

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

March 19, 2019 5:30 PM

Assembly Chambers  
Meeting No. 2019-15

**I. CALL TO ORDER / ROLL CALL**

**II. APPROVAL OF AGENDA**

**III. SPECIAL ORDER OF BUSINESS**

**A. Annual Joint Meeting with the Bartlett Regional Hospital Board**

**IV. CONSENT AGENDA**

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

**B. Assembly Requests for Consent Agenda Changes**

**C. Assembly Action**

**1. Ordinances for Introduction**

- a. Ordinance 2019-10 An Ordinance Authorizing the Manager to Lease up to an Acre of City and Borough Property Located at Lot 4, HDK Subdivision, Near Anka Street and the South Lemon Creek Material Source, to Juneau Composts! LLC for a Composting Facility.**

This ordinance would authorize the City Manager to lease CBJ property behind Home Depot to Juneau Composts! LLC for a composting facility. The Lands Committee and the Planning Commission passed motions of support for the proposal. The Assembly, at its November 5, 2018 meeting, authorized the City Manager to negotiate a fair market value lease with Juneau Composts! LLC. The proposed ordinance will authorize a lease term for 5 years at the current market value of \$200.00 per month per quarter acre.

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

- b. Ordinance 2019-11 An Ordinance Authorizing the Manager to Lease Property known as Gunakadeit Park (Pocket Park) and Located at Juneau Townsite, Block 13, Lot 9, Near 139 S. Franklin Street to Franklin Foods LLC.**

This lease application was initially submitted by Dave McCasland for

Alaska Sustainable Seafoods LLC (dba Deckhand Dave's), but was modified on March 14 by Mr. McCasland to change the lessee name to Franklin Foods LLC. The applicant plans to use the leased land for outdoor food sales with portable restrooms and a seating area.

On November 5, 2018, the Assembly passed a motion to direct the City Manager to negotiate a fair market value lease of the lot, formerly known as Gunakadeit Park, to the applicant.

The Planning Commission recommended leasing the lot to the applicant for a term of one year. The term of the lease in the proposed ordinance is for one year and fair market value has been determined, by appraisal, to be \$3,250 per month from May through September and \$1,000 per month for the remaining months of the year.

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

## 2. Liquor License

### a. **New Liquor License for Juneau Yacht Club License #5747**

#### **New Liquor License Application**

License Type: Club License, License #5747

**Juneau Yacht Club d/b/a Juneau Yacht Club**

Location: 1301 Harbor Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest the application. Copies of the documents associated with the license are in the Assembly's e-packet or available in hard-copy upon request to the Clerk's office.

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

## **V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

## **VI. ADJOURNMENT**

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.org](mailto:city.clerk@juneau.org)

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

Annual Joint Meeting with the Bartlett Regional Hospital Board

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

Ordinance 2019-10 An Ordinance Authorizing the Manager to Lease up to an Acre of City and Borough Property Located at Lot 4, HDK Subdivision, Near Anka Street and the South Lemon Creek Material Source, to Juneau Composts! LLC for a Composting Facility.

**MANAGER'S REPORT:**

This ordinance would authorize the City Manager to lease CBJ property behind Home Depot to Juneau Composts! LLC for a composting facility. The Lands Committee and the Planning Commission passed motions of support for the proposal. The Assembly, at its November 5, 2018 meeting, authorized the City Manager to negotiate a fair market value lease with Juneau Composts! LLC. The proposed ordinance will authorize a lease term for 5 years at the current market value of \$200.00 per month per quarter acre.

**RECOMMENDATION:**

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

**ATTACHMENTS:**

| <b>Description</b>              | <b>Upload Date</b> | <b>Type</b>        |
|---------------------------------|--------------------|--------------------|
| ☐ Ordinance 2019-10             | 3/15/2019          | Non-Code Ordinance |
| ☐ Exhibit A - Ordinance 2019-10 | 3/15/2019          | Exhibit            |

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

# **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-10**

## **An Ordinance Authorizing the Manager to Lease up to an Acre of City and Borough Property Located at Lot 4, HDK Subdivision, Near Anka Street and the South Lemon Creek Material Source, to Juneau Composts! LLC for a Composting Facility.**

WHEREAS, Juneau Composts! LLC plans to operate a composting facility on a fraction of the HDK Subdivision, Lot 4, comprising of up to one acre, located at the end of Anka Street; and

WHEREAS, Juneau Composts! LLC will be responsible for obtaining all the necessary permits including those needed from state and federal agencies; and

WHEREAS, in accordance with CBJ 53.09.200, the Manager has determined that the monthly market value of a one-quarter acre is two hundred dollars (\$200.00); and

WHEREAS, the Lands Committee, at the meeting of October 22, 2018, passed a motion of support for the proposed lease to Juneau Composts! LLC to work with the original applicant to develop a lease of City and Borough property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value; and

WHEREAS, the Assembly, at the November 5, 2018 meeting, passed a motion of support to authorize the Manager to negotiate a fair market value lease with Juneau Composts! LLC; and

WHEREAS, the Planning Commission, at the meeting of January 22, 2019, made a recommendation in favor of the proposed lease to Juneau Composts! LLC with the following conditions:

1. The composting facility will be fenced. Fencing will include electric fencing that will be installed along the perimeter of the composting facility in accordance with the recommendations of the Alaska Department of Fish and Game.
2. Best management practices will be used to minimize runoff from the site.
3. Lease negotiations will include discussion of future lease renewal provisions.
4. Site planning will incorporate substantial growth potential.

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

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

**Section 2. Authorization.** The Manager is authorized to lease a fraction of HDK Subdivision, Lot 4, comprising of less than one acre, to Juneau Composts! LLC subject to the following essential terms and conditions:

(A) **Term.** The lease term shall be for a period of five (5) years but shall be terminable by the lessor if, for any period or periods totaling more than six (6) months, the property is not used for the authorized purpose.

(B) **Renewal Options.** Lessee shall have the option to renew the lease for up to three (3) additional five-year renewal periods. The maximum lease duration is twenty years.

(C) **Leased Area.** The initial quarter acre leased area is depicted in Exhibit A. Juneau Composts! may expand the leased area up to one acre in one-quarter acre increments adjacent to the initial leased area.

(D) **Use of Premises.** Lessee agrees to use the leased land for the sole purpose of operating a composting facility. Use or development for any other purpose shall constitute a violation of this lease.

(E) **Rent.** Lessee shall pay the sum of two hundred dollars (\$200.00) per month for the initial quarter acre. During the first lease term, each additional quarter acre leased shall be valued at two hundred dollars (\$200.00) per month.

(F) **Adjustment of Rental.** The rent shall be adjusted to reflect fair market value for each renewal period, if any.

(G) **Hold Harmless.** The lease agreement shall provide that Juneau Composts! LLC indemnify, defend and hold harmless the City and Borough, its officers and employees, volunteers, consultants and insurers for any claim related to or arising out of Juneau Composts! LLC use, operation or maintenance of the leased premises.

(H) **Other terms and conditions.** The Manager may include other lease terms and conditions as the Manager determines to be in the public interest.

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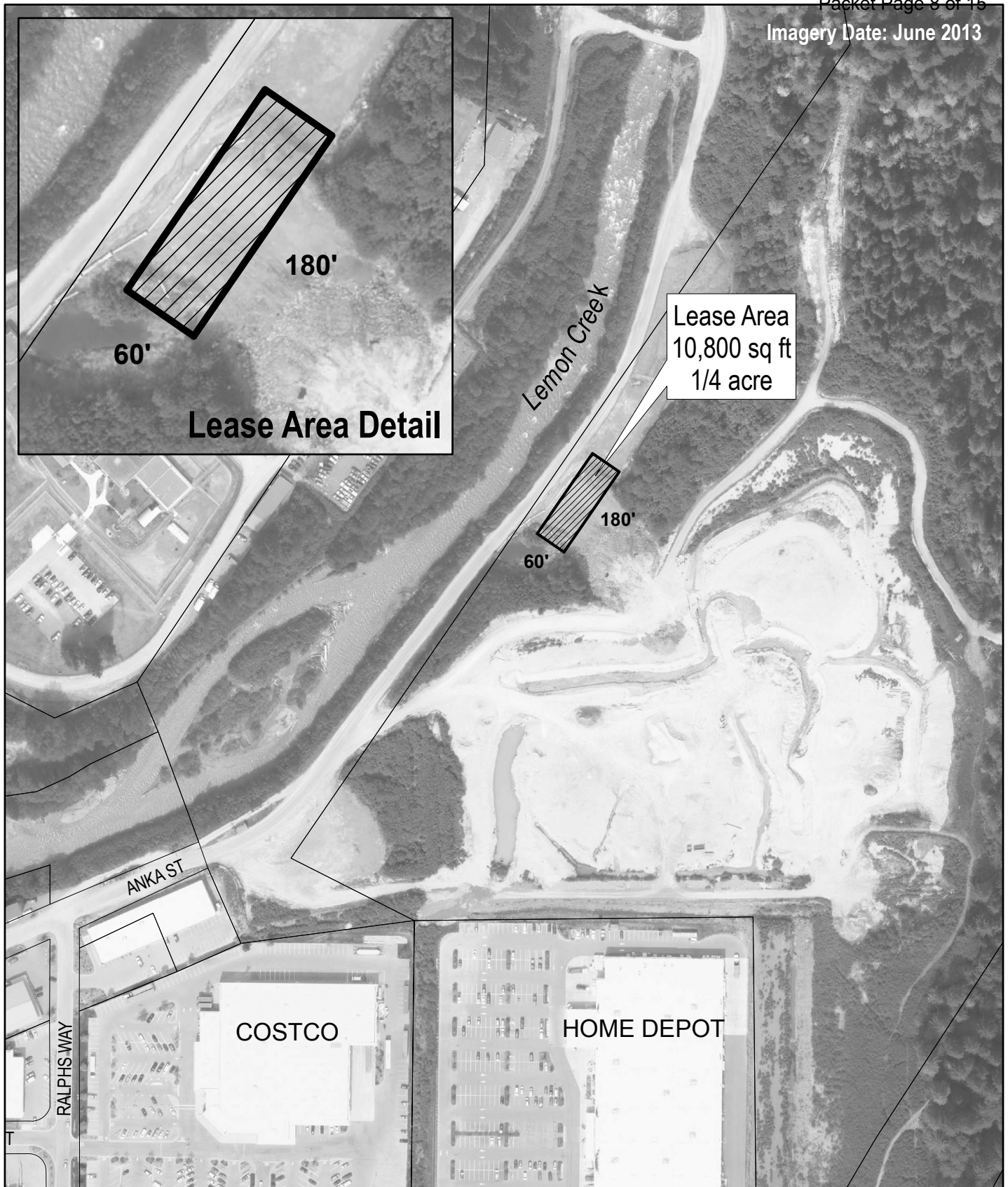
**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



JUNEAU COMPOSTS LEASE AREA  
Lot 4, HDK Subdivision  
Exhibit A - Ordinance No. 2019-10

0 250 500 Feet

The property boundaries are not survey quality.  
This map is for general reference only.



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

Ordinance 2019-11 An Ordinance Authorizing the Manager to Lease Property known as Gunakadeit Park (Pocket Park) and Located at Juneau Townsite, Block 13, Lot 9, Near 139 S. Franklin Street to Franklin Foods LLC.

**MANAGER'S REPORT:**

This lease application was initially submitted by Dave McCasland for Alaska Sustainable Seafoods LLC (dba Deckhand Dave's), but was modified on March 14 by Mr. McCasland to change the lessee name to Franklin Foods LLC. The applicant plans to use the leased land for outdoor food sales with portable restrooms and a seating area.

On November 5, 2018, the Assembly passed a motion to direct the City Manager to negotiate a fair market value lease of the lot, formerly known as Gunakadeit Park, to the applicant.

The Planning Commission recommended leasing the lot to the applicant for a term of one year. The term of the lease in the proposed ordinance is for one year and fair market value has been determined, by appraisal, to be \$3,250 per month from May through September and \$1,000 per month for the remaining months of the year.

**RECOMMENDATION:**

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

**ATTACHMENTS:**

| <b>Description</b>              | <b>Upload Date</b> | <b>Type</b>        |
|---------------------------------|--------------------|--------------------|
| ☐ Ordinance 2019-11             | 3/15/2019          | Non-Code Ordinance |
| ☐ Exhibit A - Ordinance 2019-11 | 3/15/2019          | Exhibit            |

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

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-11**

**An Ordinance Authorizing the Manager to Lease Property known as Gunakadeit Park (Pocket Park) and Located at Juneau Townsite, Block 13, Lot 9, Near 139 S. Franklin Street to Franklin Foods LLC.**

WHEREAS, the City and Borough of Juneau received an application from Dave McCasland of Alaska Sustainable Seafoods LLC dba Deckhand Dave's, to purchase Juneau Townsite, Block 13, Lot 9, also known as Gunakadeit Park (or Pocket Park) from the City and Borough at fair market value; and

WHEREAS, the Lands Committee, at the meeting of August 6, 2018, passed a motion to forward this application to the Parks and Recreation Advisory Committee (PRAC) to provide comments before further Assembly review; and

WHEREAS, the PRAC, at the meeting of October 8, 2018, determined that a temporary lease would be preferred to selling the property and provided a recommendation to the Lands Committee to retain Gunakadeit Park as a special use area and request that staff develop options for future development or disposal; and

