expire, provided that a board member shall continue to serve until a successor is appointed and takes office. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has 6 months or less remaining to the unexpired term, the Assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. The members of the boards who are serving at the time of adoption of this resolution shall continue to serve the duration of their terms of office.

Policy 6. Officers: Officers of each board shall consist of a Chairperson, Secretary, Treasurer, and any other officers as the board may from time to time deem necessary. Officers shall be elected at the first regular meeting after which the regular annual appointments of board members are made by the Assembly. Each officer shall serve for a one-year term or until such time as offices become vacant. The advisory board shall elect one of its members as a Secretary to record, keep, and file with the Clerk minutes of all committee meetings.

Policy 7. Staff Liaisons: The Manager may appoint a staff member or members as appropriate or as requested by the Assembly to serve as a liaison to an advisory board. The Manager, at the time of appointment, will provide the staff liaison with a memo outlining the duties of the assignment. The role of the staff liaison is to serve as a link between the board and the City's departmental staff and the Assembly. Boards shall not direct the work of staff liaisons in their advisory role to the Assembly. Liaisons shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present.

Policy 8. Ad-Hoc Committees/Task Forces: Ad-Hoc Committees shall be appointed by the Mayor to develop recommendations on a single issue. The appointment of members shall be accompanied by a memorandum outlining the committee's charge, defining the deliverables, and giving the sunset date of no more than two years from the date of appointment.

Policy 9. Reports: Advisory Boards shall report to the Assembly at least annually. Reports to the Assembly shall be approved by a majority vote of the board. Minority reports may accompany the report approved by the Majority. Each board shall submit to the Assembly a brief annual report setting forth the activities and accomplishments of the committee and the attendance record of each committee member during the preceding twelve months. The Assembly will strive to review each board's annual report at the same time it takes up the annual appointments of members. A representative of the board should be present at any Assembly or Assembly committee meeting at which the report is to be considered.

Policy 10. Evaluation: The Assembly may periodically evaluate each advisory board. Such evaluation shall consider the board's mandate, its goals and objectives, its success at reaching its goals and objectives, its activities, the extent to which it has attracted citizen participation, and suggestions for methods of improving the disposition of board business. A report of the evaluation shall be made and returned to the advisory board and shall include recommendations for future functions of the board.

SECTION 2. PROCEDURE. Advisory committee procedure shall be governed by Robert's Rules of Order except where superceded by the Assembly Rules of Procedure, as such may be amended from time to time.

SECTION 3. REPEAL OF RESOLUTION. Resolution 2246 is hereby repealed.

SECTION 4. EFFECTIVE DATE. This resolution shall be effective immediately upon adoption.

Adopted this _____ day of September, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk

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

Resolution 2662 - A Resolution Reestablishing the Rules of Procedure for Assembly Advisory Boards, and Repealing Resolution 2246.

MANAGER'S REPORT:

At its September 23, 2013 meeting, the Assembly Human Resources Committee reviewed and approved the following new policy as it relates to fundraising activities by CBJ Advisory Boards:

Advisory boards and committees are authorized to solicit or otherwise receive:

- *Cash donations, up to a maximum of \$250 for any single donation, and*
- *In-kind contributions such as food for a public event, or a donation of the use of a meeting facility, are permitted with no cap on the value.*

These donations are to be used for events or materials directly related to the board's or committee's charter. In the case of cash donations, the cash would be deposited in a CBJ treasury account. The expenditure of these funds would generally occur via the Clerk's Office purchasing card. It would be the responsibility of the board to track the amount of donations and expenditures. The donations raised would need to be expended or encumbered in the year collected.

This policy does not extend to any of the adjudicatory bodies or any of the empowered boards which have a budget, manager, and staff nor to grant making/awarding bodies.

Resolution 2662 modifies the current Advisory Board Rules of procedure in two sections:

The first change is of a housekeeping measure discovered during our board training sessions this summer and removes the word "physically" from the following section under definitions:

3. A vacancy on a City and Borough advisory board shall exist under the following conditions:

... (d) If a member is unable to "physically" attend board meetings for a period of more than 90 days; ...

The second change, related to the new policy on fundraising, is the addition of "Treasurer" to "Policy 6. Officers."

RECOMMENDATION:

I recommend this resolution be adopted.

ATTACHMENTS:

File Name	Description
☐ 2662.pdf	Resolution 2662



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5437
Fax: 907.263.5930

October 10, 2013

Renewal Application Notice

City of Juneau

Attn: City Clerk & Beth McEwen

VIA EMAIL: city_clerk@ci.juneau.ak.us; beth_mcewen@ci.juneau.ak.us

DBA	Lic Type	Lic #	Owner	Premise Address
Alaska Cache Liquor	Package Store	271	Alaska Cache Liquor Inc	156 S Franklin Street
Home Liquor	Package Store	521	Thibodeau's Market Inc	465 W Willoughby Ave
Kenny's Liquor Market	Package Store	661	Thibodeau's Market Inc	619 Willoughby Avenue
The Island Pub	Beverage Dispensary	728	JD Entertainment, Inc.	1102 2nd St
Liquor Barrel	Package Store	1129	Thibodeau's Market Inc	5235 Glacier Hwy
Triangle Club	Beverage Dispensary	1166	Triangle Club Inc	251 Front St
Fred Meyer #158	Package Store	2066	Fred Meyer Stores Inc.	8181 Glacier Hwy
Tracy's King Crab Shack	Restaurant/Eating Place	2812	Genuine Ventures LLC	356 S Franklin Street
Frontier Suites Hotel	Beverage Dispensary-Tourism AS 04.11.400(d)	3824	Hospitality Group LLC	9400 Glacier Hwy
Thibodeaus Valley Liquor	Package Store	4422	Thibodeau's Market Inc	9106 Mendenhall Mall Rd

* 11/4 *

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11/25

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/*Christine C. Lambert*

Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov

2014/2015 Liquor License Renewal – Package Store 10270

License Number	License Type	Establishment Name
271	Package Store	Alaska Cache Liquor
If Seasonal Lic.	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premises Address
Alaska Cache Liquor Inc	156 S Franklin Street
PO Box 20977	City: Juneau, City & Bor
Juneau, AK 99802-0977	Borough: Other
Community Council/s (Anchorage & Mat-Su only)	

Please mark the correct box to answer:

Was your business open at least 30 days for 8 hours each day in 2012? ☒ Yes ☐ No
 Was your business open at least 30 days for 8 hours each day in 2013? ☒ Yes ☐ No
 Has the licensed premises changed from the last diagram submitted? ☐ Yes ☒ No
 Has any person named in this application been convicted of a felony
 or Title 4 violation? ☐ Yes ☒ No
 Do you intend to ship alcoholic beverages in response to a written order? ☐ Yes ☒ No
 See page 3.

