

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Wednesday, December 13th, 2017

- I. Call to Order** (5:00 p.m. in City Hall Conference Room 224)
- II. Roll Call** (Don Etheridge, Tom Donek, David Lowell, Mark Ridgway, Bob Janes, David Seng, Robert Mosher, Weston Eiler, and Budd Simpson)

III. Approval of Agenda

MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED

- IV. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total)

V. Approval of Wednesday, November 15th, 2017 Operations/Planning Meetings Minutes

VI. Consent Agenda - None

VII. Unfinished Business - None

VIII. New Business

- 1. People's Wharf Lease Request
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TBD

- 2. New Regulation: 05 CBJAC 40.065 - Vessel anchoring requirements
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO APPROVE THE DRAFT REGULATIONS CHANGES FOR ANCHORING ON CBJ SUBMERGED LANDS AND BEGIN THE PUBLIC NOTICE PROCESS TO EFFECT THE CHANGE.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Tuesday, October 17th, 2017

IX. Items for Information/Discussion

1. FY2019 Marine Passenger Fee Request
Presentation by the Port Engineer

Committee Discussion/Public Comment

X. Staff & Member Reports

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Thursday, January 18th, 2018.**

XII. Adjournment

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

I. Call to Order The meeting was called to order at 5:01 p.m. in City Hall Conference Room 224.

II. Roll Call The following members were present: Tom Donek, Don Etheridge, Mark Ridgway, David Seng, and Budd Simpson.

Also Present: Carl Uchytel-Port Director (by phone), David Borg- Harbormaster, Gary Gillette-Port Engineer, and Matthew Creswell-Harbor Operations Manager.

III. Approval of Agenda

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

Motion passed with no objections.

IV. Public Participation on Non-Agenda Items – None

V. Approval of Wednesday, September 20th, 2017 Operations/Planning Meeting Minutes

MOTION By MR. ETHERIDGE: TO APPROVE THE AUGUST 23rd, 2017 MEETING MINUTES AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objections.

VI. Consent Agenda - None

VII. Unfinished Business - None

VIII. New Business

1. Six-Year Department Improvement Plan

Mr. Gillette said this time of year we are asked by the Engineering Department to provide two lists of Capital Improvement Projects (CIPs) that we intend to fund. One is a six year plan, and one is proposed for FY19. We submitted both today with the caveat that the Board hasn't approved them yet. We'll look at it tonight and go through it again at the regular Board meeting for final approval. He presented the six year list as follows:

Docks

Marine Park Sheet Pile Coating – Phase III of III (\$150,000 - FY19) Phase I was some corrosion protection under the deck over area, Phase II which we have funded and is going to be ready to bid soon is an impressed current system for the Marine Park sheet pile. Phase III is a different type of work and needs a different contractor. We don't have quite enough money at this point to do it all. Phase III is a re-coating of the sheet pile so they need to clean it up and coat it.

Visitor Information Kiosk Replacement – Construction (\$120,000 – FY19) We have money in hand to do the design and will start as soon as the urban plan is done.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

Archipelago Property Acquisition/Development (\$7,000,000 – FY19) This is tied in with the urban design master plan in cooperation with Morris communications.

Downtown Restrooms (\$500,000 – FY19) We have some money for design but we are waiting to finalize the urban plan and then we'll start working on design and location for the restrooms.

Security Checkpoint Shelters (\$300,000 – FY19) These provide a sheltered area for passengers going down to the cruise ships that have to be checked for security at the top of the ramp. This is an estimate of what two might cost with one being at each dock.

Auke Bay Passenger for Hire – Cost Share (\$690,000 – FY19) There was an analysis done that determined approximately 15% of the Statter Harbor Phase III project is something that Docks & Harbors users other than cruise ship passengers would benefit from, so this is our cost share.

Shore Power at Cruise Ship Berths (\$25,800,000 - Future) This is one we'd like to do, but there's no funding identified so listed as a future project.

Harbors

Aurora Harbor Rebuild – Phase III (\$7,000,000 – FY20)

Area Wide Anode Installation Matching Funds (\$300,000 – FY19) We have a matching grant application into DOT and this would be our portion.

Statter Breakwater Safety Improvements (\$333,000 – FY19) This will be the third installment. We took \$200,000 out to fund the Harris Harbor restrooms, but we're going to keep working on the Breakwater Safety Improvements.

Mr. Simpson asked if the \$333,000 is the final installment, totaling about \$800,000.

Mr. Gillette said yes that's about right.

Mr. Simpson said the price came in lower than we thought, so is that going to be enough?

Mr. Gillette said we think it will.

Amalga Harbor Fish Cleaning Float (\$300,000 – FY20) We put this off for another year, Fish and Game has agreed to keep it on their list for another year as we further analyze the need for it.

Auke Bay Net Repair Float (\$300,000 – FY20)

Aurora Harbor Dredging (\$350,000 – FY20)

Wayside Float Maintenance Dredging (\$350,000 – FY20)

ABMS D&H/UAS Cost Share Agreement (\$350,000 – FY19) Our agreement with UAS is to cost share some improvements, get utilities split, get access completed, get the plat recorded, and to get a small driveway around the lab building to the water side.

Cost Share w/ ACOE for Breakwater Feasibility (\$500,000 – FY19) We're on the list for consideration and if they do the study we are obligated to match that.

Aurora Harbormaster Building and Shop, Douglas Harbor Uplands Improvements, North Douglas Boat Ramp Improvements, Juneau Fisheries Terminal Development, Fish Sales Facility/Seaplane Float, Marine Services Center (Future) We've got a TIGER grant application in for a couple of these but right now they're identified as future items until we identify funds.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

Mr. Gillette said on the second sheet are FY19 capital improvements with funding sources. These are the ones that will be included in the FY19 City budget if it is approved. We are requesting City Marine Passenger Fees for the Marine Park Sheet Pile Coating, Visitor Information Kiosk Replacement, Downtown Restrooms, and Security Checkpoints. We are requesting State Cruise Passenger Fees for the Archipelago property. The Auke Bay Passenger for Hire would come out of Docks funds and Harbors funds. The Statter Harbor Breakwater Safety Improvements, Areawide Annode Installation, ABMS D&H/UAS Cost Share, and Cost Share w/ ACOE for Breakwater Feasibility will come from Harbors funds. Right now we're showing \$3.6 million in our Docks fund balance and \$1.5 million in our Harbors fund balance. We'll be meeting with our Finance Director to see how much of those funds we can move, some of that money is required to stay for bonds that haven't been paid yet. In terms of priority, the Board is welcome to move things up and down the list.

Committee Questions

Mr. Donek said two things discussed at the retreat that he doesn't see on the list is the Port Office relocation and Taku Harbor Stockade Point float and walkway.

Mr. Gillette said the Port Office relocation wasn't on the list because we don't have the property yet, but we can add both as future projects.

Public Comment- None

Committee Discussion/Action

MOTION By MR. ETHERIDGE: TO TAKE THIS LIST TO THE NEXT FULL BOARD MEETING AND ASK UNANIMOUS CONSENT.

Motion passed with no objections.

IX. Items for Information/Discussion

1. Marine Passenger Fee – Request 2018

Mr. Gillette said the packet includes the request for 2018 which was submitted last year, and a draft of the request for FY19. This needs to be submitted to the City Manager by the end of December. The list includes the following on-going maintenance needs:

Area Wide Port Operations (\$154,100)

Port-Customs and Visitor Center Buildings Maintenance Support (\$133,500)

CBJ Parks & Recreation Landscape Maintenance Services (\$45,000)

Weather/Current Monitoring System Operations & Maintenance (\$40,000) We've installed the monitoring system but it's going to take some annual maintenance and we're waiting for a proposal from the Alaska Marine Exchange. They told us last year they thought it was going to be about \$40,000. They're recommending to send a diver down to inspect the sensing equipment once a year to make sure it's not being overgrown or coming loose from the mounts. We'd like to have a little bit of residual in there in case something breaks and we need to fix it. There are sensors at the Library, the National

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

Guard Dock, and at the end of the AJ Dock that track weather, basically winds and currents. The data is available on the Alaska Marine Exchange website. The feedback we've gotten from Drew Green talking to pilots is it seems to be helpful information. It's also helpful for fishermen coming to the Taku Dock, and it's working well.

Franklin Dock Tug Support (\$30,000) This is part of our conditional use permit. The money sits in a fund in case we need it. We haven't used it this year, but we did last year.

Mr. Simpson asked if this is on account of the new docks?

Mr. Gillette said this is for approach to the Franklin dock, if ships need tug support they'll call. He doesn't know if they've actually needed it to maneuver, but some of them have looked at the information and called a tug out to standby. There's a different rate if they're standing by versus actually assisting.

Mr. Gillette said the second part of the request for FY19 is for capital improvement needs which were previously discussed: sheet pile wall, kiosk, checkpoints, and construction. Unless there is anything the Board would like to add or change, this will be our list for the City Manager.

Committee Discussion/Public Comment

Mr. Simpson said this seems like a pretty modest list.

Mr. Gillette said the funding is competitive. We are submitting a data sheet on each project that explains the project and the importance of it to make our case, then we hope we get it.

Mr. Ridgway asked if we added potential costs in the summaries? For instance, if we do not do the corrosion protection for the sheet pile wall, what might the impact of that be?

Mr. Gillette said no, we did not.

Mr. Ridgway said we might want to mention the cost of not doing it.

Mr. Gillette said that would be an expensive replacement if we don't do it. We already have funds for the corrosion protection system which is an impressed current that's going to protect the steel. This would be the next phase which is the coating.

Mr. Simpson asked if you can apply the coating underwater?

Mr. Gillette said no, we'll have to work with the tides. It's usually a two part epoxy. They'll have to clean it off then there's a primer and a couple of coats of vinyl. The coatings require warmer weather, but since we no longer have ships at the dock they can work in the summer. Last year we did pile wraps under the decked over area, the brickyard, and the parking garage. That company came in July and were only here for 3-4 weeks. Nobody even really knew they were there. It went really well, and we're anticipating this will too. It's not a huge project, but in the past it would have been much more difficult because of security.

2. Floating Breakwater/Net Float – Vicinity of Alaska Glacier Seafoods

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

Mr. Gillette said this is a project that we identified on the CIP list as a net float and it can accomplish a couple of different things. Depending on where we put it, it can act as a breakwater as well. Near Alaska Glacier Seafoods we have the barge landing and a boarding float. When waves come in from wind, ferries, or tour operators the float gets real jumpy and people don't want to go on it. The net float could be located where it would help the situation. There have been requests from fishermen that miss the float we had out there. We had an agreement to use someones barge but they sold it and now it is relocated. We're going to need something pretty heavy duty, and we wanted to make sure the Board is supportive of staff pursuing this.

Mr. Borg said one option we discussed was getting an old chunk of bridge from Lake Union, Washington and setting it across as a floating breakwater.

Mr. Simpson said we talked about it but what happened to that idea?

Mr. Gillette said the bridge chunks are in different states of repair. The best ones are gone and we don't want to bring something up here and find out it isn't going to last. We first looked at them for the cruise ship berths and there was a salesman in town who showed us some pictures. We even sent PNDs Seattle office to take a look and see if they were something we would want. Someone up north bought some and they broke loose on the tow on the way up and had some issues.

Mr. Simpson said there are used barges of any size for sale all over the place and they are not that expensive.

Committee Discussion/Public Comment

Mr. Borg said it was a huge issue not having one this past summer.

Mr. Ridgway asked if that would come out of Harbors funds?

Mr. Gillette said yes, it would be mainly used by fishermen and the Auke Bay Loading Facility is a Harbor facility.

Mr. Donek said on the six year plan you've got Auke Bay Net Repair Float for \$300,000. He asked if that was different?

Mr. Gillette said no, that's basically what this is.

Mr. Ridgway asked if the reason the fishermen want the float is because of the cruise operators?

Mr. Gillette said no, right now the fishermen don't have a net float. They're not allowed to use the drive down float for repairing nets.

Mr. Creswell said even if you don't have wakes from vessels, if you get a wind in there you get some fetch and swell.

Mr. Gillette said we had gotten used to the barge. We liked it, and now we don't have anything. It would be nice to have one downtown as well.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

3. Urban Design Plan – Update

Mr. Gillette said he doesn't have any new drawings, we've taken into consideration the comments from the last presentation and we're scheduled to bring this back to the Board on November 30th. Our hope is that we've answered most of the questions. On December 4th we're going to be meeting with the Assembly Committee of the Whole to present this to them and talk about how we might get it implemented. There are a couple of different strategies for having a working relationship with a private developer for the uplands. We've been consulting with the Law Department, and we'll have a couple of different alternatives to discuss on November 30th and present to the Assembly.

Mr. Uchytel said it will be key for the Board to tease out the public policy part of this plan. There are those that want growth and lease opportunities along the seawalk, and those that feel they would be disenfranchised by allowing less than fair market value for enterprise on Docks & Harbors owned/managed/developed lands. It will be a very serious discussion, we'll have ramifications and certainly the Assembly will look intently at the decisions the Board will be making.

Committee Discussion/Public Comment

Mr. Ridgway asked if there is going to be a summary of the trade-offs and how the City might be involved? It sounds like a complex thing that's moving fast.

Mr. Gillette said we've been talking to our Law Department about which concepts we can pursue and still be within our procurement rules. With their direction, we'll probably focus on one concept for the Board to recommend to the Assembly. There will be no decisions at the Committee of the Whole meeting, we will just present the plan and discuss how to implement it. Any expenditures over \$100,000 have to be approved by the Assembly. We're still working on this at the conceptual level, trying to get the details together.

Mr. Simpson said it is the role of this Committee and the Docks & Harbors Board to look at public policy considerations such as businesses using the public portions of Docks & Harbors properties for business purposes by renting or leasing them at essentially a subsidized or reduced rate, who are then competing with the uplands owners who have storefronts there.

Mr. Ridgway asked if the preferred plan is acting as the public policy in terms of decision making as to what can and cannot go on in this proposal?

Mr. Simpson said the plan we are looking at is a pictorial representation of a concept, so the fact that it may show a restroom in a certain spot doesn't mean a restroom has to go in that spot, it means the waterfront could support a restroom. This process was started last spring because a business downtown on the waterfront came to us looking for space on the dock. We agreed to permit that for a year while we worked on a broader policy and implemented this planning process. The whole thing with the Archipelago property came up just incidentally, but it's fortuitous that it's come up now. We're going to have

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

to think about further small leases or big leases on property Docks and Harbors owns, manages, and controls.

Mr. Ridgway asked if the Board would be providing a defensible, sustainable, repeatable policy that we can apply to any decision making?

Mr. Simpson said he thinks the question is what lease opportunities are we going to provide or prevent.

Mr. Uchytel said Mr. Ridgway brings up an excellent point. An outcome of this urban plan process could be a resolution that provides a high level policy statement from the Board of what the public policy is for leasing on Docks and Harbors managed properties. The Assembly may say it's not a policy determination the Board has authority over, but it's worth discussing and the decision needs to be memorialized in some manner.

Mr. Simpson said the Board has not only the authority, but the obligation assigned to us by the Assembly. It's inherent in the existence of the Docks & Harbors Board. It's incumbent on us to work on a policy and recommend it to the Assembly. They can always veto it, so if we want it to work, we've got to justify it and it has to be fair and rational.

Mr. Ridgway said when the Board was provided the four design ideas to comment on, he had no idea they were creating a policy.

Mr. Simpson said putting something in writing is the next piece of the process.

Mr. Ridgway said the Board should write something that reflects the Docks & Harbors mission and has a vetting process based on some sort of criteria.

Mr. Etheridge said we have to be extremely careful when we start looking at trying to develop a policy on leasing properties because we have such diverse properties that we lease out.

Mr. Simpson said we are constrained by CBJ Law, which says we can only lease and not sell property, and anything leased has to be at fair market value based on an appraisal. We have the ability to say whether to lease the property at all, but if we do it's got to be at fair market value.

Mr. Ridgway asked if the Board can request staff look at other cities with similar circumstances like cruise ships and large water fronts with competing interests?

Mr. Ridgway said he agrees. It's such a diverse portfolio of different things, it's going to be difficult to put into a policy.

Mr. Simpson said in the past when people have come to the Board with a need, we have generally leased the property to them. With the new docks and improved seawalk, there are going to be a lot more requests so we need to figure out how we want that to look.

Dennis Watson, Juneau, AK

Mr. Watson said this reminds him of a project he worked on a few years back. They must have worked on it for close to 14 months, then it went to the Assembly and they canned

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

the whole thing. The more complicated it is, the more difficult it is for everybody to understand.

Mr. Simpson said the legal constraints of the procurement policy often turn out to be a road block for what otherwise seems like a good idea. There is no action here, but it will be coming back to us in due course.

X. Staff & Member Reports

Mr. Borg reported on the following items:

- He and Mr. Creswell went to the Auke Bay Marine Station today and walked around with NOAA staff to get a lay of the land and look at some of the systems and how they operate so once we take that property over we can fold the maintenance of those buildings and all those responsibilities into our department.
- Nobody showed up to the public meeting for the RFI for waste oil disposal so we hope somebody will bite off by the December 4th deadline.
- There is an open house at the Auke Bay Marine Station on the 28th of November to cover any interested lessees. We have sent out emails with the RFI to different entities that may be interested in the property.
- We lost a seasonal employee in a hiking accident this last week, Ryan Johanson worked for us last summer. He was a great man, we really enjoyed having him around and he was really looking forward to coming back. There is a celebration of life at the Yacht Club at 1:30pm on November 18th and Docks and Harbors folks have been invited by the family.
- The Christmas party is on December 15th at the Eagles club in the valley.

Mr. Uchytel said the Coast Guard boarded the Lumberman and determined a threat of pollution release is possible. They are taking proactive steps in looking to either demand the owner clean up the potentially hazardous materials onboard, or the Coast Guard will look into opening up the Oil Spill Trust Fund to clean the vessel up.

Mr. Simpson said his recollection was the former owner represented to us that no oil or hydrocarbons were onboard.

Mr. Ridgway said his understanding was that the Oil Spill Liability Trust Fund won't touch anything if there is an actual owner identified.

Mr. Borg said they will do the removal and then bill the owner. They are estimating over 3,000 gallons of oily water, bilge slop, and so forth throughout the entire hull. There are no water-tight compartments anymore, they've all been chopped up and hacked into. All the fuel has been removed. The vessel has no means of de-watering itself. The only power is a small generator and there are several holes in the hull that are allowing down-flooding of rainwater, snow, etc.

Mr. Simpson said that can only go on for so long.

Mr. Ridgway asked if staff has access to all of the engineering reports for the Auke Bay Marine Station? He has stacks of analysis that date back to 2012.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 15th, 2017

Mr. Gillette said he will send Mr. Ridgway a list of what we have.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, December 13th, 2017.**

XII. Adjournment – Meeting was adjourned at 6:01p.m.

Mr. Carl Uchytel
Port Director
Docks and Harbors
City and Borough of Juneau
155 Seward Street
Juneau, Alaska 99801

November 2, 2017

RE: People's Wharf Tidelands Lease Application

Dear Mr. Uchytel,

I am requesting a lease of 360 square feet from Docks and Harbors for a duration of five years.; 320 square feet along the South side of People's Wharf Building and 40 square feet on the West end of the building. The area where I was granted a license by Docks and Harbors for the 2017 tourist season for the placement of crab pots would remain the same. I am requesting more space at the South side of the building.

Tracy's Crab Shack operated her business during the 2017 season, essentially on a trial basis. With that experience, we know a lot more about the requirements of the business for it to be successful. We are confident that our request will meet the needs of the business for the next five years.

I have applied for a License from the Manager's office for a Right of Way Permit for the use of 400 square feet for the use of outside seating for the 2018 tourist season and it has been approved.

The business was operated during the 2017 season with minimal disruption. The neighboring retailers are excited about having Tracy's Crab Shack next door.

I am prepared to pay the \$500 application fee upon your request.

Thank you for your consideration.

Sincerely,

William Heumann

a

NARRATIVE

In April, 2017, the Dock, and Harbors Board granted me a License with a duration of five months to make use of a small area contiguous to my building People's Wharf to facilitate the operation of Tracy's Crab Shack restaurant., in conjunction with the License by the City Manager to place outside seating in the CBJ Right of Way alongside People's Wharf facing the tram. Tracy's Crab Shack operated there during the 2017 tourism season. The business realized a successful season. I requested the License from Docks and Harbors instead of a lease because at that time Docks and Harbors intended to develop a plan for the waterfront from Taku Smokeries to Merchants Wharf. There was a concern about entering a lease because of the possibility that a lease might be in conflict with the plan.

Now the plan is in the final stages. I spoke with the consultants producing the plan and do not believe a lease property alongside People's Wharf and a very small piece jutting into the seawalk will be in conflict with the plan.

Tracy's Crab Shack is an international phenomenon! Tourists line up to visit the restaurant daily. It is frequented by locals and is a favorite venue for locals to bring their out-of- town visitors. Tracy's Crab Shack has many employees and is a significant contributor to Juneau's economy at a time when the Alaska and local economies are challenged. Tracy's Crab Shack focuses on King Crab, an Alaskan product. The surveys conducted for the waterfront plan rate restaurants as one of the top business types to complement the waterfront development. Tracy's Crab Shack's presence is appreciated by her neighbors. One of the adjacent businesses promotes Tracy's Crab Shack onboard the cruise ships at no cost. I have spoken to the three on-board promotion companies and they all state the importance of locally-owned business to the tourists. They seek them out.

I had to do a lot of work to obtain approval to make use of the right- of way alongside People's Wharf. I approached the City Manager to request approval for an outside seating area. He determined that CBJ ordinances did not allow for that. A public meeting was advertised soliciting comments from local businesses. There was a lot of lively discussion. Subsequently, the Manager developed a draft ordinance and presented it to the Lands Committee along with a memo. The memo specifically stated that the proposed ordinance was in response to a request from a local business. By then it was common knowledge that the subject was People's Wharf and Tracy's Crab Shack

To obtain the license for use of a small portion of Docks and Harbors land, my proposal was discussed at several Operations Committee Meetings, it was tentatively approved by the Board. It was taken to the Planning Commission and a costly appraisal was obtained, as required by ordinance. Finally, it came back to the Docks and Harbors Board for final consideration and approved.

In my 35 years as a developer, nothing has required such consideration: being voted upon by 27 Assembly, Docks and Harbor, and Planning Commission members. The votes were overwhelmingly in favor of my proposals.

The question has been raised as to whether it is appropriate to lease CBJ land with developments upon it. This is a common practice. The CBJ leases office space to the Alaska Brewery and Docks and Harbors leases developed property in Auke Bay to Harri's Plumbing. In Thane, Docks and Harbors leases property to Tlingit and Haida Central Council. The building in Thane will be demolished, but other portions of the development will remain: the driveway, electrical service and such. There are other instances where CBJ property, other than raw land, has been leased to private parties. There is nothing new about this.

It has been asked if it is appropriate for CBJ/Docks and Harbors to negotiate with one party. In fact, a CBJ ordinance was adopted to specifically address this question. See Attachment. I know of four Docks and Harbors leases within 200 feet of my site which were negotiated with one party.

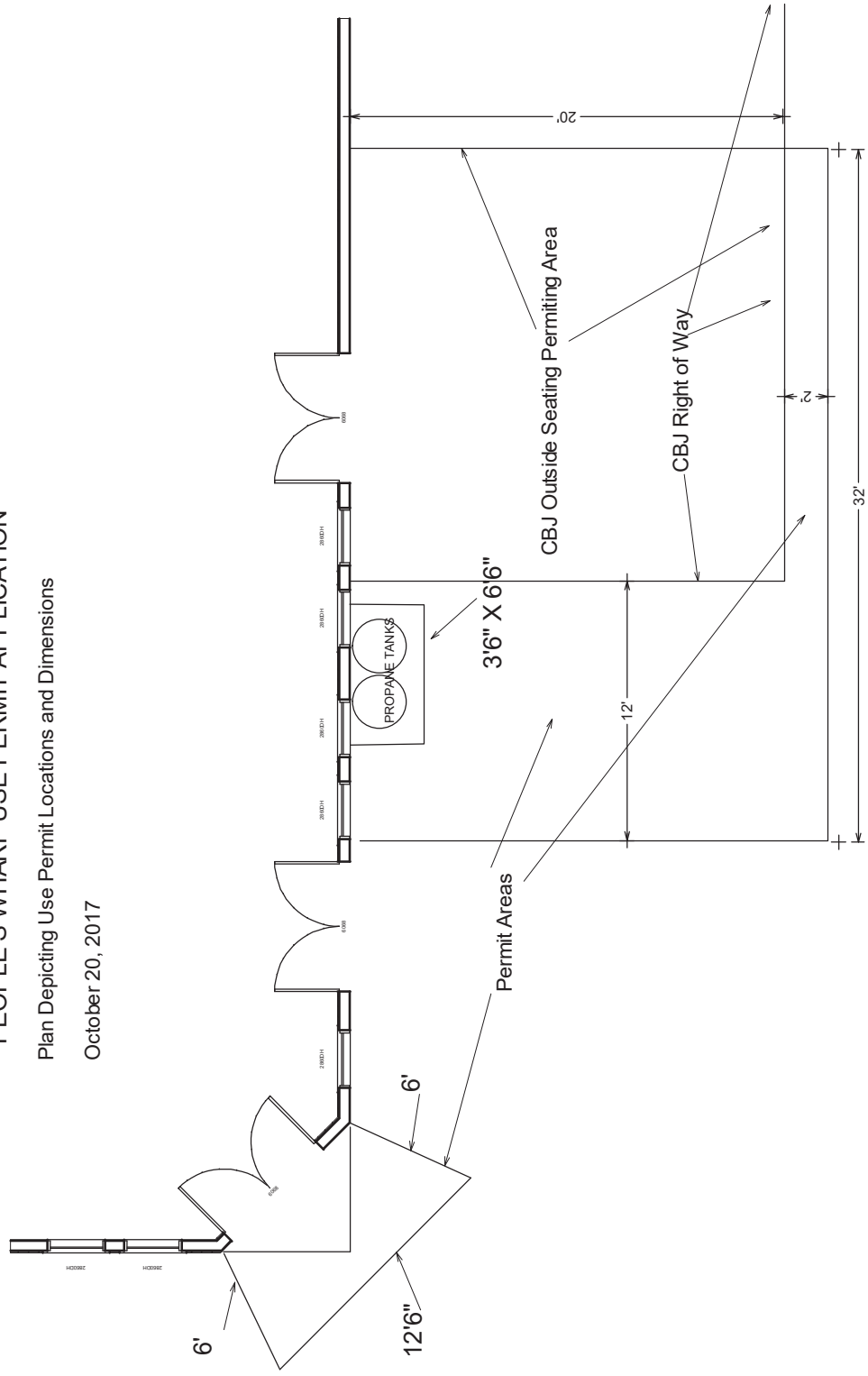
The question of transparency has been raised. These leases are transparent as the application must be presented to and approved by the Docks and Harbors Board, the Planning Commission and the Assembly. All meetings are public and advertised. The public has many opportunities to speak to the subject.

We are all aware of the significant expected growth of cruise ship passengers in the short term. The cruise ship industry has stated a concern that Juneau might not be able to meet the need for significant new attractions for these tourists. This presents a unique opportunity for local entrepreneurs. Tracy's Crab Shack has demonstrated that they are able to rise to the challenge.

PEOPLE'S WHARF USE PERMIT APPLICATION

Plan Depicting Use Permit Locations and Dimensions

October 20, 2017



CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, September 21st, 2016

I. ~~Call to Order~~

~~The meeting was called to order at 5:00 p.m. in City Hall Conference Room 224.~~

II. ~~Roll Call~~

~~The following members were present: Tom Donek, David Lowell, Bob Janes, and Budd Simpson.~~

~~Also present: Carl Uchytel Port Director and Dave Borg Harbormaster.~~

III. ~~Approval of Agenda~~

~~**MOTION by Mr. Donek TO APPROVE THE AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.**~~

~~Motion passed with no objections.~~

IV. ~~Public Participation on Non-Agenda Items~~

William Heumann of Juneau, AK

Mr. Heumann said I am interested in leasing the property behind my building on South Franklin Street. It is surrounded by The Seawalk. The area I am interested in is approximately 2,000 square feet. I understand there was discussion about putting bathrooms in that area. There were kiosks in the area, but those have since been moved. Tourists are drawn to areas that are away from my building. I am trying to find a way to adapt to the new circumstances. Part of that is to find a way to draw people to that underutilized area.

Mr. Janes asked is that your leased property on the dock.

Mr. Heumann said the area I am talking about is Docks and Harbors property. I am currently leasing the land, but this is the water area.

Mr. Simpson asked is this area designated for any other purpose.

Mr. Uchytel said I will check to make sure we do not have the area designated for other projects. We have conceptualized using the area for bathrooms.

Mr. Simpson said we're not in a position to take action on this item. Mr. Heumann can make an appointment to talk about specifics with Mr. Uchytel.

V. ~~Approval of Wednesday, July 20th, 2016 Operations Planning Meeting Minutes~~

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, September 22nd, 2016

~~would be a waste of time to reason with you outside the court of law. You people live in the past. You don't desire to make changes that will bring about prosperity for everybody. All you are interested in is receiving your pay check on Friday. You people are worthless. The only thing you are good for is destroying everybody else's life. You act this way because you think that you are securing your job position. Your arrogance has brought destruction on everybody connected to the Harbors. You love to oppress, therefore, I shall oppress you in court. You hate to show mercy when it was in your power to do good, therefore, I shall not show mercy upon you when I bring you to a court of law. I'm instructing my lawyer to get the ACLU involved in this court case. Because of your wickedness toward myself, you have caused me to lose a boat that is valued at \$100,000. Pain and suffering I have endured shall be rewarded in court. If you want to settle this outside the court of law, than have your lawyer contact me. If not, then continue to boast with your wickedness and almighty god shall pass judgement on you. I had to go to prayer, I am a man of god, I prayed to the lord god Jesus everyday. I had to go to prayer because I was so stinking upset at the way I was treated. Disrespectful, arrogance, laughing at me. I came before you trying to solve a problem and you laugh at me. There ain't nothing funny, why are these people here. If you don't have competence to do your job, why are you here? A lot of you really are here just to get a paycheck. You really don't care. But you know what, the lord god Jesus listened to my complaint and guess what guys, he didn't laugh at me. He told me to try to reason with you. You have the boats in three different categories, and it's not according to the law the statutes you have written down because I have studied it. It is according to how you feel about a certain individual. Them boats over there, well they have to go do a figure eight three times a year, these house boat's over here, we don't really care. There is a man named Jack Adams that has a regular boat with no engines and you told him he doesn't have to have engines, and he doesn't have to go do a figure eight. Why, because he has a little boy? So what. The Statues in these laws was set down for everybody to be fair. But you don't want to apply them. You act like a bunch of dictator bullies. I'm not talking to you guys (the Board), I'm talking to these two I've already dealt with (pointed to the Port Director and Harbormaster). Shame on you. You are grown men. You need to act like it. God expects better of us. He put you in leadership to lead the community.~~

~~Mr. Donck said Mr. Covington's 5 minutes are up.~~

William Heumann, Juneau, AK

He said he owns the building called the People's Wharf at 432 S. Franklin St. on the waterside next to the visitor center and behind the Cruise Ship Terminal. He said he is interested in leasing the water land behind his building. It is an area encompassed by the Docks, but undeveloped. The portion he is interest in is directly behind his building and approximately 2,000 sq/ft. He said he would like to develop it to work in conjunction with his building. One thought was for restaurant seating in conjunction with the space behind his building. One of the reasons for doing this is for more activity at the end of his building but also on the seawalk between his building and the library. The reason for that is there is very little foot traffic based on his observations on that portion of the seawalk. The portion of the seawalk that goes from the Princess dock to the tram is very well used but not the portion between his building and the library. One of the primary purpose of constructing the seawalk was to reduce congestion on Franklin Street because it was thought of as a dangerous situation. If it hasn't been successful up to this point, he said he is taking steps on his

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, September 22nd, 2016

part to develop that portion so it would draw more interest in that area of the dock and would be the first of development between his building and the Library. He said he just wanted to introduce this concept to give some thought to it and he said he will continue to work with staff to applying for this area.

VI. Special Order of Business

~~Mr. Uchytel said he received a nice letter from the Territorial Sportsmen's Golden North Salmon Derby Committee commending Docks & Harbors staff during the Salmon Derby and for allowing the Statter Harbor launch ramp to be opened. The letter is in the packet.~~

VII. Consent Agenda

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

~~1. Shayne Thompson (Angoon Trading Co) Lease~~

~~**RECOMMENDATION: TO APPROVE A NEW TIDELAND LEASE ARRANGEMENT WITH ANGOON TRADING COMPANY, INC. FOR ADL 2852 AND DIRECT THE DRAFTING OF THE LEASE LANGUAGE FOR DOCKS & HARBORS BOARD APPROVAL.**~~

~~2. Cruise Ship Berth Contract Administration and Inspection Services Proposal PND Engineers~~

~~**RECOMMENDATION: TO APPROVE A TIME & EXPENSE CONTRACT WITH PND ENGINEERS FOR CONTRACT ADMINISTRATION & INSPECTION SERVICES IN THE AMOUNT OF \$995,496 FOR THE FINAL PHASE OF THE NEW CRUISE SHIP DOCKS PROJECT.**~~

~~3. Special Moorage Rate Consideration—Non Motorized AGS Barge at Statter Harbor~~

~~**RECOMMENDATION: TO APPROVE A SPECIAL FEE THROUGH MAY 1, 2017 FOR ALASKA GLACIER SEAFOODS TO MOOR A NON-MOTORIZED BARGE ON THE STATTER HARBOR BREAKWATER IN ACCORDANCE 05-CBJAC-15.095 AND DIRECT THE PORT DIRECTOR TO ENSURE PROPER LIABILITY COVERAGE IS MET.**~~

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

~~**Motion passed with no objection.**~~

VIII. Unfinished Business—None

IX. New Business

~~1. Aurora Harbor Phase II 35% Review~~

~~Mr. Uchytel said Docks & Harbors received a \$2M State Municipal Harbor Grant, and we have \$2M in our fund balance that has been set aside for this phase of Aurora Harbor. The \$4M will buy us three main floats, E, F, and G, which are the floats that have the boat shelters in Aurora. The project itself will mimic what phase one replaced, electrical, water lines, and fire protection in a~~



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

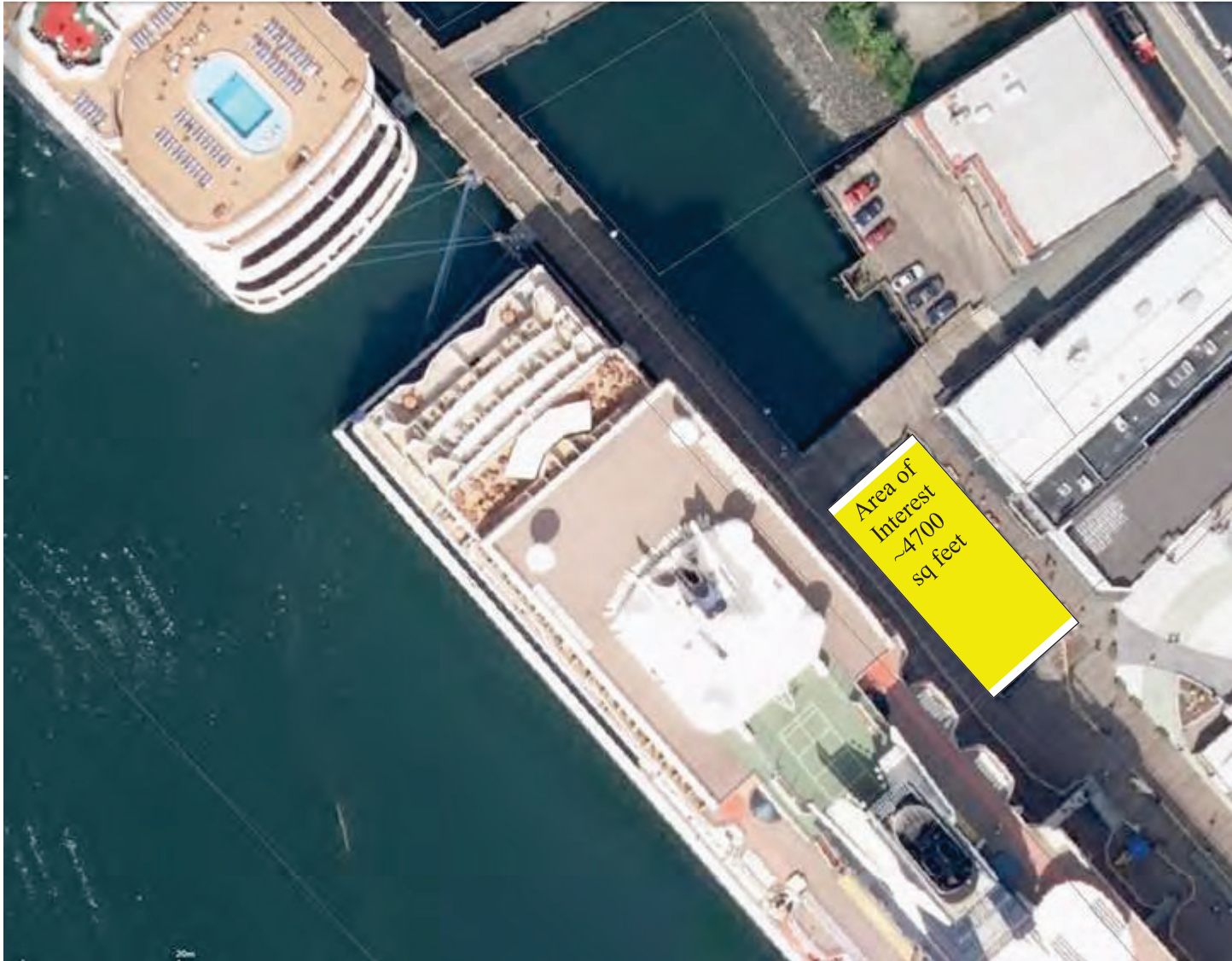
From: Carl Uchytel, Port Director
To: Docks & Harbors Board
Date: October 18th, 2016
Re: Lease Opportunity - Seawalk

1. At the September Operations-Planning Committee and regular Board meetings, Mr. Bill Heumann asked consideration to open additional Docks Harbors managed property to be leased. The specific property referenced is approximately 4700 sf and is seaward of the People's Wharf building. The tideland property is along the Seawalk and is currently exposed to daylight (i.e. is not decked over).
2. The question for the Board is whether to make this property available in a competitive lease process or leave it as part of an open space along the Seawalk. A third option would be for the Board to take a comprehensive review of all Docks Harbors managed downtown properties and develop a land use master plan to leverage amenities and efficiencies. It is not clear whether commercial development in this open area is consistent with the 2004 Long Range Waterfront Plan. Docks Harbors had previously planned to build and maintain restrooms in this locale.
3. Should the Board elect to open the said property to a competitive offering, Docks & Harbors would work with CBJ Law to identify the process to advertise and select consistent with Title 53.

53.20.020 - Lands available for leasing.

All lands and interests in land owned by the City and Borough, including tide and submerged lands, may be leased as hereinafter provided for surface use only unless the assembly has given specific approval to the lease of land in connection with the disposal of materials, timber or other resources under sections 53.09.320 and 53.09.330; however, lands devoted to or reserved for public use may not be leased, nor may any existing lease on such lands be renewed unless such lease is for or will not interfere with the public use or purpose to which the land is devoted or reserved. Except as provided in CBJ 53.09.260, no lands may be leased which have not, at least 30 days before award or execution of a lease, been declared by the assembly by resolution to be available for leasing or identified in the approved land management plan for disposal by competitive bid leasing in the current year. The call for bids for leases shall be advertised in the same manner as provided for auction sales. A lease of land authorized specifically by ordinance may be made to such person or entity and under such procedures and minimum terms and conditions as are set forth in the ordinance.

#



CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 19th, 2016

~~**CONCURRENTLY WITH THE MAIN LEASE AND PRESENT TO FULL BOARD AND ASKED UNANIMOUS CONSENT.**~~

~~The motion passed with no objections.~~

5. Potential Tideland Lease – Opportunity

Mr. Uchtyl said Mr. Heumann is asking for consideration in leasing the area shown on page 27 of your packets. It is a portion of the Seawalk that is not currently being used. This is Docks and Harbors managed tidelands. Do we want to open it up for private development on the Seawalk? Do we want to look at the entire Seawalk plan before opening any area for private development? What would this look like if we open it for private development? CBJ Regulation 53.09.260 states, “No lands may be leased which have not, at least 30 days before award or execution of a lease, been declared by the assembly by resolution to be available for leasing or identified in the approved land management plan for disposal by competitive bid leasing in the current year. The call for bids for leases shall be advertised in the same manner as provided for auction sales...” I have understood this to mean all City & Borough of Juneau lands need to be competitively bid. However, Mr. Heumann referenced another section of CBJ Regulation 53 that allows for leases to be negotiated directly with the Assembly by the private entity. The Law Department said both interpretations are correct. How would the committee like to proceed?

William Heumann said in the past the City & Borough of Juneau approached me and asked me to relocate my business for construction of the Seawalk. The purpose of the Seawalk was to reduce congestion on South Franklin Street. A portion of the Seawalk accomplishes that task. However, the area between the Library and cruise ships only receives 10% of the traffic from the cruise ships. So, the Seawalk is not functioning as intended. I am trying to find ways to manage these changes, which is why I thought we could develop this area. I would only need a third of the area proposed on page 27. I do not know specifically what I want to do with the area and I am waiting to see what offers I am given. I challenge you to have that area developed. I am willing to take the step forward to develop the area.

Committee Questions

Mr. Summers asked are any of the businesses in your area open year-round.

Mr. Heumann replied no.

Mr. Summers said at one time the plan included public restrooms in that area. Is it possible for your plan to include public restrooms?

Mr. Heumann replied yes. Restrooms would increase traffic around my building.

Public Discussion

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 19th, 2016

Mr. Heumann said there are Transportation Security Administration (TSA) barriers around my building and they are impeding foot traffic. Now that we have more docks is there a way to have those moved?

Mr. Uchytel said TSA and the United States Coast Guard still require the barriers to be there.

Mr. Borg said there will most likely be an increase in the security plan that will require more changes.

Mr. Heumann said property owners of the uplands historically have a right to negotiate for the tidelands so other people cannot build in front of their property.

Mr. Uchytel said what I received from the Law Department states that section of the code Mr. Heumann brought up, "could be used if you and your board want to entertain the idea of leasing that land. I will note that just because Mr. Heumann may own the adjacent uplands he does not have a preference right to lease the abutting tidelands. Ultimately if the Assembly wants to consider leasing that land to Mr. Heumann, or whomever, CBJ 53.09.260 enables the Assembly early on to make that decision. It can authorize you to negotiate with Mr. Heumann, it can say it wants a broader public request for proposal, or it can simply say 'no' to any leasing for now."

Mr. Seng said if we do make that property available for lease we would not be excluding Mr. Heumann from bidding and competing on equal footing with anyone else.

Mr. Heumann said there's an assumption that I have unlimited funds. I have the right to go to the Assembly and ask them to lease the property to me. I probably made a mistake by coming here first. However, if the Harbor Board does not want to make that property available for private use then it is unlikely I will be able to lease the property. I hope something will happen. Thank you.

Committee Discussion/Action

Mr. Simpson asked Mr. Uchytel, what is your recommendation?

Mr. Uchytel said time is of the essence for Mr. Heumann, but this process is not quick. If his expectations were to have an answer so he can build something for next year, I'm not sure that will be possible. We have it in our plans to use that property for restrooms. The Visitor's Center has been plumbed so we can easily install restrooms. I recommend we look at all the plans and see if there are other sites we want to lease or other sites to build the restrooms.

Mr. Donek said the Long Range Water Plan has not been updated since 2004. What was on the original plan?

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 19th, 2016

Mr. Uchytel said that property is greenspace on the Long Range Water Plan.

Mr. Donek said I recommend we take a look at the Long Range Water Plan before we make a decision.

Mr. Summers said we recently had a patron interested in developing on Harbor property on Douglas Island. We informed that patron the public process had to take place. Public restrooms are a huge necessity.

Mr. Lowell asked in lieu of looking at the Long Range Water Plan which will take time, what is the process for moving forward with Mr. Heumann's request. Could we do a Request for Proposal (RFP) and have public restrooms be a requirement?

Mr. Uchytel said the Board can determine how they want to proceed and what the requirements will be. Using the Thane Ore House as an example, we came up with a set of criteria and used it to determine who we wanted to lease to. Do we want to open this to the public, and what criteria do we want to require?

Mr. Seng said there is competing interest in this property. There is value in open space. I recommend looking at the Long Range Water Plan so we can see what the original intent was for the property.

Mr. Simpson said Mr. Uchytel, be sure to bring the Long Range Water Plan to the next Operations/Planning Committee Meeting. We can verify this request is not inconsistent with what is in the Long Range Water Plan. I have a feeling the Long Range Water Plan is general and vague enough for us to decide what to do with the property. We created more greenspace when we moved the docks seaward. There are other locations we can consider developing or preserving. Goldbelt came to us with a proposal and negotiated a bid. It did not go through the same public process. As a matter of policy, we should not be building in front of another person's waterfront property unless it is part of a negotiated deal.

Mr. Donek said there have been many changes that are not in the Long Range Water Plan, which is why I recommend we look at the plan. I also recommend Mr. Heumann present something specific like Goldbelt did with the Tram.

Mr. Uchytel said the Tram proposal from Goldbelt took a lot of time and did go through a public process.

Mr. Simpson said the problem with the Douglas Island proposal was that the patron wanted to encroach on a significant amount of public parking for their staging area. We have a specific use for that area and he wanted to convert the use. We were not willing to give up trailer parking for a restaurant. The property we are currently discussing is not currently being used for a designated purpose. I recommend we entertain the idea of leasing the property. We can discuss leasing the property at the

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 19th, 2016

next Operations/Planning Committee Meeting. We can also look at the Long Range Water Plan and the other tideland properties at the next Operations/Planning Committee meeting.

X. ~~Items for Information~~

~~1. Archipelago Property~~

~~Mr. Simpson said I recuse myself from the Archipelago Property item.~~

~~Mr. Uchytel said I am looking for direction from this committee. I recommend we acquire the Archipelago property. What is the best way to move forward? I drafted a white paper and I can bring it to the next Board meeting or executive session.~~

Committee Discussion/Public Comment

~~Mr. Donek asked what would be the purpose of the executive session.~~

~~Mr. Uchytel replied there will be a discussion of financial interests when acquiring a property.~~

~~Mr. Donek asked why can't we have a public discussion to figure out if we want the property. If we decide we want the property then we can have an executive session to determine how much we're willing to spend on the Archipelago property.~~

~~Mr. Uchytel said the Board has previously discussed an interest in purchasing the Archipelago property. It's not a new idea. The question is how do you want to move forward?~~

~~Mr. Bush said I recommend Docks and Harbors acquire the Archipelago property. I request that Mr. Uchytel bring what he has to the next Board meeting. Then we can discuss if there is a need for an executive session.~~

~~Mr. Donek said we can schedule an executive session and cancel the session last minute if need be.~~

~~Mr. Uchytel said the Assembly went into executive session when they were discussing acquiring the Archipelago property. I will check with the Law Department to see if an executive session is necessary.~~

~~2. Resolutions~~

~~Mr. Uchytel said there are four resolutions. The first resolution is asking for full support of funding (\$18,160,055) for the State of Alaska matching grant. We have benefited greatly from this program.~~

~~The second resolution is in support of adding harbor employees to the list of protected workers in a State statute. The statue allows for an additional penalty for assaulting a~~

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, October 27th, 2016

~~there is a better way to deal with it rather than more regulations and registrations. Taking responsibility for your pet is vital. The dogs she has seen pooping on the docks are people that don't live in the Harbor and are patrons checking on their boats. This is penalizing the live-aboards by placing all these extra restrictions on them and that is not necessarily where the problem is.~~

~~Mr. Uchytel said he wanted to address the comment about Docks & Harbors not having the right to tell an owner to move their vessel, he read the Assembly policy on intent and use of the Harbor.~~

~~*"It is hereby declared to be the intent of this title to favor the use of facilities of the boat harbor by commercial fisherman, government vessels, commercial vessels in trade and commerce, and pleasure craft used by the general public at large. It is further the intent of this title to prevent and discourage the use of the facilities of the boat harbor by boats which have been abandoned by their owner to a point of becoming derelicts as defined in chapter 85.05, or becoming a charge and nuisance to the City and Borough, The Port Director, and the general public which are unsafe or which are not used or are not fit to be used regularly for transportation on the water."*~~

~~The charge to this body is that the Harbors primary client is for vessels to be regularly used for transportation on the water. He said he agrees having the right number of live-aboards is a good thing for the Harbor. It does add an extra set of eyes, but Docks & Harbors also has to protect the interest of their harbor patrons and make sure the Harbor isn't falling into disrepair because of people flopping on potentially derelict vessels. He said Docks & Harbors could probably go find some samples in the Harbor that is less contaminated, but that is not the point. The point is there is a factual basis there is a high level of fecal coliform in the Harbor.~~

~~Mr. Borg said he agrees the human waste issue is not just a live-aboard issue. The regulation will be for all vessels in the Harbor. If a patron is going to use their boat for a house, they need to provide the proper facilities similar to what is required in a house in the uplands. Comparing houses to boats, he has to have a working toilet in his house.~~

~~Mr. Donek said the next time this will be in a public meeting is November 9th at the OPS/Planning Committee meeting.~~

2. 2004 Long Range Waterfront Plan Review

Mr. Gillette said this plan was a community wide process in 2003/2004 and adopted on October 25th, 2004 approved by the Assembly. If you would like more information on this plan you can go to www.juneau.org/plancomm/Final_LRWP_112204.php. The plan looks at the waterfront from the Bridge to the Little Rock Dump, and broken up into different sections by types of development, different themes for future development, and looking at how the waterfront plan would be carried out in the future. Docks & Harbors manages property along this waterfront area and this plan is a key document for our planning purposes. Docks & Harbors managed property in this area consists of, a piece of property by the bridge, the gold creek tideland, the cruise ship berths and the uplands, the national guard dock, and the Little Rock Dump. At the bridge property, in section (A) of the plan there was discussion of mixed use development. Staff did propose a joint venture plan with Marine Exchange for this location with a museum on the first floor with the second floor having office space. The funding options fell through and Marine Exchange has moved on to another site. However, there still is a desire to see some sort of development at this location and that will be addressed in the master planning process from

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, October 27th, 2016

Norway Point to the bridge. The idea for the area by the bridge is a community space to add life to the park area. The Gold Creek location has had talk about having a Gold Creek Marina. The most recent talk of the Marina is in the Juneau Ocean Center plan. Section's (C) and (D) of the plan pertain to the cruise ship berth project which is currently under construction and is within the waterfront plan goals. Section (F) is the Little Rock Dump location, this area also suggests a Marina. Docks & Harbors has had a proposal for a marina through a lease process in the past. The 2004 waterfront plan recommends the Little Rock Dump area to be a working waterfront for boat haul out and boat moorage. These are long range plans, coming to fruition is just a matter of time. The completed projects in this area include;

- In 2004, the area in front of the Steamship Wharf was decked over and created about 12 coach spaces and a well used area for Cruise Ships. The intent was when the cruise ships weren't using this location, it could be used as a community space and is currently being used for community functions.
- In 2012 the Port Field Office/Customs office building was built. The Visitor Center was also built and completed the plaza in that area.
- In 2013 Phase I of the cruise ship terminal staging area was completed. This included taking out the floating ramp that was there previously for the Alaska Marine Highway and decked over that area.
- In 2014 we did the reorganization of the uplands staging and parking and also modification to the Taku dock.
- In 2016 the South Berth cruise ship dock project was completed.
- We are currently under construction with the North Berth cruise ship dock.