WHEREAS, the Lands Committee, at the meeting of October 22, 2018, provided a recommendation that the Assembly decline Alaska Sustainable Seafoods LLC's application to purchase Gunakadeit Park and return the \$500 application fee, noting that if using the lot for a food court is desired then a temporary annual lease should be explored; and

WHEREAS, on November 5, 2018, the Assembly passed two motions: first, return the \$500 application fee and decline the sale of Gunakadeit Park to Alaska Sustainable Seafoods LLC; and second, direct the Manager to negotiate a fair market value lease of Gunakadeit Park with Alaska Sustainable Seafoods LLC; and

WHEREAS, the City and Borough received an application from Alaska Sustainable Seafoods LLC to lease Gunakadeit Park at fair market value; and

WHEREAS, the Planning Commission, at the meeting of February 6, 2019, recommended leasing the subject lot to Alaska Sustainable Seafood, LLC for a term of one year, with all other terms and conditions to be negotiated at a later date including renewal periods; and

WHEREAS, on March 14, 2019, Dave McCasland modified the application to change the entity requesting to lease the property from Alaska Sustainable Seafoods LLC to Franklin Foods LLC.

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

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

**Section 2. Authorization.** The Manager is authorized to lease Juneau Townsite, Block 13, Lot 9 comprising approximately 4,000 square feet as generally depicted in Exhibit A, to Franklin Foods LLC subject to the following essential terms and conditions:

(A) Term. The lease term shall be for a period of one year.

(B) Cancellation. Failure to make substantial use of the leased premises consistent with this ordinance, within three (3) months of the effective date of the lease shall, in the discretion of the Manager, constitute grounds for cancellation.

(C) Renewal Options. The lease may be renewed for up to two (2) additional one-year periods, upon mutual written agreement of the parties. The maximum lease duration is three years.

(D) Use of Premises. Lessee is authorized to use the leased premises for the purpose of operating outdoor food and beverage cart services that include a seating area, and the provision of restrooms. Use or development for any other purpose shall constitute a violation of the lease.

(E) Rent. Lessee shall pay the sum of three thousand two hundred and fifty dollars (\$3,250) per month during the months of May through September and one thousand dollars (\$1,000) per month for the remaining months of the year throughout the term of this lease, which amounts were determined to be the fair market rental rate value of the leased premises based on an appraisal dated January 29, 2019.

(F) Adjustment of Rental. The rent shall be adjusted to reflect fair market value for each renewal period, if any.

(G) Subleasing. The lessee may sublease all or any part of the leased premises provided lessee remains responsible to lessor for any and all activity of a sublease, and the sublessee(s) are subject to this ordinance and associated lease.

(H) Hold Harmless. The lease agreement shall provide that Franklin Foods LLC indemnify, defend and hold harmless the City and Borough, its officers, employees, volunteers, consultants and insurers for any claim related to or arising out of Franklin Foods LLC use, operation, maintenance, or sublease of the leased premises.

(I) Other Terms and Conditions. The Manager may include other lease terms and conditions as the Manager determines to be in the public interest.