Please answer the following questions:

What is a good contact **phone number** for us to use? 907 723-7717
 Please give us a **fax number** if available or write N/A 907 586-8044
 Give us an **email address** to use in contacting you ak-cache@me.com
 Please write your Employer Identification Number (**EIN**) here 92-0109018

List all corporation/LLC members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone
PAUL J. THOMAS 9040 NINNIS DRIVE, JUNEAU, AK 99801	Pres./VP/Sec TRSA	100%	907-723-7717

If **not** a corporation - List all individuals, spouses, or partners that own business below:

Name & Mailing Address	Title	Phone

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

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

As a licensee (a sole proprietor or partner), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

Paul J. Thomas
Licensee Signature

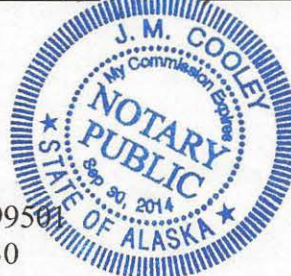
PAUL J. THOMAS PRESIDENT
Printed Name & Title

[Signature]
Notary Signature
Notary Public in and for the State of ALASKA

Subscribed and sworn to before me this

20TH day of AUGUST, 2013

My commission expires: SEPT. 30, 2014



License Fee	\$ 1500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee of \$500.00 – If Received or Postmarked after 12/31/13	\$
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$ 1700.00

Sec. 04.11.150. Package store license; permit for delivery to social events.

(a) Except as provided under (g), (i), and (j) of this section, a package store license authorizes the licensee to sell alcoholic beverages to a person present on the licensed premises or to a person known to the licensee who makes a written solicitation to that licensee for shipment. A licensee, agent, or employee may only ship alcoholic beverages to the purchaser. **Before commencing the practice of shipping alcoholic beverages, and with each subsequent application to renew the license, a licensee shall notify the board in writing of the licensee's intention to ship alcoholic beverages in response to a written solicitation.** The package store licensee, agent, or employee shall include written information on fetal alcohol syndrome and fetal alcohol effects resulting from a woman consuming alcohol during pregnancy in a shipment of alcoholic beverages sold in response to a written solicitation.

2014/2015 Liquor License Renewal

License Number	License Type	Establishment Name
3824	Beverage Dispensary-Tourism AS 04.11.400(d)	Frontier Suites Hotel
If Seasonal Lic.	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premises Address
Hospitality Group LLC	9400 Glacier Hwy
PO Box 32399 Juneau, AK 99803	City: Juneau, City & Bor Borough: Other
Community Council/s (Anchorage & Mat-Su only)	

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2012? ☒ Yes ☐ No
- Was your business open at least 30 days for 8 hours each day in 2013? ☒ Yes ☐ No
- Has the licensed premises changed from the last diagram submitted? ☐ Yes ☒ No
- Has any person named in this application been convicted of a felony or Title 4 violation? ☐ Yes ☒ No

Please answer the following questions:

What is a good contact **phone number** for us to use? 907-789-7206

Please give us a **fax number** if available or write N/A 907-789-2171

Give us an **email address** to use in contacting you dmadsen@gui.net

Please write your Employer Identification Number (**EIN**) here 92-0162337

List all corporation/LLC members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone
Donald C. Madsen P.O. Box 32399, Juneau, AK 99803	Member	42	907-789-7206
Esther Eppert P.O. Box 32399, Juneau, AK 99803	Member	8	907-789-7206
Jo Ann Sodaway P.O. Box 32399, Juneau, AK 99803	Member	8	907-789-7206
Martin Madsen P.O. Box 32399, Juneau, AK 99803	Member	42	907-789-7206

License Fee	\$ 2500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee of \$500.00 – If Received or Postmarked after 12/31/13	\$
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$ 2700.00

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

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

As a licensee (a sole proprietor or partner), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

Licensee Signature

Printed Name & Title

Notary Signature

Notary Public in and for the State of Alaska

My commission expires: 01/29/14

Subscribed and sworn to before me this

26 day of August, 2013

Hospitality Group LLC

d.b.a. Frontier Suites Airport Hotel

August 26, 2013

Tourism Statement

Hospitality Group LLC owns and operates the Frontier Suites Airport Hotel located at 9400 Glacier Highway, Juneau, Alaska 99801. The Frontier Suites Airport Hotel is a 104 room full service hotel providing tourists with accommodations, a restaurant serving breakfast, lunch and dinner and a lounge where they can enjoy their favorite beverage.

We are conveniently located within minutes of the Juneau International Airport, the Alaska Marine Highway, the Mendenhall Glacier, Mendenhall River Rafting, Auke Bay, Sport Fishing, Whale Watching, hiking, etc. .

Each of our 104 rooms is equipped with a full kitchen, and many with separate bedrooms, providing our guests with a home away from home where they have the option to eat out or prepare their own meals. We offer a large meeting room, a conference room and a work out center for our guest's enjoyment. We also operate a shuttle van giving our guest's fast and convenient transportation to and from the airport, ferry terminal, etc..

We offer online booking for our guests through our website www.frontiersuites.com and through the GDS for the travel agents convince.

We are continually upgrading out hotel remodeling approximately 20% of our rooms each year, keeping the hotel clean and fresh for our guests enjoyment.



Hospitality Group LLC

d.b.a. Frontier Suites Airport Hotel

Donald C. Madsen

Managing Member

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

Liquor License Renewals

MANAGER'S REPORT:

1. Package Store License #271: Alaska Cache Liquor Inc. d/b/a Alaska Cache
2. Beverage Dispensary - Tourism License #3824: Hospitality Group LLC d/b/a Frontier Suites Hotel, location: 9400 Glacier Hwy.

The above-listed liquor license renewals are before the Assembly to either protest or waive its right to protest these renewals. The Finance, Police, Fire, and Community Development Departments have reviewed the above businesses and found them to be in compliance with CBJ Code. In the event the Assembly does protest one or more of the above mentioned liquor license renewals, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

RECOMMENDATION:

I recommend the Assembly waive its right to protest the above liquor license renewals.

ATTACHMENTS:

File Name	Description
☐ ABC Notice Nov 4 Consent Agenda.pdf	Liquor License - ABC Notice and Renewal Applications

Presented by: The Manager
Introduced: 11/04/13
Drafted by: Engineering

ATransfer Request for the City and Borough of Juneau, Alaska

Serial Number T-947

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$4,098,772 be transferred:

From: CIP

D24-009	Site Clean-up & Renovation	\$ 1,740
R72-033	Environmental Clean-up Report	\$ 211
D71-053	Bus Barn Maintenance & Site paving	\$ 60,887
U76-007	JD Biosolids Transfer Upgrades	\$ 100,000
U76-080	JDTP Incinerator Repairs	\$ 1,680,721
U76-098	Biosolids Disposal Assessment	\$ 307,584
U76-013	JDWWTP Monofill & Ash Pond Closure	\$ 5,578
U76-008	MWWTP Safety Improvements	\$ 100,000
U76-009	JD Pretreatment Repairs/Upgrade	\$ 300,000
U76-010	Pump & Motor Replacement	\$ 104,238
U76-069	Bayview Subdivision Sewer Outfall	\$ 324,660
U76-076	MWWTP VFD/Valve Actuator Replacemt	\$ 173,080
U76-082	Hospital Drive Lift Station	\$ 37,383
U76-088	Twin Lakes Pump Station	\$ 322,777
U76-090	JDTP Jet Truck/Sept Improvements	\$ 2,156
U76-097	JDTP Aeration Basin Repair Phase I	\$ 191,472
W75-031	Water Utility Meter System Upgrade	\$ 4,173
W75-034	Pump Station and System Improvements	\$ 250,000
W75-035	Flow Meter Additions	\$ 6,766
D71-031	Capital Transit Development Plan	\$ 275
D71-048	Capital Transit Ops Facility	\$ 38,026
F21-035	Replace Fire Station Doors	\$ 29,448
W75-042	Water Buildings Painting	\$ 57,597

To: CIP

D24-010	Contaminated Sites Reporting	\$ 1,951
D71-053	Capital Transit Bus Shelters	\$ 60,887
U76-012	Incinerator Repairs/Biosolids	\$ 3,293,883
NEW U	Glacier Hwy Sewer - Anka to Walmart	\$ 355,766
NEW W	Egan Drive Water - Main to Tenth	\$ 80,939
D71-085	Capital Transit Maintenance Shop	\$ 38,301

F21-036	Glacier Fire Station	\$ 29,448
W75-047	JD Bridge Waterline	\$ 180,000
W75-043	Water Utility Shop & Office EE	\$ 57,597

The \$ 4,098,772 consists of:

Areawide Sales Tax	\$ 565,851
General Sales Tax	\$ 125,000
Temporary Sales Tax	\$ 724,581
Water Enterprise Fund	\$ 324,113
Wastewater Enterprise Fund	\$ 1,381,519
Capital Transit Special Revenue Fund	\$ 887
Alaska Department of Commerce, Community and Economic Development	\$ 976,821

Moved and Approved this _____ day of _____, 2013.

Kimberly A. Kiefer, City Manager

Attest:

Laurie J. Sica, Municipal Clerk

City and Borough of Juneau

Capital Project Budget Summary Report

Impact of Budget Action: **Transfer T-947**

Budget Action and Project Funding Impacts

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

Project No.	CIPS to be closed - transfer from:	Transfer	Project Budget		Remaining Funds		Transfer To
			Before	After	Before	After	
D24-009	Site Cleanup & Renovation	\$ 1,740	15,116	\$ -	1,740	\$ -	D24-10
R72-033	Environmental Clean-up Report	\$ 211	25,000	\$ -	211	\$ -	
D71-056	Bus Barn Maint & Site Paving	\$ 60,887	60,887	\$ -	60,887	\$ -	D71-053
U76-007	JD Biosolids Transfer Upgrades	\$ 100,000	100,000.00	\$ -	100,000.00	\$ -	U76-012
U76-080	JDTP Incinerator Repairs	\$ 1,680,721	2,203,900	\$ -	1,680,721	\$ -	
U76-098	Biosolids Disposal Assessment	\$ 307,584	365,466	\$ -	307,584	\$ -	
U76-013	JDWWTP Monofill & Ash Pond Clo	\$ 5,578	99,852	\$ -	5,578	\$ -	
U76-069	Bayview Sub Sewer Outfall	\$ 324,660	2,385,000	\$ -	324,660	\$ -	Split: 1.2 million to U76-012, \$391,301 to new CIP
U76-082	Hospital Drive Lift Station	\$ 37,383	742,000	\$ -	37,383	\$ -	
U76-088	Twin Lakes Pump Station	\$ 322,777	1,340,595	\$ -	322,777	\$ -	
U76-090	JDTP Jet Truck/Sept Improv	\$ 2,156	1,340,595	\$ -	2,156	\$ -	
U76-008	MWWTP Safety Improvements	\$ 100,000	100,000	\$ -	100,000	\$ -	
U76-009	JD Pretreatment Repairs/Upgrd	\$ 300,000	300,000	\$ -	300,000	\$ -	
U76-010	Pump & Motor Replacement	\$ 104,238	200,000	\$ -	104,238	\$ -	
U76-076	MWWTP VFD/Valve Actuator Rplmt	\$ 173,080	255,000	\$ -	173,080	\$ -	
U76-097	JDTP Aeration Basin Rpr Ph I	\$ 191,472	250,000	\$ -	191,472	\$ -	D71-085
D71-031	Capital Transit Development Plan	\$ 275	170,000	\$ -	275	\$ -	
D71-048	Capital Transit Ops Facility	\$ 38,026	50,000	\$ -	38,026	\$ -	F21-036
F21-035	Replace Fire Station Doors	\$ 29,448	336,000	\$ -	29,448	\$ -	W75-043
W75-042	Water Buildings Painting	\$ 57,597	100,000	\$ -	57,597	\$ -	to new Egan Dr. Water Main CIP
W75-031	Wtr Utility Meter Sys Upgrade	\$ 4,173	225,000	\$ -	4,173	\$ -	
W75-035	Flow Meter Additions	\$ 6,766	338,478	\$ -	6,766	\$ -	
Subtotal		\$ 3,848,772					
							\$180,000 to W75-047, \$70,000 to new CIP for Egan Dr. Water Main
W75-034	Pump Station and System Imprv	\$ 250,000	1,100,000	\$ -	298,096	\$ 48,096.36	
Total Transfer amount		\$ 4,098,772					

Project No.	Transfer To		Project Budget		Remaining Funds	
			Before	After	Before	After
D24-010	Contaminated Sites Reporting	\$ 1,951	100,000	101,951	57,003	58,954
D71-053	Capital Transit Bus Shelters	\$ 60,887	197,093	257,980	72,446	133,333
U76-012	Incinerator Repairs / Biosolids	\$ 3,293,883	100,000	3,393,883	12,817	3,306,700
NEW	Glacier Hwy Sewer - Anka to Walmart	\$ 355,766	-	355,766	-	355,766
D71-085	Capital Transit Maintenance Shop	\$ 38,301	3,050,000	3,088,301	3,050,000	3,088,301
F21-036	Glacier Fire Station	\$ 29,448	75,000	104,448	74,670	104,118
W75-043	Water Utility Shop & Office	\$ 57,597	400,000	457,597	313,714	371,311
W75-047	JD- Bridge Waterline	\$ 180,000	350,000	530,000	319,037	499,037
NEW	Egan Drive Water Main to 10th	\$ 80,939	-	80,939	-	80,939
		\$ 4,098,772				

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

T-947 Transfer of approximately \$4.098 million to existing or newly-created Capital Improvement Projects and the closure of twenty-two completed CIPs

MANAGER'S REPORT:

This request would authorize the transfer of approximately \$4.098 million to existing or newly-created Capital Improvement Projects and the closure of twenty-two completed CIPs. The transfers are listed in the attached Impact of Budget Action (IBA) worksheet. The worksheet details the transfer amounts and available funds for each project.

The Public Works and Facilities Committee reviewed this request at its October 14, 2013 meeting and recommended forwarding to the full Assembly for approval.

RECOMMENDATION:

I recommend approval of these transfers.

ATTACHMENTS:

File Name	Description
☐ T-947.doc	T-947
☐ T-947 IBA.pdf	T-947 IBA

Presented by: The Manager
Introduced: 10/14/2013
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-11(U)

An Ordinance Appropriating To The Manager The Sum Of \$10,000 As Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided By A Memorandum of Understanding With The Alaska Department Of Environmental Conservation.

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 as funding to reimburse the City and Borough of Juneau, HAZMAT Team for equipment purchases, maintenance and training.

Section 3. Source of Funds.

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

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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

Ordinance 2013-11(U) An Ordinance Appropriating To The Manager The Sum Of \$10,000 As
Funding For Equipment, Maintenance And Training For Juneau HAZMAT Team, Funding Provided
By A Memorandum of Understanding With The Alaska Department Of Environmental
Conservation.

MANAGER'S REPORT:

This ordinance would appropriate the \$10,000 for equipment purchases, maintenance and training for the Juneau Hazardous Materials (HAZMAT) Team. Funding is provided through a Memorandum of Understanding between the CBJ and The Alaska Department of Environmental Conservation.

This funding would allow the Juneau HAZMAT team to build on its present capabilities and facilitate response activities and would be crucial in allowing the Juneau HAZMAT team to provide a Level A hazmat response to the CBJ and, Southeast Alaska, and as part of the Alaska Statewide Response Team.

There is no match requirement.

RECOMMENDATION:

I recommend this ordinance be adopted.

ATTACHMENTS:

File Name	Description
☐ 2013-11U.pdf	Ordinance 2013-11(U)

Presented by: The Manager
Introduced: 10/14/2013
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-11(V)

An Ordinance Appropriating To The Manager The Sum Of \$110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

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 \$110,000 as funding to reimburse the City and Borough of Juneau, Emergency Programs Division, for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant.

Section 3. Source of Funds.

Alaska Department of Military and Veterans Affairs	\$110,000
--	-----------

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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

Ordinance 2013-11(V) An Ordinance Appropriating To The Manager The Sum Of \$110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.

MANAGER'S REPORT:

This ordinance would appropriate the \$110,000 2013 Emergency Management Performance Grant (EMPG) from the Alaska Department of Military and Veterans Affairs for the City and Borough of Juneau, Alaska.

These funds are provided to reimburse the City Emergency Programs Division- for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant. These costs include employee payroll for three CBJ Staff members in the performance of Emergency Management functions in planning, training, and exercise within the grant performance period.

EMPG Performance includes but is not limited to, the following tasks:

- Preparing the jurisdictions Local Capability Assessment (LCA) Document for the State.
- Required attendance at the Bi-Annual Conference State's Multi-Year Training and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to DHS&EM at the TEPW.
- Participation in exercises during the performance period.
- Continued utilization and work towards compliancy with the National Incident Management System (NIMSCAST).
- Completion of the FEMA Independent Study Professional Development Series.
- Timely submission of quarterly progress reports.

There is a dollar-for-dollar, in-kind match requirement which is provided through CBJ Emergency Management staff personnel services.

RECOMMENDATION:

I recommend this ordinance be adopted.

ATTACHMENTS:

File Name	Description
☐ 2013-11V.pdf	Ordinance 2013-11(V)

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-25

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lots 1, 2 and 3, Seven Mile Subdivision, Located Near Seven Mile Glacier Highway, Currently Zoned D-5, to D-18.

WHEREAS, the CBJ Comprehensive Plan identifies the area between the Mendenhall Valley and Lemon Creek as Medium Density Residential (MDR); and

WHEREAS, the CBJ Comprehensive Plan supports denser residential zoning adjacent to transit corridors; and

WHEREAS, MDR is described in the 2008 Comprehensive Plan as urban residential lands for multifamily dwelling units, at densities ranging from 5 to 20 units per acre; and

WHEREAS, the proposed rezone is located within the Urban Service Area map, which the 2008 Comprehensive Plan supports as an area for compact development to increase efficient land use; and

WHEREAS, the area of the proposed rezone has access to City and Borough water and sewer utilities to adequately accommodate higher development usage.

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

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

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough adopted pursuant to CBJ 49.25.110 is amended to change the zoning of Lot 1 (.24 acres), Lot 2 (.25 acres), and Lot 3 (.24 acres), Seven Mile Subdivision, located near seven mile Glacier Highway, currently zoned D-5, to D-18.

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

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie Sica, Municipal Clerk

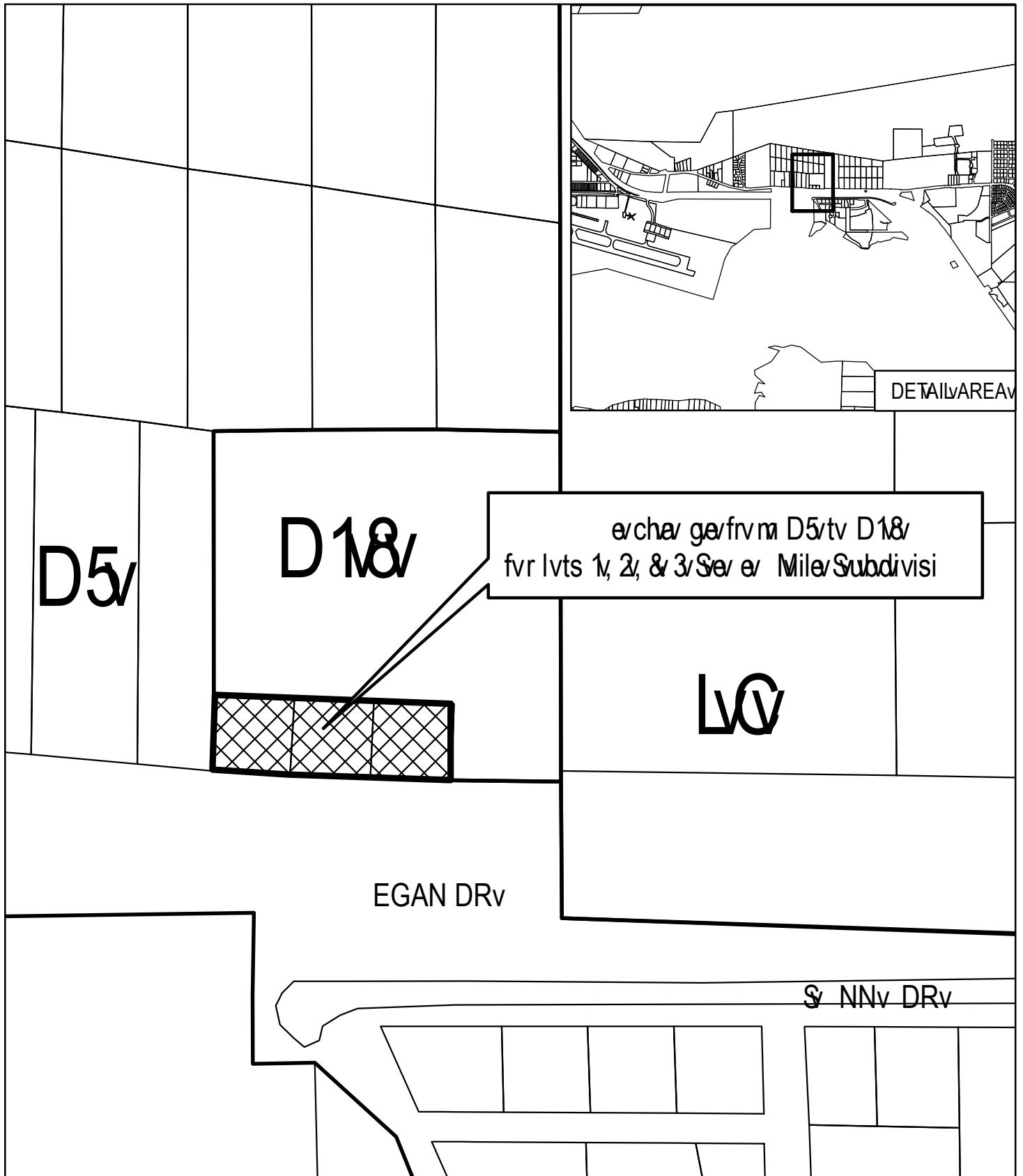


EXHIBIT A - Ordinance No. 2013-25

SEVEN MILE SUBDIVISION
WICINIT

0 100 200 400 Feet



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

Ordinance 2013-25 An Ordinance Amending the Official Zoning Map of the City and Borough to
Change the Zoning of Lots 1-3, Seven Mile Subdivision, Located Near Seven Mile Glacier
Highway, Currently Zoned D-5, to D-18.

MANAGER'S REPORT:

The 2008 Comprehensive Plan supports compact development to increase efficient land use in areas served by public water, sewer, and transit, and that are located within the Urban Service Area Boundary. The rezone of Lots 1-3 at Seven Mile Subdivision (.73 acres total) from D-5 to D-18 is consistent with the 2008 Comprehensive Plan and meets the intent of the Land Use Code.

The Planning Commission reviewed this rezone at its September 10, 2013 meeting, and recommended forwarding it to the full Assembly for approval.

RECOMMENDATION:

I recommend this ordinance be adopted.

ATTACHMENTS:

File Name	Description
☐ 2013-25.pdf	Ordinance 2013-25
☐ 2013-25_Exhibit_A.pdf	ORD 2013-25 Exhibit A

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-26

An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.

WHEREAS, the Comprehensive Plan of the City and Borough of Juneau, 2013 Update, is a long-range blueprint designed to guide the growth, development, and conservation of valued resources within our community over the next 20 years to the year 2033; and

WHEREAS, the 2013 Update to the Comprehensive Plan is the product of more than two years of review and work by the Planning Commission and City and Borough staff with input from interested agencies, stakeholders, and persons from diverse sectors of the community; and

WHEREAS, at its regular meeting on May 14, 2013, the Planning Commission recommended that the Draft 2013 Comprehensive Plan be forwarded to the Assembly for its review and adoption; and

WHEREAS, the Assembly Committee of the Whole has reviewed the Draft 2013 Comprehensive Plan, and recommends that it be presented to the Assembly for adoption.

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

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

Section 2. Amendment of Article. CBJ 49.05.200 Comprehensive plan, is amended as follows:

ARTICLE II.

COMPREHENSIVE PLAN

49.05.200 Comprehensive plan.

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

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

(1) Plan adopted. There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, ~~2008~~ *2013* Update, including the following additions:

(A) The Juneau Coastal Management ~~Plan~~ *Program, Volumes 1 and 2*, dated ~~1986 February, 2008~~, as amended through December 1990;

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

...

Section 3. Amendment of Section. CBJ 49.10.170 Duties, is amended as follows:

49.10.170 - Duties.

- (a) Comprehensive plan review. ~~Once every two years the~~ *The* commission shall undertake a general review of the comprehensive plan *two years after the adoption of the*

1 *most recent update*, and shall recommend appropriate amendments to the assembly.
2 Proposed map changes shall be reviewed on a neighborhood or community basis as directed
3 by the planning commission.
4

5 ...

6
7 **Section 4. Amendment of Section.** CBJ 49.70.310 Habitat, is amended as
8 follows:

9 **49.70.310 Habitat.**

10 (a) Development in the following areas is prohibited:

11 ...

12 (4) Within 50 feet of the banks of streams designated in Appendix B of the
13 comprehensive plan of the City and Borough of Juneau, ~~2008~~ 2013 Update; and

14 (5) Within 50 feet of lakeshores designated in Appendix B of the comprehensive
15 plan of the City and Borough of Juneau, ~~2008~~ 2013 Update.

16
17 (b) In addition to the above requirements there shall be no disturbance in the
18 following areas:

19 (1) Within 25 feet of stream designated in Appendix B of the comprehensive plan
20 of the City and Borough of Juneau, ~~2008~~ 2013 Update; and

21 (2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive
22 plan of the City of Borough of Juneau, ~~2008~~ 2013 Update.

23 //

24 //

25 //

1 **Section 5. Amendment of Section.** CBJ 49.70.320 Watersheds, is amended as
2 follows:

3 **49.70.320 Watersheds.**

4 Development in watersheds designated in the comprehensive plan of the City and
5 Borough of Juneau, ~~2008–2013~~ Update, shall not cause degradation of the existing water
6 quality or ground water recharge capabilities of the site according to standards established
7 by the state department of environmental conservation. Upon request of the director, the
8 developer shall provide evidence of compliance by certification of a professional engineer.
9

10
11 **Section 6. Amendment of Section.** CBJ 49.80.120 Definitions, is amended as
12 follows:

13 **49.80.120 - Definitions.**

14 The following words, terms and phrases, when used in this title, shall have the
15 meanings ascribed to them in this section, except where the context clearly indicates a
16 different meaning:
17

18 ...

19 *Comprehensive plan* means the comprehensive plan *and all of its additions listed at*
20 *CBJ 49.05.200(b).* ~~for the City and Borough of Juneau, as adopted in November 1996, and~~
21 ~~amended from time to time.~~

22 ...

23 //

24 //
25

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk

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

Ordinance 2013-26 An Ordinance Adopting the 2013 Update to the Comprehensive Plan of the City and Borough of Juneau.

MANAGER'S REPORT:

The Draft 2013 Comprehensive Plan of the City and Borough of Juneau is the result of more than two years of extensive community outreach, fieldwork, and public meetings. The Draft 2013 Comprehensive Plan contains updated data and portions of the plan were substantially reorganized to improve the Plan's readability. Also included are new policies intended to improve Juneau's economic sustainability, clarify the community's stance on emerging issues such as siting of wireless communications facilities, and address issues that have adversely affected the community for years, such as a shortage of affordable childcare.

There are five categories of changes to the draft 2013 plan from the adopted 2008 plan:

1. **Organizing:** Sections were reorganized both within and between chapters to improve readability and to consolidate similarly themed sections from multiple chapters.

2. **Updating:** New data available through a variety of sources, (e.g., the 2010 U.S. Census and 2011 American Community Survey to the Alaska Department of Fish & Game's 2012 Anadromous Waters Catalog, to housing, economic development, and other local surveys was integrated into the 2013 Draft Plan, many in new or improved charts designed to show the data in clear and understandable terms. These changes also include removing 2008 Implementing Actions that have been implemented, or modifying them to fit into the plan as Development Guidelines or Standard Operating Procedures, where appropriate.

3. **Correcting:** Errors in the 2008 Plan have been corrected wherever they were found.

4. **New Directions:** The Draft Comprehensive Plan provides guidance on new subjects, including the promotion of competition between commercial air carriers, regulation of wireless communications facilities, advocacy and engagement by the local government at the state and federal level, protection of public Right-Of-Ways, and support for quality affordable childcare.

5. **New or Improved Tools:** The Draft Plan contains an improved table of contents, list of acronyms used in the plan, and glossary, and, for the first time, an index. Although there are changes to the 2008 Comprehensive Plan throughout the draft plan, the updates are concentrated in a few chapters: Economic Development (Chapter 5), Energy (Chapter 6), Natural Resources and Hazards (Chapter 7), Transportation (Chapter 8), and Public and Private Utilities and Facilities (Chapter 12).

The Planning Commission held a public hearing on the Draft Plan on May 14, 2013, and recommended Assembly approval.

The Assembly Committee of the Whole reviewed the Plan on August 26 and September 30, 2013, and recommended Assembly approval.

RECOMMENDATION:

I recommend this ordinance be adopted.

ATTACHMENTS:

File Name

Description



[2013-26.pdf](#)

Ordinance 2013-26

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2013-27

An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

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 69.05.045 Senior citizen sales tax exemption, is amended to read:

69.05.045 Senior citizen sales tax exemption.

(a) Anyone 65 years of age or older who is a resident of the state may apply for and be issued by the manager a senior citizen sales tax exemption card, which entitles the cardholder and the cardholder's spouse or same-sex domestic partner to be exempt from sales tax for the sales of goods, services and rentals, with the exception of sales of alcoholic beverages that are solely for the personal use or consumption of the cardholder, the cardholder's spouse, or same-sex domestic partner. The sales tax administrator shall provide a form setting forth the criteria for proof of domestic partnership.

(b) No person issued or authorized to use a senior citizen sales tax exemption card may use it to obtain such tax exemption when the sales, services or rentals are for use in any

1 trade or business, or are used or consumed by any person other than the cardholder or his or
2 her spouse *or same-sex domestic partner*.

3 (c) If a person who is authorized to be issued a senior citizen sales tax exemption
4 card is an invalid or is otherwise physically unable to use the card, the manager will ~~mark the~~
5 ~~card authorizing it~~ *issue a designated shopper card* to be used by another person for the
6 benefit of the invalid person or the person who is otherwise unable to use the card.
7

8 (d) *A person holding a Power of Attorney authorizing that person to exercise powers*
9 *relevant to this chapter on behalf of a person who is authorized to be issued a senior citizen*
10 *sales tax exemption card may, upon presentation of a validly executed Power of Attorney on a*
11 *form acceptable to the manager, be issued a designated shopper card to make purchases on*
12 *behalf of the person authorized to be issued a card.*

13 (e) As used in this section, the term "resident of the state of Alaska" means a person
14 who is physically present in the state with the intent to remain in the state indefinitely and
15 to make a home in the state. A person demonstrates the intent required under this subsection
16 by maintaining a principal place of abode in the state for at least 30 consecutive days
17 immediately preceding the date of application for the senior citizen sales tax exemption card,
18 and by providing other proof of intent as may be required by the manager, which may include
19 proof that the person is not claiming residency outside the state or obtaining benefits under a
20 claim of residency outside the state. A person who establishes residency in the state remains
21 a resident during an absence from the state, unless during the absence, the person
22 establishes or claims residency in another state or country, or performs other acts or is absent
23 under circumstances that are inconsistent with the intent required under this subsection to
24 remain a resident of this state.
25

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

Adopted this _____ day of _____, 2013.

Merrill Sanford, Mayor

Attest:

Laurie Sica, Municipal Clerk

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

Ordinance 2013-27 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

MANAGER'S REPORT:

This ordinance would make three changes to the senior sales tax exemption ordinance. The first is a house-keeping amendment to subsection (b), and is necessary to make that subsection consistent with the rest of the ordinance with respect to the identification of the categories of individuals eligible for the senior sales tax exemption. The second change to the ordinance is the addition of a new subsection (d), which would allow the manager to issue a designated shopper card to any individual holding a valid Power of Attorney from a person authorized to be issued a card. Finally, Subsection (c) was amended to conform with subsection (d) to allow for the issuance of an actual “designated shopper” card.

RECOMMENDATION:

I recommend this ordinance be adopted.

ATTACHMENTS:

File Name	Description
☐ 2013-27.pdf	Ordinance 2013-27



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

OFFICE OF THE MUNICIPAL CLERK

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

e-mail: Beth_McEwen@ci.juneau.ak.us

October 24, 2013

Via certified & regular mail

Suwanna Café LLC
d/b/a Suwanna Café
P.O. Box 33601
Juneau, AK 99803

Re: New Restaurant Eating Place Liquor License and Restaurant Designation Permit

Dear Sitthida Sukkamon,

The State of Alaska Alcohol Beverage Control staff has forwarded your applications for a restaurant eating place liquor license and restaurant designation permit to us for local governing body review.

As is our practice in these matters, the staff from the Fire, Finance, Police, and Community Development Departments reviewed your establishment to insure compliance with city code. The Finance Department has reported that there is still an outstanding balance owing in the amount of \$101.84 on your second quarter Sales Tax return. In light of the outstanding balance owing the Finance Department is recommending the Assembly protest the issuance of the liquor license and restaurant designation permit unless the outstanding balance and any associated late fees and penalties are brought current. **I would strongly recommend that you contact the Sales Tax Office at 586-5265 to resolve these issues as soon as possible.**

The Assembly Human Resources Committee (HRC) will address this license renewal at its meeting on Monday, November 4, 2013 at 6:00 p.m. in the Assembly Chambers. Immediately following the HRC meeting on November 4 is a regular Assembly meeting at 7:00 p.m. at which time the HRC will forward its recommendations to the Assembly for official action on your liquor license issuance. If the protest recommendation is forwarded to the Assembly, you will be eligible for an informal hearing before the Assembly in accordance with CBJ Code 20.25.025(c), (copy attached).

Sincerely,

Beth McEwen
Deputy Clerk

Enclosures

cc: Assembly Human Resources Committee Members
Kim Kiefer, City Manager
Amy Mead, City Attorney
Bob Bartholomew, Finance Director
Clinton Singletary, CBJ Sales Tax Compliance Accountant

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE REVIEW AND PROTEST PROCESS

Alaska Statutes 04.11.480

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510 (b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310, or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510 (b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510 (b)(3) shall be retained as part of the board's permanent record of its review of the application.

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510 (b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510 (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510 (c).

CBJ Code 20.25.025

20.25.025 Assembly review of license issuance, renewal, transfer, relocation, or continued operation.

(a) The assembly may protest the issuance, renewal, transfer, relocation, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

- (1) The character and public interests of the surrounding neighborhood;
- (2) Actual and potential law enforcement problems, including the proximity of the premises to law enforcement stations and patrols;

- (3) The concentration of other licenses of the same and other types in the area;
 - (4) Whether the surrounding area experiences an unacceptable rate of alcohol abuse or of crime or accidents in which the abuse of alcohol is involved;
 - (5) The adequacy of parking facilities;
 - (6) The safety of ingress to and egress from the premises;
 - (7) Compliance with state and local fire, health and safety codes;
 - (8) The degree of control the licensee has or proposes to have over the conduct of the licensed business;
 - (9) The history of convictions of the applicants and affiliates of the applicants for:
 - (A) Any felony involving moral turpitude;
 - (B) Any violation of AS title 04; and
 - (C) Any violation of the alcoholic beverage control laws of another state as a licensee of that state;
 - (10) Whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business or constitute a potential source of harm to the public;
 - (11) Any other factor the assembly determines is generally relevant or is relevant to a particular application.
- (b) The assembly may protest the issuance, transfer, renewal, relocation, or continued operation of a license as provided in state law if it determines any of the following conditions exist:
- (1) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
 - (2) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
 - (3) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
 - (4) If the license requested is for a beverage dispensary and is requested under AS 04.11.400(d)(1), unless the tourist facility will contain 30 or more rooms;
 - (5) If the application is for the issuance or relocation of a license and, after the issuance or relocation, there would be:
 - (A) More than one restaurant or eating place license for each 1,500 population, or fraction thereof, residing within the City and Borough; or

- (B) More than one license of each other type for each 3,000 population or fraction thereof residing within the City and Borough.
- (6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough; or
- (7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section.

