

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, October 31st, 2019

- I. Call to Order** (5:00 p.m. CBJ Assembly Chambers)
- II. Roll** (James Becker, Chris Dimond, Steven Guignon, Mark Ridgway, Annette Smith, Bob Wostmann, Budd Simpson and Don Etheridge)
- III. Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED.
- IV. Approval of September 26th, 2019 Board minutes.**
- V. Special Order of Business**
- VI. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- VII. Consent Agenda**
 - A. Public Requests for Consent Agenda Changes
 - B. Board Members Requests for Consent Agenda Changes
 - C. Items for Action
 1. Transfer \$123,163.89 from Amalga Harbor Fish Cleaning Station (CIP H51-105) to Pile Anode Installation (CIP H51-121)
Presentation by the Port Director

MOTION: TO CLOSE OUT THE AMALGA HARBOR FISH CLEANING STATION (CIP H51-105) PROJECT AND TRANSFER THE REMAINING BALANCE TO PILE ANODE INSTALLATION (CIP H51-121) PROJECT
 2. CALENDAR YEAR 2020 DOCKS & HARBORS BOARD SCHEDULE
Presentation by the Port Director

MOTION: TO APPROVE THE CALENDAR YEAR 2020 DOCKS & HARBORS BOARD SCHEDULE
MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED
- VIII. Unfinished Business - None**
- IX. New Business - None**
- X. Items for Information/Discussion**

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, October 31st, 2019

1. Tide Land Lease Process
Presentation by Port Director

Board Discussion/Public Comment
2. Archipelago Phase II Update
Presentation by Port Director

Board Discussion/Public Comment

XI. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, October 23rd, 2019
2. Member Reports
3. Assembly Lands Committee Liaison Report
4. Auke Bay Steering Committee Liaison Report

XII. Port Engineer's Report

XIII. Harbormaster's Report

XIV. Port Director's Report

XV. Assembly Liaison Report

XVI. Board Administrative Matters

- a. Finance Sub- Committee Meeting – Thursday, November 7th, 2019 at 3:00pm
- b. Board Strategic Retreat – Tuesday November 12th, 2019 at 5:00pm @ **DIPAC**
- c. Ops/Planning Committee Meeting – Wednesday, November 13th, 2019 at 5:00pm
- d. Board Meeting – Thursday, November 21st, 2019 at 5:00pm

XVII. Adjournment

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, September 26th, 2019

I. Call to Order

Mr. Etheridge called the Regular Board Meeting to order at 5:00 p.m. in CBJ Room 224.

II. Roll Call

The following members were present: James Becker, Christopher Dimond(via phone), Steven Guignon, Mark Ridgway, Annette Smith, Bob Wostmann, Budd Simpson, and Don Etheridge.

Absent: David McCasland

Also present were the following: Carl Uchtyl – Port Director, Dave Borg – Harbormaster, Matt Creswell – Deputy Harbormaster, and Erich Schaal –Port Engineer.

III. Approval of Agenda – The agenda was approved as presented

IV. Approval of August 29th, 2019 Board Minutes and September 11th, 2019 Special Board Minutes-

Hearing no objection the minutes of August 29th and September 11th were approved as presented.

V. Public Participation on Non-Agenda Items –

Dennis Watson, Juneau, AK

Mr. Watson said he attended a tourism meeting last night held by Mr. Uchtyl and he was very disappointed to see only one Assembly member at that meeting. As important as tourism is, it is important to attend and this was the best meeting from all the years he has been attending.

He said another topic he wanted to talk about is the security problem at Auke Bay. He said he has a gentleman that volunteers at the food bank and has had his vehicle broken into 10 times in the last 65 or 70 days. They siphon gas, and rifle through the vehicle. Someone took pictures of a person with a gas can and a siphon last week. He said it's really sad we have the same caliber of harbors as we have downtown in Statter Harbor and we can't get a little cooperation. The argument is Statter Harbor is paying over \$7 per foot and nothing has been posted on the bulletin board to keep a look out. It's treated like a non-event. He would like to see some kind of support from the Statter Harbor people.

Ms. Smith asked if the siphoning is happening during a weekend?

Mr. Watson said all week long. It is a steady problem and it appears to be the same people.

Mr. Becker asked Mr. Borg if he knew about this problem?

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REGULAR BOARD MEETING MINUTES (CONTINUED)
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Mr. Borg said this is the first he heard about it but he is sure the Deputy Harbormaster has heard about it.

Mr. Becker commented that Mr. Borg testified in the past that people report that they have been stolen from to the Harbor personnel but refuse to report it to JPD.

Mr. Watson said JPD has their hands full and typically gets around to it after about 10 days. He said he believes the camera data stays good for more than 10 days.

Mr. Ridgway said he suggested at the last Board meeting to add the security cameras to the Board retreat agenda because a lot of his friends has had items stolen also. The uptick in theft warrants a decideable action.

Mr. Watson said there is nothing letting the Statter Harbor users know there is a lot of theft and to watch for unusual activity.

