

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

June 13, 2018 5:15 PM

City Hall Assembly Chambers
Special Meeting 2018-17

I. CALL TO ORDER / ROLL CALL

II. AGENDA TOPICS

- A. INTRODUCTION - Ordinance 2018-20 An Ordinance Authorizing the Manager to Sell Four City and Borough of Juneau Parcels, Located at 5436 Commercial Drive and 5433 Shaune Drive, to AKBev Group LLC.

This ordinance would authorize the CBJ to sell four parcels to the Alaskan Brewing Company. The CBJ currently uses two of the parcels for its Household Hazardous Waste program and uses the other two parcels for part of its Water Utility program. With the consolidation of the Engineering and Public Works departments and the desire to move the HHW program to a more efficient location, the public would benefit from selling these parcels instead of continuing to operate the existing programs on them.

The Planning Commission recommended the CBJ sell the four lots at its meeting on January 23, 2018. This transaction was also discussed at the following Assembly Committee meetings: April 10, 2017 Lands, January 29, 2018 Committee of the Whole, May 8, 2018 Public Works and Finance, and May 21, 2018 Committee of the Whole.

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

- B. PUBLIC HEARING for Ordinance 2018-34 An Ordinance Authorizing the Manager to Execute Utility Permits with the Alaska Department of Transportation and Public Facilities for the Construction, Repair, and Maintenance of City and Borough of Juneau Utilities in State Rights-of-Way.

This ordinance would allow the Manager to execute utility permits with the Alaska Department of Transportation and Public Facilities to construct, repair, and maintain CBJ utilities, as required by AS 19.25.010, AS 35.10.210, and 17 AAC 15.061.

ADOT&PF's boilerplate utility provision contains an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when

the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute ADOT&PF utility permits required by state law.

The City Manager recommends this ordinance be adopted.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. 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

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

INTRODUCTION - Ordinance 2018-20 An Ordinance Authorizing the Manager to Sell Four City and Borough of Juneau Parcels, Located at 5436 Commercial Drive and 5433 Shaune Drive, to AKBev Group LLC.

MANAGER'S REPORT:

This ordinance would authorize the CBJ to sell four parcels to the Alaskan Brewing Company. The CBJ currently uses two of the parcels for its Household Hazardous Waste program and uses the other two parcels for part of its Water Utility program. With the consolidation of the Engineering and Public Works departments and the desire to move the HHW program to a more efficient location, the public would benefit from selling these parcels instead of continuing to operate the existing programs on them.

The Planning Commission recommended the CBJ sell the four lots at its meeting on January 23, 2018. This transaction was also discussed at the following Assembly Committee meetings: April 10, 2017 Lands, January 29, 2018 Committee of the Whole, May 8, 2018 Public Works and Finance, and May 21, 2018 Committee of the Whole.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2018-20	6/6/2018	Non-Code Ordinance

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-20

An Ordinance Authorizing the Manager to Sell Four City and Borough of Juneau Parcels, Located at 5436 Commercial Drive and 5433 Shaune Drive, to AKBev Group, LLC.

WHEREAS, the City and Borough of Juneau's (CBJ) property at 5433 Shaune Drive historically housed the Public Works Department and the Water Utility staff; and

WHEREAS, by consolidating the Engineering and Public Works Departments, the CBJ no longer has need for as large a facility for the remaining tenant: the Water Utility staff; and

WHEREAS, further consolidation of Valley and Town Street Maintenance crews has made CBJ property adjacent to Capital Transit's maintenance facility available for use by the Water Utility; and

WHEREAS, the Household Hazard Waste (HHW) program is currently housed in the "Salt Box" located at 5436 Commercial Boulevard, a facility that was originally constructed for multiple uses, including the storage of road salt; and

WHEREAS, the location and facility design of the Salt Box is not advantageous for the HHW program for a variety of reasons including traffic patterns on Commercial Boulevard and isolation from other refuse programs; and

WHEREAS, the AKBev Group, LLC, doing business as the Alaskan Brewing Company, submitted an application to purchase the four parcels at 5436 Commercial Drive (Lots 41 and 42, S.S.G. Subdivision Phase IV, Plat 93-17) and 5433 Shaune Drive (Lots 4 and 5, S.S.G. Subdivision, Plat 82-10) from the CBJ to expand its business; and

WHEREAS, the fair market value of the parcels is as follows: \$1,090,000 for Lots 41 and 42, S.S.G. Subdivision Phase IV, Plat 93-17 and \$1,780,000 for Lots 4 and 5, S.S.G. Subdivision, Plat 82-10; and

WHEREAS, an existing building crosses the Lot 41 and 42 lot line, and an existing building crosses the Lot 4 and 5 lot line; and

WHEREAS, the CBJ intends to consolidate Lots 4 and 5 and consolidate Lots 41 and 42 to comply with Title 49; and

WHEREAS, the resulting lot consolidations will have different legal descriptions but the actual property to be conveyed will be the same; and

WHEREAS, the Planning Commission recommended the Assembly dispose of these four lots at its meeting on January 23, 2018.

