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

July 29, 2013 7:00 PM

Assembly Chambers, City Hall, 155 S. Seward St.
Regular Meeting 2013-20

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

I. ROLL CALL

II. SPECIAL ORDER OF BUSINESS

III. APPROVAL OF MINUTES

A. July 15, 2013 - Regular Assembly Meeting 2013-19

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. 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 2013-11(E) - An Ordinance Appropriating To The Manager The Sum Of $245,053 As Funding For the State of Alaska's Designated Legislative Grant Projects, Grant Funding Provided by Alaska Department of Commerce, Community and Economic Development

This ordinance would appropriate $245,053 in four Alaska Department of Commerce, Community and Economic Development legislative grants to the below new or existing programs or Capital Improvement Projects.

Juneau Douglas School District Curriculum Materials, $150,053

Project Description: To provide funds for the purchase of curricular materials to replace English/language arts materials for 2500 secondary students. Funds will be utilized to bring our core curricular areas in alignment with the new Alaska standards.

Juneau Douglas School District Technology, $30,000

Project Description: To provide funds for district-wide technology upgrades and roving specialists.

Riverbend Elementary School Playground Equipment, $30,000

Project Description: To purchase and install playground equipment at Riverbend Elementary School. Current playground is not rated for children under the age of five so it cannot be used by preschool students. New equipment will be purchased and installed for all students to use.

CCFR Thermal Imaging Cameras, $35,000

Project Description: To purchase thermal imaging cameras, mounting hardware, and batteries.

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

b. Ordinance 2013-11(F) - An Ordinance Appropriating To The Manager The Sum Of $19,564 As Partial Funding For The Design And Installation Of A New Roof Structure For The Treadwell Salt Water Pump House At The Treadwell Mine Historic Park. Grant Funding Provided By The Alaska Department of Natural Resources, Office Of History And Archaeology.

This ordinance would appropriate $19,564 from the State of Alaska Office of History and Archaeology for design and installation of a new roof structure and roofing material on the Salt Water Pump House located at Sandy Beach and which is part of the historic Treadwell Mine Complex.

The existing roof and roofing material is deteriorated and not offering protection to the structure below. The new roof will protect the structure, which is a recognized icon of the Douglas community.

The work of the project would be performed through the combined efforts of a historical architect for the design and a building contractor to perform the construction of the roof and roofing material. The total project costs are estimated to be $32,607. The grant would provide 60 % of the needed funding ($19,564) from a federal Historic Preservation Fund grant administered by the Alaska Office of History and Archaeology. The remaining 40 % of the project budget ($13,043) would be funded by donations and in-kind service of volunteers of the Treadwell Historic Preservation and Restoration Society.

The Historic Resources Advisory Committee reviewed the project and recommended applying for the grant.

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

c. Ordinance 2013-20 - An Ordinance Amending the Real and Personal Property Tax Code to Permit Deferral of Taxes on Certain Subdivided Property.

The Alaska State Legislature adopted a statute, effective July 1, 2012, authorizing municipalities to defer all or a portion of an increase in assessed value directly attributable to the subdivision of a single parcel of property into three or more lots, and any improvements made to the property necessitated by its subdivision. This ordinance adopts the provisions of that statute, in the least restrictive manner allowable. The intent of the ordinance is to encourage landowners to subdivide their property.

All increased property taxes directly attributable to the subdivision of a parcel of property into three or more lots and may be deferred for up to five years. This deferral is subject to the following conditions and restrictions:

(a) The deferred value shall be apportioned among the newly created lots based upon the percentage of the newly assessed value of each lot divided by the new total assessed value of the subdivided area.

(b) Permissible improvements eligible for the deferral are limited to improvements required by Title 49 of CBJ Code.

(c) The deferral shall only apply to property for which a subdivision application was submitted in accordance with Title 49 of CBJ Code on or after July 1, 2013.

(d) A signed application on a form approved by the Assessor must be submitted prior to April 30 of each year a deferral is requested.

(e) The amount deferred each year is a lien on that property for that year. Lien recording costs shall be submitted with the application.

(f) The deferral terminates for a lot when its ownership is transferred, when a residential or commercial structure has been completed on the lot and a certificate of occupancy (or temporary CO) has been issued, or when the maximum five-year deferral period ends. When the deferral terminates, the deferred tax amounts shall be paid within 30 days of written notice.

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

2. Bid Award

A. Transfer T-946 - Transferring $37,000 of ADEC Grant funding from the completed Bayview Subdivision Sewer Outfall and $32,000 the nearly completed North Douglas Sewer Extension Capital Improvement Projects (CIP) to the existing Lawson Creek Lift Station Replacement CIP

This transfer will move the remaining ADEC Grant Funding in these projects to the Lawson Creek Lift Station project so it may be spent. The CBJ has received ADEC approval to apply Grant funding from the Bayview Project and the North Douglas Sewer extension to the Lawson Creek Pump Station replacement project.

Transfer From	
U76-069 Bayview Subdivision Sewer Outfall (ADEC Grant)	$ 37,000
U76-086 N. Douglas Sewer Expansion (ADEC Grant)	$ 32,000
Transfer To	
U76-003 Lawson Creek Lift Station Replacement	$ 69,000

The Public Works and Facilities Committee reviewed this request at its July 1, 2013 meeting and recommended forwarding to the full Assembly for approval.

I recommend this transfer be approved.

VII. PUBLIC HEARING

A. Ordinance 2012-20(AU) - An Ordinance Appropriating To The Manager The Sum Of $57,000 As Additional Funding For The Downtown Parking Fund Fiscal Year 2013 Operating Budget, Funding Provided By Additional Downtown Parking FY13 Revenues.

This ordinance would appropriate $57,000 to cover additional expenses in the Downtown Parking Fund incurred in FY13. Funding provided by FY13 Downtown Parking revenues in excess of the budgeted amount.

This overage is due to unanticipated annual maintenance charges, increased Building Maintenance charges due to vandalism at the parking facilities and additional expenses incurred with the Pay and Display enforcement system.

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

B. Ordinance 2013-11(A) An Ordinance Appropriating To The Manager The Sum Of $650,000 As Funding For Juneau Douglas Bridge Water Repairs, Backloop Water Repairs, Areawide Water Main Repairs, Biosolids Management and Backloop Sewer Repairs Capital Projects; Funding Provided By The Water and Wastewater Enterprise Funds Fund Balances

This ordinance would appropriate $650,000 for Water and Wastewater Utility capital projects with funding provided by the Water and Wastewater fund balances. The FY14 Water and Wastewater Capital Improvement Projects (CIPs) were included in the overall FY2014 -2019 CIP Resolution 2640 in the unscheduled funding section.

This ordinance would appropriate $300,000 from the Water Utility fund balance to the following FY14 Water Utility capital projects. The estimated remaining fund balance will be $2,781,100 after this appropriation.

The Water Utility CIPs are:

#W75-047	Juneau Douglas Bridge Water Repairs	$100,000
#W75-048	Backloop Water Repairs	$ 75,000
#W75-036	Areawide Water Main Repairs	$125,000

This ordinance would appropriate $350,000 from the Wastewater Utility fund balance to the following FY14 Wastwater Utility capital projects. The estimated remaining fund balance will be $4,317,000 after this appropriation.

The Wastewater Utility CIPs are:

#U76-098	Biosolids Management	$275,000
#W75-048	Backloop Sewer Repairs	$ 75,000

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

C. Ordinance 2013-11(B) An Ordinance Appropriating To The Manager The Sum Of $61,414 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Alaska Department of Transportation.

This ordinance would appropriate $61,414 for the Runway Safety Area (RSA) capital project. Grant funding is provided by the Alaska Department of Transportation (ADOT); this is the ADOT match to Ordinance 2012-20(AJ) approvd on July 8, 2013.

The FAA funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport.

The Airport Board approved this action at their February 20, 2013 special meeting.

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

D. Ordinance 2013-11(C) - An Ordinance Appropriating To The Manager The Sum Of $8,940 As Funding To Provide For Commercial Motor Vehicle Inspections, Grant Funding Provided By The Alaska Department Of Transportation and Public Facilities.

This ordinance would appropriate a $8,940 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections (CMV).

The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

There is no match requirement for this grant.

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

E. Ordinance 2013-11(D) - An Ordinance Appropriating To The Manager The Sum Of $3,000,000 As Funding For The Juneau International Airport Snow Equipment Removal Facility Capital Project, Grant Funding Provided By Alaska Department of Commerce, Community and Economic Development

This ordinance would appropriate $3,000,000 in grant funding from the Alaska Department of Commerce, Community and Economic Development for the Snow Removal Equipment Facility (SREF) at the Juneau International Airport.

The SREF is a critical facility to year round operations at the airport. The total construction cost of the new building is estimated at $20.5 M. Funds will be provided from a variety of federal, state, and local sources, with FAA paying approximately 73% of the total project cost.

During the recent legislative session, the State of Alaska approved a $3M grant for this project that will help meet the City's obligation toward 27% of the project cost.

The timing of this appropriation is important because this $3M State of Alaska Designated Legislative Grant provides critical match funds to the Airport's Snow Removal Equipment Facility (SREF) project. Appropriating this grant during July 2013 will allow the Airport to leverage the match funds to compete for the needed $17M FAA funds on a national level. FAA's fiscal year ends on September 30, 2013. Airport Improvement Project (AIP) funds that are not committed at the region level will be returned to FAA Headquarters for distribution to projects that are "shovel ready" throughout the nation. Juneau's SREF is one such project. Having all match funds appropriated will strengthen Juneau's position to capture needed funding and begin the advertisement for bids in August, 2013.