Robert Mosher, Juneau, AK

Mr. Mosher said his boat is in Harris Harbor and the theft is out of hand. He has spoken to Harbor personnel, Dave and Carl, and something needs to be done. He suggests to remove the port a potty in the Harris Harbor parking lot, give the Harbor personnel more power to throw people out of the Harbor, and hire more people and or security at night. He understands this all costs money but it is getting out of hand. There are other people suggesting camera's and he was always against it but not anymore.

Ms. Smith said out of hand is a vague term.

Mr. Mosher said he has had his truck rifled through twice in the last month and the boat just down the finger from him in the Harbor was robbed. Another one had the outboard stolen from his boat. This is happening on a steady basis and he feels like the boat owners are preyed upon from within. The theft is changing the way he conducts business.

Kent Duran, Juneau, AK

Mr. Duran said he believes the theft problem is bigger than the Juneau Harbor Board. He said he was just coming to this meeting and there was a huge fight between a male and female by the bathrooms downstairs and it was about drugs. He said he has lived in Juneau for 35 plus years and an avid user of the launch ramps and has had no theft. He said he had someone steal his GPS, valued at \$1,200 off his boat in the middle of the night when his boat was parked next to his house.

Tom Willis, Juneau, AK

Mr. Willis said he believes people in the Harbor are willing to pay more for security and camera's are relatively inexpensive. A gate to the ramp is farely effective and is a one time purchase. He believes something needs to be done to limit access to the boats and watch the parking lots. A security firm could be hired to patrol the Harbors.

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David Dominguez, Juneau, AK

Mr. Dominguez said in the last four weeks he has had four incidents of theft himself and he filed four police reports. There were two siphon incidents, a LED lightbar which was taken off his truck and an expensive adjustable hitch sawed off the back of the truck which had two locks. There was a broken cutting wheel on the ground where it looked like they needed to change the cutting wheel half way through the job. They were there for a while and it was in front of the Harbormasters office. He said he was in the Sound for 20 plus years and never had an incident, Valdez, Cordova, Seward and Whittier. He said he did stop a police officer driving through the lot and the officer explained it is a problem but they are trying. He said the majority of the harbor patrons would be willing to pay more to have a camera system installed. He suggested to ask what patrons would be willing to pay extra for camera's. He said he has had several restless nights and even spent the night in his truck. He has a camera system on his boat and has another one on order for his truck. He has talked to others in the harbor and they all know the theft is happening. When other harbors have rebuilt their harbors security was included in their budget to install camera's. In Valdez, their camera's report to the Police Department. Only the Harbormaster has real time viewing and it does take the security out of the Harbor hands. He said he is happy to be here but believes something has to be done.

Mary Larsen, Juneau, AK

Ms. Larsen said she lives in the Harbor and is across from the boat that was thoroughly robbed about a week ago. It was during the night about 20 feet away and it is very unsettling for her. She said she reads in the Docks & Harbors Tide Line and at the top of the ramps to report suspicious activity to the Harbormaster. She said some people do report and some don't, but she doesn't know how that information is used. Is it used to see if there is an upswing in theft? Is it to decide if crime is a problem and is something that should be addressed? She believes harbor patrons would be amenable to harbor rates increasing for cameras. Another thing to figure out is what will deter the crime, camera's, gates, or security guards. She has heard from other organizations in the City that camera's help in the reduction of theft. UAS had work trucks siphoned all the time and they installed cameras and it ended the problem. We need to decide if cameras will fix our problem or look into other options and figure out what the added security options will cost. Docks & Harbors can add the security cost into an increase in harbor rates and see if it is supported by the patrons. A lot of people seem to think this is a problem and are willing to put in effort to turn this around.

Nathan Wiley, Juneau, AK

Mr. Willey said he had \$1,000 in tools stole out of the back of his truck. He just spent \$150 on locks, lights, and cameras for his truck so he would be willing to pay extra for security.

Mr. Guinon asked if staff has an estimate on what security cameras would cost for the Harbors?

Mr. Uchytel said no. However, we received a security grant through FEMA for the cruise ship docks. The federal government will provide grant funding for Ports but not for small

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boat harbors. The FEMA grant provided 25 to 30 in cameras which was \$150,000. This was a 75/25 matching grant. The problem with the Harbors is, do you need to put a camera on every finger to be effective or just on the main float?

Mr. Etheridge said this will be an agenda item on one of our next Operations/Planning meeting. He said he has been robbed seven times on his boat. The last time they destroyed the entire inside of his boat when they robbed it. He understands the problem. He said he was on the Harris Harbor grid two weekends ago and saw the drug deals and people doing drugs in the parking lot. He called JPD and they are now doing extra patrols because he called. The citizen patrol is also patrolling the Harbor. The difference between two weeks ago and this last week with the extra patrols has made a tremendous difference.

Mr. Ridgway thanked everyone for coming and letting the Board know about the theft problem. He said he wants a discussion on reasonable expectations for security and what people are willing to pay.

VI. Consent Agenda-

- A. Public Requests for Consent Agenda Changes – None
- B. Board Members Requests for Consent Agenda Changes – None
- C. Items for Action

- 1. ADOT Harbor Facility Grant Acceptance – Harris harbor Zinc Anode
Mr. Uchytel said

RECOMMENDATION: TO RECOMMEND THAT THE ASSEMBLY APPROVE ACCEPTING A \$125K ADOT HARBOR FACILITY GRANT FOR HARRIS HARBOR PILE ANODES.