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 to Dispose of Land by Negotiated Sale. The Manager is authorized to negotiate and execute the sale of property currently identified below subject to the minimum terms and conditions specified in this ordinance:

5436 Commercial Drive

Lot 41, S.S.G. Subdivision Phase IV, Plat 93-17, Juneau Recording District, First Judicial District, State of Alaska; Lot 41 contains 16,500 square feet, more or less; and

Lot 42, S.S.G. Subdivision Phase IV, Plat 93-17, Juneau Recording District, First Judicial District, State of Alaska; Lot 42 contains 16,500 square feet, more or less; and

5433 Shaune Drive

Lot 4, S.S.G. Subdivision, Plat 82-10, Juneau Recording District, First Judicial District, State of Alaska; Lot 4 contains 16,409 square feet, more or less; and

Lot 5, S.S.G. Subdivision, Plat 82-10, Juneau Recording District, First Judicial District, State of Alaska; Lot 5 contains 16,409 square feet, more or less.

Section 3. Conditions of Sale. Conveyance of the property shall be pursuant to a purchase and sale agreement, which must include the following minimum essential terms:

(A) The purchase price of the property shall be the fair market value, which has been determined by appraisal as follows:

- i. \$1,090,000 for the property currently known as Lots 41 and 42, S.S.G. Subdivision Phase IV, Plat 93-17;
- ii. \$1,780,000 for the property currently known as Lots 4 and 5, S.S.G. Subdivision, Plat 82-10; and

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(B) AKBev Group, LLC, shall be required to purchase title insurance and pay half of all closing and recording costs.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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

PUBLIC HEARING for Ordinance 2018-34 An Ordinance Authorizing the Manager to Execute Utility Permits with the Alaska Department of Transportation and Public Facilities for the Construction, Repair, and Maintenance of City and Borough of Juneau Utilities in State Rights-of-Way.

MANAGER'S REPORT:


This ordinance would allow the Manager to execute utility permits with the Alaska Department of Transportation and Public Facilities to construct, repair, and maintain CBJ utilities, as required by AS 19.25.010, AS 35.10.210, and 17 AAC 15.061.

ADOT&PF's boilerplate utility provision contains an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute ADOT&PF utility permits required by state law.

RECOMMENDATION:

The City Manager recommends this ordinance be adopted.

ATTACHMENTS:

Description	Upload Date	Type
 Ordinance 2018-34	5/30/2018	Non-Code Ordinance

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-34

An Ordinance Authorizing the Manager to Execute Utility Permits with the Alaska Department of Transportation and Public Facilities for the Construction, Repair, and Maintenance of City and Borough of Juneau Utilities in State Rights-of-Way.

WHEREAS, the City and Borough of Juneau (CBJ) provides utility services through a municipal water and wastewater system; and

WHEREAS, some of the CBJ's municipal utility system's components are located within State of Alaska rights-of-way; and

WHEREAS, pursuant to AS 19.25.010, AS 35.10.210, and 17 AAC 15.061, the State of Alaska requires the execution of a utility permit in order to construct, repair, or maintain utilities within the State's rights-of-way, which includes a requirement that the applicant indemnify the State; and

WHEREAS, pursuant to CBJ Charter 9.13(a) and its prohibition against payment being made or an obligation being incurred without an appropriation, the CBJ is generally prohibited from agreeing to indemnify; and

WHEREAS, CBJ Charter 9.13(c) carves out an exception to that general prohibition:

Notwithstanding Section 9.13(a) of this Charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than one year for any contract, lease or note or bond obligation, or federal or state grant, or any other federal or state program that the municipality may not otherwise participate in.

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. Pursuant to CBJ Charter 9.13(c), the Manager is authorized to execute utility permits required by the State in order to allow the CBJ to construct, repair, and maintain CBJ utility systems within the State's rights-of-way, and agree, on behalf of the CBJ, to indemnify the State to the extent required by law.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk