

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, August 25th, 2011

I. Call to Order.

Mr. Jardell called the Regular Board Meeting to order at 7:00 p.m. in the Assembly Chambers.

II. Roll Call.

The following members were present: Greg Busch, John Bush, Tom Donek, Eric Kueffner, Michael Williams and Kevin Jardell.

The following members were absent: Don Etheridge, Budd Simpson, and Wayne Wilson.

Also present were the following: Carl Uchtyl – Port Director, Phil Benner –Harbormaster, Gary Gillette- Port Engineer, Ruth Danner – City & Borough Assembly Liaison, Dixie Hood – Parks & Recreation Liaison and Kelly Mercer – Human Resources Acting Director.

III. Approval of Agenda.

Mr. Jardell added two items for information/discussion.

1. City Request for Comment on public notice of meetings.
2. Update on STIP (Statewide Transportation Improvement Program)

MOTION by MR. WILLIAMS: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

IV. Approval of Previous Meeting Minutes.

Mr. Kueffner had a clerical correction.

Hearing no objection, the minutes of the June 30th, 2011 Regular Board Meeting were approved as amended.

V. Public Participation on Non-Agenda Items.

John Bush, Juneau, AK

Mr. Bush speaking as a public citizen indicated he is a Longshoreman for the cruise ships, providing line handling services and cargo handling. In Juneau, foreign crews are being used to provide the line handling for the ships that anchor out (lightering) and cargo handling on them. For the past 10 years the longshoreman have been trying to get this work. The Longshoreman are working with Customs/Border Protection to enforce the regulation. The foreign crews used for this work do not have green cards or TWIC (Transportation Worker Identification Credential) cards, the regulation states you need to have for this work. Mr. Bush said on Monday there is a ship that is going to anchor out (Lighter) about 1:30 and the Cruise Ship Industry has made it clear they are not going to hire the longshoreman, so the longshoreman are going to have an informational picket. He was inviting everyone to come down to Marine Park about 1:30 where the informational picket will be held. He wants the public to know that the Cruise Ship Industry is letting foreigners do the longshoreman's work.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 2

V. Public Participation on Non-Agenda Items.(continued)

Mr. Kueffner asked if there has been an informational Pickett done in Juneau before?

Mr. Bush said not that he knew of.

VI. Items for Action

1. Fisherman's Memorial

Mr. Gillette gave a brief synopsis of his memo in the packet to the Docks and Harbors Board before he gave a power point presentation. He said the Assembly adopted a resolution 2542 to go forward with the construction of the new Port of Juneau Cruise Berths (commonly referred to as 16B). The approval was contingent upon the Docks and Harbors Board working closely with the Alaska Commercial Fisherman's Memorial and the commercial fishing community to make a recommendation to the Assembly regarding location, if necessary, of the memorial, along the waterfront, to a mutually acceptable location. Through several meetings, the Board decided on three potential considerations.

Preference 1 – Leave the Memorial where it is. As the design of the new floating berth system has evolved the area between the new float and the memorial has increased such that it may be possible for a boat to make a pass in front of the Memorial for the Blessing of the Fleet. The ability of the boat to make a pass would depend on the length, propulsion, rudder limitations, wind, and tidal variations.

Preference 2 – Relocate the Memorial to Marine Park. This option would relocate the Memorial to an area of expansion of the existing Marine Park facility. The Memorial would be located on the water side of a new deck area at the south edge of the park. With the new floating berth configuration and the relocation of the float plane docks there is adequate room for a boat to make a pass in front of the Memorial for the annual Blessing of the Fleet ceremony.

This area is being planned for Marine Park expansion by the Parks and Recreation Departments. This option may be of particular interest to the Parks and Recreation Advisory Committee.

Preference 3 – Relocate the Memorial to a location along the Sea Walk between the Intermediate Vessel Float and the Franklin Dock only if there is a guarantee that no future dock construction at that location will interfere with open access between the Memorial and Gastineau Channel. This option would relocate the Memorial to a place along the new Sea Walk between Taku Fisheries and the Franklin Dock. An existing deck area juts out from the Sea Walk that would be expanded to accommodate the Memorial. The proposed deck expansion by the Memorial representatives would restrict access to the inside of the Intermediate Vessel Float thus it has been moved back to accommodate the size and type of vessel utilizing the float. With the new configuration, there is adequate room for a boat to make a pass in front of the memorial for the annual Blessing of the Fleet. The Franklin Dock is privately owned and Docks and Harbors Board has no control over future development that might occur on that property.

Mr. Gillette said he had PND, Docks and Harbors consultants, the Engineering department provide a 3D presentation with the three preferences. The presentation started with the existing site of the Fisherman's memorial and existing conditions, then went on to show the three different 3D examples with the proposed new project and how it would impact the blessing of the fleet ceremony with the three preferences.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 3

VI. Items for Action(continued)

Board Questions

Mr. Jardell asked if the design for Marine Park was just a concept, and not what is being proposed?

Mr. Gillette said it was just to show a potential site for the Memorial that the Memorial Board had identified. The uplands part of Marine Park has not been planned or designed yet.

Mr. Busch asked what the actual verbiage of the PRAC Motion.

Mr. Gillette said the Parks and Recreation Advisory Committee motion “does not recommend moving the Fisherman’s Memorial to Marine Park at this time until a plan is in place for Marine Park.”

Mr. Busch asked if there was any indication PRAC would consider the integration of the Fisherman’s Memorial into their plan.

Mr. Gillette said there was a lot of discussion and they said their preference was not to relocate to Marine Park, but if it did, they would like the opportunity to figure it into their planning process.

Mr. Kueffner asked if the construction of the new cruise berths would affect the Memorial right now?

Mr. Gillette said yes, the construction would not impact the physical site of the Memorial, but the Memorial Committee says it impacts the Blessing of the Fleet Ceremony.

Mr. Williams said he wanted to know if there was a letter produced by CBJ that the Memorial was entitled to open waterfront view plane and if there was one, wouldn’t that have to go through a process through an agreement with a committee and then go to the Assembly?

Mr. Gillette said he never found a letter or any language that guarantees any access visual or physical access to the water. He went through many minutes and found that the memorial is actually not on CBJ property and needed to obtain a legal easement with Taku Smokeries to allow the Memorial to be on their property.

Mr. Bush asked on the No-Move option with the Blessing of the Fleet boats making the circle, he wanted to know approximately how long the vessel was.

Mr. Gillette said the vessel was a 58’seiner. He said in discussion with the Fisherman’s Memorial individuals that there have been years that they have used up to 95’ vessels.

Mr. Busch wanted to know the height visual from the new floating concrete dock to the existing Memorial, and would there still be a view to the Channel.?

Mr. Gillette said the current elevation of the decking around the Memorial is about 28’ above mean low water. The Memorial steps down, and that is at approximately 26’. The height of the free-board on the floats is about 8’. At extreme high tide it would raise about 20’, and that would put it at the same level as the decking around the Memorial.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 4

VI. Items for Action(continued)

Ms. Danner asked Mr. Gillette if all the cruise ship berth design possibilities have been exhausted. She wanted to know if 16B design is at it's farthest point out.

Mr. Gillette said there were a number of things that set the location. One is the economy, the farther you go out, the more expensive the project is. With the South end of the dock out farther, it would impact the maneuverability of getting into the Franklin dock. With the North end of the dock out farther, it would impact the Wings float.

Public Comments

Chip Thoma, Juneau, AK

He prefers the Memorial stay where it is. He said it is a wonderful spot and has been down there several times. His objection is the projected cost of moving the Memorial of \$2 millions dollars. He said it is an extreme cost and a lot of donated material and labor already went into the original Memorial location and that is not going to be repeated. His concern is this is a two hour Ceremony that happens one day a year at a time there are no cruise ships at the dock, and so for that reason he says there could be some kind of accommodation in the years ahead to make this Ceremony work. He said with the drawings Mr. Gillette provided he said there is adequate room for the boats to maneuver and to be able to tie up to the new floating dock and have the Memorial right on the dock. This would still have a visual attachment to the Memorial and connected by radio at the same time. For those reasons, he urged the Board to adopt something similar to the PRAC and pass this on to the Assembly. He would like to be able to hold off on this for a couple of years until people can see what Marine Park and 16B is going to look like.

Joe Geldoff, Juneau, AK

He said he is very pleased this community has a Fisherman's Memorial to commemorate the people. The labor and the donated land created an adequate Memorial, and there was some rugged times getting the Memorial done. He said he has followed this topic closely and when the emotions are taken out, the Board has reached the conclusion to do nothing. It is a functioning Memorial. Even when Docks and Harbors moves forward with 16B, there is nothing to prevent the community from going onto the 16B dock and incorporating that into the Memorial. He said it is a huge mistake to encourage the CBJ Assembly to spend \$2 million dollars to move the Memorial. He said he recommends to just continue to use the Memorial as is where it is at a time there is no cruise ship at the new dock.

Richard Hoffman, Juneau, AK

He said he has watched the waterfront change a lot. The Fisherman's Memorial is very dear to him with over 100 names on it with many of them he had known over time. He said the severe thing here is the moving of the graves. He said basically nothing is sacred except going after that tourist industry. The Memorial was put together by the community's voluntary efforts. If it is going to be moved, \$2 million, or \$10 million, it will be done so it is not desecrated. The name plates will not get cracked, chipped, broken or marred, it will be done properly. He said the option at Marine Park will work. He addressed Mr. Williams question earlier about the letter stating clear access to the water. There is no letter that exists today. It is a letter in your packet that the Memorial Committee wrote that if the Memorial is moved to Marine park that there is that agreement that visual and access to the water will not be impaired. It was just understood initially that when the Memorial was built that the access would be there. There would have to be that assurance so the Memorial Committee is not faced with this same

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 5

VI. Items for Action(continued)

thing in the future. He said he would prefer the Memorial not be moved, but if 16B is built he does not think the Blessing of the Fleet would be the same with where it is located now.

Paula Taro, Juneau, Ak

She has been commercial fishing for 33 year. She knows what winds and currents can do in terms of trying to get in and out of tight places. She would like to see the Memorial stay where it is. However, if you have it stay where it is, and have the new dock, it is not going to work well. She said the Blessing of the Fleet would totally be compromised. She said there is no room for a 95' Coast Guard boat that is always at the Memorial. She said she disagrees with Mr. Thoma and Mr. Geldoff. If the Memorial is going to be moved, the Marine Park option is the best, but that is almost in the middle of town. The Memorial is located now in a much more solemn place. Before the Memorial is moved, she would like to see a simulation. Buoy off the location of the dock and have a simulation of the Blessing of the Fleet to see which would work better, Marine Park or the current location.

Mr. Kueffner asked Ms. Taro to look at the picture of the Ceremony projected on the screen, and asked if that was an average attendance?

Ms. Taro said it usually looks like there is more, but she is looking at it from the water.

Mr. Kueffner asked if all the people that attend the Memorial could fit in the Memorial itself or do they spread out among the dock.

Ms. Taro said it is comfortably crowded and spreads out a little, but they can all see the Memorial and hear the blessing and see the boats.

Dixie Hood, Juneau, AK

She said she has a personal interest as well as a public interest in the Memorial. Her son-in-law's name is on the Memorial. She said during the reading of the names, people will go in the Memorial and place flowers and then come back out. She said moving the Memorial is a real desecration. There should be some way to figure out how to do the Blessing of the Fleet in that area. She would not be insistent on a 95' Coast Guard Boat. When Ms. Danner asked about the design and possibilities, she was wondering if the \$2 Million dollars talked about needing to move the Memorial could be used to extend the walks out in the way she made mention of? It doesn't seem like that would be such an expensive thing and would likely cost less than moving the Memorial, and would end up with a more satisfactory result. She said there should be consideration on the public impact on the Fisherman's Memorial that has been there for so long should be accommodated hopes that there is special consideration for that. She likes Ms. Taro's idea of having a simulation of the Blessing of the Fleet.

Dennis Watson, Juneau, AK

He said the current location is a perfect location for the Memorial and suits the community. He agrees with Mr. Gillette on the view plane. He said he does know people on the Memorial and moving it would personally upset him. He recommends to wait until the docks are built and actually have some experience before any changes are even considered or spending any money. He said this Community has learned to adapt and adjust and it is time for us to do exactly that.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 6

VI. Items for Action(continued)

Bob Mallard, Juneau, AK

The Memorial was built in the current location because it had unlimited access and view to the Gastineau Channel, and that was an important issue to people that donated money. In 2003, CBJ realized they were going to be having larger ships. The Memorial sent a letter to the planning department that asked to be considered in the planning process for the new dock and consequently the letter never got into the record and the Memorial Committee was never involved in the planning process. This was an oversight by CBJ and when the Memorial Board was not included they went to the Assembly about their issues. The biggest issue is unfettered access to the waterfront for the Blessing of the fleet. He said he knows 50 people on the Memorial. One is his dad and another is his brother. He said he knows that they would take issue with the fact that a heavy industry cruise ship dock that would block access is something they couldn't put up with. He went on to read the letter that was included in the packet. In sum, the letter says the Board's position is that 16B not be constructed in front of the Memorial. If 16B is constructed in front of the Memorial, then the Board asks that the Memorial be relocated to achieve the purposes of the Memorial. The Board's first priority is that the Memorial be relocated to the Marine Park on the waterfront with a tideland easement, and an open access easement to insure unobstructed access to Gastineau Channel for the annual blessing. He would like the Board to follow the Assemblies resolution tonight and come up with a consensus with the Fisherman's Memorial Board to follow their recommendation that was presented in the letter.

Board Comments

Mr. Jardell said Mr. Kueffner and himself have drafted a proposed motion.

Mr. Kueffner said this is simply a recommendation from Docks and Harbors Board to the Assembly.

Mr. Kueffner said listening to the testimony tonight and practically everyone said they do not want to move the Memorial, and that should be respected. He said in the initial request from Bruce Weyhrauch, the Docks and Harbors Board was given six reasons why the Memorial Committee chose to place the Memorial where it is now.

Only one half of those reasons are impacted at all with 16B, and that is the motion of the boats in front of the Memorial, and he said he is not convinced 16B divorces the Memorial from the Blessing of the Fleet. He said the Ceremony can be expanded and enhanced by having an expanded Ceremony. He does not see a close connection now with the Memorial and the Blessing of the Fleet. He said he has been out in the Harbor during the blessing and found it hard to find a close physical connection because there was so much distance. He said with the low impact the 16B project would have on the Memorial, it is really not worth the trauma it would cause to all the people that are so invested in it to try and move it anywhere. Another thing is the cost, and the cost is really unknown at this time. He said there is really no need to decide right now, and recalled Mr. Gillette said there would be no physical impact on the Memorial by 16B being constructed. There is time to see what impact 16B will have on the Memorial if any. Mr. Kueffner said the Memorial Committee could construct a different Ceremony if they wanted to, but was not sure if that was necessary.

Mr. Jardell said he has spent a lot of time on this and tends to agree with Mr. Kueffner's conclusions. He said he has reread the Assembly's resolution. The resolution has directed the Docks and Harbors Board to work with the Fisherman's Memorial Board to find a mutually acceptable place to move the

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 7

VI. Items for Action(continued)

Memorial. He said all three of the preferences do not impact Docks and Harbors perspectives, and would be acceptable from Docks and Harbors operational stand point. He said only one has been acceptable to the Fisherman's Memorial Board and that has been Marine Park. Given the charge by the Assembly to find a mutually acceptable place, the only one that would be mutually acceptable would be Marine Park. He said he would lean toward giving the Assembly the answer that they asked for and additionally suggest to not make the decision today. Because of the timing of the construction, the Memorial will be there at least one year and maybe two years with 16B in front of it, and actually see how it will work. Also suggest to the Assembly to have plans developed to have the Memorial moved to Marine Park if that is what the Memorial Committee wanted.

Mr. Busch said he agrees with Mr. Jardell's position to go forward with the Memorial Board's recommendation to have the Assembly look at moving the Memorial, and have plans developed for moving the Memorial to the Marine Park.

Mr. Williams said Docks and Harbors Board was given direction to work with the Fisherman's Memorial to find resolution and agreement with the possibility of moving the Memorial. The Fisherman's Memorial Board came back with just one plan that would work. Looking at the Memorial with 16B in place with setting the money aside for moving it to Marine Park is the best alternative with the direction of the Assembly. He said he knows people on the Memorial and he is sensitive to this issue. He said Mr. Watson said earlier in the meeting about the community working together and adapting. Juneau has limited land, and limited waterfront and try to do what is best for the community.

Mr. Donek said he agrees with Mr. Jardell's approach. With the three dimensional drawings the Engineer department did and the simulations, it is still not the same as having 16B in place. Mr. Donek said with having 16B in place before the Memorial is moved allows Docks and Harbors Board to error on the side of caution.

Mr. Jardell said the Memorial will be infact a very different sight if it does get moved to Marine Park.

Mr. Kueffner said he is not sure if he finds it acceptable to move the Memorial to Marine Park, and if Mr. Jardell's proposed motion passes, then it is saying he agrees.

Mr. Jardell said from a Docks and Harbor perspective is it acceptable to have the Fisherman's Memorial in Marine Park? He said he is looking at it with the Board's charge and the Docks and Harbors waterfront operations responsibilities.

Mr. Donek said his personal opinion is to not move the Memorial to Marine Park. He said Docks and Harbors Board position is to go forward with the Assembly's charge.

Mr. Jardell said from a Docks and Harbors Board member perspective the location has to be mutually acceptable.

Mr. Williams said the Board was given direction from the Assembly to try to find something that would work and be sensitive to the Memorial's needs.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 8

VI. Items for Action(continued)

MOTION by MR. WILLIAMS: THAT THE BOARD RECOMMEND MR. JARDELL'S DRAFTED LETTER AND MOVE FORWARD TO THE ASSEMBLY AND ASK UNANIMOUS CONSENT.

Mr. Kueffner objected.

Mr. Donek said point of order. He wanted to know if the drafted letter from Mr. Jardell was made available to the public.

Mr. Jardell said it has not been. He read his drafted letter Mr. Williams recommended in the Motion.

On September 20, 2010 the Juneau Assembly adopted Resolution 2542 approving the recommendation by Docks and Harbors to proceed with the 16B concept for Port of Juneau improvements. Along with the approval the Assembly instructed Docks and Harbor to:

"work closely with the Alaska Commercial Fisherman's Memorial and the commercial fishing community to make a recommendation to the Assembly regarding location, if necessary, of the memorial, along the downtown waterfront, to a mutually acceptable location, [and] for the Board to keep the Assembly and the public fully apprised of its progress in this regard."

On August 25, 2011, after many meetings and consultations with interested parties and the public and after considering the Commercial Fisherman's Memorial's positions, the Assembly's charge in its resolution, the public's participation, and the input by the Parks and Recreation Committee, the Board makes the following recommendation in accordance with Resolution 2542 and offers additional commentary for consideration by the Assembly. In discharge of our duties under resolution 2542:

The Docks and Harbors Board recognizes that there is only one location mutually acceptable to the Board and to the Commercial Fisherman's Memorial Board and therefore recommends that the Commercial Fisherman's Memorial be relocated to Marine Park.

In addition to strictly meeting the Assembly's charge the Board believes it is important to provide further information for the Assembly's consideration that does not reflect mutual agreement with the Commercial Fisherman's Memorial Board but we believe reflects a broader recognition of the input of PRAC and some members of the public while still accomplishing the Assembly's goals.

It is important to note that from a strictly Docks and Harbors perspective the current location to the Memorial or the relocation of the Memorial to any of the sites under consideration is without objection. However, the Board finds itself agreeing to impacts on areas, Marine Park, not within our jurisdiction and believes that consideration of those concerns is responsible.

The PRAC has made it clear that they prefer to not have the Memorial at Marine Park. Therefore, the Board recommendation made herein admittedly is not mutually acceptable to all interested parties. There is one scenario that leaves the potential for meeting the long term objectives of both the PRAC and the Commercial Fisherman's Memorial. Given the construction timeline the Memorial will have to conduct the Blessing of the Fleet event while at its current location with a new 16B floating dock configuration for at least one year and possibly two. The Commercial Fisherman's Memorial Board has made it very clear that the current location with 16B is not acceptable. However, it is a fact that we can only speculate on the actual impacts to the Blessing of the Fleet ceremony prior to having the floating berth in place. Given the timing situation the Assembly could reserve necessary funds to move the Memorial to Marine Park, and direct city engineers to design Marine Park with an additive for the inclusion of the Memorial. The Blessing of the Fleet could be conducted with 16B in place with public comment and Memorial Board comments taken into account shortly after the ceremony. A final

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 9

VI. Items for Action(continued)

decision to move or potentially not move the Memorial could be made at that time. This would also provide an opportunity to have a better perspective as to what a Marine Park location would actually look like and what each location would look like with the Port improvements in place so that people better understand the choices before them. Otherwise we are in effect suggesting that a Marine Park location is preferred without knowing what that location would even look like.

The Assembly resolution noted the phrase “if necessary” in relation to moving the Memorial. We simply cannot provide information as to the necessity of moving the Memorial, beyond accepting the opinion of the Memorial Board, without fishermen and fishing families participating in the event with 16B in place and then weighing in on their opinion of the Memorial’s location. This plan would not likely change when the Memorial would in fact be moved but would allow for the possibility that relocation is not necessary. Under this proposal it is possible that the Commercial Fisherman’s Memorial Board, PRAC, and their individual constituencies would all be content with the current location. Under the Board recommendation all interested parties will not be content.

In the event that 16B does disrupt the Blessing of the Fleet to an extent that there remains a desire to relocate the Memorial, then the Memorial could be relocated into the predesigned location at Marine Park without any additional delay.

To be clear, the Commercial Fisherman’s Memorial Board is on record not supporting the alternative of delaying a final decision. It is also abundantly clear that there are strong ties and connections to the Memorial that need to be respected.

Docks and Harbors offers both the recommendation and the additional consideration with the deepest of respect for those lost at sea, their families and their loved ones, whose connections and ties to the Memorial have been expressed well with heart felt testimony through this process.

The Board is ready to support the Assembly in whatever decision it ultimately makes.

Mr. Donek added a friendly amendment to paragraph 7 of Mr. Jardell’s letter. The PRAC recommended not to move to Marine Park without further planning.

Mr. Jardell accepted Mr. Donek’s friendly amendment.

Mr. Kueffner said the reason he objects is because he is not taking Docks and Harbors narrow view of not caring where the Memorial goes because he said he does care where it goes. He said he is uncomfortable with voting for something that says that he recommends the Memorial being relocated to Marine Park.

Motion fails 4 Yes 2 No (requires 5 vote majority)

MOTION By MR. KUEFFER: TO RECOMMEND TO THE ASSEMBLY THE FISHERMAN’S MEMORIAL NOT BE MOVED.

Mr. Donek seconded it.

Board Discussion

Mr. Williams said even if he agrees with not moving the Memorial, he said the Docks and Harbors

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 10

VI. Items for Action(continued)

Board was given direction from the Assembly to work closely with the Fisherman's Memorial Board to find a resolution solution some consensus on what would work and the moving to Marine Park is what was mutually agreed upon. Not moving the Memorial was not the Fisherman's Memorial Board choice. He is only looking at the direction the Assembly gave Docks and Harbors Board and with gathering the information from the Memorial Board, the conclusion was to move the Memorial to Marine Park.

Mr. Jardell said the Assembly's direction could be read two different ways. If it was agreed mutually from both Boards to leave the Memorial where it is, then there would be no need for a recommendation to the Assembly from the Docks and Harbors Board. The Memorial Board does not want to leave it at its current location and the only mutually acceptable location is Marine Park. He will object to Mr. Kueffner's Motion.

Mr. Busch said the only mutually acceptable location is Marine Park. He said one of the key provisions was what Mr. Mallard had mentioned about having unobstructed view and access to the Channel. If 16B is not going to be modified to maintain a clear line of sight out to the channel, then the Docks and Harbors Board should take the Memorial Board's recommendation to move the Memorial to Marine Park to the Assembly.

Mr. Donek said he agreed with Mr. Kueffner on not liking the idea of moving the Memorial to Marine Park, but the mutually acceptable location is Marine Park.

Mr. Bush said the one paragraph in the drafted letter Mr. Jardell wrote that said *"It is important to note that from strictly Docks and Harbors perspective the current location of the Memorial or the relocation of the Memorial to any of the sites under consideration is without objection."* He said this is clearly not the case. There is objection from the Board, the public, emotional and financial objection, and many other objections that have been raised. That portion of the drafted letter was why it was unacceptable to him. Mr. Bush said leaving the Memorial at its current location is not acceptable and is not without objection either. He said the Memorial Board should be given a chance to make a final decision in the future after 16B is constructed to decide, if necessary, to move to Marine Park.

Ms. Danner said everyone wants the Memorial to stay where it is, but the concern is that 16B will cause a visual obstruction and will change the Memorial for the entire year. She proposed three ideas.

1. Use the two million that is being proposed to move the Memorial on moving the south berth of 16B out.
2. Use the two million on making the top approaches removable, so the ships could drive through.
3. Make the floating dock only long enough for one ship.

She said that was the direction of the Assembly was to find a solution that would satisfy the Memorial Board so Docks and Harbors could build 16B.

Mr. Kueffner said he is looking at the charge from the Assembly as working closely with the Memorial Board and does not see the charge requiring an agreement. He said it is not responsible of the Board to

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 11

VI. Items for Action(continued)

suggest that the south berth of 16B will be relocated because a user within the area wants to have a view plane. He said that is a poor precedent and will mean any other user along the dock who has a lease from Docks and Harbors will ask for other rights that are not given in their existing lease. He does not see the necessity to move the Memorial.

Mr. Jardell said we are not in charge of the asset of Marine Park.

Mr. Williams said he disagrees with all the ideas Ms. Danner proposed. He said whether he agrees or disagrees with moving the Memorial to Marine Park, the Docks and Harbors Board was given a charge to work with the Memorial Board. He said he has a lot of difficulty with asking to not ever have any obstruction to the view of the water. The ramification of Juneau waterfront future could have huge economic impacts. He said even if he agrees with Mr. Kueffner the direction of the Assembly said the Board needed to weigh in on the Memorial Boards recommendation.

Motion fails 5 no 1 yes.

Mr. Donek asked Mr. Bush if the paragraph in the proposed letter by Mr. Jardell that he had trouble with, (*"It is important to note that from strictly Docks and Harbors perspective the current location of the Memorial or the relocation of the Memorial to any of the sites under consideration is without objection."*), was left out, if he would vote yes to the motion.

Mr. Bush said it would be progress. He would like somehow to incorporate that Docks and Harbors Board supports the Memorial Boards recommendation without choosing a location.

No motions have been passed so Mr. Jardell recommended moving on to the next action item.

2. Contract for Self Propelled Hydraulic Boat Lift.

Mr. Gillette said Docks and Harbor Board gave direction to staff to pursue the purchase of a 45 ton hydraulic boat lift with Tiger Grant funds. He has confirmed with the Tiger Grant administrator that the use of the Tiger Grant funds for this piece of equipment to use at the Auke Bay Loading facility is appropriate. There are two different types of hydraulic boat lifts units. One that lifts boats with small pads spaced along the hull of the vessel and another that has a continuous pneumatic tube running along the hull. There are two US companies that sell the pad type, Hostar and Brownell, and SeaLift is the only one that sells the tube type. SeaLift has designed and patented their design thus they are the only one that can provide this type. The tube type lift would best serve the Juneau boating community and be best fitted for service at the Auke Bay Loading Facility. Given the differences between the types of lifts and the proprietary design of the Sea-Lift it would be difficult to bid this product. This would be a sole source purchase because the two types of lifts are so different and impossible to bid.

The Sea-Lift tube type is \$529,500.00 and the Hostar is \$297,500.00. The Sea-Lift is more expensive but has significant advantages. Increased safety, less labor intensive operation, less stress on the hull of the vessel, less operation space for storage of vessels, and offers time efficiency in handling. There is enough money to purchase this Sea-Lift and would recommend the purchase.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 12

VI. Items for Action(continued)

Board Questions

Mr. Busch asked what was the process for the sole source purchase?

Mr. Gillette said he consulted with Craig Duncan in Finance and Anne Stadnychenko purchasing officer for CBJ. There is a provision in purchasing to get a waiver to allow sole source if you can explain why this is a good purchase for CBJ. Mr. Gillette said he explained his research and reasoning behind purchasing the Sea-Lift and Mr. Duncan and Ms Stadnychenko said that he did good and acceptable research. Docks and Harbors Port Director has purchasing rights and power. Phil Benner was the Acting Port Director at the time and he signed the waiver. This needs to go to the Assembly because any purchase over \$100,000 by the Harbor Department has to go before the Assembly and be approved.

Mr. Kueffner said it looks very large. He said it should work fine at the Auke Bay Loading Facility, but wanted to know if it would work with the current ramps at Statter Harbor?

Mr. Gillette said URS came to one of the meetings and gave a presentation and showed the maneuverability at Auke Bay Loading Facility and Statter (with the new launch ramp) with the 75 ton and the 45 ton and that was when the Board directed staff to pursue the purchase of the 45 ton.

Mr. Kueffner wanted to know what the pneumatic tubes were made of?

Mr. Gillette said it is similar to Hypalon material.

Mr. Kueffner said what happens if it bursts?

Mr. Gillette said it can be patched.

Public Comments

Dennis Watson, Juneau, AK

He said being able to purchase sole source is having to prove they are the only provider. He is concerned that this piece of equipment might not serve the community as well as it may sound. He has a boat that he hauls out in the winter time and puts away. He said until Statters loading ramp is fixed, he would like to still be able to use the current boat lift there. Using the new hydraulic boat lift at Auke Bay Loading facility would mean the cost to haul it out, blocking it up, then having a commercial hauler come down to the boat yard and haul it again. He said he will be paying close to double to have his boat hauled.

Paul Swanson, Juneau, AK

He said there should be a ramp before the purchase of the hydraulic lift. He had a concern that the \$5 million coming from the Legislature was going to be wasted away on other things then the much needed repairs at DeHart's.

Mr. Jardell said none of the \$5 million is going to be used on the hydraulic lift. The \$5 million is appropriated by the Legislature to be used at Auke Bay for Statter Harbor rebuild. The hydraulic lift is

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 13

VI. Items for Action(continued)

going to be purchased with the excess funds left over from a Tiger Grant Docks and Harbors received to build the Auke Bay Loading Facility.

Board Comments

Mr. Williams said that the vendor needs to provide Docks and Harbors with a letter or memo stating they are the only ones manufacturing this type or kind of item, and tell why they are the sole source vendor. The vendor will need some good justification on why this specific lift is better than the others.

Mr. Donek said it is very tough to haul a wooden boat right now, and the tube choice is an excellent lift. The four wheel drive option will be an excellent idea.

MOTION By MR. KUEFFNER : TO GO AHEAD WITH THE SOLE SOURCE CONTRACT AND RECOMMEND THE PORT ENGINEER PROCEED TO PURCHASE THE TUBE TYPE SEA-LIFT AND MOVE IT TO THE ASSEMBLY AND ASK UNANIMOUS CONSENT.

Motion passed without objection

Break

VII. Items for Information/Discussion.

1. City Request for Comment on what impact having agenda items placed in the Newspaper would have.

Mr. Uchytel said he drafted a letter for the Chair and essentially talked about Docks and Harbors customary practices, which are posting the agendas on the Docks and Harbors web page the Friday before the following week of meetings. Mr. Uchytel read a paragraph of the letter.

Mr. Jardell said as a great example, because they wanted comments on this prior to this next Board meeting Docks and Harbors could not have taken this up tonight unless the Board was able to revise the agenda.

2. Update on STIP (Southeast Transportation Improvement Plan)

Mr. Gillette said he handed out a list of STIP Projects for Juneau. The projects Docks and Harbors listed were not on the list. This is out for public comment.

VIII. Committee and Board Member Reports.

1. Operations Committee Meeting- August 16, 2011

Mr. Busch reported the Committee covered two action items.

1. The Nordic Tug lease proposal. The Committee directed the Harbormaster to draft a long term lease to be reviewed at a future Finance Committee meeting.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 14

VIII. Committee and Board Member Reports(continued)

2. Net float and use of the Auke Bay Loading facility for repair of nets. The Committee directed the Harbormaster to look into using a pontoon float that could be anchored and used seasonally for net repair.

Mr. Busch said there was discussion on access to the IVF and Lightering dock with respect to security. There was a number of times this last month that access was restricted and it was due to maritime security levels being raised for exercise purposes. The Committee received an update on non-moving vessels. There was positive feed back on staff and comments on areas to improve the Harbors on the (Tell it to the Docks and Harbors) forms. The Harbormaster gave a good detailed report including the staff reporting some drunken boaters.

2. CIP/Planning Committee Meeting – August 18, 2011

Mr. Williams reported the meeting was cancelled.

3. Finance Committee Meeting – August 23, 2011

Mr. Kueffner reported there was one item for action.

1. Mr. Trucano is interested in leasing ATS 123 Lot 2. Mr Uchytel is going to develop a lease and bring it back to the Committee.

Mr. Kueffner said there was an update on the Archipeligo property by Heather Marlow, and he gave a brief report of Docks and Harbors funding sources.

IX. PRAC Representative Report

Ms. Hood reported she wanted to take this opportunity to address jurisdictions that seem to be a major issue regarding the Memorial. At the August 16th PRAC Special Meeting, Mr. Gillette presented several possible locations, but chairman Jeff Wilson impressed upon the PRAC members that they could only discuss the Marine Park possibility and had no jurisdiction over any other location. The PRAC members were unanimously in favor of the Memorial staying at its current location if at all possible, but did not want to rule out it could be located at Marine Park, if the planning went ahead. In regards to the comments that have been made at the PRAC meeting and the comments here tonight about private property owners having to be negotiated with or possibly interfering with the location at Franklin Dock and Seawalk area, the proposed area with Marine Park would also require private property negotiations to expand the park in the way they are talking about doing right now. The argument of not having the Memorial moved to the Franklin Dock area does not seem to be that restraining in terms of consideration. She said the Docks and Harbor Board has struggled with jurisdiction saying that Marine Park is not your jurisdiction, and trying to balance that with what the Assembly's charge was. She said a bigger jurisdiction issue is between the CBJ Assembly and the Docks and Harbor Board. Ms Hood said there was a caller who brought a concern to the Assembly about the Memorial's relocation issue. The caller was urging the Assembly to get more involved and seek more public input. Ms Hood said the Docks and Harbors Assembly Liaison, Ms Danner, has been doing just that. Ms. Hood said Ms Danner has made various creative suggestions at the PRAC meeting as well as here tonight for 16B. Ms Hood said the Docks and Harbors Board has been dismissive of her ideas. She said because Docks and Harbors has an independent source of income projects are often moved along without CBJ planning department and little public participation and she has observed this for a number of years.

Mr. Jardell asked if this is the PRAC's position or personal position.

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 15

IX. PRAC Representative Report(continued)

Ms. Hood said this is tied in with the 16B and the issues discussed at the PRAC meeting.

Mr. Jardell verified that this is PRAC's position.

Ms. Hood said she is talking about the discussion at the PRAC meeting. She said it seems like the creative ideas that Ms. Danner has proposed tonight and at the PRAC meeting could be welcomed at the up coming Committee of the Whole meeting, and she is wondering if Docks and Harbors would be supportive of such a thing. This is a question in her mind in regards to a jurisdictional issue and she is hoping that others that have been following all of this will sit in on the Committee of the Whole even if they can't speak up because of the usual requirements that there is no public participation.

Ms. Hood said she wanted to respond to Mr. Kueffner's inquiry of the photo that Mr. Gillette had in his presentation if that was the actual number of people that attended the Fisherman's Memorial. Ms. Hood said that is the size of the attendees.

X. Port Engineer's Report.

Mr. Gillette's report was included in the packet.

XI. Harbormaster's Report.

Mr. Benner reported during the last wind storm there was damage to Floats A4 & 5 in Aurora Harbor. Two pilings have been pulled loose and he has contacted Mr. Trucano to redo the pilings.

XII. Port Director's Report.

Mr. Uchytel said he is tracking the Douglas floating breakwater and working with Mr. Trucano to get that installed. This should be finished within the next couple weeks.

There is a dedication ceremony scheduled for the Auke Bay Loading facility on Saturday September 24th at noon.

Mr. Uchytel said he signed the Corp of Engineers permit applications for the 16B project and Statter Harbor.

He said he will be participating in a day long community partnership and all hazard planning training with CBJ at Centennial Hall on September 17th.

XIII. Assembly Liaison Report

Ms. Danner said she had nothing to report.

XIV. Committee Administrative Matters.

1. **Operations Committee Meeting – September 20, 2011**
5:00 p.m. at the Aurora Harbor Office
2. **CIP/Planning Committee Meeting – September 22, 2011**
5:00 p.m. in the CBJ Assembly Chambers

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES

August 25th, 2011

Page: 16

XIV. Committee Administrative Matters(continued)

3. **Finance Committee Meeting – September 27, 2011**
5:00 p.m. at the Port/Customs Conference Room
4. **Regular Board Meeting – September 29, 2011**
7.00 p.m. at the Port/Customs Conference Room

XV. Executive Session Harbormaster's Hiring Process.

Mr. Jardell said this is for the recommendation on hiring a Harbormaster.

Kelly Mercer presented information to the Board on the three different hiring processes. The Harbormasters position is partially exempt and that means you have three options.

1. Promote from within and have no process.
2. Advertise the position and have employees only apply.
3. Advertise the position nationwide.

Mr. Kueffner asked who would be looking at the applications?

Mr. Uchytel said he was ready to make a recommendation to the Board tonight.

Mr. Jardell said he thought the Port Director had the authority under the ordinance to hire the Harbormaster and staff. In the past the Port Director has consulted with the Board and the Board has been involved with interviewing the applicants.

Mr. Jardell said the Harbormaster hiring process would require names and personnel matters that would require a short executive session.

MOTION By MR. BUSCH: TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS ON THE HARBORMASTER'S HIRING PROCESS AND ASK UNANIMOUS CONSENT.

Public Comment
None

**Motion passed without objection.
Entered into Executive Session at 9:42 pm**

Returned from Executive Session at 9:50 pm

Mr. Jardell said in the Executive Session there was discussion on the recommendation from the Port Director on proceeding with a hiring process for the new Harbormaster.

XVI. Adjournment

The Regular Board Meeting adjourned at 9:51 p.m.