In this downtown area there is the undeveloped Archipelago property, as well as the tideland in front of the People Wharf and Warner's Wharf. These are areas of potential future development that staff would like to see some planning for. Staff has received lease requests for this area. This area should have more detailed planning to make sure to take full advantage/use of the area. The other element of this 2004 plan was the seawalk to tie this all together. The seawalk would go from the Bridge to the AJ Dock tying the entire waterfront together. This document is Docks & Harbors guide to how to develop the downtown waterfront.

Board Discussion/Public Comments-

Mr. Eiler asked when this plan was first put in place, was the timing of how these things were to be constructed thought out or was the market to determine the timing? Was there a succession intended?

Mr. Gillette said he is not aware of any scheduling. This plan was to help guide development as proposals came forward. Docks & Harbors development to date has been close to what was originally envisioned.

Mr. Eiler asked when will CDD revisit/redesign this plan?

Mr. Gillette said on a special plan like this he is unsure. The plan prior to this 2004 plan was in 1986. It states in regulation the comprehensive plan needs to be looked at every three to five years, but this is a special plan.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 9th, 2016

~~Mr. Lowell asked what are the sources of the funds.~~

~~Mr. Uchytel answered we have dock funds and marine passenger fees.~~

~~Public Comment None~~

~~Committee Discussion/Action~~

~~Mr. Janes stated he had a question about more traffic issues if we decide to create another staging or bus area. It is also a high traffic area for pedestrians so more buses would create even more of traffic back up. We need to have a land use plan and a traffic plan.~~

~~Mr. Uchytel stated he thinks this is an option for moving and staging the tourists that are going to come anyway. The assembly is already working on pedestrian transportation plan. We have been engaged with CBJ engineering to do a traffic study. Our goal is to get people off the ship efficiently and safely.~~

~~**MOTION: BY MR. JOHN BUSH TO ADOPT A STRATEGY TO ACQUIRE THE ARCHIPELGO PROPERTY AND EXPEND RESOURCES TO DEVELOP A LAND USE PLAN FOR THE VICINITY AND ASKED FOR UNANIMOUS CONSENT.**~~

~~Motion passed with no objections.~~

4. Potential Tideland Lease - Opportunity

Presentation by the Port Director

Mr. Uchytel stated Mr. Heumann came in last month because he is interested in obtaining a lease for a 2000 square foot area downtown to develop retail or restaurant. We are still working on our master plan for the whole area along the sea walk. My recommendation to hold off until we have that area designed before we parcel off areas for sale or lease. We could have a crazy zoning area if we do not tie everything together.

Mr. Gillette stated we have received a public notice that Mr. Heumann has applied for an encroachment permit on the south side of the people's wharf building. There is a 20 foot right of way area along the peoples wharf building but the rest of the area is Docks & Harbors managed land. Recently we re-did that whole area for the staging area parking lot. It is a right of way area not a parcel. He is asking for a permit to use 400 square foot area for a vendor area or restaurant. It makes sense for us as land managers to make use of the whole area rather than carve out pieces and not have it cohesive.

Committee Questions

Mr. Bush asked if we postpone any lease of a small area are we also going to protest his encroachment permit he has requested which is adjacent to our property.

Mr. Gillette answered he does not think we need to protest it. If he did get it the CBJ Engineering measured it and we feel there is still enough room for pedestrian traffic.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 9th, 2016

Mr. Janes asked if someone can bypass the Harbor Board and acquire our managed land.

Mr. Gillette answered someone researched this area and it is a right of way area so it is not managed by the harbor. Although we rebuilt the area when we did the new parking lot and we do maintain it anyone can go through the city manager since it is a right of way and request an encroachment permit. It just happens to be adjacent to our property.

Mr. Bush asked who owns right of way areas.

Mr. Gillette answered the people own it but if it is unused the owners of any adjacent property can request to acquire it.

Mr. Janes stated we want to make sure we do not have any issues once the second 16B project is done and that the planning commission does not approve anything that may cause issues.

Mr. Uchytel stated he thinks Mr. Huemann may be going this route for the 400 square foot encroachment permit rather than pursuing our area.

Public Comment - None

Committee Discussion/Action

MOTION: BY MR. JOHN BUSH TO POSTPONE ANY DISCUSSION TO LEASE SMALL PARCELS OF DOCKS & HARBORS PROPERTIES ALONG THE SEAWALK UNTIL AFTER A COMPREHENSIVE LAND USE PLAN IS DEVELOPED AND ASKED UNANIMOUS CONSENT.

Motion passed with no objections.

~~5. Shore power for new Cruise Ship Berths—Report~~

~~Presentation by the Port Engineer~~

~~Mr. Gillette stated we have spent close to \$1M for the infrastructure to install a conduit underneath the parking lot to allow for future shore power for the ships at the new Cruise Ship Berth areas. It is not available yet but AEL&P has indicated there is some power in the area but it would be interruptible and it would be significant to build the rest to get the power to the ships. AEL&P said it doesn't make sense for them investment wise. The investment estimate is \$12.9M per ship. We do need to install some new infrastructure and add on to what we have in place. There are still a lot of questions such as the costs and where do we install the large transformers.~~

~~Committee Questions~~

~~Mr. Donek asked that he recalls one of the cruise ships asked for the power.~~

~~Mr. Gillette answered even if all the cruise ships asked for power the return on investment for AEL&P would not be worth it. The last one at Franklin Dock, the passenger fees paid for everything. The likely funding source for these might be passenger fees over a period of time.~~

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, November 17th, 2016

~~Mr. Lowell asked if the values shown on page 89 is the assessed value? What is this property listed for?~~

~~Mr. Gillette said this has been for sale for several years. The asking price is reflected on Page 89. CBJ negotiated the price for the two pieces already purchased, and Docks & Harbors was involved in the purchase, but not the final negotiations?~~

~~Public Comment — None~~

~~Board Discussion/Action~~

~~**MOTION By MR. JAMES: TO ADOPT A STRATEGY TO ACQUIRE THE
ARCHIPELAGO PROPERTY AND EXPEND RESOURCES TO DEVELOP A LAND USE
PLAN FOR THE VICINITY AND ASK UNANIMOUS CONSENT.**~~

~~Motion Passed with no objection~~

~~Mr. Simpson abstained from the discussion on this property.~~

3. Potential Tideland Lease - Opportunity

Mr. Gillette said on page 96 in the packet is a request from Mr. Bill Heumann to lease approximately 4,700 sq/ft on the water side of his building. Since this is in the same area we just were discussing to develop a land use plan, staff recommends to defer a decision until a plan is put forward.

Board Questions -

Mr. Simpson asked if the area Mr. Heumann wants to lease is only the portion in front of his building and is only about 2,000 sq ft for his purposes?

Mr. Gillette said that is correct.

Mr. Gillette said Mr. Uchytel talked to Mr. Heumann and he knows staff is recommending to the Board to not move forward with his request. Mr. Heumann is working with the City Manager to get a 20' Right of Way (ROW) by the People's Wharf. The ROW area is where the parking used to be outside his building. He is still interested in the future to lease the requested area, but he is supportive of Docks & Harbors larger planning level for this area.

Mr. Lowell asked if there has been further development on the encroachment permit?

Mr. Gillette said on November 29th there will be a public neighborhood meeting with the Planning Department to discuss the ROW encroachment permit. The City Manager will make a decision based off the comments heard at that meeting.

Public Comment - None

Board Discussion/Action

Mr. Eiler said he is supporting of the proposed motion, but wanted to voice caution not to put this off and discourage a person willing to put up private capital

Mr. Gillette said staff intends to move forward with the plan immediately.

Mr. James asked Mr. Gillette to define the area for the land use plan. For this purpose is it Marine Park to Cruise Ship Terminal, or all the way to the Franklin Dock?

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, November 17th, 2016

Mr. Gillette said staff's intent was to look at Docks & Harbors managed land from Marine Park to Taku Fisheries.

Mr. Janes asked if the area definition should be included in the motion so we know the specific area that is being looked at?

Mr. Gillette said the definition would have needed to be included in the last motion, but the intent is from Marine Park to Taku Fisheries and staff will work with the Committees.

Mr. Uchytel said Mr. Heumann is only asking for 2,000 sq ft on the seaward portion of the seawalk which is the undecked area. The 4,700 sq/ft in the packet is the entire area. Once Docks & Harbors starts offering small space for lease, there will be more small space lease requests to be able to sell items. He wants a comprehensive view on how to manage all Docks & Harbors managed lands and a good policy in place. Mr. Uchytel said Mr. Heumann is trying to get a 20' x 20' ROW and he understands Docks & Harbors position is to have a good policy in place before the area gets carved up for small leases.

Public Comment - None

Board Discussion/Action

MOTION By MR. LOWELL: TO POSTPONE ANY DISCUSSION TO LEASE SMALL PARCELS OF DOCKS & HARBORS PROPERTIES ALONG THE SEAWALK UNTIL AFTER A COMPREHENSIVE LAND USE PLAN IS DEVELOPED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

4. Master Plan Concepts for Norway Point to Whale Park

Mr. Gillette said Chris Mertl, Land Scape Architect from Corvus Design and James Bibb from Northwind Architects is here to go over the concepts in the packet, and the process moving forward.

Mr. Mertl said he is the project manager for this project. The project planning and feasibility team includes James Bibb with Northwind Architects, Dick Sommerville with PND, and Milani Shivers with Raineoast Data for the downtown Harbors uplands master plan. Since the last meeting with the Board, the team walked the site and PND identified area of potential fill to expand the uplands to provide all the needed and desired priorities from the Board and public. The orange areas on the map on page 98 shows the areas of potential fill. This is the first step in looking at opportunities. There are three conceptual bubble diagrams in the packet. Mr. Mertl said he is giving the Board the first opportunity to review these diagrams. He has worked with staff to come up with the diagrams. He knows it is important that the plan provide the services and meets the needs of current harbor users. He said he realizes the importance the Harbors and waterfront play in providing economic and livability opportunities for our community and neighborhood. The team looked at the big picture on how to connect the Harbors to the surrounding neighborhood. He went over the thought process and changes that went into all three concepts. The concepts are randomly numbered and not numbered by preference.

Board Questions—

Mr. Eiler asked what he meant by maximum amount of fill at Norway Point? Is this what the Corps will allow or budget? What determines the five acre expansion?

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, December 15th, 2016

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

~~Motion passed with no objection.~~

VII. Unfinished Business -

1. Waterfront Planning Contractual Services (Marine Park to Taku Smokeries)

Mr. Gillette said the contractual services pertains to looking at a specific in depth plan for our managed properties and private properties from Marine Park to Taku Smokeries. Staff has been working on a scope of work to enter into a term contract with one of the CBJ Engineering term contract holder. They have an architect, landscape architect, Planners, and Engineers on term contract. This will be a less than \$50,000 project.

Board Questions

Mr. Lowell asked if this motion is approved as written, does it put a moratorium on future permitted uses until the planning efforts are complete?

Mr. Gillette said the Board has already decided to hold off on any requests until the planning is complete.

~~Mr. Uchytel said staff is meeting with CBJ Engineering and CDD tomorrow to make sure everyone in CBJ is aware of this planning effort and united moving forward. We are aware there will be egress issues with Franklin Street and contentious land uses in this area.~~

~~Mr. Eiler asked how this planning compares to the Bridge Park to Norway Point planning? What kind of contrast do the two planning efforts have?~~

~~Mr. Gillette said the planning effort at Norway Point is more of a land use planning and specific areas are identified for specific land uses. The Marine Park to Taku Smokeries is more of an urban design plan. We have a lot of land uses identified in the waterfront plan, but this would specify where the specific uses would go and how they are connected. This plan is on a different scale with a more detailed level and the Norway Point planning is more general. We want to make sure to coordinate with the CBJ Engineering department because of the seawalk and to use one of their term contract holders.~~

~~Mr. Uchytel said we already have the waterfront plan, but the Bridge Park to Norway Point doesn't have that level of planning. This is just refining the long range waterfront plan with more detail.~~

~~Mr. Mosher asked how long will this take?~~

~~Mr. Gillette estimated about six months. There will be public meetings and different stake holders we want to contact as well as Board workshops and communication. Staff wants to get this moving as quickly as possible.~~

~~Mr. Donek said at a previous meeting there were some old concepts for the Archipelago property. He asked if this new effort will also consider uses for the Archipelago property.~~

~~CBJ Docks and Harbors Board~~
~~REGULAR BOARD MEETING MINUTES~~
~~For Thursday, December 15th, 2016~~

~~Mr. Gillette said yes, staff intends to include all properties between south Franklin Street and Taku Dock. Everything will be looked at and the different uses considered.~~

~~Public Comment—None~~

~~Board Discussion/Action~~

~~MOTION By MR. EILER: TO APPROVE THE DIRECTION OF STAFF AND ADVANCE THE SCOPE OF WORK TO A CBJ ENGINEERING TERM CONTRACTOR FOR NEGOTIATIONS AND ASK UNANIMOUS CONSENT~~

~~Motion passed with no objection~~

~~VIII. New Business~~

~~1. Bid Award—Auke Bay Loading Facility Boatyard Infrastructure~~

~~Mr. Gillette said in the packet is the bid results that were opened on December 8th, and the bids came in higher than originally anticipated. The bid range was from \$373,000 to \$480,000 and one was from out of town. Looking at the two lowest bidders, there is less than \$7,000 difference. Staff believes this is a good bid, and will result in a significant facility. We do have funding in the account to cover this bid. If the bid is approved tonight, it will go to the Assembly on Monday.~~

~~Board Questions—~~

~~Mr. Eiler asked if one bid was from out of town?~~

~~Mr. Gillette said yes, it was Kuchar from Eagle River and they were the high bidder.~~

~~Public Comment—None~~

~~Board Discussion/Action~~

~~Mr. Lowell asked if the lease with Harri's Marine included this infrastructure in the evaluation of the lease price.~~

~~Mr. Uchytel said no, and technically we are under no obligation to do anything. This is more of what we want to do with our facility, and if we don't do it now it won't be done. There is about \$1M left from the Statter Harbor master plan received from the Legislature. If the Board approves this, it will come out of that money and the rest of the money will be used in other Statter Harbor projects.~~

~~MOTION By MR. LOWELL: TO APPROVE A \$373,766 BID AWARD TO ALASKA COMMERCIAL CONTRACTORS TO CONSTRUCT BUILDINGS IN SUPPORT OF THE AUKE BAY LOADING FACILITY LEASED BOAT YARD FACILITY AND ASK FOR UNANIMOUS CONSENT.~~

~~Motion Passed with no objection~~

~~IX. Items for Information/Discussion—~~

~~1. Harbor Bond Debt—Update~~

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, January 26th, 2017

I. Call to Order:

~~Mr. Donek called the Regular Board Meeting to order at 5:05 p.m. in the CBJ Assembly Chambers.~~

II. Roll Call:

~~The following members were present: John Bush, Weston Eiler(arrived at 5:09), Bob Janes(arrived at 5:06), David Lowell, Robert Mosher (via phone), David Seng, David Summers, and Tom Donek.~~

~~Absent: Budd Simpson~~

~~Also present were the following: Carl Uchytel—Port Director(via phone), Gary Gillette—Port Engineer, Dave Borg—Harbormaster, and Matthew Creswell—Senior Harbor Officer,~~

III. Approval of Agenda

~~**MOTION By MR. BUSH: TO APPROVE THE AGENDA AS PRESENTED AND ASK FOR UNANIMOUS CONSENT.**~~

~~**Motion passed with no objection**~~

IV. Approval of December 15th, 2016 Regular Board Meeting Minutes:

~~Hearing no objection, the December 15th, 2016 Regular Board Meeting Minutes were approved as presented.~~

V. Public Participation on Non-Agenda Items -

Tracy LaBarge, Juneau, AK

She is here to ask to be put on the OPS/Planning Committee agenda to ask for a 8'x10' cook shack on CBJ Tidelands in front of Bill Heumann's building. She said originally she thought the tidelands were for lease, but then there were questions about the parameters and nothing was going to be leased until after the bigger waterfront plan was decided. The success of the crab shack has been because of the type of venue it is. It has become a destination and a landmark over the last 12 years because it wasn't a restaurant or a café'. It's become successful because it is an Alaskan experience in a shack. All of her advertisement, publications, videos on the cruise ships, and word of mouth show that and that is what people expect. She said a cook shack will help her facilitate and accommodate the customer base already established. She said her customer base has grown every year for the past 12 years. She will be in a much smaller space from 6,000 sq/ft to 2,000 sq/ft. Financially, in the short amount of time I have to get ready for the 2017 season, this will help me accommodate my customers. Along with the expense to have a full kitchen with cook pots inside she said she is also having issues with propane use and garbage. She just wants a little cook shack with three cook pots and a freezer that could be removed at the end of the season. She said she realizes this is a tough position for the Board and there is going to be opposition but the positive impact far outweighs the negative with jobs, customers, cruise ships, her landlord, surrounding

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, January 26th, 2017

shops, and CBJ. She said she doesn't have a lot of time to get this up and running for this season. She is asking to allow her to preserve her historic identity by allowing the cook shack on the dock for this one year. She said she is working on a longer range plan for the crab shack but she was unable to finalize the plan for this year. She provided a drawing for the Board to see the location she is asking for.

Mr. Summers wanted to clarify that this would not be a permanent structure for three pots and a freezer and would be removed at the end of the season.

Ms. LaBarge said yes.

Mr. Summers asked if this is a commercially licensed kitchen?

Ms. LaBarge said for her to be inside the store, it would require a hood and a full licensed kitchen. She is not totally sure how all the kitchen requirements will be installed to make this work, but the three pots will help her facilitate that until she can get her other venue going. She said she will still keep this spot but it will be an express and not do as much out of it until she gets the larger spot going.

Mr. Janes asked if the crab shack didn't operate for one year if it would be a big disruption to her business.

Ms. LaBarge said yes, she wouldn't survive that. She said she is known worldwide.

Mr. Eiler asked what the process is to get this going after today's non-agenda item?

Ms. LaBarge said she tried to finalize all the paperwork before tonight's meeting, but that didn't happen. It should all be submitted to CBJ by next week.

Mr. Summers asked Ms. LaBarge if she is asking to start the process for this request.

Ms. LaBarge said that is correct.

Mr. Donek suggested to work with Mr. Uchtyl and be put on the OPS/Planning meeting agenda. That Committee will either shut you down or send you back to the Board for action.

Ms. LaBarge said she did meet with Mr. Uchtyl and Mr. Watt and there was a misunderstanding on her wanting to put the entire shack on the tidelands. She said that is not what she is asking. She hopes the waterfront plan being talking about includes other businesses along the whole waterfront because that will look amazing. She came to the meeting tonight because she felt the Board needed to hear her plan in a public testimony. She said she has been around for a long time and has a lot of businesses in town. She employ's a lot of people and lost 29 jobs because of this as well as a lot of sales tax. For this year, she needs to get this up and running and then work on her bigger plan.

Mr. Donek said to go back and talk to Mr. Uchtyl.

Mr. Uchtyl said the Board took action in October or November giving direction to staff not to consider any encroachments along the waterfront until the next phase of the long range waterfront plan was executed. He said essentially Ms. LaBarge is asking for reconsideration of that motion

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, January 26th, 2017

made in the fall. If the Board would like to reconsider that motion bringing it back to the OPS/Planning meeting is the appropriate way forward.

VI. Consent Agenda

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

~~1. Other Fees (05 CBJAC 20.180)~~

~~**RECOMMENDATION: To make no changes to 05 CBJAC 20.180, allowing the Docks & Harbors Board to establish fees for use of CBJ Docks & Harbors Department facilities that are not specifically identified in CBJ Administrative Code Title 05 on a case-by-case basis.**~~

~~**MOTION By MR. EILER: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.**~~

~~**Motion passed with no objection.**~~

VII. Unfinished Business—None

VIII. New Business

~~1. Loading Permit Fees (05 CBJAC 15.080)~~

~~Mr. Borg said this has been discussed in several meetings. He said at the last OPS/Planning meeting it was decided to move forward with the current fee structure and do CPI adjustments. The separate handout was the meeting minutes where this regulation was discussed.~~

~~Board Questions—None~~

~~Public Comment—~~

~~William Quayle, Juneau, Alaska.~~

~~He is asking the Board to amend the Loading Zone Permit fees for pedi-cabs. He said pedi-cabs are not registered vehicles and they can only carry three people at a time. A typical trip is to go from A dock to Marine Park. He said he provides a service when there are no buses to be able to take the not so ambulatory people to where they need to go. This is a very important service and he is asking this permit fee only be \$250.00. My typical fee structure is \$5.00 to \$20.00. He is also trying to get the other CBJ fee amended down to \$400.00 instead of the \$1500.00. There is another pedi-cab company in town and this would benefit them also. He is also trying to get the insurance requirements changed because he is not a taxi and he is asking to not be treated like a taxi. There should be a C-class in this regulation or a P-class for pedi-cab.~~

~~Mr. Summers asked if he would like the Board to create a permit/class for pedi-cabs to the overall fee structure?~~

~~Mr. Quayle said it would be a lot easier that way.~~

~~Board Discussion/Action~~

~~Mr. Summers asked if Docks & Harbors allows the pedi-cabs to operate on the docks?~~



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 Facsimile: 586-5385

TO: Debbie White, Chair of Assembly Lands Committee

DATE: December 5, 2016

FROM: Rorie Watt, P.E., City Manager 

RE: Right Of Way Use

We have a current request by a business to use a piece of right-of-way for outside tables and chair seating associated with a restaurant in the adjacent building. As written, existing code sections do not explicitly anticipate this type of use.

Generally speaking, I am in favor of the ability to consider commercial use of unneeded sections of ROW, provided that the following general conditions are met:

1. Manager must determine that excess ROW is available.
2. Manager must make some determination about not impeding pedestrian flow to other properties.
3. To ensure fair competition amongst competitors, the ROW must be leased for FMV which may be based on assessed values
4. Alcohol may be served consistent with applicable regulation.
5. A series of clauses that ensure proper cleaning, maintenance and operation of the area, with authority to revoke.

Use of these relatively small portions of land could enhance commercial activity, enliven our public spaces and generate revenue for CBJ.

Recommendation:

Decide whether to request an Ordinance as described above for Assembly consideration.