The Public Works and Facilities Committee reviewed this request at its July 1, 2013 meeting.

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

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Appeal to Assembly – Senior Citizen Real Property Hardship Exemption – O'Brien

On June 24, 2013, the CBJ Assessor issued a final decision denying the Senior Citizen Real Property Hardship Exemption for property identified as Parcel # 1B0201000070, located at 5128 Thane Road. The owner, Gerald P. O'Brien, represented by son Mark O'Brien, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Monday, July 16, 2013.

This matter is directly appealable to the Assembly per CBJ Code 69.10.021 (a).

69.10.021 - Senior citizen and disabled veteran hardship exemption.
(a) An individual who otherwise qualifies for a senior citizen or disabled veteran property tax exemption as provided for by AS 29.45.030(e) and 29.45.030(f) shall qualify for a hardship exemption if the criteria set forth in this subsection are met. If allowed, a hardship exemption will be granted only for that portion of an eligible applicant's real property tax liability in excess of two percent of the applicant's gross household income as calculated after the senior citizen and disabled veteran property tax exemption required by state law is applied. Only one hardship exemption may be granted for the same property, and if two or more persons are eligible for an exemption for the same property, the parties shall decide among themselves who is to receive the benefit of the exemption. No exemption may be granted if the assessor determines, after notice and an opportunity for a hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the Assessor may be appealed to the Assembly under CBJ 01.50.030—260.

The Notice of Appeal and the Notice of Decision are in your packet. The Assembly is the appeal agency for this appeal, and its actions throughout the appeal process are governed by CBJ 01.50, the CBJ Appeals Code. The Code requires that, upon receiving an appeal, the Assembly must first decide whether to accept or reject it.

The standards applicable to this decision are set out at CBJ 01.50.030(e):

(e) Action by Appeal Agency Upon Receipt of a Notice of Appeal.

(1) Within thirty days of receipt of a notice of appeal by the appeal agency, the appeal agency shall notify the appellant of the acceptance or rejection of the appeal and, if rejected, the reasons for the rejection.

(2) The notice of appeal shall be liberally construed in order to preserve the rights of the appellant. The appeal agency may reject the appeal for failure to comply with these rules or if the notice of appeal does not state grounds upon which any of the relief requested may be granted.

The appellants, and the Assessor have been advised that this matter is before the Assembly.

The following procedural issues should be decided:

1. Will the Assembly accept the appeal?
2. Will the Assembly hear the appeal itself or assign to a hearing officer?
3. If the Assembly hears the appeal itself, will the Mayor preside, or will he designate another member as presiding officer?

This matter is before the Assembly sitting in its quasi-judicial capacity. Accordingly, members should avoid discussing the case outside the hearing process.

With respect to this issue, the Appeals Code provides as follows:

CBJ 01.50.230 IMPARTIALITY. The functions of hearing officers and those appeal agency members participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings. Hearing officers and appeal agency members, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews concerning the appeal with, or receive evidence or argument on the appeal from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with a hearing officer or appeal agency member concerning the appeal shall be served upon all parties.

B. Appeal to Assembly – Senior Citizen Real Property Hardship Exemption – Cavagnaro

On June 24, 2013, the CBJ Assessor issued a final decision denying the Senior Citizen Real Property Hardship Exemption for property identified as Parcel # 4B2001030090, located at 1010 Otter Run. The owners, D. MacDonald and J. and E. Cavagnaro, represented by Robert Spitzfaden, filed a timely Notice of Appeal of this decision with the Municipal Clerk's Office on Monday, July 10, 2013.

This matter is directly appealable to the Assembly per CBJ Code 69.10.021 (a).

69.10.021 - Senior citizen and disabled veteran hardship exemption.
(a) An individual who otherwise qualifies for a senior citizen or disabled veteran property tax exemption as provided for by AS 29.45.030(e) and 29.45.030(f) shall qualify for a hardship exemption if the criteria set forth in this subsection are met. If allowed, a hardship exemption will be granted only for that portion of an eligible applicant's real property tax liability in excess of two percent of the applicant's gross household income as calculated after the senior citizen and disabled veteran property tax exemption required by state law is applied. Only one hardship exemption may be granted for the same property, and if two or more persons are eligible for an exemption for the same property, the parties shall decide among themselves who is to receive the benefit of the exemption. No exemption may be granted if the assessor determines, after notice and an opportunity for a hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the Assessor may be appealed to the Assembly under CBJ 01.50.030—260.

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X. STAFF REPORTS

XI. ASSEMBLY REPORTS

XII. ASSEMBLY COMMENTS AND QUESTIONS

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

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