

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, April 26th, 2018

- I. Call to Order** (5:00 p.m. in the Assembly Chambers)
- II. Roll** (Weston Eiler, Don Etheridge, Bob Janes, David Lowell, Robert Mosher, Mark Ridgway, David Seng, Budd Simpson, and Tom Donek)
- III. Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED.
- IV. Approval of March 29th, 2018 and April 18th Special Board minutes.**
- V. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- VI. Consent Agenda –**
 - A. Public Requests for Consent Agenda Changes
 - B. Board Members Requests for Consent Agenda Changes
 - C. Items for Action

- 1. Use Permit- Bill Heumann
Presentation by the Port Director

RECOMMENDATION: TO APPROVE A NEW USE PERMIT FOR BILL HEUMANN TO OPERATE IN 2018.

MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED

VII. Unfinished Business -None

VIII. New Business

- 1. Visitor Kiosk
Presentation by the Port Engineer

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, April 26th, 2018

IX. Items for Information/Discussion

1. Seawalk expansion potential for moorage

Board Discussion/Public Comment

2. Enterprise Board Appointment Process

Board Discussion/Public Comment

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, April 18th, 2018

2. ~~Finance Committee Meeting~~ CANCELLED

3. Member Reports

4. Assembly Lands Committee Liaison Report

5. Auke Bay Steering Committee Liaison Report

XI. Port Engineer's Report

XII. Harbormaster's Report

XIII. Port Director's Report

XIV. Assembly Liaison Report

XV. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Wednesday, May 23rd, 2018 at 5:00pm

- b. ~~Finance Committee Meeting~~ CANCELLED

- c. Board Meeting – Thursday, May 31st, 2018 at 5:00pm

XVI. Adjournment

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, March 29th, 2018

I. Call to Order

Mr. Donek called the Regular Board Meeting to order at 5:02 pm in the CBJ Assembly Chambers.

II. Roll Call

The following members were present: Weston Eiler, Don Etheridge, Bob Janes, Mark Ridgway David Seng, Budd Simpson, and Tom Donek.

Absent: David Lowell and Robert Mosher.

Also present were the following: Carl Uchytel – Port Director, Dave Borg – Harbormaster, and Matthew Creswell – Deputy Harbormaster.

III. Approval of Agenda

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

Motion passed with no objection.

IV. Approval of February 22nd, 2018 Regular Board Meeting Minutes.

Hearing no objection, the February 22nd, 2018 were approved as presented.

V. Public Participation on Non-Agenda Items – None

VI. Consent Agenda

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

- 1. Transfer of \$690,000 from Aurora Harbor Improvements Capital Improvement Project to the Statter Harbor Phase III Capital Improvement Project

RECOMMENDATION: THAT THE ASSEMBLY APPROVE A \$690,000 TRANSFER FROM THE AURORA HARBOR CIP TO STATTER HARBOR PHASE III CIP.

- 2. Transfer of \$10,000 from Cruise Berth Improvement Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.

RECOMMENDATION: THAT THE ASSEMBLY APPROVE A \$10,000 TRANSFER FROM THE CRUISE SHIP BERTH IMPROVEMENT CIP TO DOCK CATHODIC PROTECTION CIP.

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

Motion Passed with no objection.

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VII. Unfinished Business - None

VIII. New Business –

1. Contract Award for the Downtown Waterfront Improvement Consulting Services (RFP DH 18-043) for \$200,000 to PND Engineers

Mr. Uchytel said this was an RFP to advance the Archipelago lot project. There were two proposers, Tetra Tech and PND Engineers and a selection Committee of four which included myself, the Port Engineer, the Deputy Port Engineer, and Skye Stekoll from CBJ Engineering. The Committee reviewed the two proposals and each evaluator chose PND over Tetra Tech. Staff would like to enter into a professional services contract with PND for the bus staging and open space deck over.

Board Questions

Mr. Ridgway asked if the scope of services was very specific in the RFP?

Mr. Uchytel said no. There is a conceptual plan of what we want, but the specifics of what it will be is still unknown. We know we need bus staging and a deck over and that was the information given. The contract would be design through construction administration assuming we get that far.

Mr. Ridgway asked how the decision was made? Was it based on the needs of the cruise ship industry? How was the needs communicated to Docks & Harbors? How did that become design parameters for X amount of deck over and 18 bus parking spots? He said as he understands it in a planning perspective there are critical times at which there is a peak requirement for busses and that is what was communicated to Docks & Harbors. A potential solution would be to change the cruise ship scheduling and that could be a solution to the bus parking problems.

Mr. Uchytel said he had a meeting with TBMP participants, Kirby Day and coach and bus companies. For years they have been saying there is a need for more bus staging along the waterfront. What there is currently is inadequate and will be more inadequate with the projected increase amount of cruise ship passengers. He has three letters, one from Cycle Alaska, TBMP, and HAP saying the demand for bus staging merits a project Docks & Harbors is contemplating.

Mr. Donek said this is not just for parking. This is for working with the Archipelago lot project which has a lot of open space also.

Mr. Janes said the scheduling of cruise ships happens three years out and is a very complex and complicated schedule. He is working with a group going through a long term tourism growth planning process with JEDC. He is looking for a representative to sit on that group once a month. One of the topics for the group discussion is how to spread out the cruise ship visits to have a balance and not have too many people at one time and not enough at other times. Hopefully this group will help as we grow more in the future.

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Mr. Ridgway said a clear issue is this is the last piece of viable land to build parking. He said he did a quick analysis and there is 100,000 SF of property that Docks & Harbors manages downtown devoted to parking and now we are looking for more. The parking need will continue to grow. He said the planning horizon for Docks & Harbors is to look at broader solutions to an issue and there is no debate there is a need for the additional 18 parking spaces and there will be a need for more. He didn't know if PND was given the opportunity to have a broader scope to think outside the box and think of other modes of transportation and coordinating schedules.

Public Comment-None

Board Discussion/Action

MOTION By MR. ETHERIDGE: TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PND ENGINEERS, INC FOR \$200,000 TO ADVANCE DESIGN EFFORTS FOR BUS STAGING AND OPEN SPACE DECKING UNDER CONTRACT DH18-043 AND ASK UNANIMOUS CONSENT.

Mr. Donek asked for a vote.

Weston Eiler – Yes

Don Etheridge – Yes

Bob Janes – Yes

Mark Ridgway – Yes

David Seng – Yes

Budd Simpson – Abstained from voting

Tom Donek – Yes

Motion passed

Mr. Uchytel said this design as well as the Norway Point to Bridge Park plan was an information item presented to the Planning Commission on Tuesday. This reaffirmed Docks & Harbors planning efforts are consistent with Title 49 of the code. The Planning Commission knows as these two plans move forward, they will need to go back to the planning commission for an action item. It was very favorable and he had general agreement with Docks & Harbors efforts.

Mr. Eiler asked where this is in the process of going to the Assembly.

Mr. Uchytel said on January 29th, the Assembly approved moving the \$200,000 into a CIP account. That process took two meetings to get approved. Now this award will go before the Assembly because the Assembly has to approve any contract award of anything greater than \$100,000.

Mr. Eiler clarified this is approving a contract and not the plan.

Mr. Uchytel said that is correct and will go before the Assembly on April 2nd.

IX. Items for Information/Discussion

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1. Strategic Planning Project List (May 2017)

Mr. Uchytel said the list in the packet is the list from the Board's efforts a year ago. He wants to start the process again to prioritize what the Board wants staff to be working on. Does the Board want to have a strategic offsite. He can give an update with what he has been working on with the Corps of Engineers projects and his meetings with Coast Guard and NOAA in DC. He just would like an update on project priorities. Good news for the Omnibus bill is it will triple the amount of money destined for TIGER Grants. We have been unsuccessful for about three or four years in a row, but there is now more money being put forward. He believes it is a priority to expand the marine services yard. It should be a topic for discussion to stay at the Norway Point to Bridge Park location or move the location of the marine services yard to the Little Rock Dump. He said he is working on currently a Corps of Engineers federal program called WRDA. (Water Resources Development Act 2016) There is a line item for beneficial use of dredged material. In the Norway Point project there is a concept to move the title grid from Harris Harbor to Norway Point. He asked the Corps of Engineers to build the wall and put the maintenance dredged material from Aurora and Harris Harbor on the uplands side of the wall which would add .6 of an acre. He is also asking for consideration for the Corps to put the grid and a 150' float at that location as well. What is the priority for phase III and where do we get the money to finish that concurrent with the Aurora and Harris Harbor dredging project? Another serious thing is the wave attenuator at Statter Harbor. The Corps of Engineers headquarter people liked the project but there is an unknown of funds at this time. They understand what we are trying to do at Statter Harbor. Mr. Uchytel said on Monday he was in Anchorage and stopped by the Corps of Engineers to let them know this was still a high priority and want to proceed with the wave attenuator project. It is the number one project at the Alaska District. He received a phone call today from the chief of the construction project doing his due diligence reconfirming that Docks & Harbors is in this to get it completed. What that means for the feasibility cost study is that it could be half of \$3M. We don't need the \$1.5M upfront, but we will have to have \$200,000 by the end of September. We are one of six competing with 80 other projects. In our FY19 CIP projects, we have \$500,000 set aside for this project. He believes we should move forward with the wave attenuator. We are not going to get a FRC replacement at Auke Bay. If the Board would like to have the Statter Harbor Breakwater estimated life determined, PND is going to have a diver in Skagway and could get a term contract to get this moving. That may help determine if we want to continue with the deck over on the existing breakwater. We do need to resolve a question from Fish & Game regarding Amalga Harbor. The problem is there is inadequate boat float at Amalga Harbor and backs up at low tide and there is conflict between the users and we are trying to resolve that. Staff thought of a good idea to have a fish cleaning station outside Amalga Harbor and only be seasonal use. Fish & Game does not like that idea and would prefer extending the boarding float. There is still Fish & Game money for a fish cleaning station and they would like to know what the Board would like to do. That is another topic that should merit discussion to decide what to do with out scant resources.

Board Discussion/Public Comment –

Mr. Donek said we are not going to try to decide what the priorities are tonight, but does the Board want to do a special meeting or add to an OPS/Planning meeting?

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Mr. Eiler said he prefers a separate retreat type meeting.

Mr. Janes said he agrees with a separate retreat type meeting.

Mr. Etheridge agreed with a separate retreat type meeting with just this on the agenda.

Mr. Donek asked when would it be good for a meeting? The estimated life left in the Statter Harbor Breakwater would probably not happen until May and is that a critical element?

Mr. Uchytel said the question from the Board is “should we put anymore money into the breakwater if it has issues”? He said he has an opinion on this but if the Board wants a diver to dive it and get an engineers condition that can be done.

Mr. Ridgway asked to hear his opinion.

Mr. Uchytel said he sees Docks & Harbors getting the new wave attenuator before having money to improving the existing structures at Statter Harbor. The existing breakwater will probably be around for 10 years.

Mr. Donek said if the wave attenuator does happen, we will not be in a position to add new floats behind it and the breakwater would become a moorage float. The hesitation to wait to proceed with the deck over of the breakwater may not have been well thought out. When would be a good time for retreat?

Mr. Janes asked if there is an estimate for a diver for the Breakwater assessment and could that be approved tonight.

Mr. Uchytel guessed at \$20,000.

Mr. Eiler said that might be a topic discussed at the retreat.

Mr. Etheridge said putting money in a dive assessment at this point would be throwing away money. We could put a couple covers on it for \$20,000.

Mr. Donek asked if the end of April or the beginning of May would be a good time for the retreat?

Mr. Eiler asked for a doodle poll to go out.

Mr. Ridgway suggested that staff have enough time to prep the Board with enough relevant information. The information is critical with making infrastructure decisions.

2. Loading Zone Regulations & Pedicabs

Mr. Uchytel said this was an ask from the Board because Mr. Quayle came forward to a February OPS meeting requesting consideration pertaining to loading zones. Docks & Harbors does not have a pedicab regulation and they are treated the same as the regular loading zone operations. This year the loading zone permits are \$350 per company and \$8 per seat. Mr. Uchytel said Mr. Quayle said he is a single operator and didn't feel it was fair to be charged \$350.00 from this regulation that pertains to coaches and busses and large companies when he only operates a single pedicab. He wanted the Board to direct staff to come up with a specific pedicab regulation. The reason for hesitation for creating a new

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regulation is JPD also regulates the pedicabs and they require a \$1500 fee for pedicab registration and are trying to be consistent. Another pedicab owner Mr. Houck came before the Board and suggested to make no changes to the regulation. This is brought back to the Board to decide what if any changes should be made to the loading zone regulation as they pertain to pedicabs.

Board Discussion/Public Comment –

Mr. Janes asked if the pedicab uses the bus loading zone areas to load and unload passengers and use the seawalk?

Mr. Uchytel said the permit is tailored for the seawalk use. They sell their services along the seawalk. There are also specific areas they are allowed to sit and they are also allowed to advertise on their pedicabs.

Mr. Quayle, Juneau, AK

He wanted the Board to keep the fees how they are. He said he has enough money for the fees this year but he rather not have to pay so much. He wants to be able to pick up passengers anywhere on the seawalk including all the way to the ship. He said he provides a very valuable service because he can take people on the sidewalk to where they want to go. He would take people to the AJ Dock also even though it is not under Docks & Harbors. He said he is asking the Board to keep the fees at \$300. It is a large overhead when you have to pay \$1800 plus insurance. With the fees like they are, you are not going to have anyone else besides me. Juneau charges more than any city in Southeast Alaska. He said the Board can increase the water rates for the cruise ships to get more money.

Mr. Janes asked what the fee is currently?

Mr. Uchytel said the company fee is \$350.00 and \$8.00 per seat. JPD will also require a \$1500.00 fee.

Mr. Houck, Juneau, AK

He said he came to the Board last year and being in the company for the first year requested to hold off on raising fees and to let him come back this year. He said he runs four pedicabs and had eight drivers six days a week 10 hours a day and the fees in the grand scheme of things are nothing compared to the money spent on insurance and maintenance. Raising the rate \$50 this year is probably .4 of a percentage point to run a company like his. His recommendation would be to leave it the same if at all possible. He appreciates the opportunity to run a business in this town and being the only person in the State of Alaska making a living riding a bicycle. He said this is something he always wanted to do after 26 years in the Coast Guard. He said in regard to being able to go down to the gangway of the ship he would ask that Board leave that up to the individual driver. Most of the drivers are willing to go down to the ship but sometimes they are found in a difficult situation once they get down there. There is a 150 pound driver trying to ride a 185 pound bike up a 45 degree ramp and some cruise ship passengers want to get in and get a ride up the ramp. He doesn't want to put his drivers in a situation like this unless they voluntarily do it. It is a pleasure doing business here and appreciate the improvements with removing the ADA ramp by the Library.