MOTION By MR. SIMPSON: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

VII. Unfinished Business – PUBLIC HEARING

- 1. New Regulations: Unattended Vessels at Boat Launch Prohibited

Mr. Uchytel said the new proposed regulation is on page 17 in the packet which was crafted by the Board and approved by CBJ Law. This request came from some members of the Amalg Harbor residents that observed seine skiffs being unattended at the Amalg Harbor launch ramp. With this request, staff commenced the process to create a new regulation. The regulation has followed the process for advertisement on page 18. The ad was placed in the Juneau Empire. He said he only received one comment on this regulation and that is on page 19.

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Board Discussion –

Mr. Wostmann said referring to the comment, he does not believe the language needs to be amended because once a float plane is in the water it is considered a vessel.

Public Comment –

Kent Duran, Juneau, AK

Mr. Duran said he heard about this proposal on the radio and he isn't sure how this will work. He has been using launch ramps for 35 years and loves the improvements Docks & Harbors has completed. He knows some people know launch ramp etiquette and some don't. He suggested to change the regulation wording to not make it so restrictive but give authority to the Harbormaster to invoke certain rules on a as needed basis.

Mr. Becker said the regulation in his point of view is straight forward. You launch your boat, tie it up, and go park your truck. Coming back you tie your boat up at the dock, go get your truck, back down the launch ramp and retrieve your boat.

Mr. Duran said the regulation is very clear. It says no person operating or in charge of a vessel may leave the vessel unattended.

Mr. Wostmann asked if Mr. Duran read section (b) of the regulation.

Mr. Duran said he did not.

Mr. Wostmann said it the prohibition in section (a) does not apply to temporary durations when the operator or person in charge of a vessel leaves the boat launch to dispatch a vehicle and trailer necessary in recovery of a vessel. This part of the regulation was specific for someone alone needing to park his vehicle after launching or go get his vehicle to retrieve his boat. This will give the Harbormaster the legal authority to write a ticket when the operator is clearly not around.

Mr. Duran said there was a time when someone was pulling his boat and his trailer broke. He needed to leave his boat and go to town to get parts and return. The rule being proposed is on unattended vessels and there could be several times when people need to leave their vessel to make a repair on their boat trailer.

Mr. Guinon asked Mr. Duran if it would make more sense to have section (b) come first.

Mr. Duran said that may help, but it is amazing what signs will do. What is the sign that will be put up for this regulation?

Paul Swanson, Juneau, AK

Mr. Swanson said he completely disagrees with the previous person because he did not read the regulation completely. He said he is in favor of this regulation.

Board Discussion/Action –

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Mr. Ridgway asked Mr. Borg if in section (a) of the regulation it empowers him to issue a ticket if someone is attending the vessel but inhibiting the efficient use of the ramp?

Mr. Borg said it will give staff more tools than we have currently.

Mr. Ridgway asked Mr. Borg if he knows of another regulation that if someone was blocking the use of our property for efficient use he would do something about it?

Mr. Borg said he would attempt to.

Ms. Becker suggested to add “active” loading and unloading only.

Mr. Wostmann asked Mr. Borg how he would deal with the scenario where a vessel is broken down and it is not possible to get the vessel back on the trailer?

Mr. Borg said he uses the reasonable person clause. He gave an example of someone telling him “My trailer is broken down and I need to run get some parts”. He would tell them to move to the end of the launch ramp so others can still get in and out. He is not going to give a \$75 ticket if the person has a reasonable situation.

MOTION By MR. RIDGWAY: TO RECOMMEND THE ASSEMBLY ADOPT NEW REGULATION LANGUAGE TO PROHIBIT UNATTENDED VESSELS AT LAUNCH RAMP FACILITIES AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

VIII. New Business - None

IX. Items for Information/Discussion

1. General Tourism Discussion

Mr. Uchtyl said staff holds pre and post season meeting for the different permit holders and Statter Harbor users and each year there are fewer complaints. Things are going good and are being well managed for the user groups. He said we are projecting final numbers to be 1.288M cruise ship passengers this year. That increase blended with our other operations and the summer still went very smooth.

Mr. Uchtyl showed slides from a presentation provided to the Assembly Committee of the Whole meeting on Monday covering the commercial fishing and tourism aspects of the presentation and went over the highlights. He said the whole presentation can be found online.

Board Discussion/Public Comment

Mr. Guinon asked where to find this online?

Mr. Uchtyl said under the Assembly Committee of the Whole agenda. He said he will send out a link to the Board members.

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Mr. Uchytel showed a picture of the mental health trust property which was purchased by Norwegian Cruise Lines (NCL). He said, if they are going to build a cruise ship dock they will need support from the City.

Mr. Ridgway asked if this was common for cruise ship companies to buy parcels of land to build their own facilities?

Mr. Uchytel said the driving need for the berth expansions is due to passengers wanting to leave on a Saturday or Sunday from Vancouver or Seattle, Southeast Alaska does not have the same dock capacity as Vancouver and Seattle. To be able to accommodate as many ships that can leave Vancouver at one time we need more dock space. Typically historical preference has been given to Holland America cruise lines because Norwegian Cruise Lines is a fairly new company to Southeast Alaska. Currently they go to the AJ Dock and have to hot berth. The reason NCL is willing to pay \$20M for the Mental Trust Property and invest in a private dock in Ward Cove is to establish a better location in Juneau for their passengers traveling preference.

Mr. Uchytel said another thing talked about at the Committee of the Whole meeting was the Mayor wants to put together a tourism task force because the Assembly members have been receiving more complaints about tourism then they ever have. Kirby Day with TBMP say's tourism complaints are down at his office. There are people still complaining that their quality of life is diminished. Mr. Uchytel said it probably started last year with the air quality issues. The air quality was much better this year but seeing the 15% growth frightens some residents. The questions asked by the Mayor was if the long range waterfront plan should be refreshed and if there should be a cap put on the amount of cruise ship passengers.

Mr. Dimond left the meeting at 6:30 pm

Mr. Dimond returned to the meeting at 6:32 pm

Mr. Becker asked how much money is brought into the community from the tourism industry through sales tax?

Mr. Uchytel said the study conducted in 2017 was that all tourists in Juneau spend approximately \$163 per person which is upwards to \$200M and if sales tax is paid on all that amount it works out to be 21 or 22 percent of all City sales tax. There are also indirect benefits from the tourism workers that he does not have numbers for but it is significant.

2. BUILD Grant – Letter of Support from Federal Delegation

Mr. Uchytel said on pages 20 and 21 in the packet is a letter of support for the BUILD grant for the Juneau Fisheries project. Staff has applied for three BUILD grants, the Juneau Fisheries Terminal, the Marine Services Boat Yard, and the elevated seawalk between the Auke Bay Marine Station and Statter Harbor. He said staff believes the

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Juneau Fisheries project pencils out the best as most competitive of the three applications submitted.

Board Discussion/Public Comment

Mr. Ridgway asked if the Industry this project benefit the most would write letters of support?

Mr. Uchytel said yes and we do get some letters of support but not as much response as he would like.

X. Committee and Member Reports

1. Operations/Planning Committee Meeting Wednesday August 21st, 2019-

Mr. Etheridge reported the committee discussed;

- Zinc Anodes for Harris Harbor
- The Clean Vessel grant funding
- The Archipelago project second phase
- The unintended vessel regulation
- Strategic retreat planning and decided on the November 12th date with anything not being able to be finalized on that date can carry over to the Operations/Planning meeting held on November 13th.
- The petition to relocate the Statter Harbor no-wake buoys out a couple of miles.

2. Member Reports-

Mr. Becker reported Mr. Duvernay is changing his plan to move the quonset hut from the business he sold and is going to sell it. He will continue to work with the University to combine his two lots he subleases from Docks & Harbors so he will be able to build a new building. He said Mr. Duvernay is also interested in taking over the Nordic Tug sublease area and move his business from the valley to downtown. Mr. Becker said Mr. Duvernay indicated the travel lift at the Auke Bay Loading Facility has issues but can be fixed in town but he would like to get a bigger lift.

3. Assembly Lands Committee Liaison Report - None

4. Auke Bay Steering Committee Liaison Report - None

Mr. Dimond left the meeting at 6:45 pm.

XI. Port Engineer's Report

Mr. Schaal said his report is in the packet. He highlighted specific projects:

- The Downtown Waterfront Improvement project is going well. The contractor is pouring the first concrete pour right now. This time was chosen because they start the pour on an outgoing tide so they have as much time as they need to get the concrete in before it is submerged again. The pile driving is continuing. The private side of the Archipelago is gearing up with their design teams and making a lot of progress.

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- Staff had the pre-construction meeting for Statter Harbor Phase III, the contractor Pacific Pile & Marine is looking to mobilize their waterside equipment early November but the local dirt work contractors are going to start before then. There will be some storm drain installation and rock from Stablers Quarry stockpiled for the drilling and blasting process. Staff is also in the process of filling our Protected Species Observer team to meet the requirements in our National Marine Fisheries Service (NMFS) Permit.

XII. Harbormaster's Report

Mr. Borg reported:

- Harris bathroom is operational, they still have a leak but people can use them.
- The post season meetings went well and we can now look at what we did well and what we need to look at to do better next season.
- The end of season barbecue was today for the seasonal staff and it also went well. We have lost a lot of seasonal employees for next season.
- The North Douglas Launch ramp float will be pulled out on Saturday due to the tides.

XIV. Port Director's Report

Mr. Uchtyl reported:

- The AAHPA conference is next week which runs from Monday to noon on Friday.
- There was an incident yesterday at Douglas Harbor where a drunken live-aboard man with a gun was taken into custody after shots were fired. There is a police investigation going on currently.

Mr. Becker asked if this individual will be evicted now?

Mr. Borg said staff is not able to evict him because it is not addressed in regulation. There is no rule that says if you do (x), (y) will happen. Mr. Borg said he does have his code of conduct he sent out years ago telling liveaboards expectations for living in the Harbor which works 95% of the time. His only tool is to trespass an individual. He said he did call a local security company today and to get added to their security rounds for the downtown harbors through our parking lots is \$8,500 per month.

XV. Assembly Liaison Report –

Ms. Becker said from Mr. Uchtyl's earlier presentation on tourism, she is not in favor of opening the long range waterfront plan and the City Attorney said it would not be allowed to put a cap on tourism and tell people they can't come to Juneau. The Assembly received a complaint about the wake from the whale watching boats in Auke bay that are breaking docks and they are getting too close to the whales and harassing them. There seems to be no oversight with the whale watching boats.

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Ms. Smith said she is a captain on one of the whale watching boats and there is a lot of oversight by NOAA. There have been hefty fines given out to some companies that have violated the federal regulations regarding marine mammals.

Ms. Becker said this is her last meeting as Assembly Liaison for Docks & Harbors.

XVI. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Wednesday October 23rd, 2019 at 5:00 pm
- b. Board Meeting – Thursday, October 31st, 2019 at 5:00 pm
- c. Board Retreat – Tuesday, November 12th, 2019 at 5:00 pm at the Port Field Office.

XVII. Adjournment- The meeting was adjourned at 7:05pm.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
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From: Carl Uchtyl, Port Director
To: Docks & Harbors Board
Via: Docks & Harbors Operations & Planning Committee
Date: October 18th, 2019
Re: Funds Transfer Request – Amalga Harbor (H51-105) to Pile Anode Installation (H51-121)

1. Docks & Harbor, in cooperation with the Finance Department, is in the process of closing out the Amalga Fish Cleaning Station project. CBJ protocol allows projects with a balance to administratively TRANSFER fund to another project via Assembly action. This memo discusses transferring the remaining \$123,163.89 from Amalga Harbor Fish Cleaning Station to a Capital Improvement Project (CIP) intended to install zinc anodes at the downtown small boat harbors.

a. Amalga Fish Cleaning Station (H51-105). This project would have installed a new 75 ft x 12 ft fish cleaning float to the existing Amalga Harbor boarding float and provide a Private Aid to Navigation daymark to warn mariners of a rock hazard. The 75% design estimated construction cost was \$254K. After significant public input, the Assembly Public Works & Facilities Committee elected not to accept the \$230K ADFG grant at its July 29th meeting. With no source of funding, this project will be administratively cancelled.

b. Pile Anode Installation (H51-121). This project was established, in part, from Docks & Harbors Board prioritization process and vision to extend the useful life of newly recapitalized small boat harbor projects. Harris and Douglas Harbors have no zinc anodes installed. Aurora Harbor has approximately half of all its newly installed piles fitted with zinc anodes. Docks & Harbors has been successful in receiving a \$140,000 FY19 ADOT Harbor Facilities Grant for Douglas Harbor and \$125,000 FY20 ADOT Harbor Facilities Grant for Harris Harbor. The transfer, if approved, will bring the CIP balance to \$403,163.89.

Action	Amount	From	To
Transfer (Balance in Account)	\$123,163.89	H51-105 Amalga Fish Cleaning Station	H51-121 Pile Anode Installation

2. I recommend the Docks & Harbors Board approve the above transfer and recommend the Assembly adopt the appropriate ordinance.

2020 CBJ Docks & Harbors Ops Planning /Board Meeting Schedules

January 2020

	TBD	Finance Sub Committee		
Thu*	1/23/2020*	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	1/30/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

February 2020

Wed	2/19/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	2/27/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

March 2020

Wed	3/18/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	3/26/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

April 2020

	TBD	Finance Sub Committee		
Wed	4/22/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	4/30/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

May 2020

Wed	5/20/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	5/28/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

June 2020

Wed	6/17/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	6/25/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

July 2020

	TBD	Finance Sub Committee		
Wed	7/22/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	7/30/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

August 2020

Wed	8/19/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	8/27/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

September 2020

Wed	9/16/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	9/24/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

October 2020

	TBD	Finance Sub Committee		
Wed	10/21/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	10/29/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

November 2020

Thur*	11/12/2020*	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	11/19/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

December 2020

Wed	12/9/2020	OPS/Planning Committee	5:00pm-7:00pm	Assembly Chambers
Thu	12/17/2020	Regular Board Meeting	5:00pm-8:00pm	Assembly Chambers

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■ Operations/Planning - Mary
 ■ Board - Teena

With the recent offer to purchase the Subport Lot, one should anticipate Norwegian Cruise Lines to approach the City & Borough of Juneau to lease adjoining tide and submerged lands. However, over the past few years there have been interest from other investors to develop the waterfront along Egan Drive; therefore, we should assume multiple bidders or perhaps land speculators vying for waterfront leasing rights. This document broadly outlines the process codified in CBJ ordinance and regulations to lease public lands. Rules pertaining to leasing are described in the following code:

- Title 49 – Land Use
- Title 53 - Property Acquisition and Disposal
- Title 85 - Waters and Harbors
- 05 CBJAC 50 – Lease Administration

Applicable portions of the noted code are provided below. Unless the Docks & Harbors Board abdicates, it is responsible for administration and disposition of CBJ submerged and tide lands. The following is the Port Director's interpretation of the process to lease public tide and submerged lands from CBJ in a sealed competitive bid or outcry auction:

1. Land (including tide & submerged) must be declared by assembly resolution to be available for leasing (53.20.020);
2. Appraisal of the tide and submerged land is required (05 CBJAC 50.040);
3. Potential lessees submit applications to Port Director for review to ensure compliance with Title 49 and comprehensive plan (05 CBJAC 50.030);
4. The call for bids for leases shall be advertised in the same manner as provided for auction sales (53.20.020 & 53.09)

An alternative leasing process would be to follow 53.09.260 (Negotiated sales, leases, and exchanges) in which "a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose".



85.02.060 - General powers. [Docks & Harbors Board]

(5) **Administer and dispose of City and Borough tideland, submerged land,** and other land as provided by the assembly by resolution as subject to docks and harbors board administration, subject to the following limitations:

(A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands committee and approval by the assembly by resolution.

(B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.

(C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.

(i) Land shall be leased as provided in title 53, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.

(ii) For purposes of applying title 53 pursuant to this subsection (C), **any action required by title 53 of the manager may be performed by the port director.**

53.09.200 - General.

(a) Methods of disposal. City and Borough **land may be conveyed by lottery, auction, over-the-counter sale, negotiated sale, sealed bid, land exchange, or other methods as the assembly may approve by ordinance.**

(b) Inclusion in Land Management Plan. Except for property acquired by tax foreclosure or reconveyance agreement, real property should not be conveyed prior to inclusion in a land management plan.

(c) Satisfaction of CBJ 53.09.260(a). Real property recommended for negotiated sale in management plan adopted by the Assembly not more than two years prior to commencement of negotiations for a negotiated sale shall be deemed to have satisfied CBJ 53.09.260(a) Sales, leases, and exchanges by negotiation or competitive proposal.

(d) Ordinance. Terms and conditions for each land sale shall be approved by the assembly by ordinance.

(e) Sale price. Except as provided in CBJ 53.09.270, Disposals for public use, the sale price for City and Borough land shall not be less than market value as determined by the manager.

(f) Sales brochure. The manager shall prepare, and make available to the public, a sales brochure detailing the terms and conditions of sale for competitive land sales.

(g) Qualification. To qualify for a land sale, the applicant must be an individual 18 years of age or older at the time of registering for the sale or a business, licensed to conduct business in the State of Alaska. No person or business entity may apply for, or purchase, a parcel offered for sale if he or she has defaulted on a prior purchase of City and Borough property within the five years preceding the proposed sale. To qualify for a parcel, the registrant or authorized agent must be present at the lottery, auction, bid opening, or over-the-counter sale.

(h) Agent. An agent participating for another person or entity shall identify himself or herself as an agent, submit a written agency agreement, power of attorney, or other document showing the agent's authority, and shall identify the agent's principal. This information shall be available to the other participants.

(i) Disqualification. The manager may disqualify from participating in a land sale conducted under CBJ 53.09.210—53.09.250 lottery, auction, over-the-counter and sealed bid sales, any person who willfully violates the provisions governing bidder, applicant, or purchaser qualifications.

(j) Public notice and marketing. Not less than 45 days before the date of a land lottery, auction, sealed bid opening, or the commencement date of an over-the-counter sale, the manager shall place an advertisement providing notice and a description of the sale in a newspaper of general circulation in the municipality, which shall run one day per week for at least four consecutive weeks. The manager may use whatever additional advertising media, format, or frequency he or she determines will best inform the public of the sale and most advantageously market the property.

(k) Deposit. Prior to the close of business on the day of the lottery, auction, or bid opening, the buyer or the buyer's agent shall provide the City and Borough a non-refundable down payment equal to five percent of the purchase price, submit any proof of buyer's qualification, and execute the purchase agreement and other

required documentation as stated in the sales brochure. The deposit shall be in cash or by check or similar instrument. If the buyer fails to prove the buyer's qualifications or to tender the required down payment or to execute the necessary purchase agreement or other instruments to close the sale, or if the check does not clear, the sale is void, and all rights of the buyer in the property arising out of the sale are terminated. Unless specifically provided otherwise by the manager in writing, the buyer shall have no right of possession to the property until all necessary notes, security and other instruments necessary to close the sale have been executed and the sale closed.

(l) Payment of balance. The balance shall be paid over a period not to exceed ten years in equal annual, quarterly, or monthly payments of principal and interest with interest on the unpaid balance at a rate established by the assembly by ordinance. The manager may direct loan payments to a bank of his or her choice and establish service fees, the payment of which shall be the purchaser's responsibility. There shall be no prepayment penalty.

(m) Subordination. The manager shall not subordinate the security interest of the City and Borough to that of another lender.

(n) Application form and registration fee. The application shall be on a form provided by the City and Borough. A nonrefundable registration fee must accompany the application.

(o) Tax foreclosed land. Applicable provisions of state law shall govern the disposal of land acquired by tax foreclosure to the extent state law and this chapter are in conflict on such disposals

53.09.250 - Sealed competitive bids.

(a) Registration. The registration fee for participating in a sealed bid sale shall be \$500.00 per application. The registration fee shall be returned to unsuccessful bidders. For a successful bidder, the registration fee shall be applied toward the down payment of the lot for which the fee was paid.

(b) Post bid negotiations. If a significant factor in the award of the bid is to be the development proposal made by the bidder and if the bidders have been so informed either in the advertisement or on the bid form, the manager may negotiate with the best bidder or, in the manager's sole discretion, with the two best bidders.

(c) Assembly approval. The award of a bid in which the development proposal is a significant factor in the award is subject to approval by the assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

(a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

53.20.020 - Lands available for leasing.

All lands and interests in land owned by the City and Borough, including tide and submerged lands, may be leased as hereinafter provided for surface use only unless the assembly has given specific approval to the lease of land in connection with the disposal of materials, timber or other resources under sections [53.09.320](#) and [53.09.330](#); however, lands devoted to or reserved for public use may not be leased, nor may

any existing lease on such lands be renewed unless such lease is for or will not interfere with the public use or purpose to which the land is devoted or reserved. Except as provided in CBJ 53.09.260, no lands may be leased which have not, at least 30 days before award or execution of a lease, been declared by the assembly by resolution to be available for leasing or identified in the approved land management plan for disposal by competitive bid leasing in the current year. The call for bids for leases shall be advertised in the same manner as provided for auction sales. A lease of land authorized specifically by ordinance may be made to such person or entity and under such procedures and minimum terms and conditions as are set forth in the ordinance.

05 CBJAC 50.040 - Appraisal, lease rent requirements, and dispute resolution.

(a) *Requirement for an appraisal.* No land or interest in land shall be leased, or a renewal lease issued, unless the land or interest in land has been appraised as set out in 05 CBJAC 50.050 within 90 days prior to the date fixed for the beginning of the term of the lease or renewal lease, provided that no appraisal is required for land or space where the Assembly has, by resolution, within three years of the application set the lease rents for such land or space.

05 CBJAC 50.030 - Lease applications.

(a) Application requirements. All applications for lease of lands shall be submitted to the port director on forms provided by the director. With the application, an applicant shall also submit a development plan that includes:

- (1) The nature and purpose of the proposed lease;
- (2) A site plan;
- (3) The use, value, and nature of improvements to be constructed;
- (4) The dates construction is estimated to commence and be completed;
- (5) A detailed description of the proposed operation;
- (6) Whether the intended use complies with the CBJ Land Use Code, CBJ Title 49, and the comprehensive plan of the City and Borough; and
- (7) Additional information that would assist the port director, the Docks and Harbors Board, and the Assembly in acting on the application.

(b) Application processing. The port director will review each application for completeness within 30 days of receipt unless the director notifies the applicant that more time is required to complete the review. If the port director determines that the application is not complete, the director will provide the applicant with a general description of the information needed to make the application complete. Once the application is complete, the port director will estimate the cost for the docks and harbors department to process the application and will notify the applicant in writing of the estimated cost. The applicant is required to pay all costs associated with processing of the application, including any costs to survey and appraise the area proposed to be leased. The applicant must agree in writing to pay the processing costs prior to the Docks and Harbors Board taking action on the application. Failure of the applicant to agree to pay, or pay, any processing cost will result in the application being denied. The applicant may assist the port director by arranging for specified components of the work, such as survey and appraisal, provided any such work to be performed by applicant is approved in writing in advance by the port director.

PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Auke Bay Loading Facility - Phase II				
TIGER Grant Reporting - Annual	On-Going	Sept. 2019	Staff	Report for Boom Truck til 2033; SeaLift til 2044
Statter Master Plan Phase III				
Phase III A - Dredging, Blasting, Soil Compaction				
Army Corps of Engineers Permit	Complete		PND	
Incidental Harassment Authorization	Complete		PND	
Eagle Permit	Complete		PND	
CBJ Building Permit	Complete		Staff	
Construction Bid	Complete	July 16, 2019	PPM	
D&H Board Approval of Bid	Complete	July 17, 2019		
Assembly Approval of Bid	Complete	July 22 2019		
Construction	In Progress	October 1, 2019	PPM	Pacific Pile & Marine Onsite
Substantial Completion	Hold	April 27, 2020		
Final Completion	Hold	May 29, 2020		
Phase III B - Retaining Wall, Float Installation				
Army Corps of Engineers Permit	In Progress		PND	
Incidental Harassment Authorization	In Progress		PND	
Eagle Permit	In Progress		Staff	
Design - Bid Documents	In Progress		PND	
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		TBB	
Pre-Bid Conference	Hold			
D&H Board Approval of Bid	Hold			
Assembly Approval of Bid	Hold			
Construction	Hold	Fall 2020	TBD	Pending ACOE Permit
Substantial Completion	Hold	Spring 2021		
Final Completion	Hold	Spring 2021		
Phase III C - Uplands, Restrooms				
Eagle Permit	In Progress		Staff	
Design - Bid Documents	In Progress		PND	
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		TBB	
Construction	Hold	Fall 2021	TBD	
Pre-Bid Conference	Hold			
D&H Board Approval of Bid	Hold			

PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Assembly Approval of Bid	Hold			
Substantial Completion	Hold	Spring 2022		
Final Completion	Hold	Spring 2022		
Downtown Waterfront Improvements				
Phase I - Deck Over				
Geotech Report	In Progress		PND	Reviewing Final Report
Materials Procurement	In Progress	June 15, 2019	Island Const.	Materials in town
Army Corps of Engineers Permit	Complete		PND	
Incidental Harassment Authorization	Complete		PND	Seals only
Bid Opening	Complete	July 2, 2019	Staff	
D&H Board Approval	Complete	July 3, 2019		
Assembly Approval	Complete	July 8, 2019		
Phase I Construction	In Progress	July 15, 2019	Trucano Const.	
Early Entry by Archipelago Property LLC	Hold	April 1, 2019		Allow APLLC start of their building foundations
Substantial Completion	Hold	July 31, 2020		
Final Completion	Hold	August 28, 2020		
Phase II - Visitor Waiting Area and Restrooms				
Design - 65%	In Progress	Jan 1, 2020	PND	
Amalga Harbor Improvements				
Public Hearing at Board Meeting	Complete	June 27, 2019	PND	
Permitting	Hold		PND	Canceled
Design	Hold		PND	Canceled
Construction	Hold		TBD	Canceled
Aurora - Harris Harbors Dredging				
Breakwater Repairs	Hold	Fall 2019	ACOE	Preconstruction meeting 10/28
Dredging Activity	Hold	Fall 2020	ACOE	Awaiting final dates for work
Auke Bay Marine Station				
Annual Report			Staff	Awaiting MARAD review
Subdivision	In Progress		Staff	In review by Community Development Dept.
Shared Costs with UAS	In Progress		Staff	Awaiting UA response to Amendment #1
Marine Park Sheet Wall Coating				
Construction	Complete		Purcell	Contract Closure in Process
Contract Administration & Inspection	Complete		Tinnea	Contract Closure in Process
ADOT Grant Application - Harris Anodes				
Anode Installation	In Progress		Staff/PND	Awaiting Grant Award

PORT ENGINEER'S PROJECT STATUS REPORT

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Douglas Harbor Anodes				
Anode Design	Hold		PND	Awaiting match funding
Anode Bid	Hold		PND	Awaiting match funding
Statter Breakwater Safety Improvements				
Phase II	Hold			Awaiting funding
Sewage Pump-Out Improvements				
Statter Winterization	Hold		Staff	Part of SHI III(B)
Harris Winterization	In Progress		Staff	Working with Term Contractor
D&H Managed Lands - Surveys				
ASLS 2013-15 - Uplands at Tee Harbor	Hold	2020	TBD	
ATS 1682 -DIPAC-Channel Construction	Hold	2020	TBD	
ATS 1693-DIPAC Wayside Park	Hold	2019	TBD	
ATS 1694-Tee Harbor Submerged Lands	Hold	2020	TBD	
ATS 1691 - Adjacent to ABMS	In Progress		PDC	Awaiting ADNR Review
ATS 1692 - N Douglas Boat Ramp	In Progress		PDC	
ATS 1707 - Cruise Berths	In Progress		DOWL	Awaiting final signatures
ATS 1690-Indian Cove	In Progress		PDC	
Visitor Information Kiosk				
Construction	In Progress		Island Const.	Contract Closure in Process
Construction Admin and Inspection	In Progress		JYL	Contract Closure in Process
Wayside Park Float				
Dredging as Float Grounds Out	Hold			Awaiting Funding
N. Douglas Boat Launch Expansion Study				
Conceptual Design	Complete		PND	Awaiting Board direction
Aurora Harbor Re-Build - Phase III				
Phase IIIA - Demolition				
Design and Bid Documents	Hold		PND	Awaiting funding
Phase IIIB - Dredging				
Army Corps of Engineers	Hold	Fall 2020	ACOE	Awaiting final dates for work
Phase IIIC - Float Installation				
ADOT Grant Application	Hold		Staff/PND	Awaiting Legislative Action in 2020
Small Cruise Ship Infrastructure Study				
Fee Negotiations	Complete		PND	
Data Collection	In Progress		PND	Reviewing Draft Market Analysis
Security Check Stations				

PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Security Grant	Complete			Not Selected
Complete Bid Package	Complete		PND	
CBJ Building Permit	Complete		Staff	
Construction Bid	Complete		SEEM	Southeast Earthmovers
Pre-Bid Conference	Complete			
Board Approval	Complete			
Assembly Approval	Complete			
Construction	In Progress		Staff	Winter 2019
Substantial Completion	Hold	28-Feb-2020		
Final Completion	Hold	March 31, 2020		
Dockside Safety Guardrail				
Design	Hold			Awaiting funding - Passenger Fees FY21
Bid Opening	Hold			
Board Approval	Hold			
Assembly Approval	Hold			
Construction	Hold			