(c) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, relocation, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the address last provided by the applicant to the municipal sales tax examiner. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002)

State Law References: Assembly protest, AS 04.11.480.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
Fax: 907.263.5930

September 19, 2013

City & Borough of Juneau
Attn: Beth McEwen, City Clerk
VIA Email: beth_mcewen@ci.juneau.ak.us
Cc: city_clerk@ci.juneau.ak.us

Suwanna Café, LLC – Restaurant / Eating Place License #5231 DBA Suwanna Café

- ☒ New Application ☐ Transfer of Ownership ☐ Transfer of Location
☒ Restaurant Designation Permit ☐ DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62.630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ

Director



Sarah D. Oates

Business Registration Examiner

sarah.oates@alaska.gov

(907)263-5921

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: September 19, 2013

Application Type: **NEW** ~~X~~

~~TRANSFER~~
~~Ownership~~
~~Location~~
~~Name Change~~

Governing Body: **City & Borough of Juneau**
Community Councils: None

License #: 5231
License Type: Restaurant / Eating Place
D.B.A.: Suwanna Café
Licensee/Applicant: Suwanna Café, LLC
Physical Location: 8800 Glacier Highway, Ste 100, Juneau, AK 99801
Mailing Address: PO Box 33601, Juneau, AK 99803
Telephone #: 907-789-1250
EIN: 27-4487574

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Suwanna Café, LLC	PO Box 33601 Juneau, AK 99803	907-789-1250	01/07/2011 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Sitthida Sukkamon Shareholder	01/06/1982	8411 Airport Blvd Juneau, AK 99801	907-723-7146	100%

If **transfer** application, current license information:

License #:
Current D.B.A.:
Current Licensee:
Current Location:

Additional comments: Restaurant Designation Permit application attached.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ
Director



Sarah D. Oates

Business Registration Examiner
sarah.oates@alaska.gov
(907)263-5921

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

New Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: ☒ Full Year OR ☐ Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES \$10078
Office Use: License Year: <u>2013/2014</u>	License Type: <u>Restaurant or Eating place</u>	Statute Reference Sec. 04.11.080 (3)	License Fee: <u>(AS 04.11.100)</u> \$ <u>600</u>
Office Use: License #: <u>5231</u>			Filing Fee: \$100.00
			Rest. Desig. Permit Fee: \$50.00
Local Governing Body: (City, Borough or Unorganized) <u>Juneau</u>	Community Council Name(s) & Mailing Address: <u>N/A</u>		Fingerprint: \$51.50 (<u>\$51.50 per person</u>)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>"Suwanna Cafe LLC"</u>	Doing Business As (Business Name): <u>SUWANNA CAFE</u>	Business Telephone Number: <u>907-789-1250</u>	TOTAL <u>\$801.50</u>
Mailing Address: <u>PO Box 33601</u>	Street Address or Location of Premises: <u>8800 Glacier Hwy</u> <u>STE #100 Juneau, AK</u> <u>99801</u>	Email Address: <u>suwannacafe@yahoo.com</u>	Fax Number:
City, State, Zip: <u>Juneau, AK 99803</u>			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>1.3 mil</u> <u>Riverbend School</u>	Distance measured under: ☒ AS 04.11.410 OR ☐ Local ordinance No. _____	☐ Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☐ Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☒ Not applicable	
Distance to closest church: <u>0.4 mil</u> <u>First Church of God - Anderson</u>	Distance measured under: ☒ AS 04.11.410 OR ☐ Local ordinance No. _____	☒ Plans submitted to Fire Marshall (required for new & proposed buildings) ☒ Diagram of premises attached	
Premises to be licensed is: ☒ Proposed building ☒ Existing facility ☐ New building			

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

New Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

SECTION C - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership): SUWanna cafe LLC		Telephone Number: 907-789-1250	Fax Number:
Corporate Mailing Address: PO BOX 33601	City: Juneau	State: AK	Zip Code: 99803
Name, Mailing Address and Telephone Number of Registered Agent: Sittthida Sukkamon PO BOX 33601 Juneau, AK 99803		Date of Incorporation OR Certification with DCED: January 7, 2010	State of Incorporation: Alaska
Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Sittthida Sukkamon	owner	100	8411 Airport Blvd Juneau AK 99801 907-723-7146	907-723-7146	01/06/1982

NOTE: If you need additional space, please attach a separate sheet.

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

New Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address:	Applicant ☐ Affiliate ☐	Name: Address:	Applicant ☐ Affiliate ☐
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant ☐ Affiliate ☐	Name: Address:	Applicant ☐ Affiliate ☐
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)	Signature of Licensee(s)
Signature <i>Sittida Sukkamon</i>	Signature
Signature	Signature
Name & Title (Please Print) <i>Sittida Sukkamon, owner</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>22nd</i> day of <i>April</i> , <i>2013</i>	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska <i>John Williams</i>	Notary Public in and for the State of Alaska
My commission expires: <i>1-27-17</i>	My commission expires:

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

This application is for designation of premises where: (please mark desired items).

- 1 ☒ Under 13 AAC 104.305 Bona fide restaurant/eating place. License Number _____
2 ☒ Persons age 16 to 20 may dine unaccompanied.
3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
4 ☒ Persons between 16 and 20 years of age may be employed. *(See note below).

LICENSEE: Suwanna Cafe LLC

D/B/A: Suwanna Cafe

ADDRESS: 8800 Glacier Hwy STE 100 Juneau, AK 99801

1. Hours of Operation: 10:30 AM to 8:00 PM Telephone # 907-723-7146

2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No
If yes, date(s) and explanation(s).

3. * Duties of employment: prepared and serve food and beverages

4. Are video games available to the public on your premises? No.

5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe.