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Mr. Simpson asked if he has taken any steps to address the \$1500 fee that JPD charges?

Mr. Houck said that is a fee to do business, he doesn't have time and it is worth it to him to pay the fee and move on.

Mr. Uchtyl said if the pedicab was to take a passenger down to the ship, they would need to be escorted or have a TWIC card because of the facility security plan.

Dennis Watson, Juneau, AK

He said he helped Mr. Janes tie up his first whale watching boat many years ago and no one would have thought it would grow to where it is today. It would be wise to come up with a modest regulation on pedicabs. As the seawalk moves farther down the road there may be less people willing to walk that distance and the pedicabs are a business opportunity and won't be a monopoly for long.

Mr. Ridgway asked if there is an impact on congestion alleviated or created by pedicabs?

Mr. Uchtyl said the first year the pedicabs operated staff was hesitant but it has worked out well and it is a benefit.

Mr. Ridgway asked if staff tracks the company gross revenue to determine a rate structure.

Mr. Uchtyl said no. Fees are difficult. There was discussion during the fee review if the large operators should pay more than the small ones and it was very painful.

Mr. Ridgway clarified there is no tracking of gross sales at any of the vendors or permitted individuals.

Mr. Uchtyl said we know how many companies there are and seats for the loading zone permits.

Mr. Janes said he is very supportive of the pedicabs and as the seawalk expands in both directions, the pedicabs are going to be more important to many people and useful.

Mr. Donek asked Mr. Uchtyl if he sees a need for changing the regulation or adding to it?

Mr. Uchtyl said staff makes it work with a permit. If the pedicabs expand, then we will need to change the regulation but it has been running smoothly as is.

Mr. Borg said the fee's cover improvements also. We just removed the ADA ramp and made the seawalk ADA compliant which was \$160,000 and therefore a lot easier access.

Mr. Ridgway asked if there is any relationship between what a business is expected to gross and the permit fee itself. Is it based on CPI and the work needed to maintain the facilities for that permit holder?

Mr. Uchtyl said we don't collect enough money to maintain the facilities we have. From the money that is collected, there is staff that maintains the loading zone areas and stripping, pavement, trash. There is no relationship to what we charge and how successful a company is. We sell the vendor permits for \$30,000 but we do not know how much they gross.

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Mr. Etheridge said that would be hard to base a fee on because of the different size companies.

Mr. Ridgway said from a Docks & Harbors point of view gross revenue might be important to know. Are we charging \$10.00 for a permit when someone is grossing \$3M?

Mr. Donek said in the Fee Review Committee meeting we did start going in the direction of charging larger companies more because of the use and it did not go well.

Five minute break 6:08

Return to the meeting 6:17

3. Statter Harbor Phase III (For Hire Commercial Floats) 65% Package .

Link for supporting documents-

http://www.juneau.org/harbors/documents/statterharborIIIA65_designplans032118.pdf

Mr. Uchytel provided the link to this items supporting documents because it is 30 pages. He put in the agenda packet the pages that were the highlights to this project. We will be moving \$690,000 out of the Aurora Harbor project, because of the favorable bid and no contingency issues, to the Statter Harbor Phase III project which is the for hire float for match money. CBJ Law decided we could use cruise ship passenger fees at Statter Harbor to build the For Hire Floats but it requires 15% of Harbor funds match. We are not allowed to use Docks funds and only Harbors funds. This 65% review is only for the dredging portion of the project. The entire phase III is broken down as follows; (a) dredging, (b) float installation, (c) uplands paving/bathrooms/staging areas. Page 103 in the packet is existing conditions and page 105 shows the dredge basin which we are planning to dredge to -16. This will require demolition of the old launch ramp and the piers for the travel lift. We will also have to remove 750 cubic yards of rock which will require blasting. This will be carried out by building up a pad to +15, drilling about 100 cores and blast the rock. Once that area is done, they will move to the other area that requires blasting and repeat the process. All the blasted rock will be removed and then they will build a retaining wall. It is currently a \$3.5M project for the blasting, dredging and the construction of the MSC wall. We are working on getting the permits and staff is optimistic that we will have the permits in place by June. We would go out with a RFP in June, have the bid award to a contractor in July/August, and have the contractor mobilize in October. This portion of the project we hope to have completed by March of 2019.

Board Discussion/Public Comment – None

4. Budget Presentation to the Assembly Finance Committee

Mr. Uchytel showed a power point presentation he will show at the Assembly Finance Committee on April 11th. He said on the Assembly agenda also is a 2% wage increase for all MEBA employees effective July 1st. This means personnel costs are going to increase by 2% from what is projected on this presentation for FY19 and FY20.

Board Discussion/Public Comment – None

X. Committee and Member Reports

1. ~~Operations/Planning Committee Meeting – Wednesday March 21st, 2018~~ - Cancelled

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2. Member Reports - None

3 Assembly Lands Committee Liaison Report- Mr. Eiler said the last meeting had no items pertinent to Docks & Harbors and their next meeting is April 9th.

4 Auke Bay Steering Committee Liaison Report- Mr. Janes said nothing to report.

XI. Port Engineer's Report –

Mr. Uchytel said Mr. Gillette is recovering from hip surgery. He provided Mr. Gillette's report that Aurora Harbor phase II is progressing and should have substantial completion over the weekend.

Mr. Donek asked if AEL&P has to approve the electrical connection before being able to plug in.

Mr. Uchytel said that is Docks & Harbor rule because of a OSHA violation. Due to safety concerns, boat shelter owners are required to abide by a specific electrical connection before they can energize the new electrical service. We are providing new electrical cords for boat shelter owners.

XII. Harbormaster's Report –

Mr. Borg reported;

- Seasonals are returning on Monday.
- Completed interviews and chose a candidate for the Harbor Operations Supervisor. We are waiting for H.R.'s approval.
- Staff is working on the impound for the Lumberman.
- Out of the 15 already impounded vessels there are nine left to get crushed.
- We are having problems at the North Douglas launch ramp with sanding over. We will clean again mid April and ditch down on the right side of the ramp.
- The Norway Point flag – Due to weather and the Fire Departments ladder truck being down we have not been able to get the flag pole back up. He is planning on getting a lift to raise the pole again.

Mr. Eiler asked for the upcoming retreat to get a list of the slips currently in the Harbors and any waitlists.

Mr. Borg said he can provide that.

XIII. Port Director's Report

Mr. Uchytel said while in DC he met with the Coast Guard and NOAA and presented them with Juneau amenities port folio in an effort to convince them to come to Juneau. He is optimistic from what he has heard from NOAA. The Coast Guard FRC will not be coming to Juneau.

Mr. Eiler said he would like to hear from Mr. Uchytel's meeting what they view in Ketchikan's docks as the gold standard or are we lacking amenities?

XIV. Assembly Liaison Report – None

XV. Board Administrative Matters

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For Thursday, March 29th, 2018

- a. ~~Special Board Meeting—Friday April 6th 2018 at Noon~~ – Cancelled
- b. Assembly Finance Committee Budget Presentation – Wednesday, April 11th, 2018 at 5:30 pm.
- c. Ops/Planning Committee Meeting – Wednesday April 18th, 2018 at 5:00pm
- d. Board Meeting – Thursday, April 26th, 2018 at 5:00pm

Mr. Simpson said he will not be able to attend both the April meeting.

XVI. Adjournment – The regular Board Meeting adjourned at 6:47 pm.

CBJ DOCKS AND HARBORS BOARD
SPECIAL MEETING MINUTES
For Wednesday, April 18th, 2018

I. Call to Order

Mr. Donek called the meeting to order at 5:00pm at the Port Field Office.

II. Roll

The following members were present: Weston Eiler (via telephone), Don Etheridge, David Lowell, Robert Mosher, Mark Ridgway, David Seng (via telephone), and Tom Donek

Absent: Bob Janes and Budd Simpson

Also present were the following: Carl Uchtyl – Port Director (via telephone), Gary Gillette – Port Engineer, David Borg – Harbormaster, Matthew Creswell – Deputy Harbormaster, John Osborn – Harbor Operations Supervisor.

III. Approval of Agenda

MOTION By MR. ETHERIDGE: TO APPROVE THE AGENDA AS PRESENTED.

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items- None.

V. New Business

1. Taku Harbor Bid Award

Mr. Gillette said the bids for the Taku Harbor Repairs were opened on April 4th. The first two pages in the packet are the Bid Summary. The last page is the Posting Notice that shows Trucano as the low bidder at \$115,993.00. That included Alternate A which was installation of annodes. This is a Fish and Game grant project, so we have a 25% match. With this bid we are within our budget. The Assembly will be considering this on Monday.

Board Questions- None

Public Comment- None

Board Discussion/Action

MOTION By. MR. ETHERIDGE: TO RECOMMEND THAT THE CBJ ASSEMBLY APPROVE A BID AWARD FOR TAKU HARBOR TO TRUCANO CONSTRUCTION IN THE AMOUNT OF \$115,993.00.

Motion passed with no objection.

VI. Adjournment – The meeting adjourned at 5:03pm.

2018 Heumann Use Permit

1. **Parties.** This Use Permit is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska (“CBJ”), and William C. Heumann (“Permittee”), of 6000 Thane Road, Juneau, Alaska, 99801.
2. **Permit Administration.** All communications about this Use Permit shall be directed as follows, and any reliance on a communication with a person other than that listed below is at the party’s own risk.

CBJ:

City and Borough of Juneau
Attn: Port Director
155 S. Seward Street
Juneau, AK 99801
Phone: (907) 586-0294
Fax: (907) 586-0295
Email: Carl.Uchytel@juneau.org

Permittee:

William C. Heumann
6000 Thane Road
Juneau, AK 99801
Phone: (907)723-4540
email :wheumann@msn.com

3. **Authority.** This Use Permit is authorized pursuant to CBJC 53.09.310 and 85.02.260. The Planning Commission approved CSP2017-0005: Seasonal Use of a Portion of People’s Wharf for Temporary Food Services at its meeting on April 25, 2017.
4. **Term.** This Use Permit is valid for the 2018 tourist season, commencing on the date it is fully executed and terminating November 1, 2018.
5. **Description of Property.** The property subject to this Use Permit is generally referred to as “the Premise.” The Premise is located at 470 South Franklin St (PIN 1-C10-0-K83-001-2), abuts William Heumann’s property known as People’s Wharf, and is more specifically described as follows:

A fraction of Lot 13C, Block 83, Tidelands Addition to the City of Juneau, within Alaska Tidelands Survey No. 3, Plat No. 340, Juneau Recording District, First Judicial District, State of Alaska.

The Premise, depicted in Exhibit 1, contains approximately 62 square feet.

6. Rental Payment and Bond

- a) Permittee agrees to post a \$5,000 cash bond for removal of the propane tanks, screening, and the small addition onto the People’s Wharf Building.
- b) The rental fee for this Use Permit shall be \$114.00 per month. Any partial month shall be prorated at \$3.80 per day.

- c) Permittee shall pay CBJ without demand, deduction or offset the monthly rental in advance or on the first (1st) day of each month during the Use Permit. Payments for any partial month at the beginning or end of the Use Permit term shall be prorated.
7. **Authorized Use of Premises.** Capital City Fire & Rescue has indicated that no propane tanks shall be located within three feet of any opening, such as windows or doors. Permittee requested the use of 62 square feet of CBJ property for a small addition and siting of propane tanks for Tracy's Crab Shack. Permittee is authorized to use the Premises solely for a small addition onto the People's Wharf Building and siting propane tanks as described in CSP2017-0005.
8. **Loading and Unloading.** Parking of any kind is prohibited on the mall area around the Visitors Information Center. The CT parking spots are for tour bus traffic only except during off-peak hours, as depicted in Exhibit 2. Deliveries, including propane, and trash removal shall be scheduled during off peak hours so as not to disrupt bus traffic into and out of the CT lot. The CT lot loading zone may only be used for active loading and unloading not to exceed 30 minutes.
9. **Repairs and Improvements.** Permittee agrees to return the Premises to its original pre-permitted condition. No other improvements or changes to improvements may be made on the permitted area unless first approved by the Port Director.
10. **Revocability.** This Use Permit is revocable at the sole discretion of the Port Director. The Permittee agrees that the CBJ shall not be liable to the Permittee or any other person for any costs, losses, or damages arising out of any revocation.
11. **Insurance.** Permittee shall provide a certification of proper insurance coverage to the CBJ, including amendatory endorsements as required. Permittee has secured and agrees to keep and maintain in full force and effect, at its own expense, the insurance approved by CBJ Risk Management as outlined below. At least 30 days prior to the cancellation, non-renewal or reduction in the amount of coverage, Permittee shall provide written notice to the CBJ's Risk Management. The Permittee's insurance shall be primary and any insurance maintained by the CBJ shall be non-contributory. Failure of CBJ to demand such certificate or other evidence of full compliance with these insurance requirements or failure of CBJ to identify a deficiency from evidence that is provided shall not be construed as a waiver of the obligation of the Contractor to maintain the insurance required by this contract. Any deductibles and self-insured retentions must be declared to and approved by the CBJ. The CBJ may require the Permittee to provide proof of ability to pay losses and related investigations, claim administration, and defend expenses within the retention.
- a) **Commercial General Liability Insurance.** Permittee shall maintain in full force and effect, at its own expense, at all times during this agreement, commercial general liability insurance in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate. If the Permittee maintains higher limits than shown below, the CBJ shall be entitled to

coverage for the higher limits maintained by the Permittee. **This insurance policy shall name CBJ as an “Additional Insured”**

- b) **Property Insurance.** Permittee acknowledges that CBJ carries no fire or other casualty insurance on the Premises or improvements located thereon belonging to Permittee, and that it is the Permittee’s obligation to obtain adequate insurance for protection of Permittee’s buildings, fixtures, or other improvements, or personal property located on the Premises, and adequate insurance to cover debris removal.