53.09.260 - Negotiated sales, leases, and exchanges.

(a)

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

(b)

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

([Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013](#))

53.09.350 - License to use pedestrian ways for the sale of food and beverages and related uses.

(a)

An annual license authorizing the non-exclusive use of up to 500 square feet of City and Borough owned pedestrian way for the purpose of engaging in the business of the selling of food and beverages, or for purposes related to the selling of food and beverages such as the provision of tables and chairs, may be granted by the manager in accordance with this section. Vending from food trucks and vending carts are not authorized by this section but are governed by CBJ [62.10.050](#) and CBJ [62.10.070](#), respectively.

(b)

Applications for a pedestrian way license are exempt from the requirements of CBJ [53.20](#). Applications shall be filed with the manager on a form designated by the manager and accompanied by a non-refundable application fee of \$250.00. The application must include a description of the requested location and proposed use, a site plan delineating the proposed placement and number of any tables and chairs or other moveable fixtures to be used within the license area, the hours of operation, and such other information as the manager may request. Prior to issuance, the applicant shall submit to the manager a certification by the finance department that the applicant has met the requirements of the sales tax code. An application will not be approved unless the applicant has a current state business license, has all necessary permits in order to operate in the manner proposed, and the operation meets applicable state and local health and sanitation requirements.

(c)

Licenses are valid for the calendar year and shall expire on December 31st of each year. License applications will be accepted between September 1 and December 1 each year for the following calendar year, except that license applications for calendar year **2017** shall be accepted between the effective date of this ordinance and May 1. Licenses shall be issued on a first-come, first-served basis except that priority shall be given to those applicants who operated for at least three months during the previous year under a license issued for the same location as the one applied for.

(d)

Prior to October 1 of each year, the manager shall evaluate possible license locations and shall designate those available during the following calendar year. Upon the request of an applicant, the manager may consider additional locations after October 1.

(e)

The license fee, payable in advance, shall be the fair market value of the property as determined by the manager.

(f)

Each licensee must obtain at least \$1,000,000.00 of public liability insurance naming the City and Borough as an additional insured. Prior to beginning operation, a licensee must provide the City and Borough with a broker's certificate of insurance and copy of the amendatory policy endorsement, which must include a provision for notification to the City and Borough if the policy is modified, canceled, or terminated.

(g)

Permanent improvements may not be installed in the licensed area. Movable fixtures, such as tables and chairs, must be placed in the licensed area in such a manner as to leave not less than five feet of unobstructed sidewalk space between the fixture and the face of the curb or edge of the sidewalk if there is no curb. Movable fixtures may not be placed in any manner that blocks the view by pedestrians of advertising on a building or of goods displayed in the window of a business unless the licensee has obtained the permission of the affected business. Licensees shall use the licensed area in such a manner as to create the least amount of interference with pedestrian traffic.

(h)

Licenses must be placed in the window of the licensee's primary place of business in such a way as to be viewable from the pedestrian way.

(i)

The manager may adopt standards for the use and appearance of any allowable movable fixtures and the issuance and renewal of licenses, and may impose the time, place, method of operation, and such other restrictions on the license as may be necessary to ensure the safe and convenient use of pedestrian ways.

(j)

Licenses may not be assigned or transferred without manager approval.

(k)

Licenses may be revoked by the manager for violation of this section, upon a determination that the operation of the permittee is causing a hazard or a significant disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for a public purpose, or for other good cause as determined by the manager. The licensee shall be given an opportunity to be heard by the manager before any revocation. The decision of the manager may be appealed to the assembly in accordance with CBJ [01.50](#).

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-02

An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling Food and Beverages and Related Uses.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 29.25.080 Public possession and consumption of intoxicating liquor, is amended to read:

20.25.080 Public possession and consumption of intoxicating liquor.

(a) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may consume intoxicating liquor on any public street, alley, sidewalk, easement, trail or other way dedicated or held for public vehicular or pedestrian use, including parking lots owned and operated by the municipality.

...

1
2
3 **Section 2. Amendment of Article.** Article V Easements, Use Permits, Resource
4 Removal Permits, and Camping, is amended to read:

5 Article V Easements, Licenses, Use Permits, Resource Removal Permits, and Camping.
6

7
8 **Section 3. Amendment of Article.** Article V of Chapter 53.09 is amended by
9 adding a new section to read:

10
11 **53.09.350 License to use pedestrian ways for the sale of food and beverages and**
12 **related uses.**

13 (a) An annual license authorizing the non-exclusive use of up to five hundred square feet of
14 City and Borough owned pedestrian way for the purpose of engaging in the business of the
15 selling of food and beverages, or for purposes related to the selling of food and beverages such
16 as the provision of tables and chairs, may be granted by the manager in accordance with this
17 section. Vending from food trucks and vending carts are not authorized by this section but are
18 governed by CBJ 62.10.050 and CBJ 62.10.070, respectively.

19 (b) Applications for a pedestrian way license are exempt from the requirements of CBJ
20 53.20. Applications shall be filed with the manager on a form designated by the manager and
21 accompanied by a non-refundable application fee of \$250.00. The application must include a
22 description of the proposed use, a site plan delineating the proposed placement and number of
23 any tables and chairs to be used within the license area, the hours of operation, the requested
24 location, and such other information as the manager may request. Prior to issuance, the
25 applicant shall submit to the manager a certification by the finance department that the
applicant has met the requirements of the sales tax code. A license application will not be

1
2
3 approved unless the licensee has a current state business license, has all necessary permits in
4 order to operate in the manner proposed, and the operation meets applicable state and local
5 health and sanitation requirements.

6 (c) Licenses are valid for the calendar year and shall expire on December 31st of each year.
7 License applications will be accepted between September 1 and December 1 each year for the
8 following calendar year, except that license applications for calendar year 2017 shall be
9 accepted between the effective date of this ordinance and May 1. Licenses shall be issued on a
10 first-come, first-served basis except that priority shall be given to those applicants who
11 operated for at least three months during the previous year under a license issued for the same
12 location as the one applied for.
13

14 (d) Prior to October 1 of each year, the manager shall evaluate possible license locations
15 and shall designate those available during the following calendar year. Upon the request of an
16 applicant, the manager may consider additional locations after October 1.

17 (e) The license fee, payable in advance, shall be the fair market value of the property as
18 determined by the manager.

19 (f) Each licensee must obtain at least \$1,000,000.00 of public liability insurance naming
20 the City and Borough as an additional insured. Prior to beginning operation, a licensee must
21 provide the City and Borough with a broker's certificate of insurance and copy of the
22 amendatory policy endorsement, which must include a provision for notification to the City and
23 Borough if the policy is modified, canceled, or terminated.
24

25 (g) Permanent improvements may not be installed in the licensed area. Movable fixtures,
such as tables and chairs, must be placed in the licensed area in such a manner as to leave not
less than five feet of unobstructed sidewalk space between the fixture and the face of the curb

1
2
3 or edge of the sidewalk if there is no curb. Movable fixtures may not be placed in any manner
4 that blocks the view by pedestrians of advertising on a building or of goods displayed in the
5 window of a business unless the licensee has obtained the permission of the affected business.

6 Licensees shall use the licensed area in such a manner as to create the least amount of
7 interference with pedestrian traffic.

8 (h) Licenses must be placed in the window of the licensee's primary place of business in
9 such a way as to be viewable from the pedestrian way.

10 (i) The manager may adopt standards for the use and appearance of any allowable movable
11 fixtures and the issuance and renewal of licenses, and may impose the time, place, method of
12 operation, and such other restrictions on the license as may be necessary to ensure the safe and
13 convenient use of pedestrian ways.

14 (i) Licenses may not be assigned or transferred without manager approval.

15 (j) Licenses may be revoked by the manager for violation of this section, upon a
16 determination that the operation of the permittee is causing a hazard or a significant
17 disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for
18 a public purpose, or for other good cause as determined by the manager. The licensee shall be
19 given an opportunity to be heard by the manager before any revocation. The decision of the
20 manager may be appealed to the assembly in accordance with CBJ 01.50.

21 //

22 //

23 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor\

Attest:

Laurie J. Sica, Municipal Clerk

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2017

- I. Call to Order** The meeting was called to order at 5:03 p.m. in City Hall Conference Room 224.
- II. Roll Call** The following members were present: Tom Donek, David Summers, Bob Janes, and Budd Simpson. John Bush via phone.
Absent: David Lowell
Also Present: Carl Uchtyl – Port Director, Dave Borg – Harbormaster, Gary Gillette – Port Engineer, Matt Creswell – Senior Harbor Officer.
Rick Shattuck – Shattuck & Grummett Ins., Tracy LeBarge – Owner, Tracy’s Crab Shack; William Heumann – Owner, People’s Wharf Building; Doug Trucano – Owner, Trucano’s Construction; Cedar Stark – Duck Boat Tours.
- III. Approval of Agenda**
Mr. Uchtyl requested to have Item #1 under Items for Information moved to the beginning of the meeting for Mr. Rick Shattuck to present insurance requirements.
MOTION: BY MR. TOM DONEK TO APPROVE THE AGENDA AS AMENDED AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections
- IV. Public Participation on Non-Agenda Items**
Mr. Jim Becker – Fisheries Development Council, Juneau, AK
Mr. Becker said he has been on the Fisheries Development Committee for quite a while and they did a survey with all the Juneau fisheries people and they came up with a list of things that they’ve been working on. Some of the items have been put to rest like the cold storage because there did not seem any will from the city to get that done. They did get a few road side fisheries developed and they asked the University to put a fisheries education program together and UAS is starting to do that. He stated the main thing they do is write letters or resolutions for the Assembly to pass on. The committee does not have the authority to do it. He said Carl Uchtyl does come to most of the meetings. The one thing they’ve really been working on is getting a larger boat yard with a bigger boat lift which is in the plans with Docks & Harbors at Norway Point. He stated they are out of things to do right now. Mr. Becker stated Carl had suggested they become an ad hock committee to Docks & Harbors. He said they would be interested in that if the Board was interested so they can help with waterfront projects.
- Mr. Uchtyl said Mr. Becker has expressed their struggles with having quorums for the Fisheries Development Committee in order to have a meeting. Mr. Uchtyl said he understands the struggle because the Harbor Board has had such a hard time getting a commercial fisherman on the Harbor Board. He thinks there is real value in the organization and how that can play in to Docks & Harbors and the Board could figure that out. Whether there are applications or it is a standing committee or just an ad hock committee. Mr. Uchtyl thinks there is value from getting input from the fishing community and He did make it clear Docks & Harbors would not be involved with any roadside fisheries.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Mr. Simpson asked even though we are not in charge of roadside fisheries, didn't we get put in charge with Channel Drive roadside fishery amenity.

Mr. Uchytel answered we were offered an opportunity to swap some tidelands. It would have costs Docks & Harbors \$25,000 a year in lease payments so we didn't want to lose that.

Mr. Janes asked is this something we can continue to have information presented to the board so we don't lose track of the Fisheries Development Committee.

Mr. Uchytel answered he wanted to make sure this is something the board would support.

Mr. Simpson stated he thinks there is a natural synergy and a lot of overlapping interests and issues and He thinks Mr. Becker's suggestions should be considered. We can figure out a way to do it.

Mr. Uchytel stated at the last Human Relations Committee, the Chair was directing Law to disestablish the Fisheries Development Committee.

Mr. Simpson stated maybe we can un-disestablish it within Docks & Harbors.

Mr. Donek stated he thinks it would be appropriate to have Mr. Becker come to the full board as an information item. The simple way to get it started is to create a special committee. It would only last one year but we could re-appoint it. He stated we can test this thing and see how it goes.

Mr. Simpson asked if we could go outside of our board to bring other people in.

Mr. Donek answered we can't do that.

Mr. Uchytel stated it is important to get Mr. Mosher's opinion since he is not here tonight.

Mr. Bush stated he agrees to move this to the full board as an information item.

V. Approval of Wednesday, November 9th, 2016 Operations/Planning Meetings Minutes

MOTION: BY MR. BOB JANES TO APPROVE THE NOVEMBER 9, 2016 MEETING MINUTES AND ASKED UNANIMOUS CONSENT.

Motion passed with no objections

Items for Information/Discussion

1. Vessel & Boat Shelter Insurance Options

Presentation by the Mr. Rick Shattuck

Mr. Uchytel introduced Mr. Rick Shattuck and stated that we have had meetings with him before to help us figure out our regulations regarding insurance requirements. At this time, we require patrons to provide a copy of their boat insurance. If they do not provide proof of insurance or are uninsured then there is an additional monthly surcharge of \$0.25 per foot per month. The money goes in to a fund to help salvage or raise a vessel.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Mr. Shattuck stated in prior meetings with Docks & Harbors he has given some basic 101 insurance information such as coverages, premiums, availability and some of the issues with these. Carl has sent him some regulations about insurance from other Harbors like Seward and Bellingham. He stated he also has reviewed the Alaska Clean Harbors task force letter from July and the proposed regulations. He stated he can talk about any specific details the board may have or answer any questions.

Mr. Uchytel stated in previous meetings we have had discussions where we need to ensure that boats in the harbor have some kind of insurance and that we need to protect the interest of the city. He asked what would that look like if we are to require insurance. We have a project where we are going to relocate the boat shelters and do we require the boat shelters to have insurance and what would that look like. Are boat shelters even insurable.

Mr. Shattuck answered marine insurance is similar to home and auto insurance where you insure the thing itself and the liabilities arising from it. From the Harbor standpoint, he assumes the harbor is more concerned about the liability. Whether there is a claim of an injury and if there is liability for the harbor, or pollution, or wreck removal those all can get included under the liability portion of the insurance. A lot of the larger vessels are going to have hull and machinery insurance. There are a lot of different vessels in the harbor and insurance can have a lot of different options like watercraft liability or protections and indemnity. These can include bodily injury or property damage. Insurance can get in to crew liability, pollution, and wreck removal coverage. As far as the question can every boat get insurance it just all depends. There are uninsurable vessels based on age and condition. Old wood boats are very difficult to insure. The bigger the boat the more likely the owner has to get a survey on it in order to get insurance and it may require things to get fixed first. For some smaller vessels or sailboats you can get your boat covered under your home owners' policy. Costs can vary from \$400 a year to \$50,000 a year and up, it just all depends.

Mr. Shattuck stated shifting to the boat shelters, these can also possibly go under a home owner's policy or owners may be able to get the most basic fire policy insurance. He said as he reviewed the documentations for the draft bill, the derelict vessel section is too vague to create an insurance policy from it. The regulation would want to clarify a marine liability insurance requirement. He recommended staying away from secondary liability insurance for someone that sold a vessel.

Mr. Uchytel stated he wanted to elaborate on the secondary liability. In Washington if someone sells a boat then that owner still may have liability for up to a year or something like that so people just can't walk away from a derelict vessel. Juneau is years behind Washington with handling derelicts.

Mr. Shattuck stated the Bellingham regulation is a good example that is general enough but it says it must be a 12 month policy and sometimes our company writes shorter policies. He assumes the harbor wants to stop a short term policy where people drop it

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

after they show proof. He stated CBJ should be named as an additional insurer if possible.

Mr. Summers asked about house boats and insurance availability.

Mr. Shattuck said it depends and can be difficult to insure. It is less desirable for insurance companies when it is a floating live aboard that does not operate.

Mr. Summers asked how do you figure out a value of a vessel. Is there a blue book.

Mr. Shattuck answered it is generally based on the appraisal from a survey. For the insurance liability amount \$300,000 is a good standard to require. It can increase based on charters and whale watchers.

Mr. Uchytel asked what would the plausible risk be that Docks & Harbors would want to protect ourselves from. An example being a boat shelter had an electrical issue and a dozen boats caught fire, what would be our liability.

Mr. Shattuck answered a lot of lawyers would argue whose fault it was. It would be about who was negligent. Maritime law is more absolute about liability in the policies. Most people are not going to have enough coverage to pay for all the damage. Hopefully each vessel has their own coverage. The city would be liable if it is a slip and fall, a bad power box, or a finger comes loose and boat gets damaged.

Mr. Janes asked if there is a secondary insurance or a high risk market. Is there somewhere we can refer people too.

Mr. Shattuck answered there is not a market that will provide marine insurance no matter what. Especially if they are not taking care of their boat. In his view the Bellingham example is a good one to model after and he would be happy to look at the regulation once it is complete.

VI. Consent Agenda

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

1. Winter Management (05 CBJAC 25.080, 05 CBJAC 25.090, 05 CBJAC 40.050)

RECOMMENDATION: TO DELETE SECTION 05 CBJAC 25.080 AND 05 CBJAC 25.090 AND SUB-SECTION (D) IN 05 CBJAC 40.050.

MOTION: BY MR. BOB JANES TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

VII. Unfinished Business

1. RECONSIDERATION – MORATORIUM ON SEAWALK PROPERTY LEASES

Presentation by the Port Director

Mr. Uchytel stated this goes back to September when Mr. Heumann came before the Ops Committee to request additional Docks & Harbors managed property be made available to lease on the sea walk in front of the People's Wharf building. Over the course of a couple months and a couple board meetings it was determined in November that the Board wanted to do a more comprehensive land use plan from Taku Dock to Marine Park before any decisions are made without a plan. Then in January, Tracy LeBarge came forward to ask for reconsideration from the Board for a lease on the sea walk. In order to re-open Tracy's Crab Shack in a portion of the People's Wharf building, she will need additional space on the sea walk for operations. She was able to obtain 400 square feet through The Assembly Lands Committee for a portion of the right-of-way for outdoor seating along Mr. Heumann's People's Wharf Building. That is an area outside of Docks & Harbors managed land.

Mr. Uchytel presented a map of the location where the People's Wharf building is located that Mr. Heumann owns, where the sea walk portion is that Docks & Harbors manages, and the right-of-way area where the seating will be. The ask of Tracy's Crab Shack is to have an 8' x 10' area on the sea walk in front of People's Wharf. The question before the board is if this is worth consideration or stay with the motion that was made in November to not consider any encroachments on the property until this urban plan is developed. After we complete the Bridge Park to Norway Point land use plan then we hope to have a good vision of the sea walk with public input hopefully completed by the fall.

Committee Questions

Mr. Bob Janes asked if we will have the comprehensive sea walk plan fully complete by the fall to include different places and different uses.

Mr. Uchytel answered we want to have it done this year so in 2018 we have a vision of how we are going to carve out the Docks & Harbors property. We want to find out if there is interest and if there is a compelling reason to acquire the Archipelago Property. In September we did not know what Mr. Heumann was considering in his ask. We often have requests from hot dog carts or native art sellers to sell on our property and if we don't have a plan in place it can be hard to say no. We need a plan that is real and makes sense so that everyone can get behind it. We need to consider the urban plan and the value of open space.

Mr. Summers asked to clarify where the right-of-way lines and property lines are and what is the lease property area.

Mr. Gillette answered by pointing out on the projected map where the right-of-way ends and Docks & Harbor property starts along the south side of the People's Wharf building. He also pointed out the portion of the building that is actually built on Docks & Harbors

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

managed land and contains the two lease parcels. There is a 20 foot right-of-way along the parking lot.

Mr. Bob Janes asked if there is a white awning over the sea walk on the People's Wharf building.

Mr. Heumann answered he does have an awning over the sea walk.

Mr. Summers asked where the right-of-way ends and the Docks & Harbors property starts on the south side of the building.

Mr. Gillette clarified the building ends right at the Docks & Harbors managed property. The right-of-way which is 20 feet is just a small finger from the street along the People's Wharf building that does not extend all the way to the dock. It stops about $\frac{3}{4}$ of the way along the building.

Mr. Simpson asked if the outdoor seating that The Assembly approved is the area along the parking lot.

Mr. Gillette answered yes he believes so but we have not been a part of that process since it is not our land.

Ms. Tracy LeBarge, Owner Tracy's Crab Shack

Ms. LeBarge stated originally when she came to the board it was her understanding that Mike Tripp had a tidelands lease out to the dock. Mr. Tripp had asked her if she wanted to buy the building where Tracy's Crab Shack was and if she wanted to keep the tideland lease. She had said yes. When that fell through, she went to Mr. Heumann for a lease to re-locate Tracy's Crab Shack to the People's Wharf building and they had talked about the tideland lease in front of his building and decking it over. It then became apparent that was not an option for this year. She had to move out of her 6000 square foot space last year and she is now trying to find a new location. Her plan is to lease from Bill Heumann in a smaller 2000 square foot lease but it will require her to build another \$150,000 commercial kitchen. She is asking to have a one year temporary lease that would allow her to operate this season from her 8' x 10' shack on the sea walk since there is not room for her shack on the right of way. She will also need space for a propane tank and dumpster. It is a popular eatery because it is a shack and not a restaurant or café. She wants to keep the historical value for this season. It has been a long process searching for a new location on the waterfront by the cruise ships. She is asking the Board to reconsider and allow this temporary lease for this season so she can wait to build out the new kitchen in the People's Wharf building.

Mr. Summers asked for clarification about the utilities and what she needs space for regarding the trash and propane tanks. Does she still need the area to cook and serve food too.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Ms. LeBarge answered she wants to have the shack so she can cook there. It will be three pots and a shack so she does not have to spend the money to build out a brand new kitchen this year. She does have garbage and propane issues whether she builds the new kitchen this season or operates out of the shack on the sea walk. She will still need property on Docks & Harbors.

Mr. Janes stated as a board member and a community member he appreciates everything the Crab Shack does for Juneau. He stated he cannot feel good about her shack being on the sea walk because she does not want to spend \$150,000 on building a new commercial kitchen this year. If she could not install a kitchen there that would be another issue but because she does not want to spend the money this year then we have to look at and consider other restaurants in town that also provide food service to our community. He said we appreciate what she does for the community. We hope we can find a compromise. Mr. Janes said he knows she is leasing a legitimate space at the People's Wharf building and she is putting a lot in to that space. Mr. Janes asked if she has any other options for the propane and garbage.

Ms. LeBarge answered the propane tank has to be a minimum of 10 feet from the property so the only option is Docks & Harbors property.

Mr. Janes asked for the cooking itself even if you build the new commercial kitchen this year you still need space from us for the propane and dumpster.

Ms. LeBarge answered yes.

Mr. Janes stated he hopes that there is a compromise that we can make so we can provide a service corridor to local property owners which continues to promote commerce and our waterfront.

Ms. LaBarge stated she does not have a choice about the propane and the trash. It does have to be on Docks & Harbors property. She did look at having the shack against the People's Wharf building but would still need about 3 feet of additional space. She talked to Dave from Arrowhead about putting the propane tank under the dock and he said they would not do that and take on that liability because of the salt water corrosion. It has to be 10 feet away from any place that she cooks. The only option is on the dock.

Mr. Bush stated he recognizes the cost of the commercial kitchen being an item. The bigger item we have from our thought process and discussions is on the waterfront plan. We hope to have it completed this fall and to consider Tracy's Crab Shack in that plan for 2018 since she will be spending the money on that new location. He likes the idea of compromise and to figure out some way to get through this season so Tracy has an opportunity to promote the commerce that she does. He recognizes the quality and volume of the commerce of the Crab Shack. It is a benefit to the community and it is a tourist draw. We do not want to have temporary propane in the plans for 2018. We need a permanent plan after we develop the waterfront area.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Ms. LeBarge stated just to clarify she will still need propane on the docks every year not just this year.

Mr. Summers asked for specific sizes of the propane tank and the dumpster.

Ms. LeBarge answered the dumpster is on wheels that is pushed to the street to be emptied each morning and it would be stored in a decorative planter area. It would be one dumpster emptied every day and since it is a smaller space and we recycle we should only need one. The propane tank is 9 feet long and approximately 125 gallons. The shack needs 8' x 10' feet of space.

Mr. Donek asked what is the total space she would need for trash, propane, and the shack.

Ms. LeBarge answered there are two plans with and without the shack included. The idea is to tuck the tank and trash behind the shack. We would need 16' x 10' if we are only looking at the propane and garbage.

Mr. Simpson stated we need to decide if we will allow the lease first then we can discuss the footprint if we get to that point.

Mr. Bush stated he agrees we need to decide if we are sticking with the moratorium. He believes we need to reconsider it and send it to the board.

Mr. Uchtyl asked if the trash is once a day or twice a day pick up and when it is done.

Ms. LeBarge answered that it is picked up once a day by 6am before anything is open and is wheeled down to the curb.