6. How is food served? ☒ Table Service ☐ Buffet Service ☒ Counter Service ☐ Other*

7. Is the owner, manager, or assistant manager always present during business hours? ☐ Yes ☒ No

*** A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

S. Hilda Sullivan
Applicant signature

Local Governing Body Approval

Subscribed and sworn to before me this

22nd day of April, 2013
[Signature]
Notary Public in and for Alaska

Date: _____

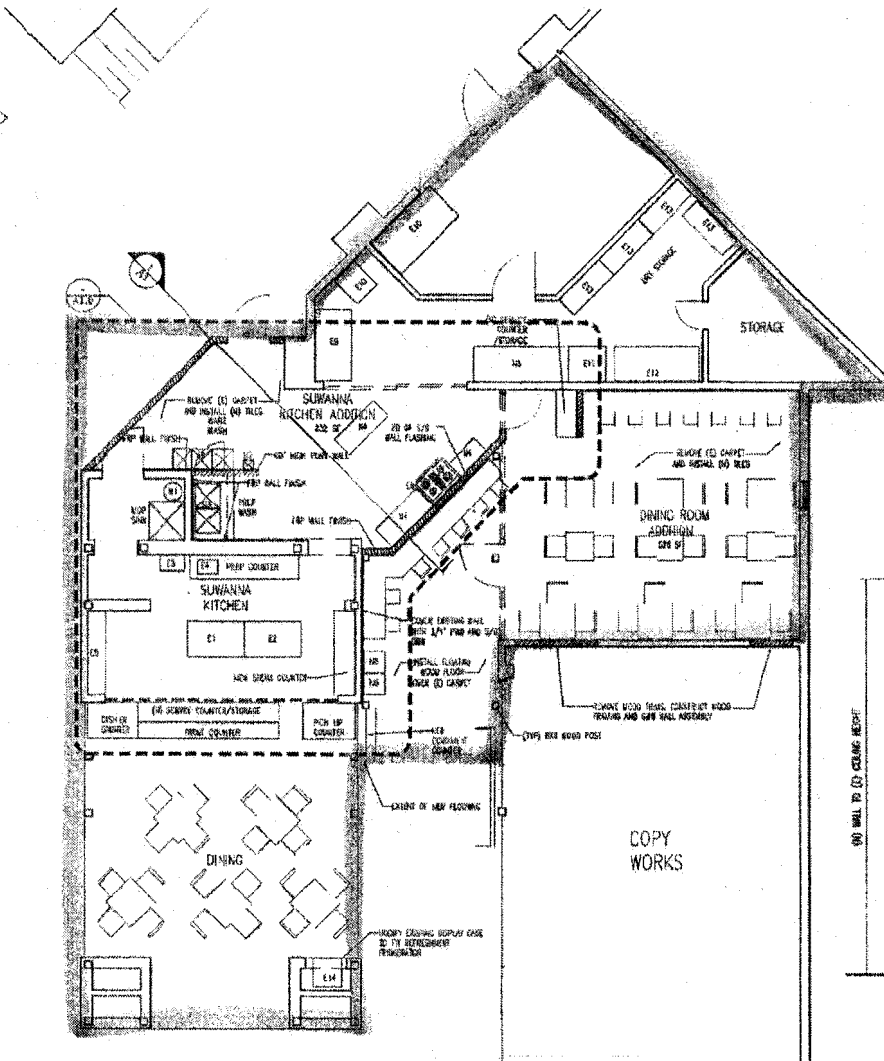
My Commission expires 1-27-13

Director, ABC Board

Date: _____

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

** If more space is required, to explain food service, entertainment, etc., please add on back or attach additional page(s).

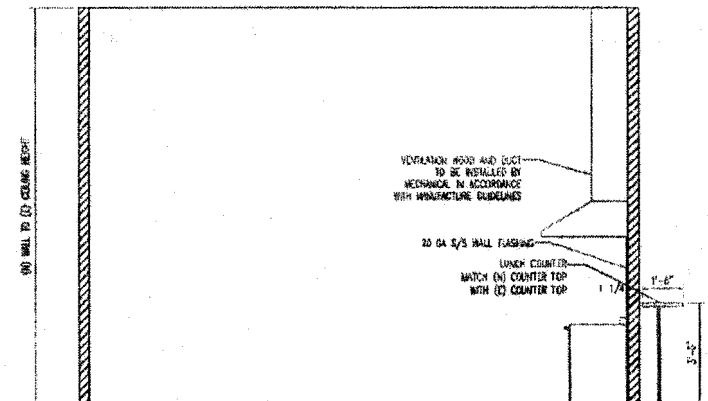
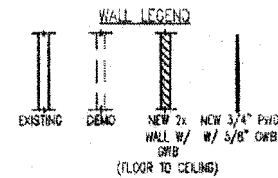


1 SUWANNA CAFE FLOOR PLAN
1/8" = 1'-0"

© NorthWind Architects, LLC
NWA/RES/JORDAN CREEK CENTER

GENERAL NOTES:

1. CLIENT WILL CONTRACT ALL GENERAL ELECTRICAL, MECHANICAL AND PLUMBING WORK BASED FOR DESIGN-BUILD PROJECTS.
2. ALL FINISHES SHALL BE SELECTED IN ONGOING DESIGN.



2 SECTION
1/4" = 1'-0"

N
NorthWind
Architects LLC
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JANESVILLE, WI 53401
PH: 400.756.6100
FX: 400.756.6101
WWW.NORTHWINDARCH.COM

IF THE ARCHITECTURE DOES NOT
ACTUALLY EXIST, THE DRAWING
HAS BEEN SHOWN OR REDUCED
AFFECTING ALL SCALED SCALES

JCC SUWANNA CAFE

BROOKLYN, NY
JUNE 2015

DATE	JUN-03-2015
DESIGNER	...
CHECKED BY	SB
APPROVED	RE
SHEET #	A1.0

COMBO MEAL

\$8.99

Combo A Panang Curry
Yellow Curry

Combo B Panang Curry
Chicken Satay

Combo C Panang Curry
Pad Thai

Combo D Yellow Curry
Chicken Satay

Combo E Yellow Curry
Pad Thai

Combo F Chicken Satay
Pad Thai

Drinks

Soft Drinks

Soda	\$1.25
Bottled Water	\$1.25
Energy Drinks	\$2.99

Special Cold Drinks (16 oz.)

Italian Soda	\$3.25
Thai Ice Tea	\$2.99
Thai Ice Coffee	\$2.99
Thai Lemon Ice Tea	\$2.75
Thai Ice Green Tea	\$3.25
Thai Roselle Tea	\$2.99

Jet Tea Smoothies (16oz) \$3.75

Strawberry Banana

Mango and Wild Berry

Made with 100% Fruit Concentrate

ALL Price NOT included 5% Sales Tax

LOCATION

Jordan Creek Business Center
8800 Glacier Hwy Suite 100
Juneau, AK 99801

(Next to Copyworks)

www.suwannacafe.com

SUWANNA CAFE

Explore Thai Tastes

OPEN

Monday - Wednesday

10:30 a.m. - 3:00 p.m.

Thursday - Friday

10:30 a.m. - 6:30 p.m.

Saturday - Sunday

*****Closed*****

www.suwannacafe.com

- ♦ Thai Food Good Tastes
- ♦ Weekly Specials
- ♦ Variety Drinks
- ♦ Gourmet Coffee
- ♦ Catering Small Events

TO - GO Order!

907 - 789 - 1250

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

New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit
License #5231 Suwanna Cafe, LLC d/b/a Suwanna Cafe, Location: 8800 Glacier Hwy. Ste. #100,
Juneau

MANAGER'S REPORT:

The above-listed liquor license is before the Assembly to either protest or waive its right to protest its issuance. The Finance, Police, Fire, and Community Development Departments have reviewed the above business and the Finance Departments is recommending the Assembly protest the license renewal based on delinquent sales tax in the amount of \$101.84 as well as all associated penalties and interest as identified in the October 24, 2013 letter to the licensee contained in your Human Resources Committee meeting packets.

In the event the Assembly does protest the renewal of the above mentioned liquor license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. The letter mentioned above meets that requirement and this would be the time for the licensee to address their issues to the Assembly.

The Assembly Human Resources Committee considered this issue at its meeting immediately preceding this meeting and will forward its recommendation to the Assembly.

RECOMMENDATION:

I recommend the Assembly proceed according to the recommendations of the Assembly Human Resources Committee in this matter.

ATTACHMENTS:

File Name	Description
☐ 2013-11-04 New Business New Restaurant Eating Place License 5231 Suwanna Cafe Packet Items.pdf	Suwanna Cafe LLC Packet Materials

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

Law Office Follow-up

MANAGER'S REPORT:

RECOMMENDATION:

ATTACHMENTS:

File Name

Description

No Attachments Available

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

Parking Management

MANAGER'S REPORT:

RECOMMENDATION:

ATTACHMENTS:

File Name

Description

No Attachments Available