12. **Hold Harmless.** Permittee agrees to defend, indemnify, and save CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to the use and occupancy of the Premises. This agreement to defend, indemnify, and hold harmless is without limitation as to the amount of fees, costs, expense, or damages resulting from settlement, judgment or verdict, and includes the award of any costs and attorney’s fees even if in excess of Alaska Civil Rules 79 or 82. This indemnification agreement applies to the fullest extent permitted by law and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against CBJ relating to this agreement. The obligations of Permittee arise immediately upon actual or constructive notice of any action, claim, or lawsuit. CBJ shall notify Permittee in a timely manner of the need for indemnification, but such notice is not a condition precedent to Permittee’s obligations and may be waived where the Permittee has actual notice.

USE PERMIT EXECUTION. CBJ and Permittee agree and sign below. This Use Permit is not effective until signed by the CBJ.

Permittee:

Date: _____

By: _____
William C. Heumann

PERMITEE ACKNOWLEDGMENT

STATE OF ALASKA) ss:
FIRST JUDICIAL DISTRICT)

This is to certify that on the ____ day of _____, 2018, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **William C. Heumann**, to me known to be the identical individual described in and who executed the foregoing instrument for and on behalf of himself, as Permittee, which executed the above and foregoing instrument; who on oath stated that s/he was duly authorized to execute said

instrument; who acknowledged to me that s/he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

Notary Public in and for the State of Alaska
My Commission Expires: _____

CBJ:

Date: _____

By: _____
Carl Uchtyl
CBJ Port Director

CBJ ACKNOWLEDGMENT

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

This is to certify that on the ____ day of _____, 2016, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Carl Uchtyl**, to me known to be the **Port Director of the City and Borough of Juneau**, Alaska, a municipal corporation which executed the above foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to that that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

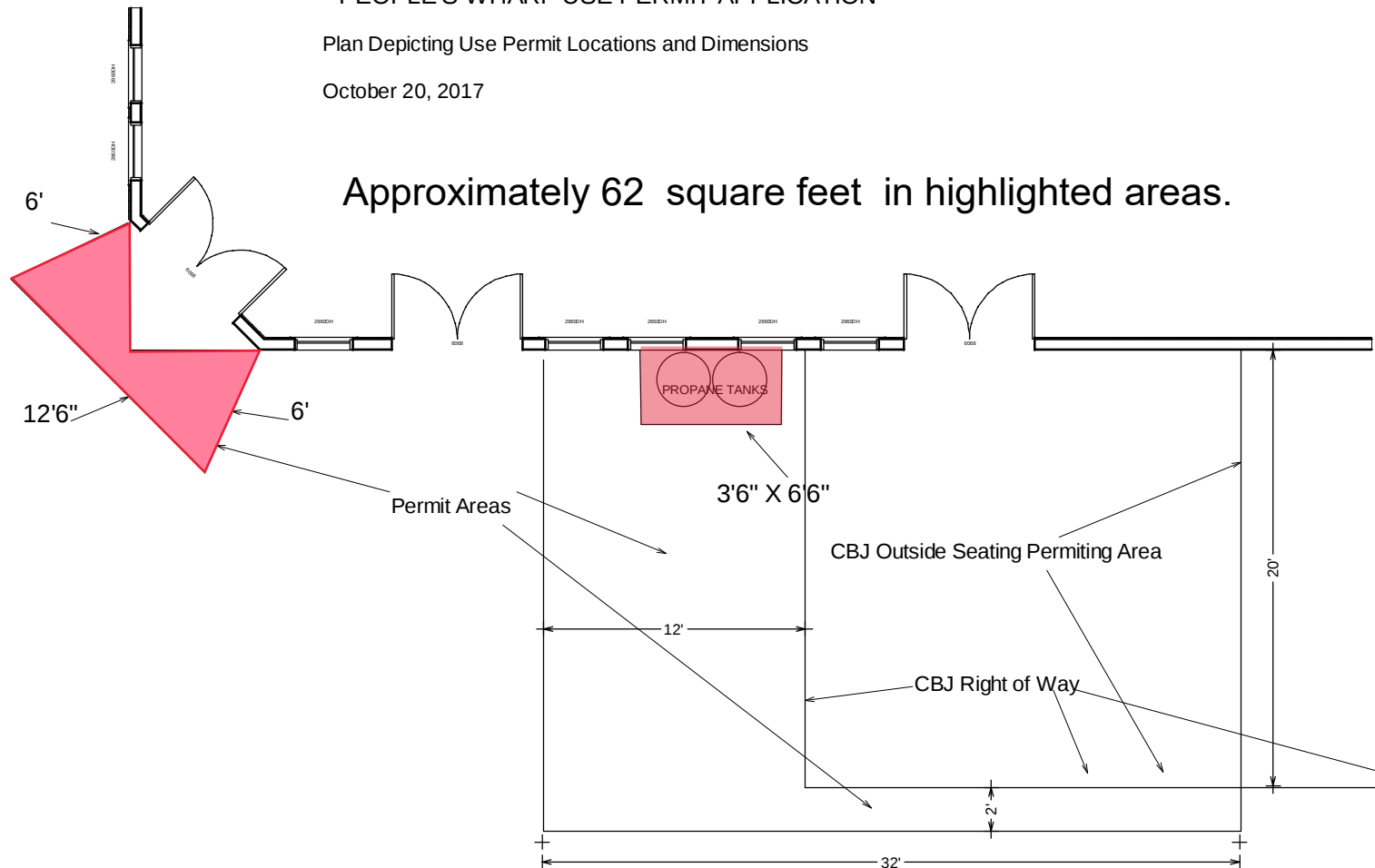
WITNESS my hand and official seal the day and year in the certificate first above written.

Notary Public in and for the State of Alaska
My Commission Expires: _____

PEOPLE'S WHARF USE PERMIT APPLICATION

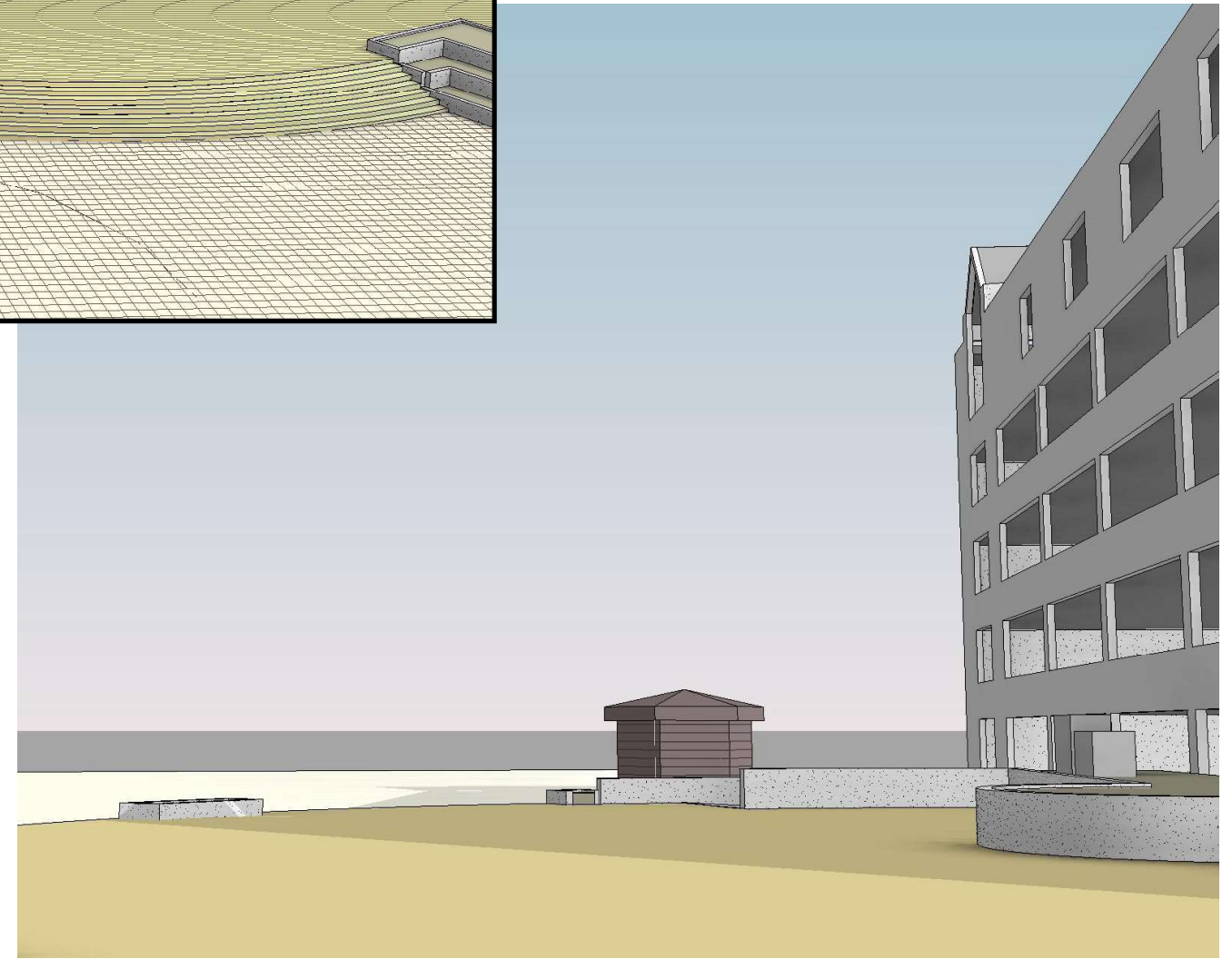
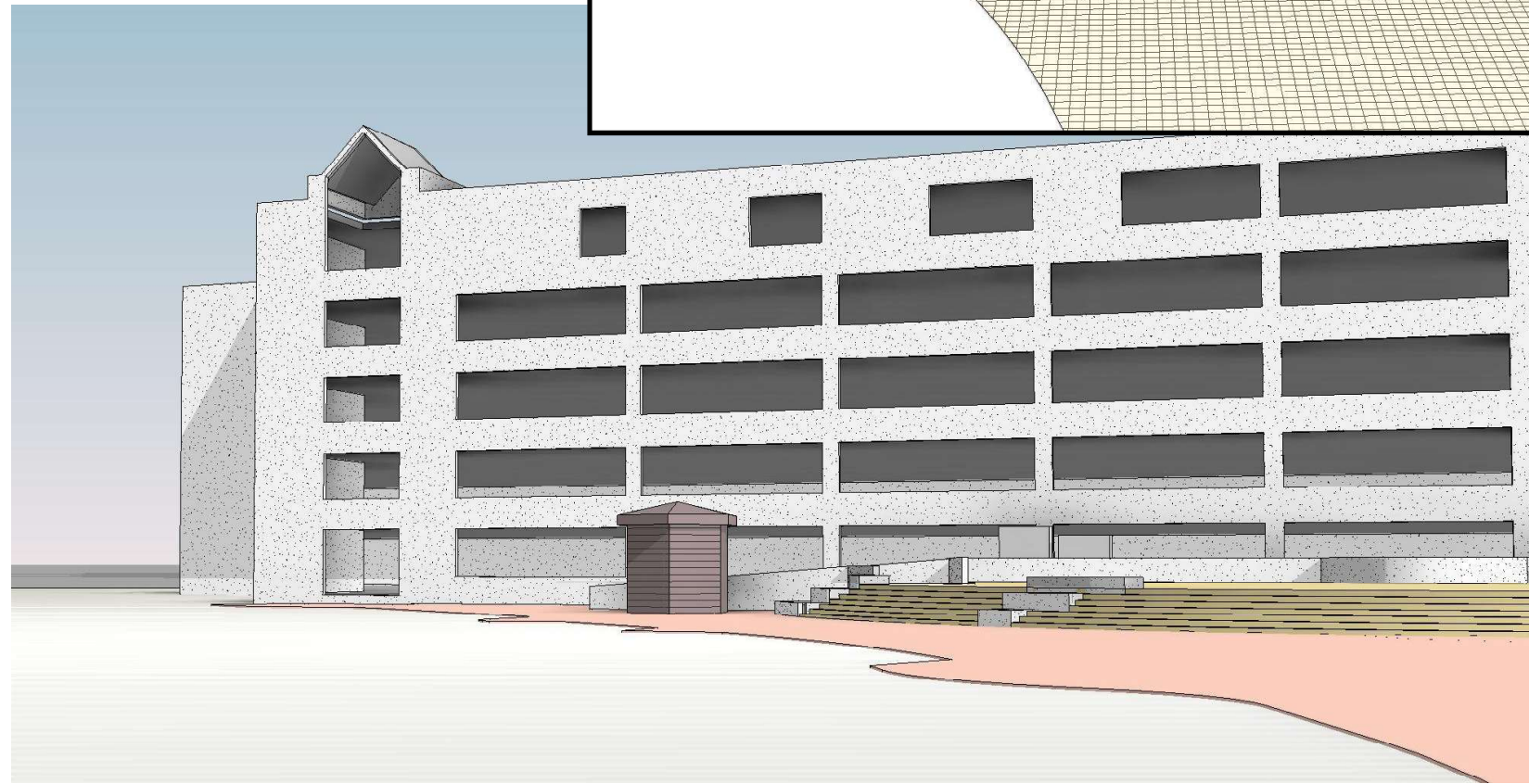
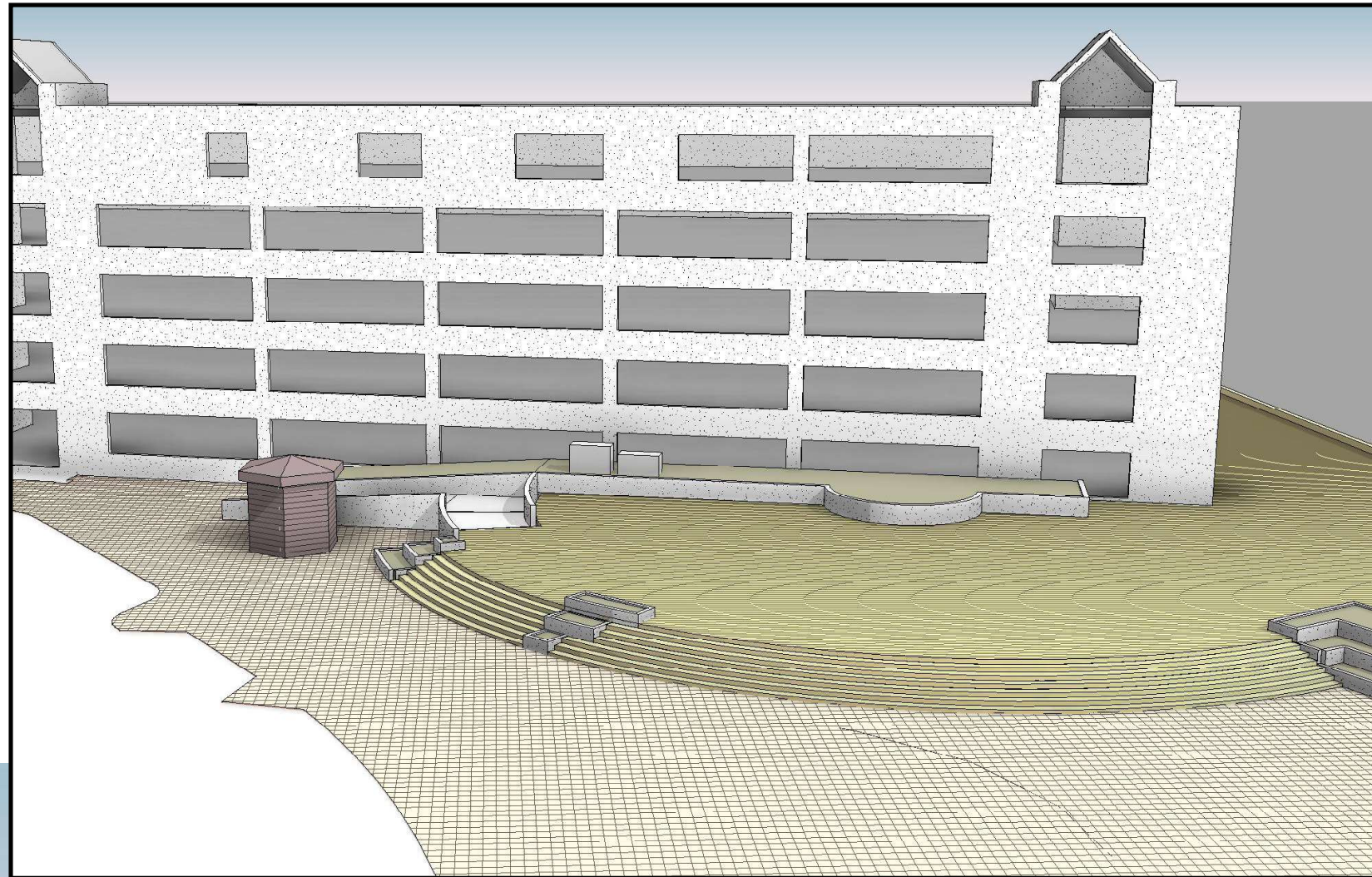
Plan Depicting Use Permit Locations and Dimensions

October 20, 2017



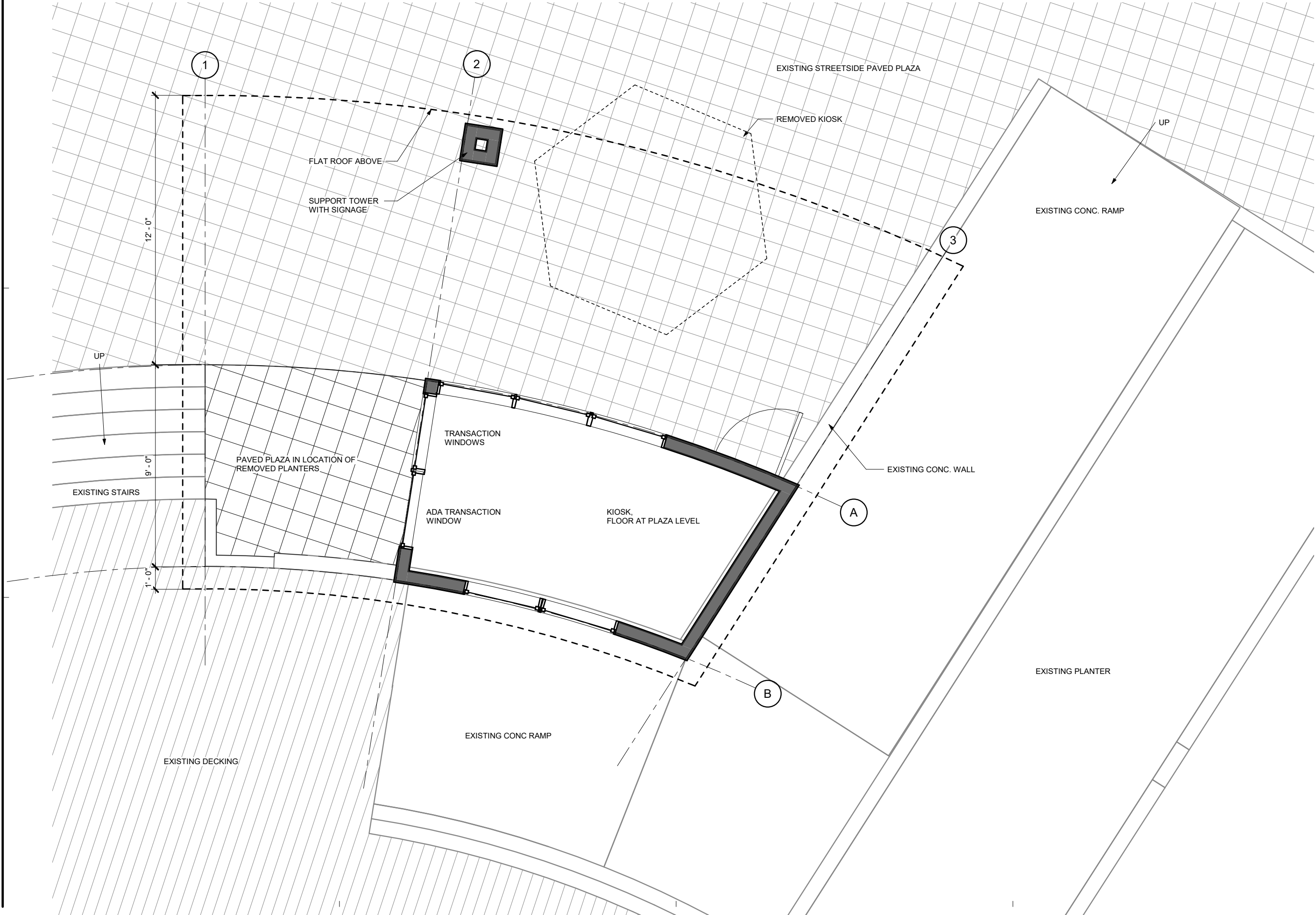
Parking of any kind is prohibited on the mall area around the Visitors Information Center. The CT parking spots are for tour bus traffic only except during off-peak hours. Deliveries, including propane, and trash removal shall be scheduled during off peak hours so as not to disrupt bus traffic into and out of the CT lot. The CT lot loading zone may only be used for active loading and unloading not to exceed 30 minutes.

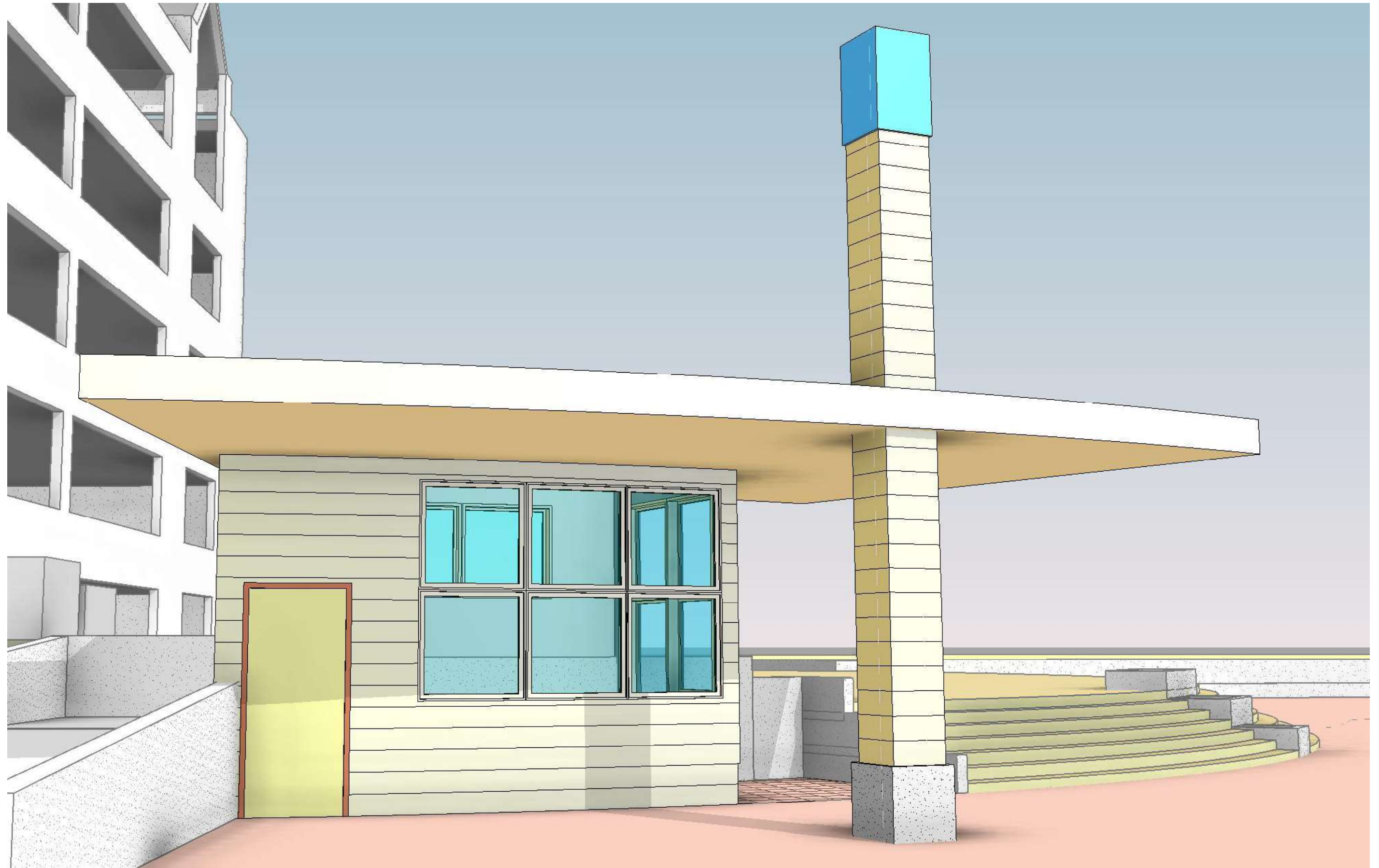


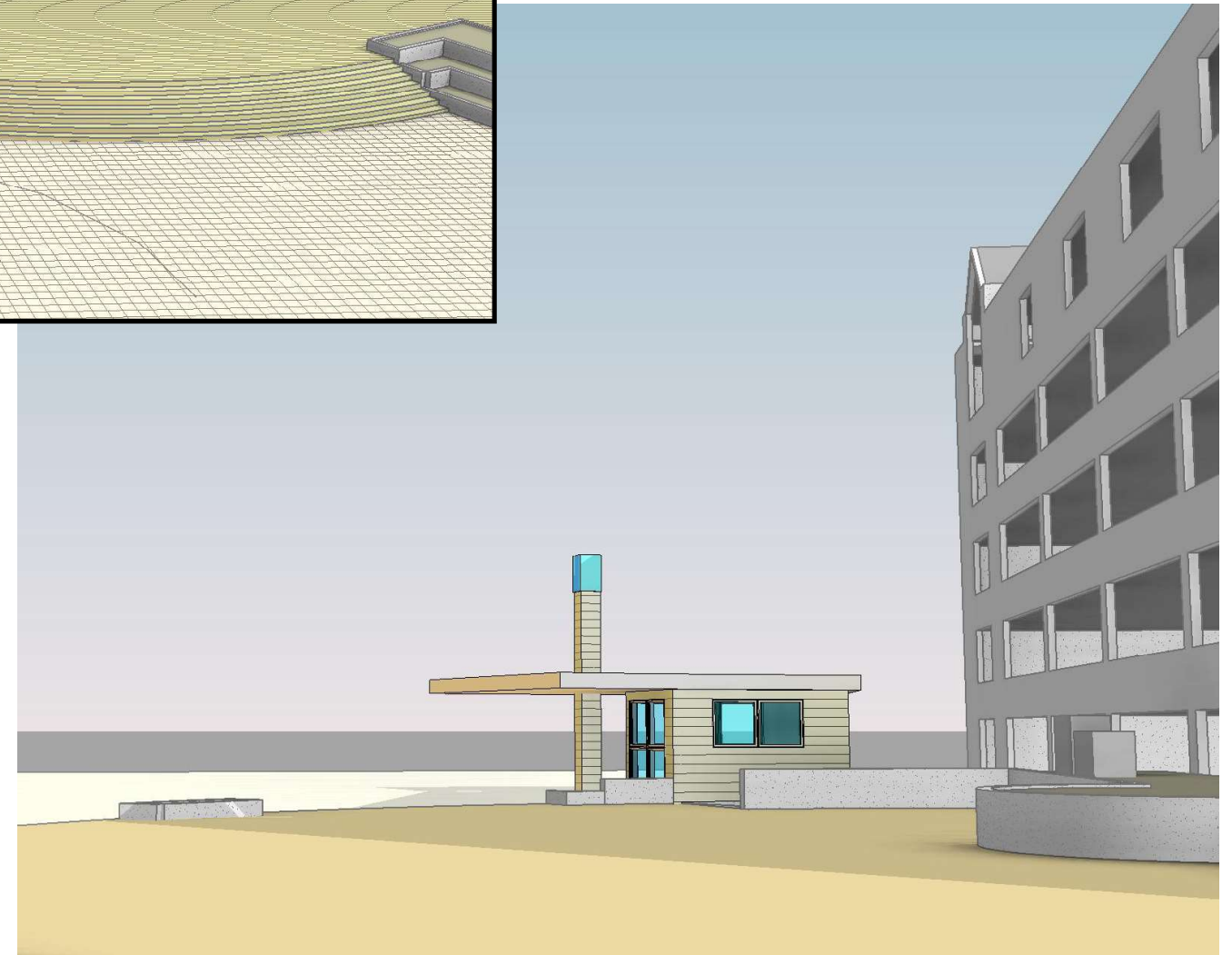
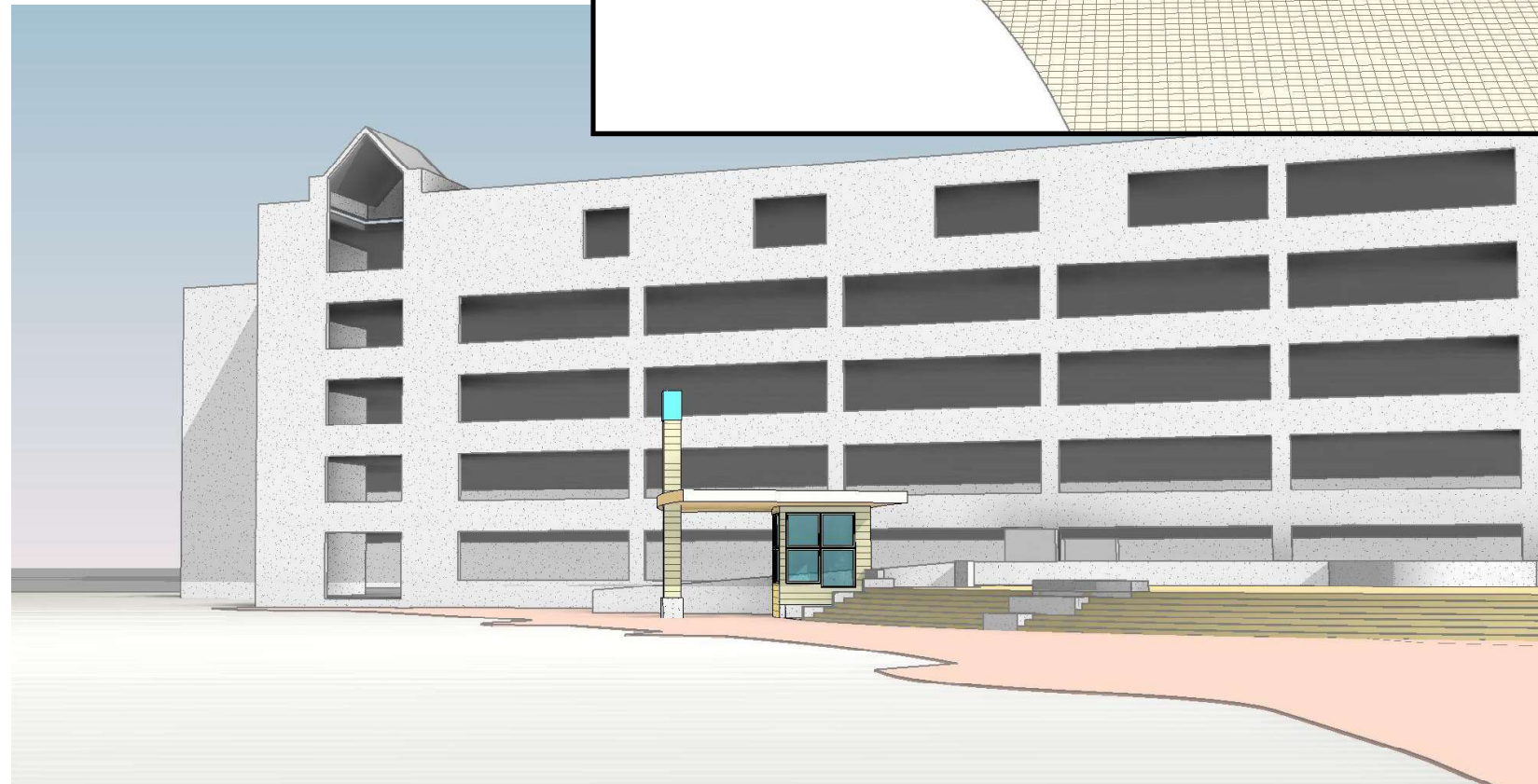
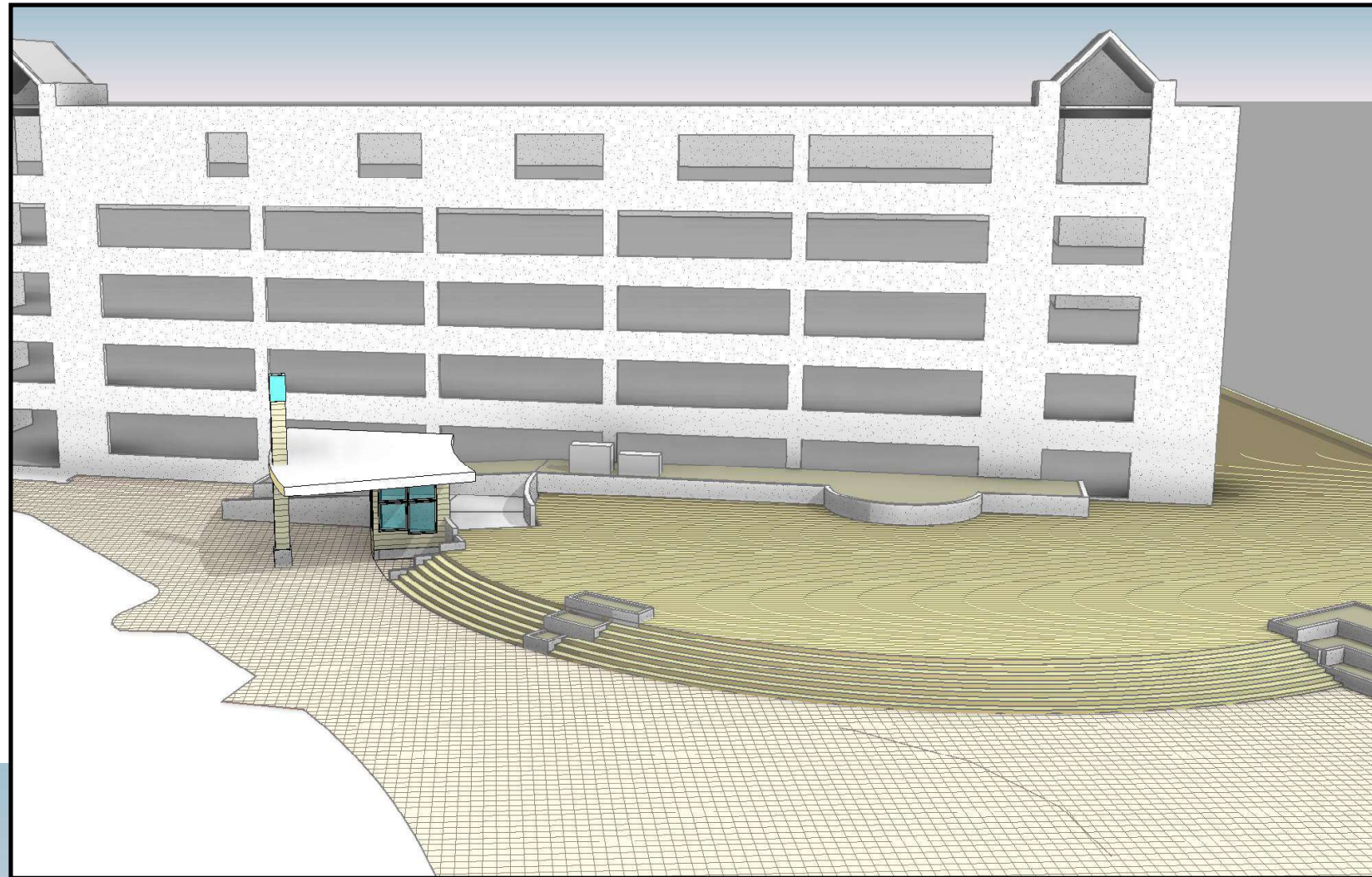


City and Borough of Juneau
 Conceptual Drawings
 March 8, 2018

Information Kiosk
 Existing

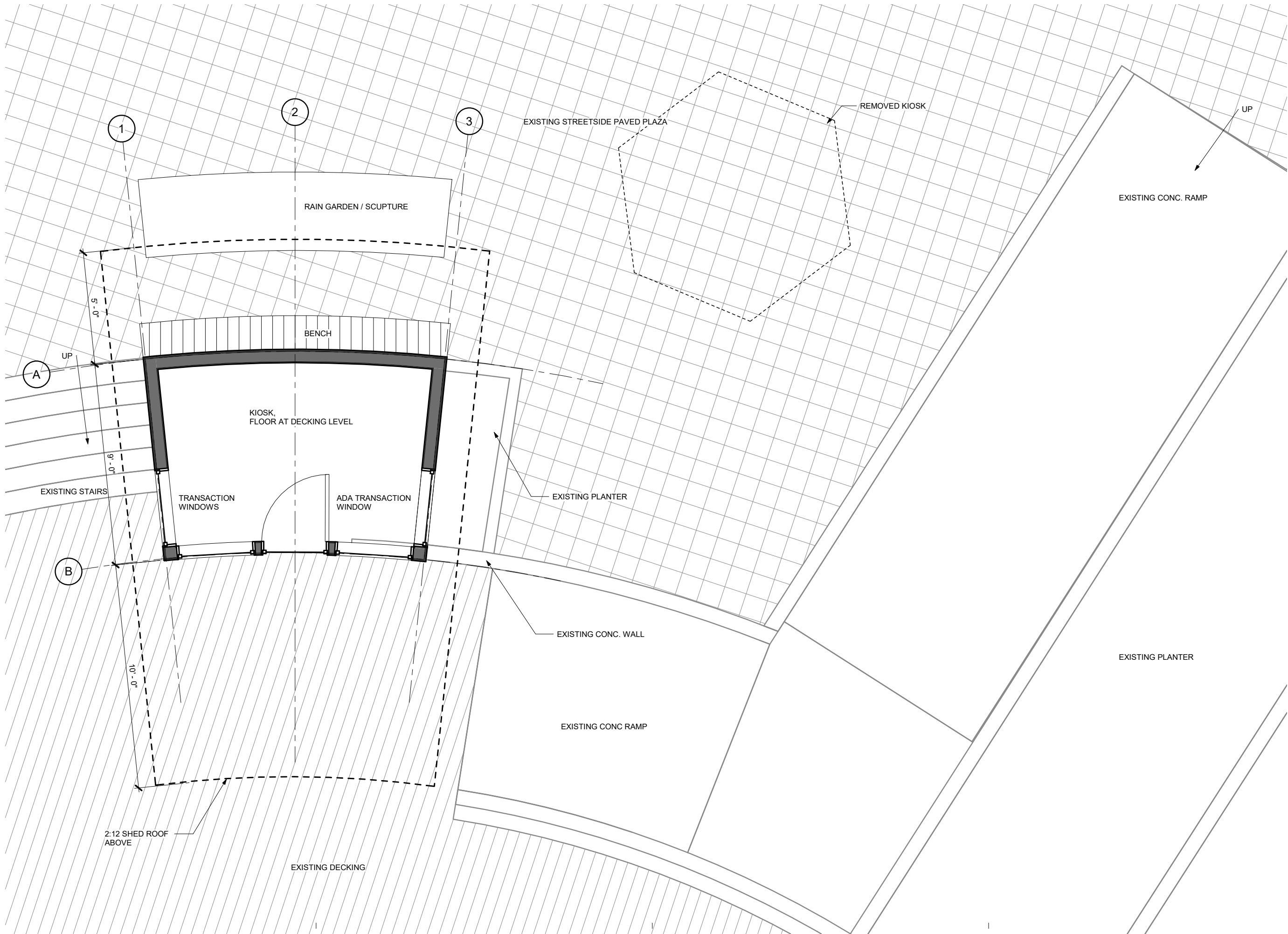


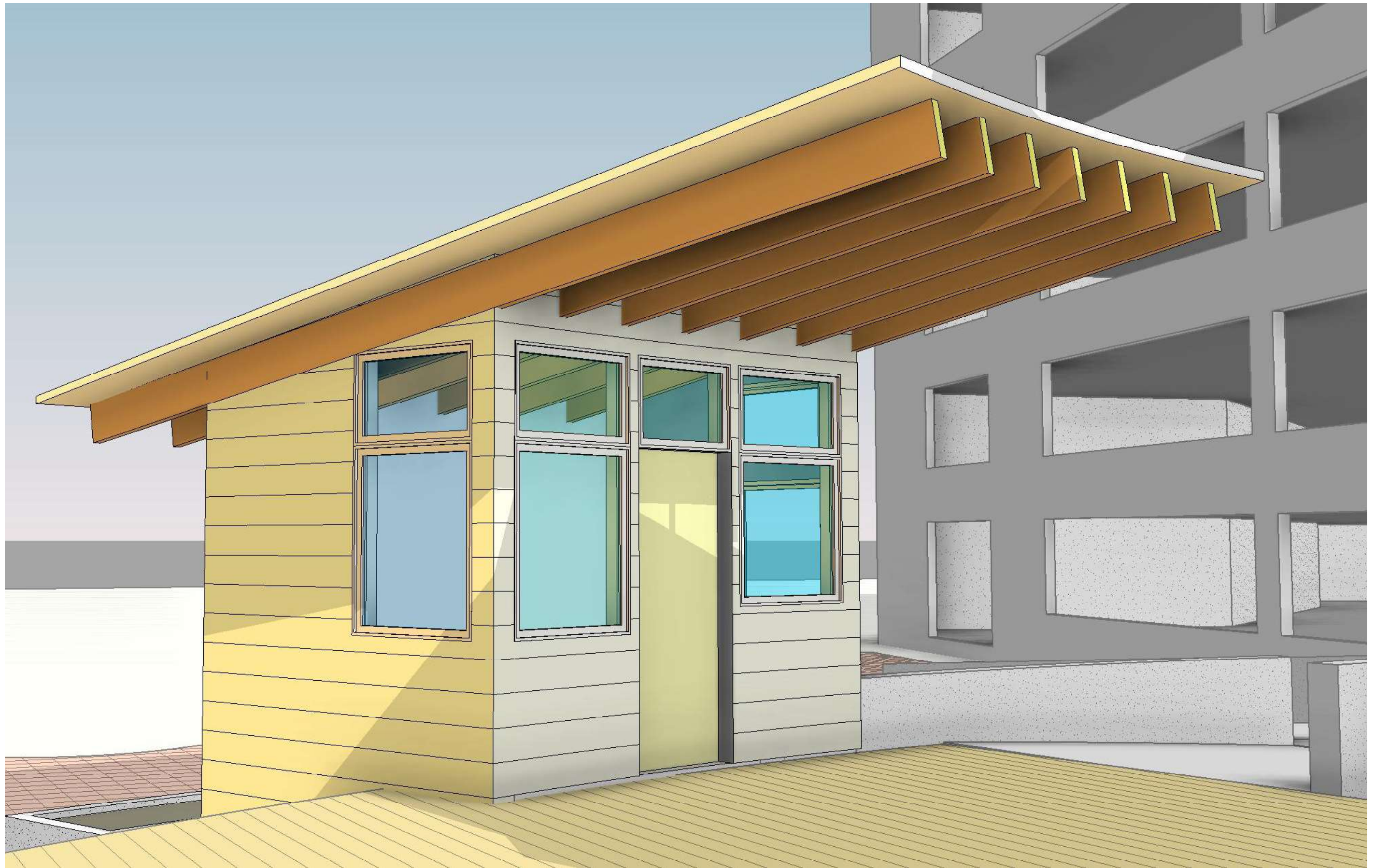




City and Borough of Juneau
 Conceptual Drawings
 March 8, 2018

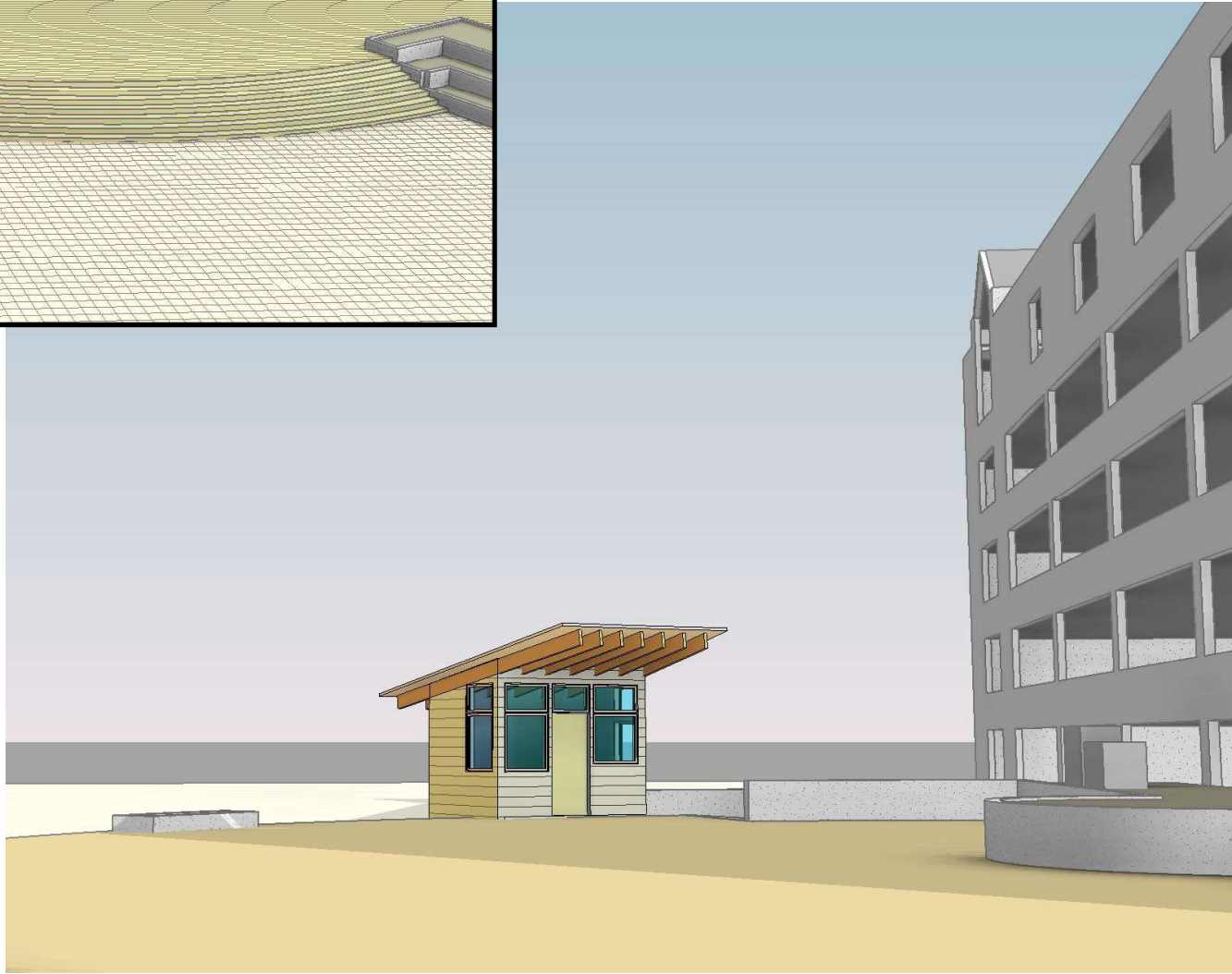
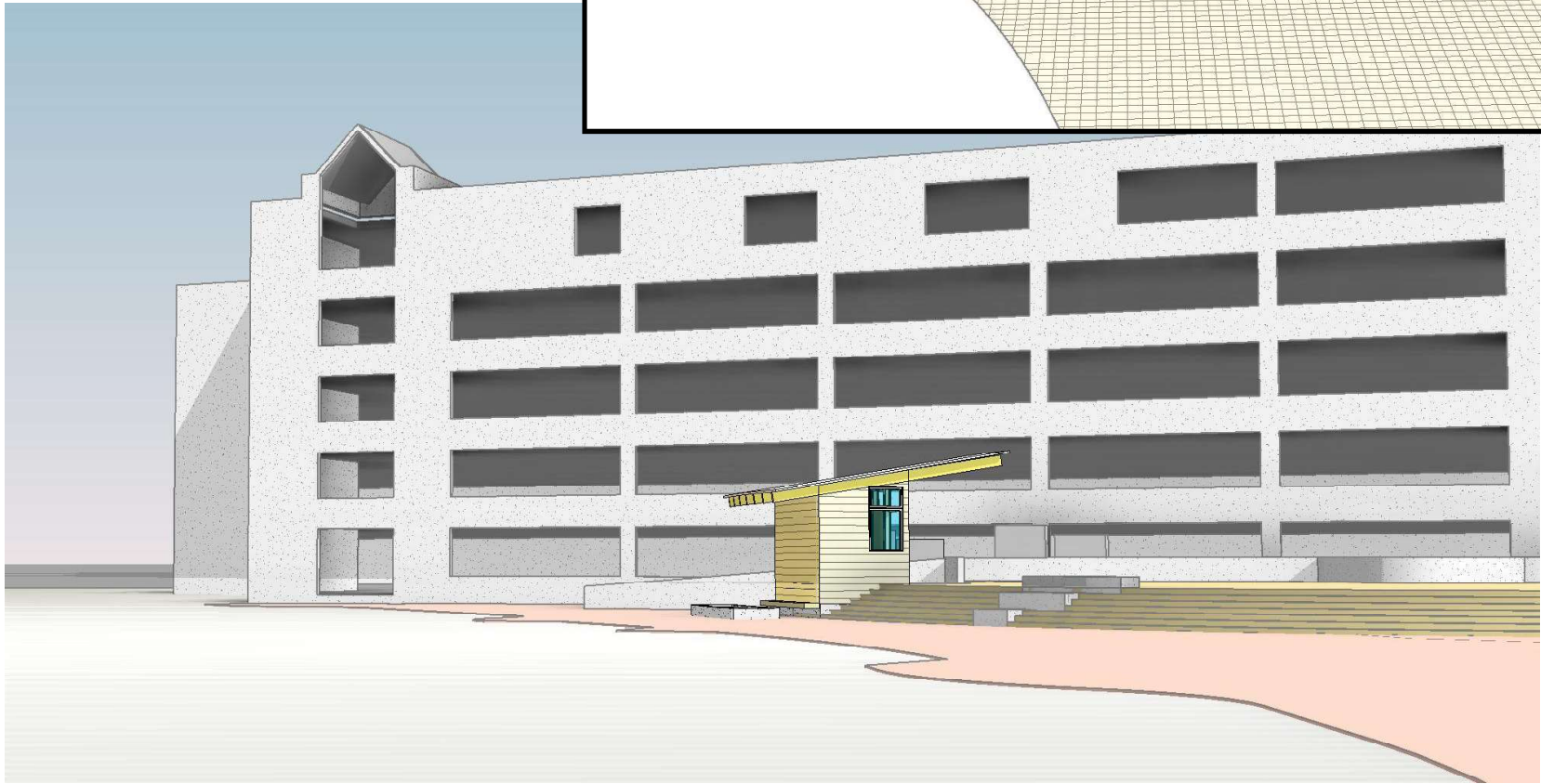
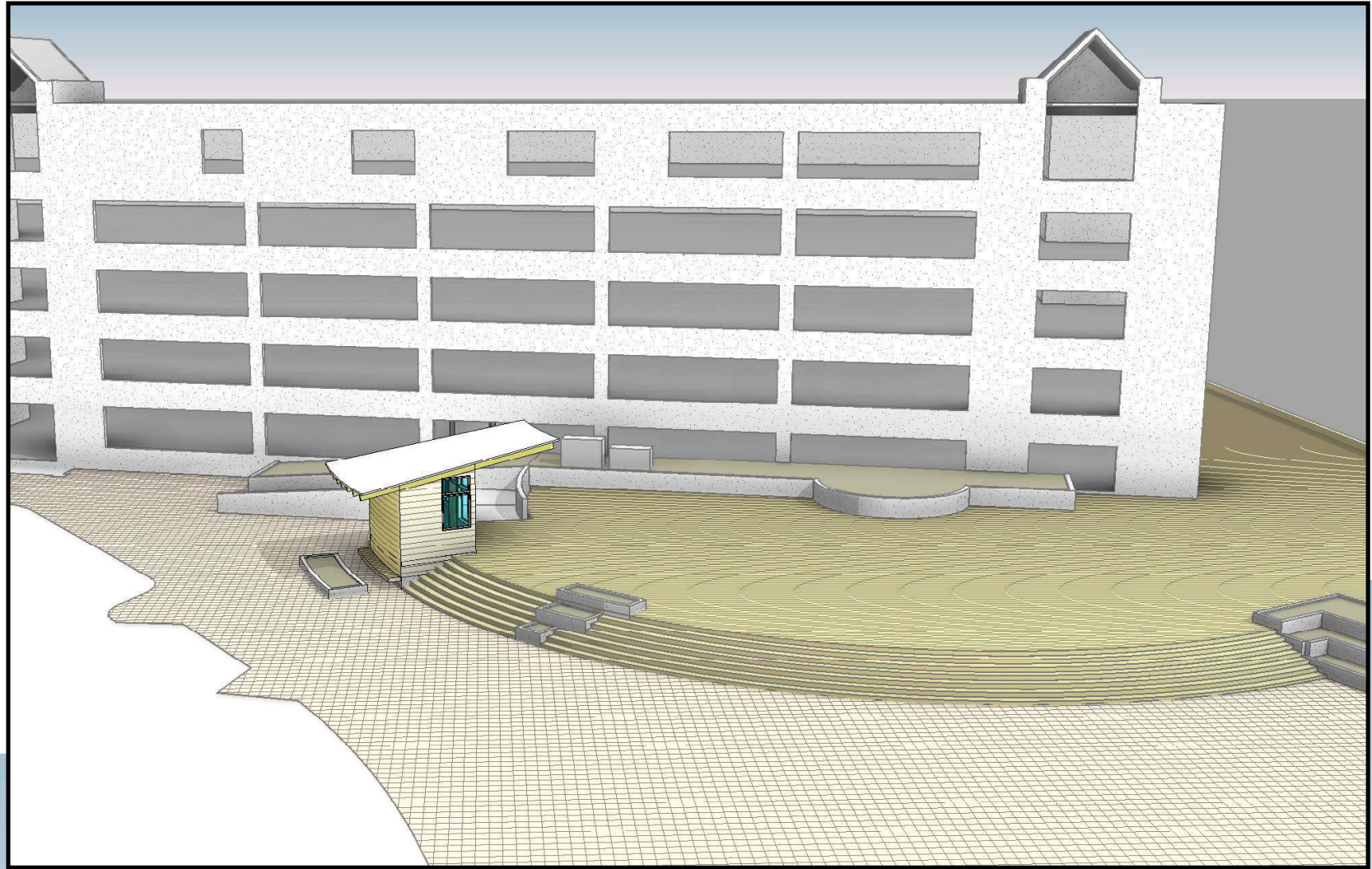
Information Kiosk
 Option A

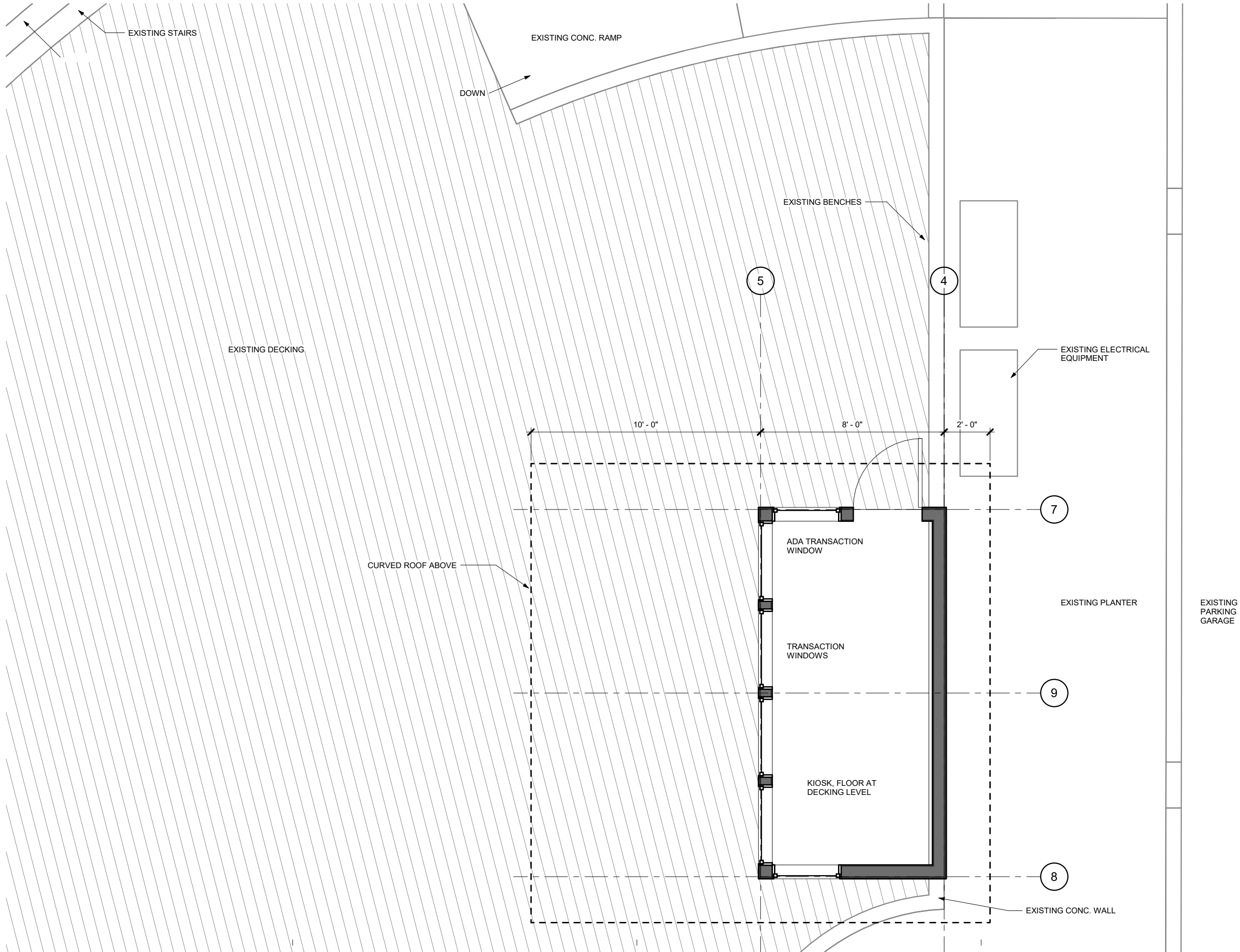


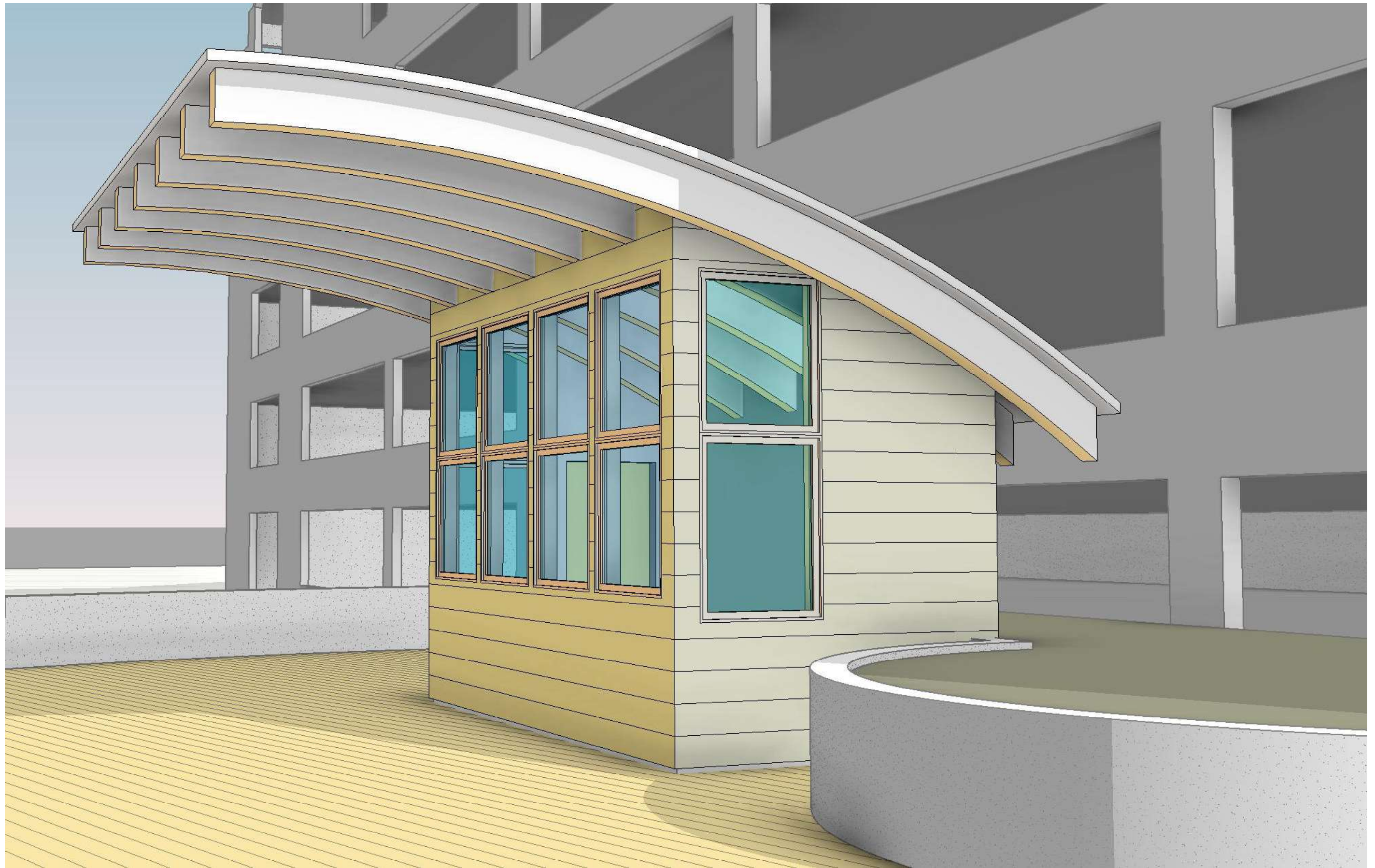


City and Borough of Juneau
 Conceptual Drawings
 March 8, 2018

Information Kiosk
 Option B

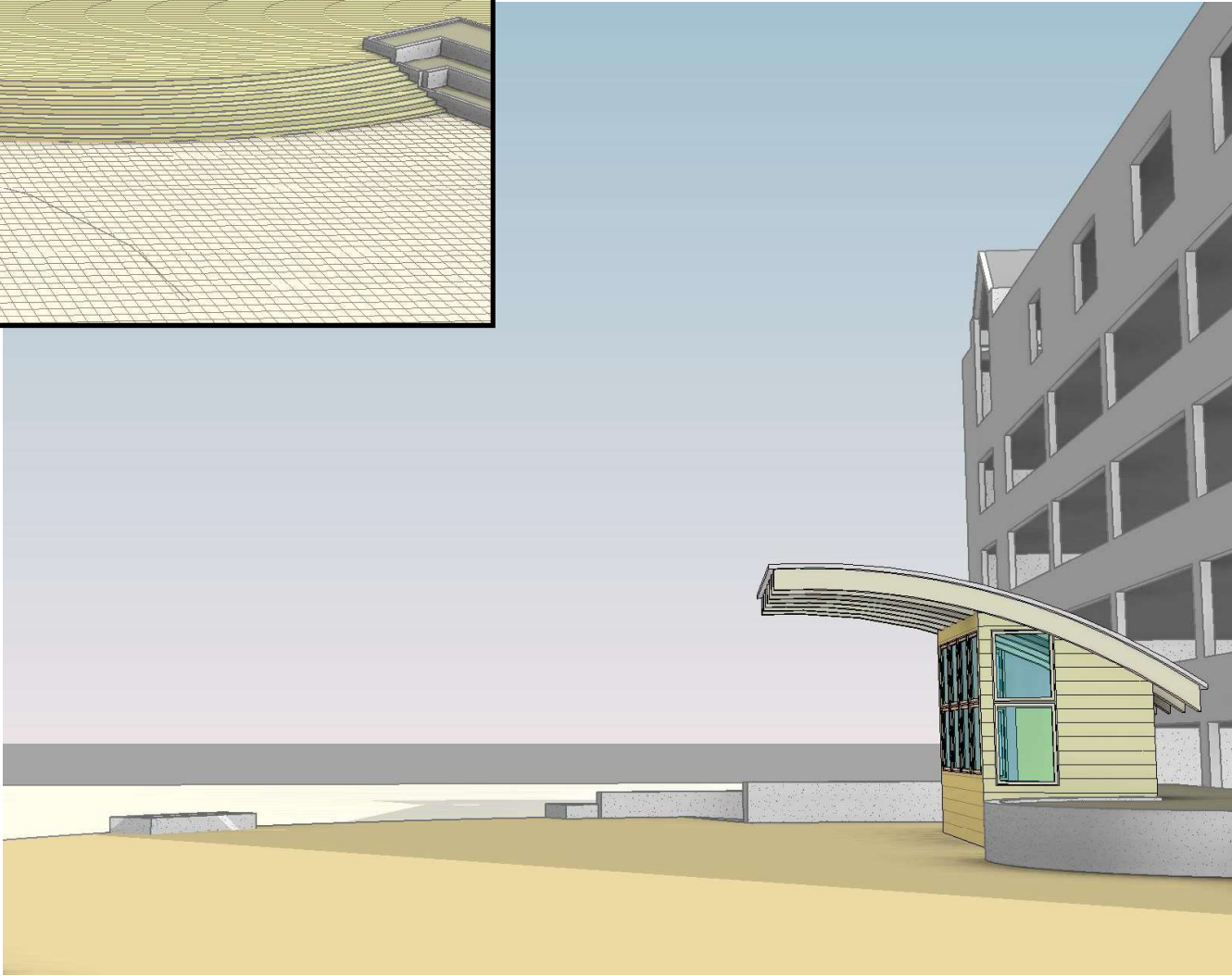
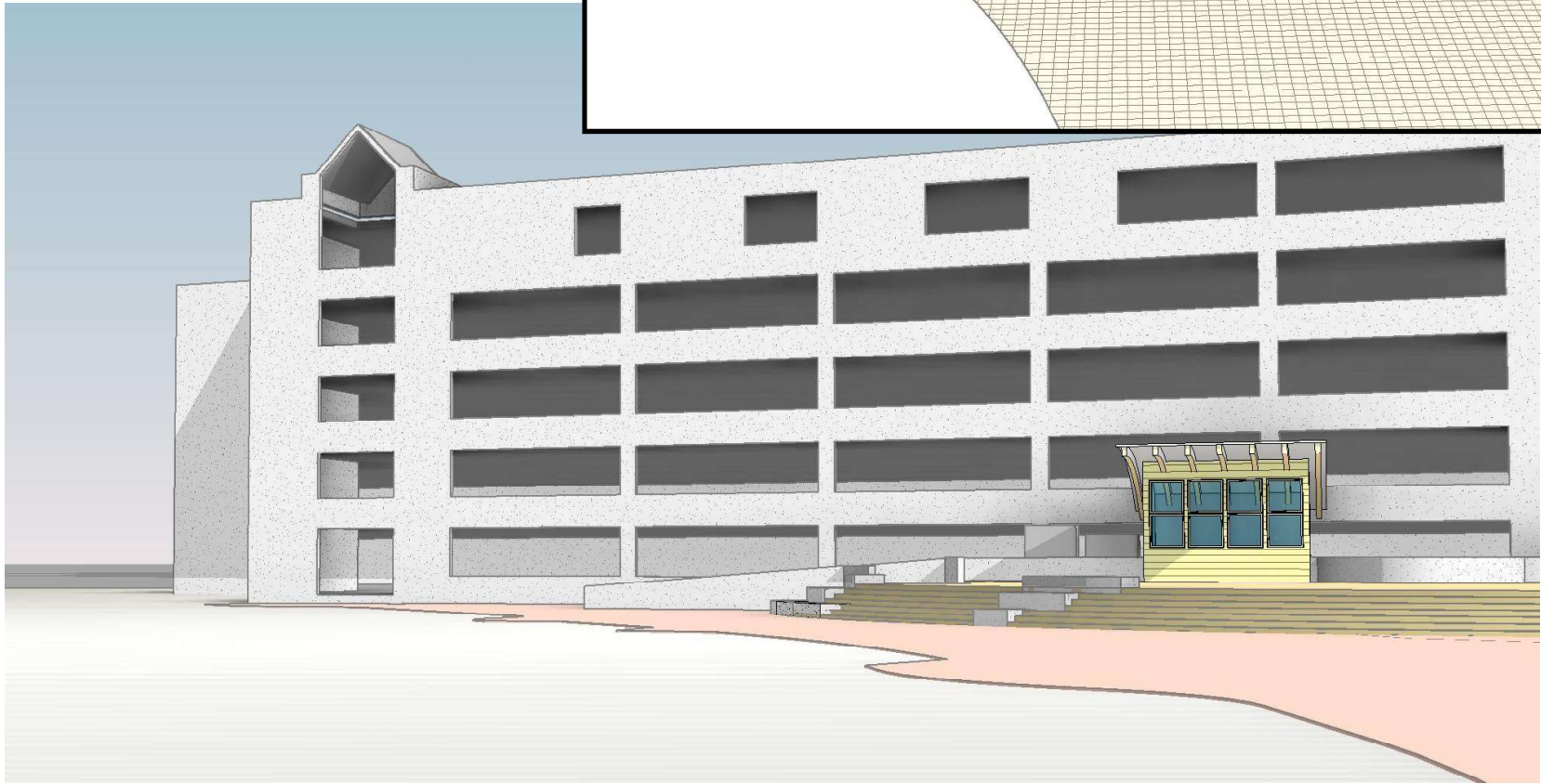
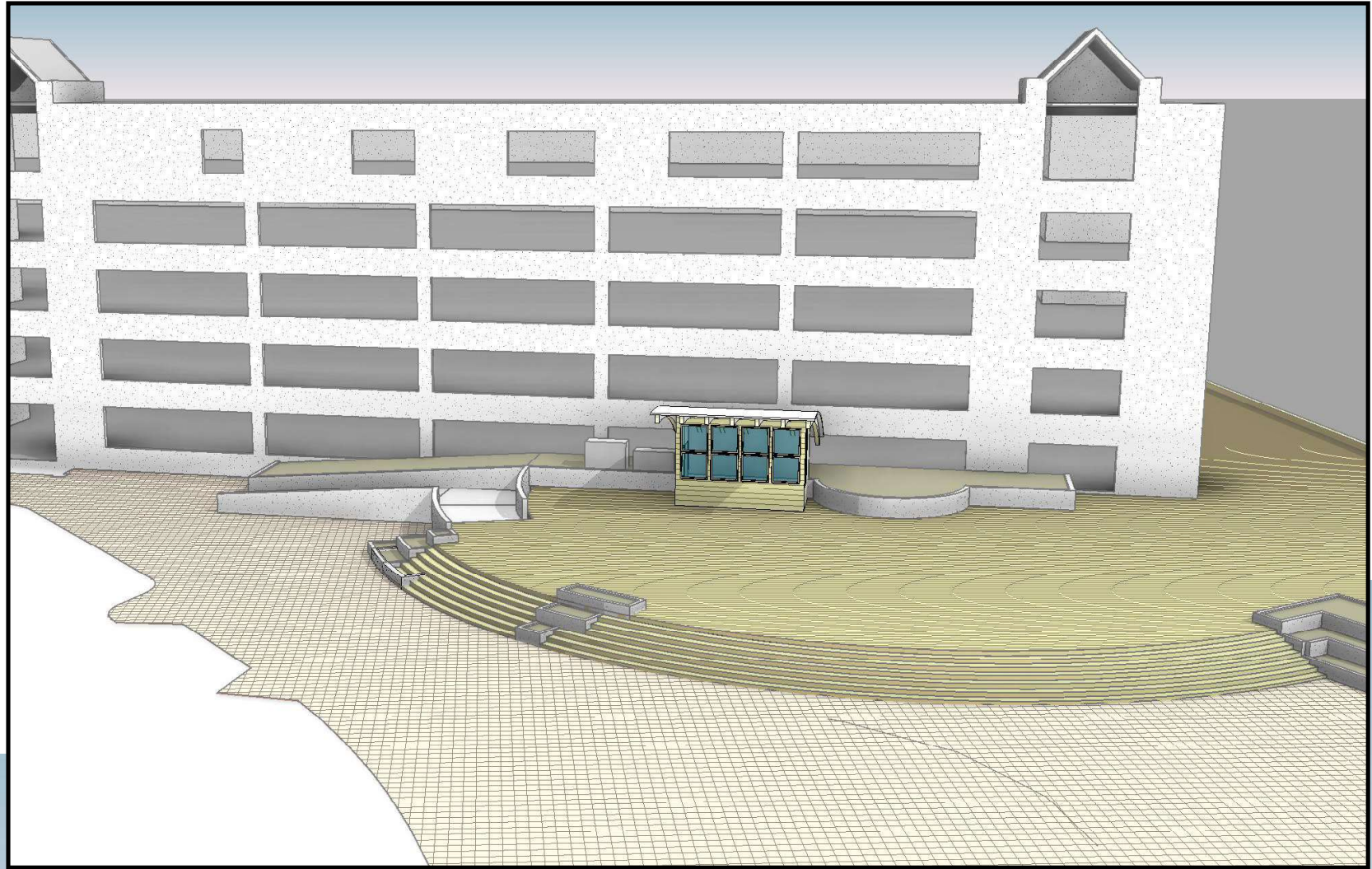






City and Borough of Juneau
 Conceptual Drawings
 March 8, 2018

Information Kiosk
 Option C



Enterprise Board Appointment Process

Goal: To provide to the Assembly information from each Board about the skills and knowledge the Board feels are needed to make them successful.

Twice each year the Assembly meets to make appointments to various Boards we call Enterprise Boards. Each Board is unique in its duties but they all share some common attributes.

1. Have a governing document passed by the Assembly that establishes duties and responsibilities and in some cases who may serve and who may not serve.
2. Manage a budget that includes operating and capital funds.
3. Hire/Supervise/Evaluate at least one position that is the Director/Manager/CEO of this Enterprise.
4. Oversee the ongoing management/maintenance of significant CBJ infrastructure.
5. Oversee the manner and structure of incoming revenues via rate structures, fees established via regulations and manage other regulatory structures either set by the Board or imposed on the Board via their revenue structure.

We have Boards that oversee the ski area, the swimming pools, the airport, docks and harbors, the hospital. Budgets range from 1-2 million to 100 million dollars in an annual operating budget. Some have as few as 6 fulltime employees to over 400 fulltime employees.

It is the goal of the Assembly to appoint persons that bring to these Boards skills, knowledge and enthusiasm needed to be successful. The recruitment process is uniform in advertising and managing terms of service.

The Assembly would like the assistance of each Board in looking at a better process for recruitment and retention of Board members. To that end the Assembly would ask each Board, with assistance from their staff and CBJ Managers Office to accomplish the following:

- Examine the duties of each Board as set forth in the Code section governing the Board and make sure that these duties and responsibilities match what is needed today and for the foreseeable future.
- Define the skill and knowledge sets of the Board that could/would be useful in carrying out these duties and responsibilities.
- Rank, if possible how important these skill sets are to the ability of the Board to carry out their duties.
- Look at current membership against these skill sets and identify how closely the Board membership fulfills these skill and knowledge areas.
- The Clerk's Office and the Assembly can then, as members terms expire can use this information to better state to potential applicants the skills needed as we move forward to advertise for applicants and to interview these applicants for each Board.



OFFICE OF THE MUNICIPAL CLERK
155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
Email: City.Clerk@juneau.org

MEMORANDUM *(via email)*

DATE: February 28, 2017

TO: CBJ Enterprise Boardmembers

FROM: Beth McEwen, Deputy Clerk

cc: Borough Assembly
Enterprise Board & City Manager Staff

RE: Enterprise Board Recruitment and Appointment Process

The Assembly Human Resources Committee (HRC) is seeking ways to improve the recruitment and appointment process for our CBJ enterprise boards consisting of the Aquatics Board, Bartlett Regional Hospital Board, Docks & Harbors Board, Eaglecrest Ski Area Board and the Juneau International Airport Board, herein afterwards referred to as “enterprise boards.”

Attached is a document drafted by HRC Chair Loren Jones and reviewed and discussed at the HRC meetings of January 9, 23, and February 13, 2017. This project will enable us to better identify the skills needed to meet each boards’ specific/unique needs. It is also hoped that each board will be able to identify those skills possessed by current members and those areas for which we might want to focus future recruitment efforts.

Please take some time during your board meetings over the next few months to discuss and respond to the items as found at the bottom of Mr. Jones’ Enterprise Board Appointment Process document.

The goal for this work would be to implement these new recruitment/appointment procedures sometime after the June/July 2017 enterprise board appointment process. We know this is a busy time with budget work so if you can’t get responses back to our office until September, that is OK too. Currently the enterprise board appointments for 2017 are scheduled as follows:

Juneau International Airport Board

Applications due Wed., April 12, Full Assembly sitting as the HRC, Mon., April 24, followed by regular Assembly meeting at which time board appointments will take place.

Aquatics Board, Eaglecrest Board, and Docks & Harbors Board

Applications due Wed., May 24, Full Assembly sitting as the HRC, Wed., June 7, Immediately followed by Special Assembly meeting for board appointments.

Planning Commission & Bartlett Regional Hospital Board

Application due date & Full Assembly sitting as the HRC dates are yet to be decided – these dates usually occur in late November/early December of each year with recruitment beginning in late September/early October.

Enterprise Board Appointment Process

Docks and Harbors Board Comments

Duties and Responsibilities of the Docks and Harbors Board Defined

The Board undertook the task of reviewing and updating its Bylaws. The revised Bylaws were approved by the Assembly in June 2014.

The Board has take on the task of reviewing Title 85 and related regulations as issues arise. This is an effort to clean up language that is obsolete, redundant or ambiguous. Some issues that relate to the duties and responsibilities of the Board may be found. All suggested revisions will be forwarded to the Assembly for approval.

Overall, the duties and responsibilities of the Docks and Harbors Board are well defined.

Skills and Knowledge Sets Required

An effective Docks and Harbor Board member must have the following attributes:

Cares about what is going on with Juneau's D&H with a balanced, non-partisan perspective.

Wants to get involved and is committed to helping make a difference for all D&H users.

A good listener and active participant in Board discussions.

Capable of critical thinking.

Analytical and forward focused.

Good communication skills - both written and spoken.

Active in some aspect of maritime activity – such as boating in general, sport fishing, commercial fishing, diving, tourism, marine service and supply, marine engineering and construction, etc.

The Board is **not** well served by an individual with a personal agenda regardless of their level of knowledge or experience.

Current Docks and Harbors Board Membership (2017 – 2018)

The members of the Docks and Harbors Board are all boaters and have the following experience:

Lawyer

Retired marine construction and maintenance journeyman and tour boat captain

Downtown merchant with a day job

Civil engineer specializing in marine construction

Legislative aid

IT manager

Commercial fisherman

Owner of a tour guide company

Retired civil engineer with experience in boating access

These Board members represent a well-rounded group that possess the skills and knowledge needed to be an effective board. In addition to what is apparent from their resumes, each board member has gained through Board work, varying degrees of knowledge about all aspects of Juneau's docks and harbors.

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer

Project	Status	Schedule	Contractor	Notes
Boat Yard at ABLF				
Construction	Complete		ACC	Contract Close-Out
Construction Admin & Inspection	In Progress		MRV/PDC	Contract Close-Out
Auke Bay Loading Facility - Phase II				
TIGER Grant Reporting - Annual	On-Going	Sept. 2018		Annual equipment depreciation report
Aurora Harbor Re-Build - Phase II				
Construction Administration - Inspection	In Progress		PND	Contract Close-Out
Final Completion	In Progress	4/30/18	NCS	Contract Close-Out
Statter Master Plan Phase III				
Army Corps of Engineers Permit	In Progress		PND	
Incidental Harassment Authorization	In Progress		PND	
Eagle Permit	In Progress		Staff	Awaiting USFWS permit
Phase III A - Blasting, Dredging, Retaining Wall				
Design - Bid Documents	In Progress		PND	Awaiting 95%
Construction Bid	Hold		TBB	
Construction	Hold	Fall 2018	TBD	Pending ACOE Permit
Phase III B - Float Installation				
Design - Bid Documents	Hold		PND	
Construction Bid	Hold		TBB	
Construction	Hold	Fall 2019	TBD	
Phase III C - Uplands, Restrooms				
Design - Bid Documents	Hold		PND	
Construction Bid	Hold		TBB	
Construction	Hold	Fall 2019	TBD	
Archipelago Property Improvements				
Van Staging Lot Design	Complete		PDC	Contract Close-Out
Geotech On-Shore Drilling	Complete		PND	
Geotech Over-Water	Hold		PND	Awaiting Proposal
Archipelago Property Procurement				
Funding	In Progress		Staff	Working with Finance Director
Boundary Line Delineation	In Progress		Staff	Awaiting Final Morris Plan Concept
Amalga Harbor Fish Cleaning Station				
Planning	Hold			Board Strategic Plan meeting
Aurora Harbor - Annodes on Piling	Hold			Awaiting funding

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer

Aurora - Harris Harbors Dredging				
Dredging Activity	Hold	2019	ACOE	Awaiting final dates for work
Negotiating Beneficial Use Agreement	In Progress			Working with ACOE
Auke Bay Marine Station				
Subdivision	In Progress		Staff	Coordinate with UAS
Shared Work with UAS	In Progress		Staff	Coordinate with UAS
Addition to Existing Float	In Progress		Staff	Design in progress
Float ACOE Permit	In Progress		Staff	
Float Bid	Hold		Staff	Awaiting Final Documents
Harris Harbor Restrooms and Showers				
CA/Inspection	In Progress		JYL	
Construction	In Progress		Island	
Cruise Dock Decking Repair	Complete		ACC	Contract Close-Out
Marine Park ICC Cathodic Protection				
Construction	In Progress	May 1, 2018	Island	
Contract Administration & Inspection	In Progress	May 1, 2018	Tinnea	
Marine Park Sheet Wall Coating				
Design	In Progress		Tinnea	\$190,000 cost estimate
Construction Bid	Hold		Tinnea	Awaiting Funding
Construction	Hold		TBD	
Contract Administration & Inspection	Hold		Tinnea	
ADOT Grant Application - Annodes	Hold		PND	Awaiting Legislative Action
Statter Breakwater Safety Improvements				
Phase II	Hold			Board Strategic Plan meeting
Douglas Harbor Pump-Out Barge				
Bid	In Progress		Staff	Finalizing Bid Documents
D&H Managed Lands - Surveys				
ASLS 2013-15 - Uplands at Tee Harbor	Hold	2020	TBD	
ATS 1682 -DIPAC-Channel Construcion	Hold	2020	TBD	
ATS 1690-NPS Dock at Indian Point	Hold	2019	TBD	
ATS 1691 - Adjacent to ABMS	In Progress	2018	PDC	Awaiting Prelim Plat Comments
ATS 1692 - North Douglas Boat Ramp	In Progress	2019	PDC	Awaiting Preliminary Plat submittal
ATS 1693-DIPAC Wayside Park	Hold	2019	TBD	
ATS 1694-Tee Harbor Submerged Lands	Hold	2020	TBD	
ATS 1700-Statter Harbor Launch Ramp	In Progress	2018	PDC	Awaiting Recordation by ADNR
ATS 1707 - Cruise Berths	In Progress	2018	DOWL	Awaiting CDD Comments
Archipelago Lot Easement	In Progress		Staff	Preparing MOA for owner
Visitor Information Kiosk				
Concept Design	In Progress		JYL	Awaiting next round of concepts

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer

Wayside Park Float				
Dredging as Float Grounds Out	Hold			Awaiting Funding
Security Booths				
Construction	In Progress		Dawson	Term Contract
Taku Harbor Repairs				
Bid Award	In Progress			Assembly - April 23, 2018
Construction	Hold		Trucano	Awaiting Contract and NTP
Construction Admin/Inspection	Hold		PND	Awaiting Contract and NTP
MMPA Observation	Hold			Considering Alternatives