Public Comment

Mr. Heumann stated he has owned the People's Wharf land since 1983. When he purchased the land, the city property went right to the edge of the building. The Assembly then established a right-of-way so he could meet building code requirements to have doors on the side of the building. In 2006, he was approached by the Assistant City Engineer, Rorie Watt to request property owners to upgrade what they had so they could build the first part of the sea walk. It was to create a more comprehensive presentation to the tourist industry. In his 35 years, he has done a lot of battles with the city but this was a collaborated effort where we worked together with the upgrades and the right-of-way. The tidelands were offered to him for a lease and were not put out for bid to the public. That is how he got where we are today. He stated during the endeavors of getting approvals for the tideland leases, it was a pretty easy process. He has one other tideland lease out at Auke Bay for a 400 foot private dock and Mitch Falk also has one. Those were done in favor of the upland property owners. To his understanding, even with the statehood act they always give favor to the upland property owners. You do not want a third party to come in and build something in front of someone else's property therefore causing them to lose waterfront or views and grossly devaluing their property. Things

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

have gotten a lot more sophisticated in the city as time goes on. Mr. Heumann stated he naively thought he could easily get another tideland lease in front of the People's Wharf building and then realized it would not work with his timeframe. He then recalled he had the right-of-way so he went to the City Manager and the Assembly to see if he could get an area there for outdoor seating. They were very supportive. He thinks there is an oversensitivity in the press that area businesses are out to get each other or want to make things harder for others. He thinks every business owner pays attention to their own businesses. He also sat in on Reecia Wilson's conditional use permit with the planning commission. It was very clear to him the planning commission went out of their way to approve the permit to continue development along the waterfront. He stated that it is their vision to continue the development. It is a public private partnership. His question is why not. What is the problem with leasing the area on the sea walk. He believes there is room for everybody all along the sea walk. Tracy's Crab Shack will be employing 29 less people this year because she had to move to a smaller facility. We are in a recession so we want to go in the direction of providing business with what they need. This is a long lease they are seeking and they will accept the parameters. He stated they would use PND Engineering to design it and Trucano's to build it. It would all be done within the private sector. We would cover in the open area of the sea walk with no cost to Docks & Harbors. He stated he would want a financial analysis of the area to determine the lease price. He does not think we need all the barricades on the sea walk especially with the cruise ships docks being moved out. TSA and the USCG should not be telling us how to run our docks. He stated he also acquired a problem since the parking lot and docks development, the walkway now curves therefore losing the foot traffic he once had along the building. He lost two business leases because of the lack of pedestrians. It was an unforeseen circumstance. The goal of the sea walk was to alleviate the congestion of the foot traffic on Franklin Street but it is under developed and there is not a draw to the area. People head for the shops. If Tracy's Crab Shack did build a \$150,000 kitchen this year and then the Docks & Harbors plan does not allow for a propane tank or trash receptacle on the docks she would be out of business after spending all that money. For one year, until the land use plan is completed this fall the board should allow Tracy's Crab Shack to operate on the sea walk.

Mr. Janes stated the board members are all about supporting local businesses. He stated he likes supporting local businesses and displacing the Caribbean businesses. He asked if the People's Wharf is traditionally leased to out of town businesses that leave in the winter.

Mr. Heumann answered yes and he is looking forward to leasing to local businesses. He has local businesses in the past prior to his rebuild. He believes he will be better off with reliable local businesses than with the other businesses that come and go.

Mr. Trucano stated he could easily build a temporary platform for the propane tank and the dumpster that would be over the water not taking up any dock space. It could be located right behind the Crab Shack. It could be there for one year and then be taken out. He has known Tracy for a long time and she has collected an enormous amount of sales

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

tax for the city. He would like to see the city give back to the people. He would like to let her have the space for just one year.

Committee Discussion/Action

MOTION: BY MR. BUSH TO RECONSIDER THE MORATORIUM AND TAKE THE DISCUSSION TO THE FULL BOARD.

Mr. Simpson asked Mr. Bush to clarify that his motion was to take it to the board to discuss.

Mr. Bush answered yes.

Mr. Simpson stated let's hold the motion since we have other members that want to discuss it now.

Mr. Janes stated he would like to have a specific recommendation to take to the full board rather than just forward the discussion.

Mr. Summers stated in terms of reconsidering the moratorium on leases his answer would be no. It would be an exclusive use for a single operator. He would not support putting the shack on the docks for just one private business. However what he can support is that the land owner is asking for a utility by asking for space for the propane tank and the dumpsters. We should support that in one way or another. If we are going to take something to the Board, we need a specific ask for what the plan and sizes of where these items would go as a permanent structure. He stated he would be much more inclined to support a property owner wanting to get some utilities rather than a private business getting an exclusive opportunity to operate on the docks. He stated part of the reason is that we do not know if we are going to have tideland leases as part of the plan.

Mr. Donek stated if we are going to forward to the board he wants to see a specific drawing with a plan of locations and sizes of square footage for the tank and the dumpster. He needs a visual specific proposal.

Mr. Janes stated he agrees that Trucano's could build a structure over the water without driving any pilings. He would like to take that in to consideration that way we are not leasing out any existing sea walk space. The building owner would be paying to create new space for the propane tank and garbage. It conforms to a plan for the entire sea walk. Since we are doing something different, we are treating everyone fairly. It would be a win for everybody. He does stick with his original opinion. And in spite of the cost of a commercial kitchen, we can help with long term piece of the neighborhood and just do the propane tank and the dumpster which would allow Tracy's Crab Shack to open this summer.

Mr. Simpson stated he wanted to clarify she is also asking to put the 8' x 10' structure on the existing sea walk. He said we need a drawing of what she wants.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Mr. Donek said we need to get a plan then we can go from there. He is sure Doug can build whatever she wants. He is not concerned how the planks will be laid out, that's for them to figure out. Define what space she wants and we can discuss that.

Mr. Simpson stated he has two competing considerations and policy issues to make. He completely agrees with Mr. Heumann that the upland owner does have some kind of priority position to control the seaward tidelands adjacent to his property. It does not make sense if anything is going to happen to the land that we can't go out to bid to let another business go up like a Texaco station. We can't allow that in our planning process. If Mr. Heumann did acquire a lease and he decides to put up a crab shack then that is not out of the question. You see those in other communities on the docks. The competing point is we don't have the comprehensive land use plan yet. Mr. Heumann was aware last year that we would not have that plan until this fall. The item he cannot agree to is that if someone has an urgent need to put a structure on docked over city land that costs us hundreds of dollars per square foot. If we do it one time then we could never say no to anyone else who has a pressing need. While Ms. LeBarge has a compelling argument then it allows just anyone to show up with a request. Mr. Heumann can make a request for his land then he can do whatever he wants with the space. We can do a short term lease for Mr. Heumann.

Mr. Donek stated he would be more comfortable if we were making a one year exception rather than taking off this moratorium. We need to have a plan in place so we can make the decision in the future and a crab shack makes sense rather than a five story building.

Mr. Bush stated he does not have a problem leaving the moratorium in place and making an exception for this temporary lease. It sounds like from the discussion there is support we want to make something work. He withdrew his original motion.

Mr. Simpson asked if there was any objection for Mr. Bush withdrawing his motion. Seeing none we will start over.

Mr. Summers asked if we are going to develop a temporary lease and are we going to offer that to everybody or just choosing one. We also have existing land owners that may want one. Are we just choosing one or prioritizing. If we are offering an exclusive lease to just one land owner then he does not want to make an unlevel playing field for other land owners. If we allow them to use a specific space then they can put whatever they want rather than specify a propane tank or dumpster. He also asked how do we decide what is appropriate if it is a temporary or permanent structure.

Mr. Janes stated he is ready to make a motion.

Mr. Uchytel stated before the board makes a motion, time is of the essence and I've heard what the Chair has said about property owners having preference but he has had a lot of conversations with law and they may not see it the same way. There are a lot of procedural things we have to follow and there are a lot of things that have to happen. He

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

is not sure what could be short circuited. There are a lot of things that have to happen like board approval, appraisals, public notices, and Assembly approvals. He stated he knows Tracy wants to begin construction right away. He asked the Board to please take that in to account with what motion is made.

Mr. Simpson stated he wants to address a couple things. He is not talking about a legal right for a property owner to build something seaward. He is talking about public policy question that allows a property owner to have some sort of a priority. Mr. Heumann testified about the sole source lease he got for the few feet seaward of his building that he did not have to outbid anyone for because it made sense and it is the right thing to do. The same with Tripp's building that has a decked over area where the cars are parked. He negotiated it with Docks & Harbors and he built the dock. That is just how it is done. Mr. Simpson stated he is not talking about getting in a fight with the law department about if Mr. Heumann has a right to it. He is talking about a policy that we can incorporate in to our waterfront plan if we want to. It has been our operation and should probably continue.

Mr. Janes said he agreed.

MOTION: BY MR. JANES THAT WE ASK MR. HEUMANN TO BRING US A PLAN FOR PROVIDING A SPACE FOR PROPANE AND GARBAGE UTILITY SERVICE WITHIN THE YELLOW AREA ON THE CORNER OF THE AREA OF INTEREST TO BE DESIGNED AND CAMOFLOGED HOWEVER IT MIGHT BE PLEASING AND TO BE CONSTRUCTED AT THE COST OF THE PROPERTY OWNER IN THAT SPACE IN ORDER TO PROVIDE THOSE UTILITIES FOR TRACY'S CRAB SHACK.

Mr. Simpson asked where is the shack going to go.

Mr. Janes said that is for her to figure it out on her own.

Mr. Simpson asked if we could have Mr. Heumann bring a plan for all three things then we can vote it up or down.

Mr. Janes said ok I can amend that motion to have him bring whatever designs he sees fit for that corner. He can bring separate designs.

Mr. Heumann asked in order to understand if this is the area over the water and if this is going to be a lease that these items will be placed upon. The outdoor seating area in the right-of-way would be lower rent than the cost of an appraisal so it did not make sense for the Assembly to get one. Is it possible to not get an appraisal since it does make sense both if it is an area over water and it is only a temporary one year lease. He asked if it is possible to not follow the process since it is not a long term lease.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Mr. Simpson stated he does not know the answer to that and it will have to go to legal. We are under some constraints as far as how we lease things. He thinks the time isn't an issue. There is a maximum length of a lease but he does not think there is a minimum. The appraisal question can be daunting.

Mr. Heumann stated he thinks it is possible to get it done in a few months. The appraisal could be done now but then go to the Assembly. It's pushing it but it's possible.

MOTION: BY MR. JANES THAT WE ASK MR. HEUMANN AS THE UPLAND PROPERTY OWNER TO PROVIDE US WITH ONE, TWO, OR THREE DESIGNS FOR CORNERING IN A SECTION OF THE YELLOW AREA OF INTEREST HERE TO PROVIDE A PLAN OR TWO OR THREE OF YOUR LIKING FOR US TO CONSIDER FOR LEASING AT OUR NEXT FULL BOARD MEETING AND ASKED UNANIMOUS CONSENT.

Motion passed with no objections

VIII. New Business

1. Policy for anchoring on CBJ Docks & Harbors tidelands

Presentation by the Port Director

Mr. Uchytel stated this policy came out of the last harbor fee review committee. This is a question about what are we going to do about the vessel anchored on Docks & Harbors tidelands by Aurora Harbor Breakwater. Dave Borg created a policy that mimics what Department of Natural Resources has. It states a vessel can anchor for up to two weeks at a time then it must relocate at least 2 miles away.

Mr. Borg stated he wanted to keep the policy simple and use the one that the State already has in place. He stated he did add that vessels must use standard anchor tackle that is designed for the vessel and no permanent mooring system will be authorized on Docks & Harbors managed tidelands. There is a big difference being moored and being anchored.

Mr. Uchytel asked Mr. Borg to speak to the current vessel that are moored outside Aurora.

Mr. Borg stated he has spoken to Steve Hamilton who is the owner of the flotilla that is moored at the southern end and tied up to a mooring ball system. Mr. Hamilton has sold his barge a several other pieces of equipment that is there and when the weather is appropriate it will all be moved south. He has been very responsive in getting his items removed. As for the Lumberman, we have a much more serious situation. A couple weeks ago she drug her mooring system. She has two mooring balls that are now even which is causing the vessel to twist and rotate 180 degrees and as she continues to twist these lies could cut the vessel in half worst case scenario or continue to keep dragging until she hits shallow water. There is also 80 feet of dock and two other boats that have sunk multiple times. The father of the owner said they are handling it but they do not have a plan in place. We continue to watch it carefully but it is a major concern.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

If it breaks loose the only crew that can handle it would be Amak towing and they are not always available.

Mr. Uchtyl asked if we could have the Coast Guard intervene.

Mr. Borg answered he is not sure if they can assist since it is not in the waterways and has not broken loose at this point.

Committee Questions

Mr. Donek stated if it breaks loose it can block the channel for the barges.

Mr. Uchtyl stated we need to definitely contact the Coast Guard about our safety concerns. As far as the policy, we will have Law draft something to move forward with.

Mr. Donek stated he recommends removing the section on moving 2 miles since it is not applicable to our tidelands. We can keep the 14 day rule. And we should remove the wording about "might be" since we want the policy to be clear.

Mr. Simpson stated he agrees to the 14 day rule. But what about the Manson barge that stayed longer.

Mr. Borg answered they got a permit from DNR that cost them money because we did not have the room on our tidelands since the Hamilton's flotilla and the Lumberman did not move in time. So that cost us in the long run since the construction company will bill us for our project. We need to be able to manage our property.

Public Comment - None

Committee Discussion/Action

Mr. Summers asked if we send it to Law first or to the full board.

Mr. Simpson answered if we recommend moving forward then staff will take it to Law first and bring the final product to the full board for consideration.

MOTION: BY MR. DAVID SUMMERS FOR STAFF TO FORWARD THE POLICY TO CBJ LAW FOR REVIEW AND THEN RETURN TO THE BOARD AND ASKED UNANIMOUS CONSENT.

Motion passed with no objections

2. Proposed New Regulation – Vessel Sewage Requirements

Presentation by the Harbormaster

Mr. Borg stated this has stemmed from the fact that we are working on our Clean Harbors Certification. One of the things we don't have is a regulation on how we handle sewage and waste in our harbors. This has been a contentious situation especially with live

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

aboard. This is not a live aboard issue. The dumping of the sewage in our harbors is illegal by Federal Law for all vessels. We can longer ignore it and we need to address it.

Mr. Creswell stated a lot of this information the Board has seen before and at this time we do not have a regulation in place nor a program to ensure live aboard have a proper sanitation device in place. We know for a fact that many vessels are discharging untreated sewage in to our harbors against the Federal Law. In order to get the Clean Harbors Certification we must have a local code in our regulations stating vessels cannot discharge untreated sewage in to our Harbors. He presented a power point presentation that showed the testing of our harbor sewage levels that were well over what is allowed. He also presented photos of the amounts of floating sewage in our harbors and explained the smell is overwhelming at times. This is not the right thing to do and we must do this for the future of our harbors. He read the proposed regulation that is attached to the agenda packet for the board to consider. Vessels will need to have Coast Guard approved sanitation systems. We are aiming the regulation at live aboards for our inspection because they are using facilities every day. But the law does state no vessels no matter what can discharge sewage.

Mr. Borg stated we have many live aboard vessels that he has gone on and they all have multiple 5 gallon buckets filled with human waste that are not being properly disposed of.

Committee Questions

Mr. Simpson stated part of the regulation should list the actual Coast Guard approved Type of sanitation systems.

Mr. Creswell stated that even with Type I and II systems vessels must still have a holding tank that must be pumped out or only discharge at least 3 miles out.

Mr. Summers asked if we have a regulation about what a live aboard length of stay is.

Mr. Creswell answered that is already in our regulations.

Mr. Simpson stated to be clear all vessel whether live aboard or not must follow the federal law. The live aboards are there longer therefore we want to be able to inspect it.

Public Comment

Mr. Becker asked if the incinerator type toilets that people have in cabins would work.

Mr. Borg answered the incinerator type of toilets are not very conducive for small boats because of the exhaust and amount of heat. They are either electric or gas powered.

Mrs. Becker asked what the repercussion or penalty would be.

Mr. Uchytel answered we will not be able to enforce a Federal Law. Coast Guard or EPA would have to come down to do that type of enforcement. Part of the regulation could

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

have a violation fee or fine but we just want it to say this is what you have to have to be compliant with the Harbor.

Mr. Simpson stated Mrs. Becker has a valid point that we have to have an overriding violation that could results in fines. We should have CBJ Law add that in to prohibited acts.

Mr. Holzman stated 20% of the Harbor are live aboards and the board is taking aim at the just a small portion of the Harbor. All vessels are discharging. You cannot just do it for a minority.

Mr. Simpson stated this does apply to everybody and every vessel per the Federal Law like he stated before and our intention is to enforce for everyone not just live aboards.

Mr. Donek stated we should have it in our new regulation that we have the right to inspect every vessel not just live aboard vessels.

Mr. Simpson stated he has experienced that in other harbors.

Committee Discussion/Action

MOTION: BY MR. DAVID SUMMERS TO FORWARD THE NEW PROPOSED REGULATION TO THE FULL BOARD TO INCLUDE THE INSPECTION FOR ALL VESSELS FOR CONSIDERATION AND ASKED UNANIMOUS CONSENT.

Motion passed with no objections

IX. Items for Information/Discussion

1. Vessel & Boat Shelter Insurance Options

Presentation by the Mr. Rick Shattuck (*SEE ABOVE*)

2. Duck Boat Tour

Presentation by Mr. Cedar Stark

Mr. Stark stated he was born and raised in Juneau and has spent the last 20 years working on different boats. Over the last year and a half he has been working on developing an amphibious bus tour. It would be like the other duck tour boats all over the U.S. like Seattle and Ketchikan. Mr. Stark handed out photo of the new modern version of the vehicle that he plans to use for his new business. (see attached photo) They are designed to be a lot lower maintenance and virtually unsinkable. The vehicle is 18 ½ feet wide 40 feet long and 11 feet tall and it seats up to 49 passengers and 2 crew. They weight about 19,000 pounds empty and 28,000 pounds loaded. He is not sure if the launch ramps can hold the weight. If the board approve the permits his plan is to load and unload at one of the cruise ship lots downtown. But he would have to have the end parking spot because people board up a latter on the side for safe boarding.

Mr. Simpson asked staff if he started this business is it even possible for him to use the loading zones.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

Mr. Uchtyl answered it could be possible with a B-Zone permit.

Mr. Stark stated the plan would be after loading then they would drive through town and the guide would give a tour. Then head to the Douglas Boat Launch and drive up the channel for the water tour and pull out at the Harris Launch Ramp and drop off back downtown. This is all weather dependent. Really foggy or windy days we may have to go to Statter or North Douglas. We would just need to use ramps April through September. I figured we would pay loading fee permit, commercial launch permit, and passenger head fees. We would have the correct licenses for our captains. We would have to start in 2018 and my company would create jobs and income.

Committee Discussion/Public Comment

Mr. Summers asked what the water and land speeds are.

Mr. Stark answered he would not go above 50mph on land and 5 knots on water. It would be educational and entertaining tour.

Mr. Donek stated the slickness of the ramps may not work at all. Harris is too old for the weight of the vehicle. He would need to look at all the launch ramps.

Mr. Uchtyl asked what would your plan be at the ramps with other vessels launching.

Mr. Stark stated he would wait in line and try and plan around wait times.

Mr. Uchtyl asked if he spoke with Kirby Day and Drew Green about using their facilities.

Mr. Stark answered he did ask them and they said it would interfere with their operations.

Mr. Donek stated there was one issue with duck boat tour in Ketchikan and that is the splash entering the water caused too much of a wake for the other boats.

Mr. Stark said he understands and he won't really be able to do the splash and it is hard on the vehicle anyway.

Mr. Janes stated he does not see a problem but recommends he works with the Harbormaster to make sure the boat launch ramps will work before he purchases the vehicle.

Mr. Stark thanked the board for their time and input and he will stay in touch with a plan.

3. Auke Bay Marine Station Update

Presentation by the Port Engineer

Mr. Gillette stated the good news is we are continuing to have dialog with the City Manager and the UAS chancellor and the UAF lands manager attorney and our own

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, February 15th, 2016

council. We have had a couple of meetings and are talking about partitioning the land so UAS gets a portion and we get one. If we cannot come up with an agreement with UAS to divide the property then it will just be determined by the proposals who gets the property. UAS is asking for an easement in the middle of the property and that would greatly affect our portion of the property and future use. They also want free and exclusive use of the dock and fish house. We do not think the easement is necessary if they get the dock space and we can put that in to an agreement that they get access to it. The City Manager is on our side saying UAS is asking too much.

Committee Discussion/Public Comment

Mr. Simpson stated if we give them an easement then it takes away property from us and they are the dominant user then we are subordinate to everything they want to do so we may as well just give them the whole thing.

Mr. Gillette stated it would limit our future use with the configuration they want. The other issue is free and exclusive use of the dock. We would be willing to lease it to them.

Mr. Simpson asked if we would have to maintain the dock too.

Mr. Gillette answered we would have to figure that out because we would want to use the dock too. Or they have to maintain it if they use it. We do not have anything fully vetted yet but we agreed to meet again next Wednesday.

Mr. Uchytel said the float is currently under a state lease until 2020 that would have to be honored. We already have the tidelands.

X. Staff & Member Reports

Mr. Uchytel stated the Aurora Phase II project had the bids opened last week. We had canceled the special board meeting because Doug Trucano had sent a letter of intent to protest but he has since pulled that letter of protest. He stated He and Gary will now work to make sure the apparent low bidder has the means, personnel, and equipment to do the work. The engineer's estimate was at \$4.1M and the low bidder NCS came in at \$3.15M. To our knowledge they have never driven piles before.

Mr. Uchytel stated Mr. Doug Unruh, Auke Bay Supervisor, will be retiring April 28th.

Mr. Uchytel stated he got a request from a business owner stating the trees at the CT lot were encumbering his advertising and stated we need to remove the trees.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, March 22nd, 2017.**

XII. Adjournment

The meeting adjourned at 8:05pm.



CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, February 23rd, 2017

I. Call to Order

Mr. Donek called the Regular Board Meeting to order at 5:04pm in the CBJ Assembly Chambers.

II. Roll Call

The following members were present: John Bush, Weston Eiler, Bob Janes, David Lowell, Robert Mosher, David Seng, David Summers, Budd Simpson, and Tom Donek.

Also present were the following: Carl Uchtyl – Port Director, Gary Gillete – Port Engineer, David Borg – Harbormaster, Matthew Creswell – Senior Harbor Officer, Mary Becker – Assembly Liason, and Robert Palmer – Assistant Municipal Attorney for CBJ.

III. Approval of Agenda

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

Motion passed with no objection.

IV. Approval of January 26th, 2017 Regular Board Meeting Minutes

MOTION By MR. BUSH: TO APPROVE THE JANUARY 26th, 2017 REGULAR BOARD MEETING MINUTES AS PRESENTED AND ASKED FOR UNANIMOUS CONSENT.

Motion passed with no objection.

V. Public Participation on Non-Agenda Items

Sandy Williams, Douglas, AK

Mr. Williams said he has not been able to find any landscaping plans through the Planning Commission for the Mike Pusich Douglas Harbor. Elaborate landscaping has been completed at other harbors, and he would hope Douglas would enjoy the same consideration. The Director of Parks and Rec said the park in Douglas is the highest used park in the City by far. It seems there should be some consideration for landscaping in that light.

Mr. Simpson said when the harbor was expanded 10-12 years ago there was a plan showing improvements to the parking lot, pavement, striping, islands, and some landscaping. There was just never any money for it, but he would like to do something about it.

Mr. Williams said a landscaping plan was required in the building permit, but he has never been able to find any landscaping plans.

CBJ DOCKS AND HARBORS BOARD

REGULAR MEETING MINUTES

For Thursday, February 23rd, 2017

VI. Consent Agenda

- A. Public Requests for Consent Agenda Changes
- B. Board Members Requests for Consent Agenda Changes
- C. Items for Action

1. Winter Management (05 CBJAC 25.080, 05 CBJAC 25.090, 05 CBJAC 40.050)

RECOMMENDATION: TO DELETE SECTION 05 CBJAC 25.080 AND 05 CBJAC 25.090 AND SUB-SECTION (D) IN 05 CBJAC 40.050 AND DIRECT STAFF TO COMMENCE THE PUBLIC NOTIFICATION PROCESS.

MOTION By MR. EILER: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASKED FOR UNANIMOUS CONSENT.

Motion passed with no objection.

VII. Unfinished Business

1. Temporary Request for Use of Docks & Harbors Property along People's Wharf

Bill Heumann, owner of People's Wharf, Juneau, AK

Mr. Heumann said he was asked at the Operations Committee Meeting to present some concrete proposals for what he and his business partners are requesting. Their first priority is a place for a propane tank, and their second priority is a cook shack which is essentially three 30 inch crab pots. He thinks they have found a solution for garbage. He does not understand the controversy about their proposal because it is provided for by City ordinance and this kind of consideration has been given to numerous other people in the community. They would like to accomplish their needs prior to tourist season, so they are requesting a use permit from the Board. He quoted City ordinance saying "Permits for less than one year for the use of City and Borough owned land may be granted by the Manager after review and an opportunity to comment by the Planning Commission." If they requested a lease for a long period of time, then that's got more burden associated with it and would need to go higher up the chain. Anybody can come before the Board and ask for a use permit. He suspects the reason they don't is it's rarely economical to do so. There are many configurations that could provide for their needs. The most preferable is to enlarge the small triangle that's presently part of their lease by approximately 45 square feet to make enough room for three pots instead of one pot. There are already obstructions along the seawalk in that area and there is plenty of room for people to walk. The root of his whole problem is there is no foot traffic there since the cruise ship offloading ramp was relocated down to the tram.

Board Questions

Mr. Summers asked if the 45 square feet laid out by two-by-fours in front of the building is the full extent of Mr. Heumann's request? (photo on page 52 of the packet)

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Heumann said yes, that is correct.

Mr. Simpson asked what the solution for garbage is?

Mr. Heumann said he found a trash compactor on the internet that is 30 inches by 30 inches and will compact two cubic yards of trash. It could go inside the existing space. The trash would still need to be picked up twice a day but it's a little cube of garbage.

Mr. Bush asked if the propane would still be required out across from the building?

Mr. Heumann said there are two ways the propane could be managed. They could have one large tank approx. three feet by ten feet which they would have to fill once a week or they could have as few as two vertical tanks with a 30 inch circular footprint each that have to be filled every other day or so before the boats come in. The tanks could go on improvements constructed inside the undeveloped portion of the enclosed water area, so they are not on any part of the existing dock structure. The propane tanks could also possibly be located right next to the building, but he would prefer not to do that.

Mr. Donek asked if the crab shack, the propane, and the trash compactor would all be in the area within the two-by-fours?

Mr. Heumann said no, the trash compactor would be inside the building. He would like to put the propane tanks over the water area, but if the Board is unwilling to allow it then the fallback location would be against the building.

Mr. Janes asked Mr. Heumann to confirm if he is currently leasing property from CBJ?

Mr. Heumann said yes he has a tideland lease because part of his building rests upon a tideland. He initially thought to amend the existing lease to add the square footage, but he thinks a use permit would be more expeditious.

Mr. Lowell asked if Mr. Heumann was successful in getting the encroachment permit for the City right-of-way adjacent to his building?

Mr. Heumann said he is waiting for Assembly approval.

Mr. Lowell asked if all these operations could be put on that space instead?

Mr. Heumann said no because that permit is for outside seating.

Mr. Summers asked where the propane tank would go if it was up against the building?

Mr. Heumann said the long edge of the building facing the tram. He would not put it along the seawalk end of the building.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Janes said that would still be CBJ seawalk under Docks & Harbors jurisdiction so he would need approval to put it there as well even if it was up against the building.

Mr. Donek asked Mr. Palmer to explain what the process is moving forward for a permit vs. a lease if the Board approves the plan.

Mr. Palmer said temporary use permits and leases are both provided for in code and anybody can ask for one or the other. They have slightly different processes but they take the same amount of time. The absolute fastest that a lease or a temporary use permit could occur is probably six to eight weeks. Realistically, both take a little longer because of the process. A temporary use permit is for non-consumptive temporary uses and there are two options. One, if it can be completed within a year, or two, if it is in anticipation of a lease, easement, or sale being arranged. Mr. Heumann said he is asking for a temporary use permit for less than a year not associated with a lease. He would have to file a complete application. There would be an initial review by Docks & Harbors staff and if it looked like the application was complete it would be referred to other departments. It appears that it would have to go to Engineering, Public Works, the Community Development Department, and likely the Fire Department. There would have to be at least two weeks for public notice, then it would go to the Planning Commission for their review and back to this Board. The code allows the City Manager to grant temporary use permits. Because the Docks & Harbors code inserts the Port Director for the City Manager, the Port Director has authority to grant temporary use permits. However, if this Board wants to review it, you could ask that the Port Director not have that entire power delegated and you retain some power to make any recommendations or decisions, then instruct the Port Director as you see fit. Realistically this is an eight to twelve week process and there are only slight differences between this process and a lease. Both need appraisals, both need complete applications, and they may need a survey depending on what this Board requires.

Mr. Summers asked if the Board said it is our intent to issue a temporary use permit for 45 square feet and a propane tank up against the building, would the six to eight week clock start right there?

Mr. Palmer said no, that would just give Mr. Heumann an indication that the Board is willing to process the application. The Board would still retain authority to make the final decision after the Planning Commission reviews it.

Mr. Eiler said that information is very helpful. He would like to get a diagram of the process from Law or staff. He gets asked that question on the street and it would be nice to have a cheat sheet.

Mr. Lowell said that under a use permit, no improvements or changes to improvements may be made in a permit area unless first approved by the Manager. Is that an issue if they intend to build some sort of platform off the edge of an existing structure?

Mr. Palmer said no, not up front. However, if they do intend to build some type of platform, they are required to get it surveyed and have an as-built survey provided to Docks & Harbors after they complete the platform.

Public Comment

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Reecia Wilson, Juneau, AK

Ms. Wilson said she is here tonight on behalf of Merchants Wharf LLC, who owns the Wharf building and private tidelands downtown. She has no intent to prohibit Mr. Heumann to facilitate his new tenant. She is here specifically as a property owner. She read the following letter from the Merchants Wharf partnership addressing this issue as it relates to what she thought was a moratorium on leases on the seawalk:

Dear Members of the Docks and Harbor Board,

Considering recent developments, we are concerned that policy changes and/or exceptions regarding the moratorium on seawalk leases may have unintended consequences and influence the use and value of private property for those of us invested in the downtown waterfront.

Merchants Wharf, LLC would appreciate an explanation on the intent and the will of this board to manage public tidelands developed and paid for by taxpayer dollars.

We also ask that a rational and consistent process be followed for a master plan, so both property owners and operators can make educated assumptions prior to engaging in new ventures, including potential transactions with the CBJ, which may be impacted by the leasing of property managed by Docks and Harbors.

Thank you all for your time and public service.

Ms. Wilson said Merchants Wharf and her partners felt it necessary to go on record at this juncture. Although she has made 20 years of investment in waterfront property here in Juneau, most people likely recognize her as a restaurant operator. This is a small community and she operates in an even smaller industry. Everyone in this industry shares customers and employees. Her whole career she has been very passionate about downtown businesses engaging entrepreneurs and she likes to see young people having opportunities for small businesses. She doesn't want to see any harm done to any local business and she can absolutely support some of Mr. Heumann's ideas. Her concern is the potential for long term ramifications for local businesses and sticking to the existing waterfront plan. She appreciates the Board's consideration of this complex scenario as it relates to the moratorium on potential leases on real estate that's been created by taxpayer dollars.

Mr. Eiler asked if the LLC owns or leases property between the Library and Taku Smokeries?

Ms. Wilson said Merchants Wharf LLC owns the uplands, the historic blue building, the tidelands it sits on, and about 50,000 square feet beyond Merchants Wharf.

Mr. Heumann said there are a lot of tideland leases and other leases that CBJ has given to people because they have a need for them. He is aware that there is a planning process for the area from the tram down to the Library that may be completed in the fall. The use permit they are requesting is for less than a year. They will probably be back asking for something again next year, but then it will be in the context of the plan. At that time, the plan could make no accommodations for them. That is the risk they take. He does not think a use permit for a period of less than a year is out of concert with the idea of developing a plan.

Board Discussion/Action

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Summers said if the ask is for a short term permit to put a propane tank on the cement up against the south side of the building and 45 square feet on the corner and it's limited to those things only, he thinks the Board should consider it.

Mr. Donek said keep in mind that tanks against the building will still be a Fire Department consideration with building codes, and the propane may still need to go on the dock.

Mr. Simpson said he feels strongly that an uplands property owner adjacent to CBJ tidelands should enjoy some kind of preferential right about use of those CBJ tidelands. We are under a moratorium right now, and we did that because we didn't want to see all kinds of different things happening on the seawalk while we're trying to develop a plan to use that property. He could go along with the request for the 45 square feet because it's adjacent to the existing building but he has a real problem allowing something out on the dock until the plan is complete.

Mr. Janes said he was under the impression that our moratorium was as a result of people asking to put carts and different kinds of activities on the dock, unrelated to upland property owners. What Mr. Heumann is asking for doesn't restrict the dock any more than the existing handicap ramp on the Tripp Building, and he thinks it's reasonable.

Mr. Mosher agreed and said he is not concerned about the moratorium because they are asking for a temporary permit.

Mr. Lowell said his concern is that the Board passed a motion to put a moratorium on leases. He asked if a temporary use permit is considered a lease? If the Board could allow a use permit in lieu of a lease and if that was consistent with our previous public process, he could support their plan.

Mr. Bush said he would be willing to consider a temporary use permit which allows the study to go forward unencumbered.

Mr. Seng said it was his understanding that the Board established the moratorium on leases to provide continuity and predictability both for Docks & Harbors and for the public. In the interest of fairness to the entire community, there is a lot to be said for consistency. If we were to entertain a motion to let something move forward, what are we telegraphing to the rest of the business community along the waterfront? Changing the rules is a significant concern to him.

Mr. Eiler said we need to be careful in the terms we use and the certainty we provide but also not be afraid to allow folks to innovate.

Mr. Seng asked if the proposed bumpout is going to be made an integral part of the building? Is it a stand-alone structure that can be wheeled off in an afternoon or are we talking about a temporary use permit for a permanent part of the building?

Mr. Heumann said it will be temporary and removable within a day. We don't want to make permanent changes to the building when we don't know what we'll be able to do after the master planning.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

MOTION By MR. SUMMERS: TO EXPRESS OUR INTENT TO GRANT A TEMPORARY USE PERMIT FOR APPROXIMATELY 45-70 SQUARE FEET ON THE SOUTHWEST CORNER OF THE PEOPLE’S WHARF BUILDING AS PRESENTED ON PAGE 48 OF THE PACKET, AND SPACE ON THE CEMENT AGAINST THE SOUTH SIDE OF THE BUILDING TO PLACE A PROPANE TANK AND ASKED FOR A ROLL CALL VOTE.

Mr. Bush suggested that Mr. Heumann and the Port Director work together on the details for the temporary use permit and bring it back so the Board can know exactly what the plan is as it progresses with the application process.

Mr. Janes said he supports the Crab Shack but he is uneasy because other property owners along the waterfront might think more square footage is going to bring more revenue to their operations and want to put temporary additions on their buildings as well.

Mr. Donek said if this blows up in the next couple of months we’ll have the opportunity to shut the whole thing down.

Roll Call Vote

John Bush - yes

Weston Eiler - yes

Bob Janes - yes

David Lowell - yes

Robert Mosher - yes

David Seng - no

David Summers - yes

Budd Simpson - yes

Tom Donek – yes

Motion passed.

VIII. New Business

1. Proposed New Regulation – Vessel Sewage Requirements

Mr. Borg said there is an amended proposal for a regulation passed by the Ops/Planning Committee on page 63 of the packet. An individual from the harbor thought some of the requirements for marine sanitation devices were unclear in section (b). Instead of just saying you can use a Coast Guard approved marine sanitation device (MSD), he added type I, II, or III for clarity. Type I is a flow through device that ion scans and discharges a clean effluent which is legal anywhere in the United States that is not designated as a no discharge zone. He does not want to designate the harbors as no discharge zones because of EPA standards. Type II is also a flow through device that has a holding tank to treat sewage before discharging it. Type III devices are common in a lot of older boats, and consist of a holding tank that does not treat sewage and needs to be pumped out. He specified that a vessel with a type II or III must have a holding tank of no less than 10 gallons. He changed the word *waste* to *untreated sewage*, because anything treated

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

properly with a type I or II MSD can be discharged within the harbor. He also removed *composting or incinerating* because they are covered as type III in the vessel requirements and still need to be Coast Guard approved. A five gallon bucket with a lid on it will not be accepted.

Committee Questions

Mr. Simpson asked if ground-up toilet paper and particulates would be visible in treated sewage?

Mr. Borg said in order to get a Type I certificate of approval through the Coast Guard and the EPA, no visible floating solids can be present. The discharge looks similar to graywater from a shower or sink. There are probably visiting vessels already practicing this because it's not against the law unless you are in a designated no discharge zone.

Mr. Bush asked if this regulation conforms with existing federal law?

Mr. Borg said yes, it is already against federal law to dump raw sewage. It's not illegal to have a treatment system and utilize that.

Mr. Janes asked if there is a way to monitor if type I and II systems are working properly?

Mr. Borg said he believes the devices will not discharge if they are not working properly. He would like to repeat the fecal coliform test in the harbors after a year of this regulation, and hopefully see the numbers go way down. These systems are very expensive, and anything that's installed will have to work properly.

Mr. Simpson asked how the regulation will be implemented?

Mr. Borg said vessels requesting new liveaboard status will be required to comply, and vessels that are already in the harbor will have one year.

Mr. Simpson asked if the regulation only applies to liveaboards?

Mr. Borg said the regulation applies to everyone, but if you want to utilize your vessel as a liveaboard then you're going to have to use one of these technologies. The regulation can be addressed with other vessel owners through our Clean Harbors program.

Mr. Mosher asked what about dogs?

Mr. Borg said it's already in regulation that people have to pick up after their dogs. We're going to start putting bags on the docks and all we can do is hope people do the right thing.

Public Comment- None.

Committee Discussion/Action

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Donek suggested changing the language to require *all vessels* to be equipped with a permanently installed operational Coast Guard approved type I, II, or III MSD.

Mr. Borg said *all vessels* means an 18 foot skiff would be required to have a type I, II, or III device and that's not reasonable. Some vessels are not equipped with a head. That's why we are making the requirement for liveaboards. If you are living on your vessel, you are generating waste.

Mr. Donek said he was just trying to keep this from becoming a liveboard issue.

Mr. Borg said we borrowed this language from Ketchikan and it's working really well for them.

Mr. Donek said there is value in being consistent between harbors.

Mr. Mosher said he is in favor of the regulation.

MOTION By MR. SIMPSON: TO ADOPT NEW REGULATIONS PROHIBITING THE DISCHARGE OF SEWAGE IN THE HARBORS AND DIRECT STAFF TO COMMENCE THE PUBLIC NOTIFICATION PROCESS AND ASKED FOR UNANIMOUS CONSENT.

Motion passed with no objection.

2. ~~Bid Award—Aurora Harbor Phase II~~ – Item removed from agenda.

3. Docks & Harbors Personnel Increase Request

Mr. Uchytel said we would like to increase the docks enterprise FTE and reduce the harbor enterprise FTE, which will allow us to add one additional harbor technician at the port and one harbor officer splitting their time between the port and the harbor. He was hoping to decrease personnel at the port with the new cruise ship docks and less yellow fence activity, but the updated facility security plan requires more personnel at the floats.

Board Questions

Mr. Simpson asked how much of the security is Docks & Harbors' responsibility?

Mr. Borg said in the past our employees ensured that the cruise ship personnel screened every passenger going on the ship. We had a lot of flexibility to move about the dock within our yellow barricaded area. Our security zone is stretched out differently now and the requirement is now that we pre-screen all passengers prior to allowing them into our security area, which gives them access into their restricted area. We have a facility security plan that the Coast Guard reviews and manages. They gave us a lot of latitude in the past because we did the best we could. Now that we are able to provide a better security zone, we are required to have more security personnel.

Mr. Simpson asked if the Coast Guard is requiring this, who is paying for it?

Mr. Borg said we are.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Simpson asked if we can use the fees that we levy against the cruise lines for that purpose?

Mr. Uchytel said we ask the City Manager for marine passenger fees every year, and a portion of that is for personnel.

Mr. Eiler said this was assigned to the Finance Committee, and they didn't end up meeting but he has looked this over and as Finance Chair he supports the FTE increase.

Public Comment- None.

Board Discussion/Action

Mr. Simpson said the State and every other agency is being asked to reduce personnel and he is concerned about the optics of adding somebody. Also, the creation of these new docks with limited access points was supposed to simplify security.

Mr. Uchytel said Mr. Borg and Mr. Creswell are doing a great job engaging the Coast Guard in a lot of issues. The inside of the CT float was designed for packers and commercial fishing boats. The Coast Guard thought that was an unreasonable threat to the larger cruise ships, but he believes it was negotiated that commercial fishing boats and small cruise ships will be able to tie up there.

Mr. Borg said we believe so, but we're still waiting for our plan to come back signed.

Mr. Donek said we request marine passenger fees each year and the rest also comes out of cruise ship monies. We are not spending local funds for this.

MOTION By MR. JANES: TO INCREASE THE DOCKS & HARBORS PERSONNEL ROSTER 0.66 FTE FOR A TOTAL OF 29.09 FTE.

Roll Call Vote

John Bush - yes

Weston Eiler - yes

Bob Janes - yes

David Lowell - yes

Robert Mosher - yes

David Seng - yes

David Summers - no

Budd Simpson - no

Tom Donek – yes

Motion passed.

IX. Items for Information/Discussion

1. Alaska Glacier Seafood (AGS) – Lease Amendment #4

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Uchytel said this lease amendment allows Alaska Glacier Seafoods to use a no cost portion of the Auke Bay Loading Facility. It was approved by the Board in October, and he is bringing it forward as information.

Board Discussion/Public Comment

Mr. Donek asked if the timing was coordinated with the original lease?

Mr. Uchytel said he will link it when the original lease comes up for renewal.

2. Assignment of Lease – AJT Mining Properties

Mr. Uchytel said Docks & Harbors leases tidelands adjacent to the former Thane Ore House, now the Tlingit and Haida Cultural Immersion Park, to AJT Mining. The property was formerly sublet, and AJT Mining would like to now reassign the sublet to Central Council of Tlingit and Haida Indian Tribes of Alaska. He has the authority as Port Director to approve the sublet, unless the Board does not want to allow it.

Board Discussion/Public Comment

Mr. Simpson asked if Tlingit and Haida is moving forward with their project down there?

Alec Mesdag, AJT Mining Properties, Juneau, AK

Mr. Mesdag said Tlingit and Haida are intending to incorporate the warehouse building into their overall plans. He has seen preliminary design documents for redevelopment of the entire site.

3. Update - Land Use Master Plan Bridge Park to Norway Point

Mr. Gillette said we have had numerous public meetings on this over the last few months. He gave a Powerpoint presentation of the preferred conceptual plan, which is essentially a marine service yard at Norway Point with a 150 ton travel lift, a 120 foot float for people to work on their boats, a relocated grid, a pedestrian harbor walk along the edge of the water, a frontage road connection, consolidated parking, retail space, a mixed use building, a new Harbormaster's Office, an extended crane dock, a drive down float similar to the one at the Auke Bay Loading Facility, a net shed, a location for selling fish, and potential relocation of the Yacht Club to Bridge Park. The entire cost estimate right now from PND Engineers is about \$96 million. Obviously this would not all be done in one shot. A report package will be presented at the Docks & Harbors Regular Board Meeting on March 30th, hopefully for final approval and adoption of the plan.

Board Discussion/Public Comment

Mr. Simpson said Mr. Uchytel and the consultant did a great job presenting this at the Regular Yacht Club Meeting. In general, the Yacht Club members were first startled by the idea of moving the Yacht Club, but once they got used to the bigger picture they saw the value in improving the boat yard, getting a bigger lift, etc. There is a lot of push back on putting the Yacht Club at Bridge

CBJ DOCKS AND HARBORS BOARD

REGULAR MEETING MINUTES

For Thursday, February 23rd, 2017

Park. There is either going to have to be a huge education effort to get them to understand why that's the best or only spot for the Yacht Club, or it might be easier to find another spot.

Mr. Donek said he has also gotten feedback that Bridge Park is not a popular location for the Yacht Club. Someone suggested collocating the Yacht Club with the Harbormaster's Office. It could go on the second floor and have a view of Aurora Harbor.

Mr. Eiler said he would like to remind the Board of the importance of this planning, when we start it, and how we want it phased in being mindful of the dollar sign that's there at the end. It's a multigenerational plan. We need to have a clear vision and public process for it, but also understand the realities of the current budget recession the State is facing as we're communicating with the public about it.

Mr. Simpson asked that the Yacht Club be moved from under the bridge conceptually prior to the Board meeting in March.

Mr. Bush said he is concerned about improved access to the whole area. He would like to see a roundabout by the high school and one at the end of the bridge.

Mr. Gillette said the Department of Transportation did a study and because of the traffic count on the Juneau side of the bridge, it would need to be a three lane roundabout. Even next to the high school, it would need to be quite large to handle the traffic flow.

Mike Baldwin- Juneau, AK

Mr. Baldwin said he has lived in Aurora Harbor since 2011. The vehicle and foot traffic have increased since then and there is a problem with security. There are four access points into Aurora Harbor, and we need gates with card operated locks. Seattle and California have gates with one way locks so your key card gets you into your float but if it's locked you can still get out.

Mr. Janes asked if the key lock is to the dock ramp itself or to get into the area?

Mr. Baldwin said at the dock ramp, to control the traffic right there. It's done in all major harbors. Only boat owners have access to the area. Right now, anybody can get into the harbor, especially Aurora Harbor with all the entrances. You can start over where the Yacht Club is now, walk the full length of Aurora Harbor, and come up at the Harbormaster's Office with no resistance whatsoever. That's a lot of the problem.

Mr. Eiler asked if Mr. Baldwin has seen this in other public harbors?

Mr. Baldwin said yes he has.

Mr. Donek said it is something for staff to think about.

Mr. Borg said we are working with the Law Department to address security.

4. Update – Auke Bay Marine Station

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Gillete said we are still in negotiations with UAS. We have generally agreed to a subdivision line. The University wants exclusive access to the Fish House and the float for a period of ten years. We have pointed out recently that the Fish House and the float are actually on our tidelands and are leased to the National Marine Fisheries Service. They should not be a point of discussion because they are not GSA's property to dispose of. We received the lease, which originally started in 1965, from the State. It expires in 2020. It will be discussed at another meeting tomorrow.

Board Discussion/Public Comment

Mr. Eiler asked if the subdivision means the property is being disposed of through MARAD?

Mr. Gillette said GSA has indicated that if we come up with a subdivision line, they will give the University their piece through the Department of Education, and Docks & Harbors will get our piece through MARAD.

5. Board Strategic Retreat Scheduling and Update Board Calendar

Mr. Uchytel said he would like to propose that the Board come together on a Saturday and prioritize the next big things to do in the community. We did this a couple of years ago and we have basically cleared the list of goals. He asked if the Board would like a facilitator? He said discussions may include Taku Harbor, the net float, the bathrooms at Harris Harbor, paving at Douglas Harbor, dredging Wayside Float, installing Fibergrates over the Statter Harbor breakwater pools, etc. It might be a good opportunity to talk about the Fisheries Development Committee being disbanded, whether there is an opportunity to have some kind of fisheries input into the Docks & Harbors Board and what that might look like. This would be an opportunity to discuss things we never have time for during committee meetings and regular board meetings.

Board Discussion/Public Comment

Mr. Donek asked Mr. Uchytel to ask Mila Cosgrove to facilitate the meeting. He suggested to put all the big picture things on the table. The Board will make time for Mr. Becker and the Fisheries Committee, and get through whatever else they can.

The strategic retreat is scheduled for April 1st, 2017 from 9:00am to 3:00pm.

X. Committee and Member Reports

1. Bridge Park to Norway Point Master Plan- Board Review- Thursday, February 2nd, 2017

Mr. Janes said it went just as it's been presented here. It is a good process.

2. Assembly COW Joint Meeting with D&H Board- Monday, February 6th, 2017

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

Mr. Donek said we went through a list of five different things- an update of CIP projects, planning efforts, operations and regulations, the removal of the Marine Park Lightering Float, and the Auke Bay Marine Station Property.

3. Harbor Fee Review Committee Meeting- Wednesday, February 15th, 2017

Mr. Simpson said we recommended the elimination of the Winter Management regulations on the Consent Agenda tonight.

4. Operations/Planning Committee Meeting- Wednesday, February 15th, 2017

Mr. Simpson said we discussed Mr. Heumann's proposal which was also presented tonight.

5. ~~Finance Committee Meeting- Thursday, February 16th, 2017~~ CANCELLED

6. Member Reports- None.

XI. Port Engineer's Report

Mr. Gillette said his written report is in the packet. We have selected Corvus Design for the Marine Park to Taku Dock urban design plan. It will basically be the same team that we've been working with on the harbors master plan. We've got a fee proposal and a draft contract ready to give them, with the plan to start around mid-March. Staff will schedule meetings for the Board in late March. There will be a workshop session with the Board to concentrate on ideas, then there will be an open studio session and a public meeting presentation. This will be similar to the process we just went through, but a little shortened because it's not as big of an area. Staff would like to have a plan by the end of fall that can be brought to the Board for approval.

Mr. Simpson asked what the budget is for the consultant?

Mr. Gillette said we are limited to \$50,000 and it was \$49,900.

XII. Harbormaster's Report

Mr. Borg reported:

- The Board's support on the sewage proposal will help in reaching our Clean Harbors goal.
- Two cranes are down at the Fishermen's Terminal. There was a pretty serious near miss the other day with one of the cranes. We had a near minus tide and there was a fishing vessel sitting underneath in the mud. They were lowering a 400lb load down to the deck when the cable came unspooled and it fell about four feet. Nobody was hurt and there was no damage to the vessel. Staff measured the cable and it only had 50 feet of cable. We're putting a new winch motor on the crane that will hold 125 feet of cable so there should still be 30 feet on the boom at a minus four foot tide. The other crane is not working because the cylinder was leaking. Jim at Southeast Industrial pulled the arm off and rebuilt the boom so it should be back in operation before next week.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, February 23rd, 2017

XIII. Port Director's Report

Mr. Uchtyl said we removed the award for Aurora Phase II from the agenda. The bids were opened on February 8th and the apparent low bidder was NCS. Trucano was second low bidder. Trucano filed a notice that he may protest, so we pulled that from the Special Board Meeting and the Assembly Meeting on February 13th. We've received information from the Department of Labor that there may be some labor issues with one of the contracts NCS recently completed in Sitka. They may potentially be disbarred from the State. We may hear something from the State on March 6th, and will decide what to do at that point. If we award it now and give them notice to proceed, then the State takes action midway through the project, they would be given a cease and desist order and it would get very messy. We have to hold their bid for 90 days from bid opening. This moves up the start date of moving boat shelters around, but we don't know the right thing to do at this point.

XIV. Assembly Liaison Report

Ms. Becker reported:

- Franklin Street is being remodeled starting Monday. This project will be completed in phases. One sidewalk and one part of the road will be open almost at all times. They will go block by block and there will be no on-street parking in that block.
- She agrees with waiting on the Aurora Harbor Phase II bid award. She has heard about it from the community, and it is never wrong to be cautious.
- The appropriation asked for from deferred maintenance to the harbor CIP was approved by the Assembly.
- The Assembly is talking about a new road to Bartlett Hospital as a secondary road for emergencies.
- There will be an ordinance prepared to exempt taxes onboard cruise ships. There are a limited number of things sold on ships when they are in town like hair appointments and alcohol. The store is not open. According to the Financial Director, we only get \$50,000 to \$100,000.

XV. Board Administrative Matters

- a. Harbor Fee Review Committee Meeting- Wednesday, March 8th, 2017 at noon
- b. Ops/Planning Committee Meeting – Wednesday, **March 22nd, 2017** at 5:00pm
- c. Finance Committee Meeting – Thursday, **March 23rd, 2017** at 5:00pm
- d. Strategic Retreat – Saturday, April 1st, 2017 at 9:00am
- e. Board Meeting – Thursday, **March 30th, 2017** at 5:00pm

XVI. Adjournment – The regular Board Meeting adjourned at 8:02pm.

**APPRAISAL REPORT
ANNUAL PERMIT FEE
62 SF ADJACENT TO PEOPLE'S WHARF BUILDING
108 PEOPLE'S WHARF -
432 SOUTH FRANKLIN STREET
JUNEAU, ALASKA**



(033017_0369 - PHOTO BY CHARLES HORAN)

PREPARED FOR: Carl J. Uchtyl, PE, Port Director
City and Borough of Juneau Docks and Harbors
155 S. Seward Street
Juneau, Alaska 99801

PREPARED BY: Charles Horan, MAI
Horan & Company, LLC
403 Lincoln Street, Suite 210
Sitka, AK 99835

EFFECTIVE DATE: March 30, 2017

REPORT DATE: March 31, 2017

OUR FILE NUMBER: 17-033

HORAN & COMPANY

REAL ESTATE APPRAISERS/CONSULTANTS

CHARLES E. HORAN MAI / WILLIAM G. FERGUSON,
JOSHUA C. HORAN, AND SLATER FERGUSON

403 LINCOLN STREET, SUITE 210, SITKA, ALASKA 99835

PHONE NUMBER: (907)747-6666 FAX NUMBER: (907)747-7417 commercial@horanappraisals.com

March 31, 2017

Carl J. Uchytel, PE, Port Director
City and Borough of Juneau Docks and Harbors
155 S. Seward Street
Juneau, Alaska 99801

via Email: teena.larson@juneau.org

Re: Annual Permit Fee 62 SF Adjacent to People's Wharf Building, 108 Peoples' Wharf, 432 South Franklin Street, Juneau, Alaska; Our File # 17-033

Dear Mr. Uchytel,

At your request I made an annual market rent estimate for the annual permit fee associated with the 62 SF of land adjacent to People's Wharf. This includes about 22.75 SF of land to house two propane tanks on the south side of the building and an additional 29.25 SF of land at the southerly corner. This latter permit area will house crab cooking pots for the 2017 tourist season. The permit area is at grade and finished with wood planking or concrete. We have developed comparable Square Foot Rental Values, adjusting them to reflect finished at grade condition.

The annual permit fee is estimated effective at the date of inspection March 30, 2017. Based on our analysis of the market, the indicated permit fee is calculated as follows:

62 SF at \$22.00/SF = \$1,364/year.

Please see the attached report in addenda material which include the Assumptions and Limiting Conditions, Certification of Appraisal, and the most pertinent data considered and analysis made in estimating the market value of the subject rent. If you have any questions or comments, please feel free to contact me at your convenience.

Respectfully Submitted,



Charles Horan, MAI; APRG41
HORAN & COMPANY

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 Introduction	3
1.1 Identification of Property	3
1.2 Purpose of Appraisal, Intended Use and Users	4
1.3 Scope of Appraisal	5
2 Area Analysis	6
2.1 Subject Market Area	6
3 Property Description	8
3.1 Site Description.....	8
3.2 Zoning	9
3.3 Assessed Valuation and Taxes.....	9
4 Valuation	10
4.1 Highest and Best Use	10
Addenda	I
Certification of Appraisal	
Assumptions and Limiting Conditions	
Terminology	
Use Permit Application	
Subject Photographs	
Comparable Rents/Sale	
Qualifications of Charles Horan	

1 INTRODUCTION

1.1 IDENTIFICATION OF PROPERTY

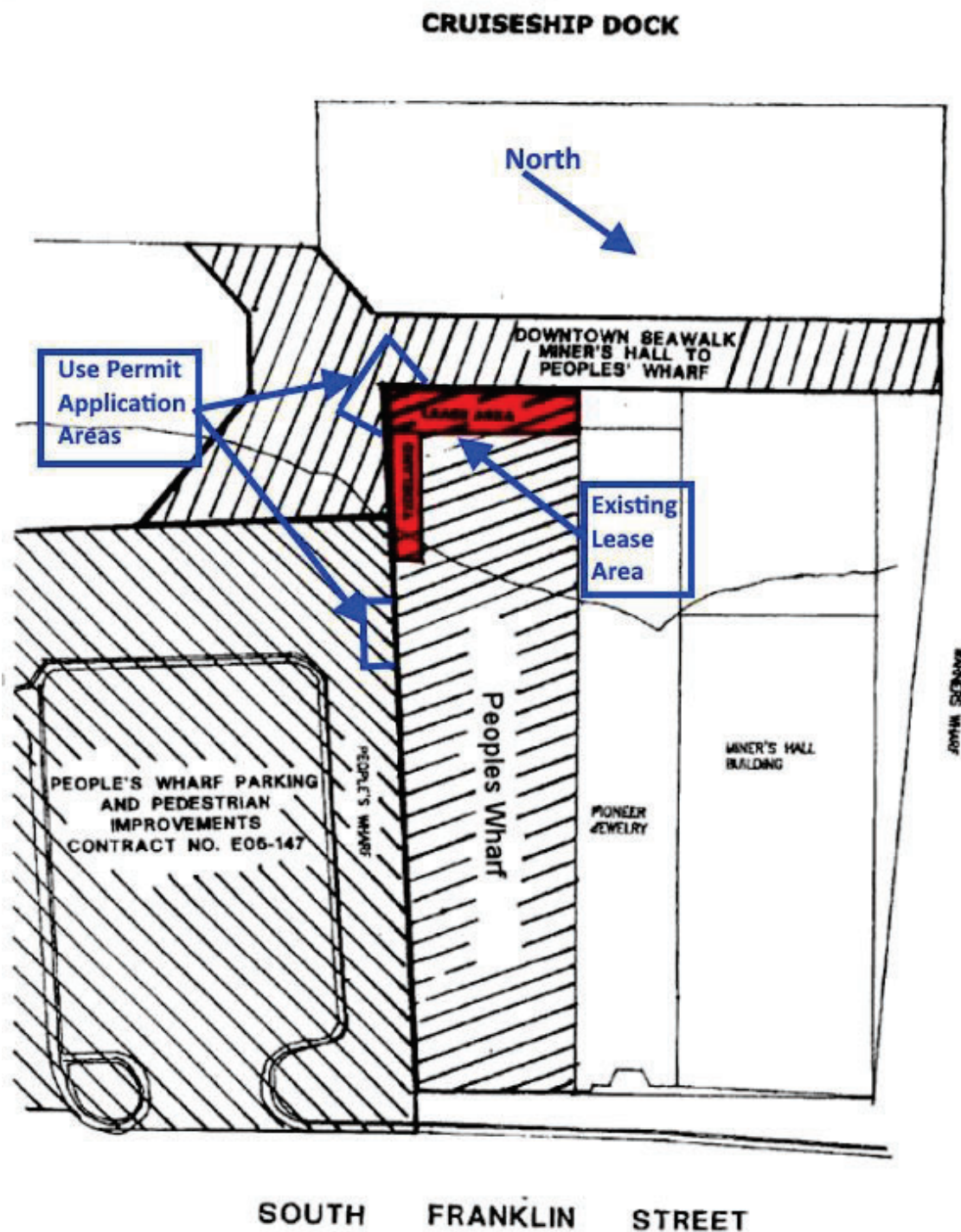


FIGURE 1.1 –SITE PLAN SHOWING PEOPLE’S WHARF AND LANDS ALREADY UNDER LEASE. NOTE ADDITIONAL PERMIT LANDS IN BLUE. ALSO NOTE THE PEDESTRIAN IMPROVEMENT AREA LOWER LEFT HAS BEEN RECONFIGURED. DRAWING NOT TO SCALE.

The CBJ Docks and Harbors Board has jurisdiction over lands adjacent to the People's Wharf building located at 108 People's Wharf. It is negotiating with Tracy's Crab Shack for a permit to use approximately 62 SF of its land to provide for two 30 inch diameter propane tanks enclosed by a shelter and to accommodate crab boiling pots at the southwest corner of the building. See Figure 1.2 below. These lands would be used together with the adjacent building lease area and outdoor seating areas to comprise the Crab Shack restaurant business area.

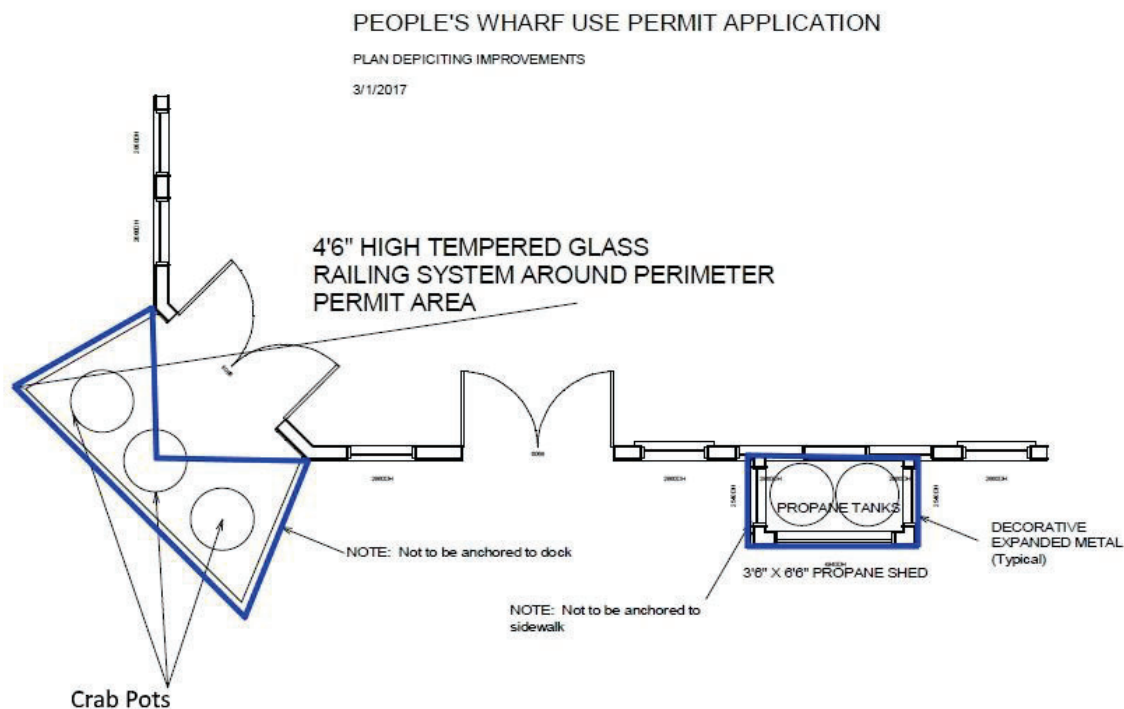


FIGURE 1.2 - SHOWING REQUESTED PERMIT AREAS OUTLINED IN BLUE. (SOURCE PEOPLE'S WHARF USE PERMIT APPLICATION WITH MODIFICATIONS BY HORAN & Co.)

The use permit and project description is more fully outlined in the permit application, a copy of which is in the addenda. This document also further identifies the property with its legal description and tax assessors ID number.

The site is near the center of the tourist district off South Franklin Street near the Mount Roberts Tram and tour bus drop off and pickup area adjacent to the city operated cruise ship docks.

1.2 PURPOSE OF APPRAISAL, INTENDED USE AND USERS

The purpose of this appraisal is to determine the annual market permit fee (rent) based on the market rental rate for the land area at its highest and best use.

Intended use: This valuation is to be used to set the permit fee for one year based on the appraisal requirements set forth by the City and Borough of Juneau.

Intended users are the City and Borough of Juneau and the permittee.

This appraisal is not intended for any other use or any other user for any other purpose.

1.3 SCOPE OF APPRAISAL

This brief narrative summary report covers a small area of land, 62 SF, and reflects the highest and best use value of that land for its annual rent. Section (d) of the permit application indicates “the permit fee shall be the appraised value of the permit.” There are some directly comparable annual rents which are compared on a rent per square foot basis. This data is supplemented by sales or allocations of sales which present square foot values which are capitalized into an indication of annual rent. This summary appraisal is supplemented by analysis and other background information contained in the appraisers files.

2 AREA ANALYSIS

2.1 SUBJECT MARKET AREA

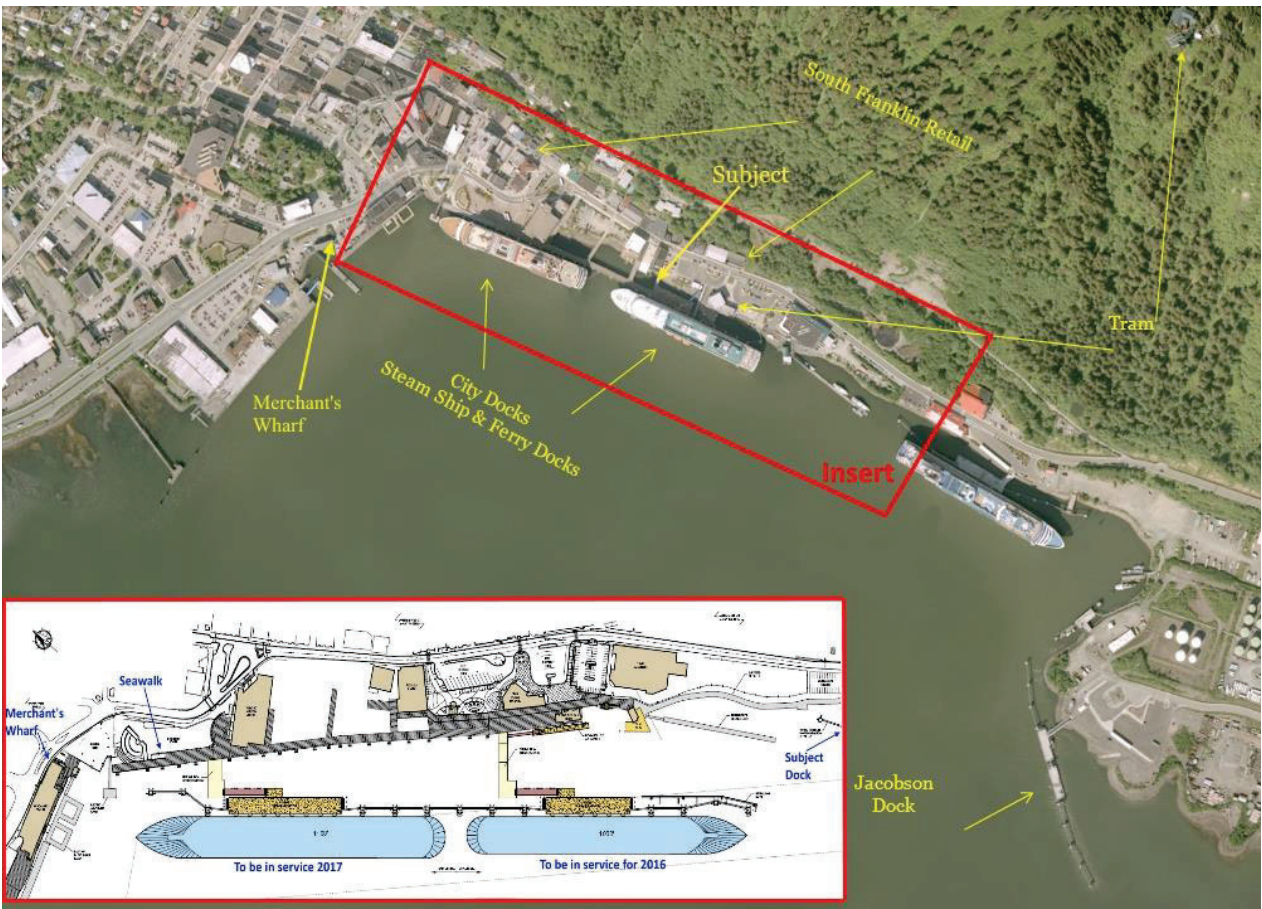


FIGURE 2.1 - JUNEAU WATERFRONT AND CRUISE SHIP DOCK LOCATIONS

Please see the addenda for a broader market area analysis describing the underpinnings of the Juneau market in the resurgence of the cruise ship market in particular.

The subject is well situated in the prime downtown pedestrian cruise ship tourism traffic area. The CBJ Docks and Harbors are constructing two new cruise ship docks. The south one was constructed in 2016 and the north one should be in service for the 2017 season. Please see Figure 2.1.

The retail core area along South Franklin Street is noted on Figure 2.1, stretching from the 100 block to the end of the 400 block some distance north of the subject. The primary retail activity is closer to the city docks where more passengers are concentrated in drop off and pickup areas, the tram and other local tourist activities. The demand for shore side retail land in this area is highest and tends to trail off to the north in the 100 and 200 block of Franklin Street. Demand for retail space appears to be strong in the 300 and 400 block of South Franklin. It stops at the Taku Smokery building at the 500 block. Over the past 10 years rents have been highest in this area. They have peaked at over \$10.00/SF for prime first level retail

space. These rents have generally contracted back to \$6.00/SF or slightly higher for the best spaces. The rents trail downward depending on pedestrian tourism traffic patterns.

The Subject Immediate Area



FIGURE 2.2 THE SUBJECT’S IMMEDIATE AREA. THIS FIGURE SHOWS THE LOCATION OF THE SUBJECT AND COMPARABLE RENTS/SALES. SOURCE MAP CBJ GIS PHOTO TAKEN IN 2013. NOTE CRUISE SHIP DOCK WAS EXTENDED IN 2016.

The subject property is in the prime 400 block of South Franklin. The building extends to the narrow sea walk behind. This gives the rear of the property visibility from the ships and a pedestrian traffic flow around the sea walk promenade as it passes in front of the subject and along its side.

3 PROPERTY DESCRIPTION

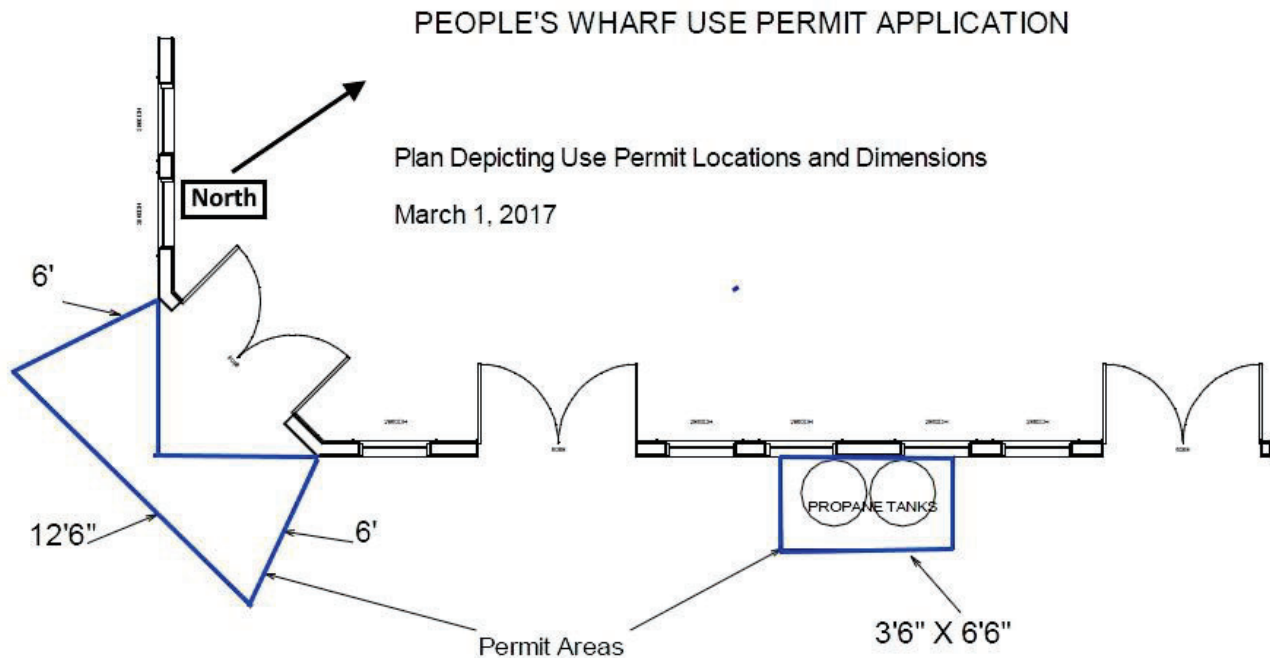


FIGURE 3.1 SHOWING SUBJECT PERMIT AREAS ADJACENT TO PEOPLE’S WHARF BUILDING SITE. (SOURCE: PEOPLE’S WHARF USE PERMIT APPLICATION WITH MODIFICATIONS BY HORAN & CO.)

3.1 SITE DESCRIPTION

The subject includes two small permit areas. There’s about 39.25 SF at the southwest corner of the People’s Wharf building site as depicted in Figure 3.1 above and there is a 22.75 SF rectangular area for the propane tanks just east of it. The total permit area is rounded to 62 SF.

The westerly irregular area is decked over dock adjacent to the building entry which has a decked triangular area protruding into the permit area. The easterly piece is on a concrete walkway. Essentially these areas are considered the level at grade on fill or piling structure available for highest and best use development with the adjacent People’s Wharf building site.

Access

The permit areas have access along the city sidewalk and pedestrian pathways off the People’s Wharf parking area, tram site bus drop-off area and cruise ship pedestrian passenger ways.

Utilities

City sewer, water and private utilities including power, trash collection, phone, cable, internet and fuel are available.

3.2 ZONING

The subject lot is zoned WC - Waterfront Commercial. This zoning district is designed for the area of downtown Juneau directly on the waterfront, while the area across the street is zoned MU for mixed commercial uses. The following narrative from the Juneau Zoning Code details the applicable differences between the two zones:

“The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented.

The MU, Mixed Use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area.”

3.3 ASSESSED VALUATION AND TAXES

The adjacent People’s Wharf building site 2016 assessed value is summarized as follows;

Parcel #1Co70K830070	
Land	\$1,708,900
Improvements	<u>\$1,361,100</u>
Total	\$3,070,000

The assessment records indicate the site is 4,747 SF which suggests a nominal assessed value of the land at \$360/SF.