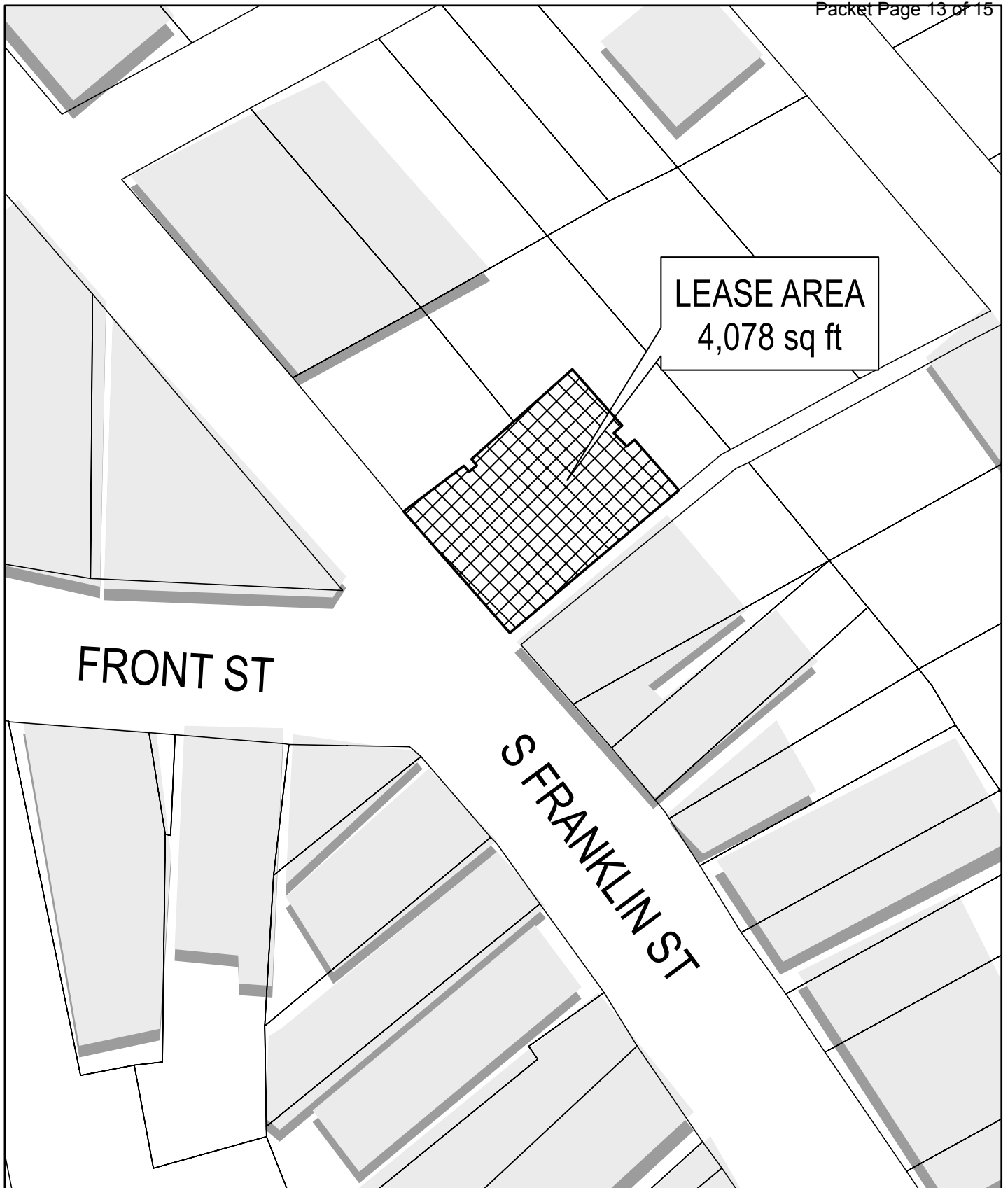
**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

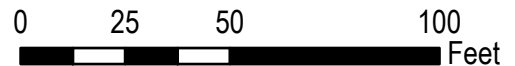
\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



**GUNAKADEIT PARK LEASE AREA**  
**Lot 9, Block, 13, Juneau Townsite**  
**Exhibit A - Ordinance No. 2019-11**



The building locations and property boundaries are not survey quality. This map is for general reference only.



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

New Liquor License for Juneau Yacht Club License #5747

**MANAGER'S REPORT:**

**New Liquor License Application**

License Type: Club License, License #5747

**Juneau Yacht Club d/b/a Juneau Yacht Club**

Location: 1301 Harbor Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest the application. Copies of the documents associated with the license are in the Assembly's e-packet or available in hard-copy upon request to the Clerk's office.

**RECOMMENDATION:**

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

**ATTACHMENTS:**

|   | <b>Description</b>                             | <b>Upload Date</b> | <b>Type</b>    |
|---|------------------------------------------------|--------------------|----------------|
| □ | LGB Notice for Juneau Yacht Club License #5747 | 3/6/2019           | Liquor License |



THE STATE  
of ALASKA  
GOVERNOR MICHAEL J. DUNLEAVY

Packet Page 15 of 15

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 23, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: [beth.mcewen@juneau.org](mailto:beth.mcewen@juneau.org)

Cc: [City.Clerk@juneau.org](mailto:City.Clerk@juneau.org)

|                           |                   |                        |      |
|---------------------------|-------------------|------------------------|------|
| <b>License Type:</b>      | Club              | <b>License Number:</b> | 5747 |
| <b>Licensee:</b>          | Juneau Yacht Club |                        |      |
| <b>Doing Business As:</b> | Juneau Yacht Club |                        |      |
| <b>Premises Address:</b>  | 1301 Harbor Way   |                        |      |

☒ **New Application**

☐ **Transfer of Location Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Controlling Interest Application**

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

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

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

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

Sincerely,

Erika McConnell, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)