4 VALUATION

4.1 HIGHEST AND BEST USE

Highest and best use of the permit areas would be to use in conjunction with the existing building similar to what is anticipated by the applied for use.

Market Rent Valuation

The permit fee would equal the annual market rent estimated based on a square foot rent found in the market for other similar spaces. We have inventoried over a dozen transactions in the immediate area over the past several years. The following three transactions were most helpful in establishing a square foot rent range. The table below summarizes those transactions and our adjustments. Details of these transactions are in the addenda.

Our analysis is based on the prevailing market rental rate of 8% of the fee value. Where a rental rate has been set on a different percentage rate we've made quantitative adjustments under Conditions of Rent.

Qualitative adjustments are made based on a percentage to guide the appraiser's judgment in narrowing the range of SF differences based on location of Comp 1 and 3, and the tideland characteristics of Comp 2 as compared to the level usable site characteristics of the subject site. Comps 1 and 3 are slightly superior in location immediately on South Franklin Street and is adjusted downward -10%. Comp 2, is inferior to the subject lease areas under the People's Wharf Building. It is unfilled tidelands as leased wherein the lessee had to construct the decking and the building above. The permitted area on the other hand is either decked or concrete slab immediately ready for use and is superior. Therefore, an adjustment upward by 150% is made to Comp 2. This suggests that the unfilled tidelands have a ratio of about 40% of the unit value of the uplands. Although the sites vary in size for this commercial type use there's no adjustment for size difference.

The indicated rental values of the subject space by the three Comps are summarized in the table on the next page.

TABLE 4.1 - ANNUAL SQUARE FOOT RENTAL VALUE - ADJUSTMENT GRID				
Record #	Subject	Comparable 1	Comparable 2	Comparable 3
		#7238	#7659	#7341
Address	108 People's Wharf	356 S. Franklin	432 S Franklin	490 S. Franklin
Name	Juneau	Archipelago Site	Peoples' Wharf	Mt Roberts Tram
Annual rent/Price		\$498,300	\$5,950	\$270,000
If Sale indicated rent		\$39,864	NA	NA
Indicated Rent per SF		\$24.16	\$12.50	\$27.00
Property Rights	Use Highest & Best	Similar	Similar	Similar
% Adjustment		0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00
Conditions of Rent	Normal-Negotiated	Similar	10% rent vs 8%	9% rent vs 8%
% Adjustment		0%	-20%	-12.5%
\$ Adjustment		\$0.00	(\$2.50)	(\$3.38)
Market Conditions/Sale Date	3/30/2017	12/16/2011	7/1/2012	7/1/2015
% Adjustment		0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00
Adjusted Rent/ SF		\$24.16	\$10.00	\$23.63
Qualitative Adjustments/Weighting				
Location	Very Good	Superior	Similar	Superior
% Adjustment		-10.00%	0.00%	-10.00%
\$ Adjustment		(\$2.42)	\$0.00	(\$2.36)
Land Size (SF)	62SF	1,650	476SF	10,000
% Adjustment		0.00%	0.00%	0.00%
\$ Adjustment		\$0.00	\$0.00	\$0.00
At Site Grade	Good	Similar	Unfilled TL	Inferior
% Adjustment		0.00%	150.00%	0.00%
\$ Adjustment		\$0.00	\$15.00	\$0.00
Net Adjustments:		(\$2.42)	\$15.00	(\$2.36)
Indicated SF Value of Subject		\$21.74	\$25.00	\$21.26

Comps 1 and 3 are most similar as level land along South Franklin Street. Comp 2 although adjacent to the subject is considered a high indicator due to the large adjustment for its tidelands character.

Based on the above, the indicated annual permit rental fee is estimated at \$22.00/SF. As of the effective date of the appraisal March 30, 2017 the indicated annual permit fee is calculated as follows.

$$62 \text{ SF at } \$22.00/\text{SF} = \$1,364 \text{ per year}$$

ADDENDA

CERTIFICATION OF APPRAISAL

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- I estimated the market rental value for adjacent unimproved least tidelands area in June of 2013. I have not performed any other services regarding the subject property, as an appraiser or in any other capacity, within the three year period immediately preceding acceptance of this assignment.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.



Charles Horan, MAI
APRG 41

March 30, 2017
Inspection and Effective Date of Appraisal

March 31, 2017
Date of Report

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report and valuation contained herein are expressly subject to the following assumptions and/or conditions:

1. It is assumed that the data, maps and descriptive data furnished by the client or his representative are accurate and correct. Photos, sketches, maps, and drawings in this appraisal report are for visualizing the property only and are not to be relied upon for any other use. They may not be to scale.
2. The valuation is based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.
3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject property. No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to title, which is assumed to be good and marketable. All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, having responsible ownership and competent management. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.
4. The property described herein has been examined exclusively for the purpose of identification and description of the real property. The objective of our data collection is to develop an opinion of the highest and best use of the subject property and make meaningful comparisons in the valuation of the property. The appraiser's observations and reporting of the subject improvements are for the appraisal process and valuation purposes only and should not be considered as a warranty of any component of the property. This appraisal assumes (unless otherwise specifically stated) that the subject is structurally sound and all components are in working condition.
5. This appraisal report may note any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) discovered during the data collection process in performing the appraisal. Unless otherwise stated in this appraisal report, I have no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and have assumed that there are no such conditions and make no guarantees or warranties, express or implied. I will not

be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because I am not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable public and/or private sources that I believe to be true and correct. It is assumed that no conditions existed that were undiscoverable through normal diligent investigation which would affect the use and value of the property. No engineering report was made by or provided to the appraiser.

6. The Client is the party or parties who engage an appraiser (by employment contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identified them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, and other media.
7. A true and complete copy of this report includes exhibits and addendum. The appraisal report may not be properly understood without access to the entire report. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.
8. If this valuation conclusion is subject to satisfactory completion, repairs, or alterations, it is assumed that the improvements will be completed competently and without significant deviation.
9. Any distribution of the valuation in the report between land, improvements, and personal property applies only under the existing program of utilization. The separate valuations for land, building, and chattel must not be used in conjunction with any other appraisal and is invalid if so used.
10. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

TERMINOLOGY

Market Value:

The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, Pages 123

The exposure time is estimated at 12 months on the subject property.

Market Rent: The most probable rent that a property should bring in a competitive and open market.

Juneau, Alaska - Code of Ordinances PART IV - ADMINISTRATIVE CODE OF REGULATIONS TITLE 05 - DOCKS AND HARBORS Chapter 50 - LEASE ADMINISTRATION, 05 CBJAC 50.050 - Appraisal standards. (g)(1).

Rental Rate: The percentage of market value that a comparable class of private property would bring in the open market with the same conditions of lease as offered by the City and Borough of Juneau.

05 CBJAC 50.050 - Appraisal standards. (g)(2).



USE PERMIT APPLICATION FOR PROPERTY OWNED AND MANAGED BY THE CITY AND BOROUGH OF JUNEAU

Application No.
Staff only

Assessor's No.

Assessor's number available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sqlassessor.php>

Legal name of applicant(s)

Mailing address

1. Legal description of property where the use permit is to be located (attach map)

PEOPLE'S WHARF - 108
TIDELANDS ADDITION BL 83 LTS 9 FR & 12

2. Existing parcel size

Square feet: Acres:

Parcel (lot) size available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sqlassessor.php>

3. Existing utilities

Water: On Site ☒ Public ☐ None ☐

Sewer: On Site ☒ Public ☐ None ☐

Utilities information available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sqlassessor.php>

4. Access

5. Provide a brief description of your proposal:

SEE ATTACHED. PROPOSED USE IS FOR TWO
30' DIAMETER PROPANE TANKS AND "CRAB
SHACK" AT SW CORNER OF Bldg.

5. Continued

6. Comprehensive plan designation for property *(Staff only)*

7. Zoning designation

WATERFRONT COMMERCIAL

Zoning designation available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sqlassessor.php>

I HEREBY CERTIFY THAT all of the statements made in this application and its incorporated attachments are true and correct.

WILLIAM HEUMANN

Name and Title (Please Print)

Name and Title (Please Print)

William Heumann for W. Heumann

Signature

Signature

Return application to the ~~Lands and Resources Office, 105 Municipal Way, Third Floor or Lands Office@juneau.org~~ ✓

Staff only

RECEIPT of the above application and attachments together with filing fee (non-refundable) in the amount of \$15.00 is hereby acknowledged.

FULL APPLICATION RECEIVED by ^{Docks & Harbors} ~~Lands~~ staff on

03/06/2017

 by:
 MM/DD/YYYY

Teena Larson Admin officer

Name and Title (Please Print)

Teena Larson

Signature



Application for a Use Permit on City and Borough of Juneau Property – Land & Resources Code

- **53.09.310 - Use permits.**

(a) *Purposes.* Permits for less than one year for the use of City and Borough owned land may be granted by the manager after review and an opportunity to comment by the planning commission for nonconsumptive uses which do not cause or require significant damage to the property when it is certain that the use can be completed within one year or when an application is pending for an easement, sale or lease of the parcel to the permit applicant. Permits shall be nonexclusive unless otherwise provided in the permit.

(b) *Application and fee.* An application for a use permit shall be filed with the manager and shall be accompanied by plans, reports, a narrative and other material sufficient to permit evaluation of the proposed activities of the applicant in the permit area. The application shall be accompanied by a base fee of \$15.00 plus an amount determined by the manager to be sufficient to cover the cost of an appraisal of the permit right requested.

(c) *Departmental and commission comment.* The completed application shall immediately be referred to the planning commission, the engineering department, the planning department and such other departments as the manager determines may have an interest in the land or proposed activities. Unless the manager determines that the issuance of the permit would be contrary to the public interest, the manager, upon full consideration of the departmental and commission comments, may issue a permit to the applicant with such restrictions and conditions as appropriate. If any department or the commission has submitted a written objection to the issuance of the permit, or has submitted a requested restriction which the manager's designee does not propose to include in the permit, the manager's designee shall deliver written notice of the decision to the director of that department or the planning commission, as appropriate, at least three working days before the permit is issued. The commission or the director of such department may appeal the matter to the manager.

(d) *Permit fee.* The permit fee shall be the appraised value of the permit. Prior to issuance of the permit, the applicant shall pay to the City and Borough an amount equal to the value of any materials, timber, or other resources which will be damaged cut, or removed from the permit area. The manager shall determine the value of resources of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed. If the manager determines that a survey of the permit area should be made, the permittee shall provide such a survey prior to making any use of the permit.

(e) *Improvements and changes.* No improvements or changes to improvements may be made in a permit area unless first approved by the manager.

(f) *As-built plans.* Upon the construction of any improvements in the permit area, the permittee shall immediately provide the manager with complete, accurate, and legible as-built drawings of the improvement. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(g) *Revocability.* Use permits issued under this section are revocable at the sole discretion of the manager. Upon issuing a notice of revocation to the permit holder, the manager may also require the permit holder to remove any improvements placed within the permit area and to restore the permit area to its original condition or such lesser condition as the manager may authorize. The City and Borough shall not be liable to the permit holder or any other person for any costs, losses or damage arising out of the revocation or order to remove improvements and restore the permit area.

(h) *Security for restoration.* The manager may require such security for restoration as appropriate.

Parcel #	Street Address	Legal Description 1
1C070K830070	PEOPLE'S WHARF 108	TIDELANDS ADDITION BL 83 LTS 9 FR & 12

Owner's Name and Address

WILLIAM C HEUMANN
6000 THANE RD
JUNEAU AK
99801

Previous Owner	Site Value	Building PV	Total PV
	\$ 1708900.00	\$ 1361100.00	\$ 3070000.00
Use Code	Exempt	Zoning	Tax Year
Commercial Misc	No Data	Waterfront - Commercial	2016
Number of Units	Year Built		Gross Living Area
003	2006		N/A
Garage	Garage Area	Lot Size	Last Trans
No	N/A	4747.00 sq. ft.	0000
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

[Back](#)

PEOPLE'S WHARF PERMIT APPLICATION

Narrative

March 3, 2017

On February, 23, 2017 the Docks and Harbors Board agreed to initiate the process of a Use Permit for lands under their jurisdiction adjoining People's Wharf located at 108 People's Wharf. The applicant is applying for this Permit on behalf of its' tenant, Tracy's Crabshack. The proposed use is to provide for two 30" diameter propane tanks enclosed by a shelter and to accommodate a "crabshack" at the southwest corner of the building. The total area of the use permit is .

The applicant has consulted with the Fire Marshall who agreed that the proposed location propane tanks is in accordance with the Fire Code. Amerigas was consulted and it was determined that it is possible to fill the tanks while parking the propane truck in the loading zone located alongside People's Wharf. The tanks will be enclosed by a shed-like structure. Signage will be placed there to identify the propane tanks.

The "crab shack" will be developed in the "crab shack style" for which Tracy's Crabshack is so well known. Inside the crabshack will be three propane-fired cauldrons for cooking king crab. It is worth noting that the crab is precooked and flash frozen in the winter during king crab season. Therefore, the cooking is essentially reheating. Most of the odor of cooking crab is associated with the precooking done elsewhere during crab season.

The window at the location of the crabshack will be replaced with a door. The crab will be brought to the crabshack area from the interior of the building and cooked. The cooked crab will then be taken back into the restaurant through the door. Food will not be served from the crabshack. It will be possible patrons to observe the cooking process.

A condition of approval by the Docks and Harbors Board is that there be no attachments to the concrete under the propane tanks or the wood under the crabshack. The Use Permit will be for the 2017 tourist season and is temporary. The condition of the permit areas is to be the same after the removal of the improvements as it was before.

Changes to CBJ Ordinance to authorize the City Manager to approve a permit to allow this applicant to make use of a 20' x 20' area in the right-of-way known as People's Wharf will have been acted upon by the CBJ Assembly prior to the Planning Commission meeting. This concept has been reviewed by the Lands Committee, the City Manager's Office, Lands and Resources, Engineering, and Streets. Applicant anticipates the changes to the ordinances will have been approved and that the Manager's Office will issue a permit. The 20' x20' area adjoining the People's Wharf Building will be used as outside seating for the restaurant.

3/2/17

1/2" = 1'

TRACY'S CRAB SHACK
FRONT VIEW

KING
CRAB

TRACY'S CRAB SHACK

EXISTING
WALL

EXISTING
CANOPY

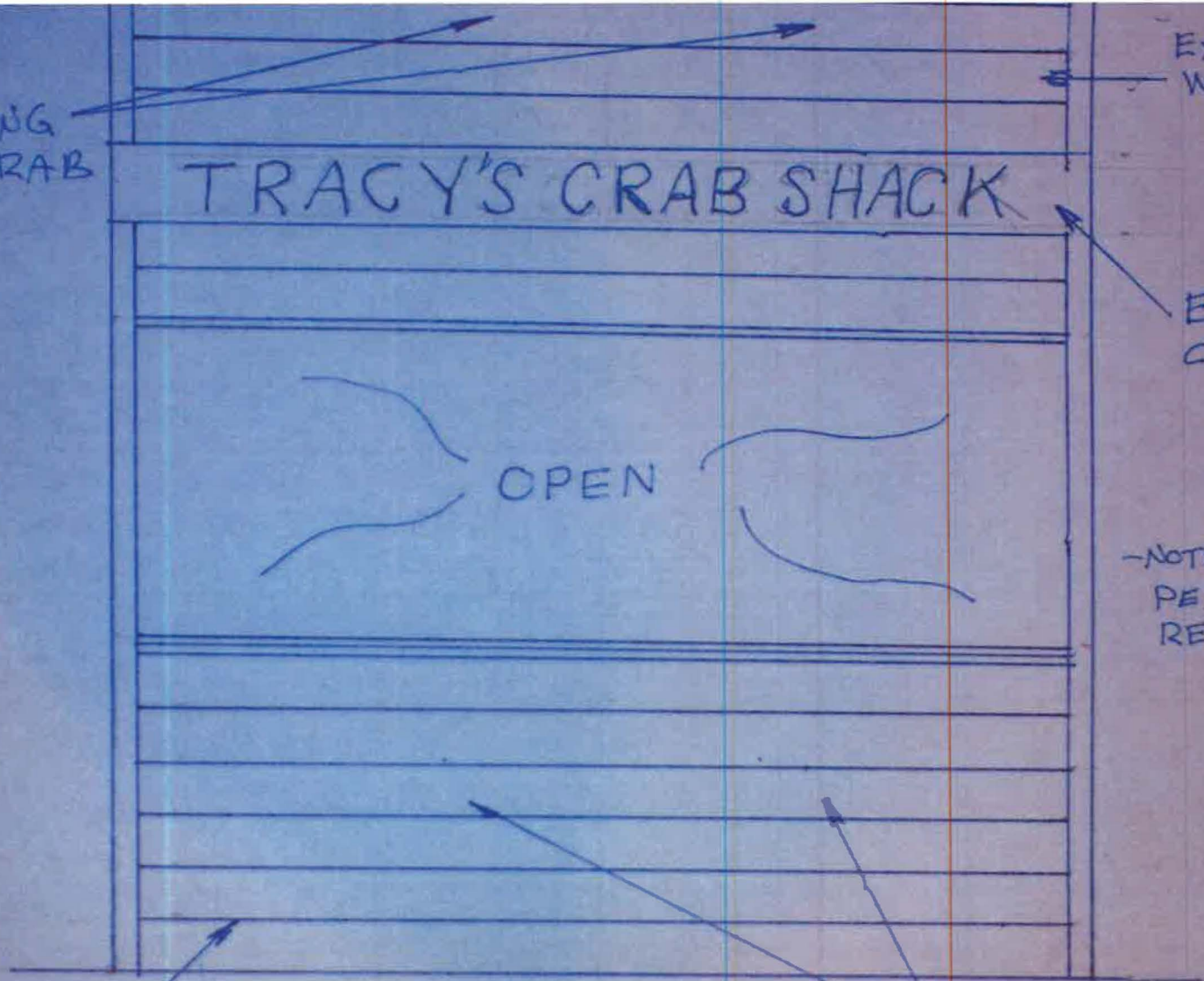
OPEN

-NOTE: SIGN
PERMIT
REQUIRED

SIDING TO MATCH
ABOVE CANOPY

SEAWALK IN FRONT

KING CRAB



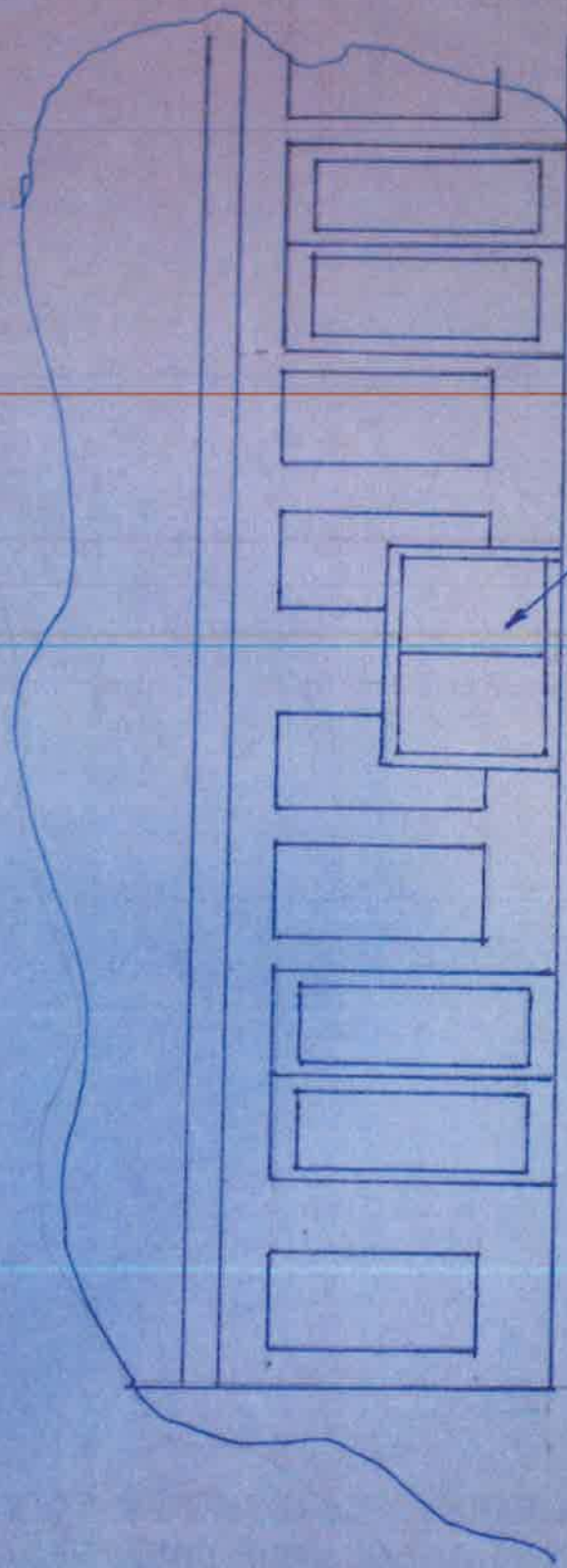
3/16 = 1"

FRONT ELEVATION

DEPICTING PROPANE SHELTER

"PEOPLE'S WHARF"

PEOPLE'S WHARF
USE PERMIT
APPLICATION



PROPANE SHELTER
CONTAINING 2-30"X54"
124 GAL VERTICAL TANKS

NOTES: SHELTER TO BE WOOD
FRAME CONSTRUCTION WITH
SIDING & PAINT TO MATCH
EXISTING BUILDING.
SHELTER TO BE TEMPORARY
AND ANCHORED TO BUILDING.

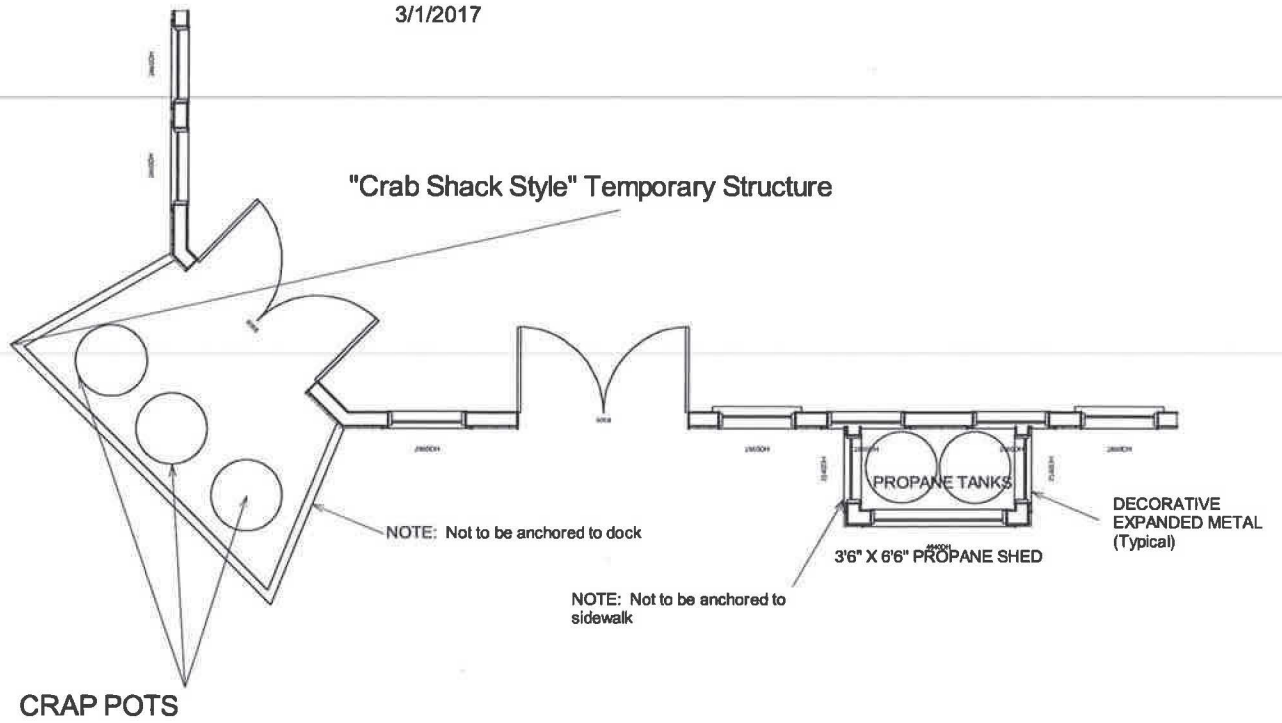
PROHIBITION:
NO IMPROVEMENTS ALLOWED
BY THIS USE PERMIT TO BE
CONNECTED TO THE DOCK OR
SIDEWALK (NO ANCHOR BOLTS).

3/1/2017

PEOPLE'S WHARF USE PERMIT APPLICATION

PLAN DEPICITING IMPROVEMENTS

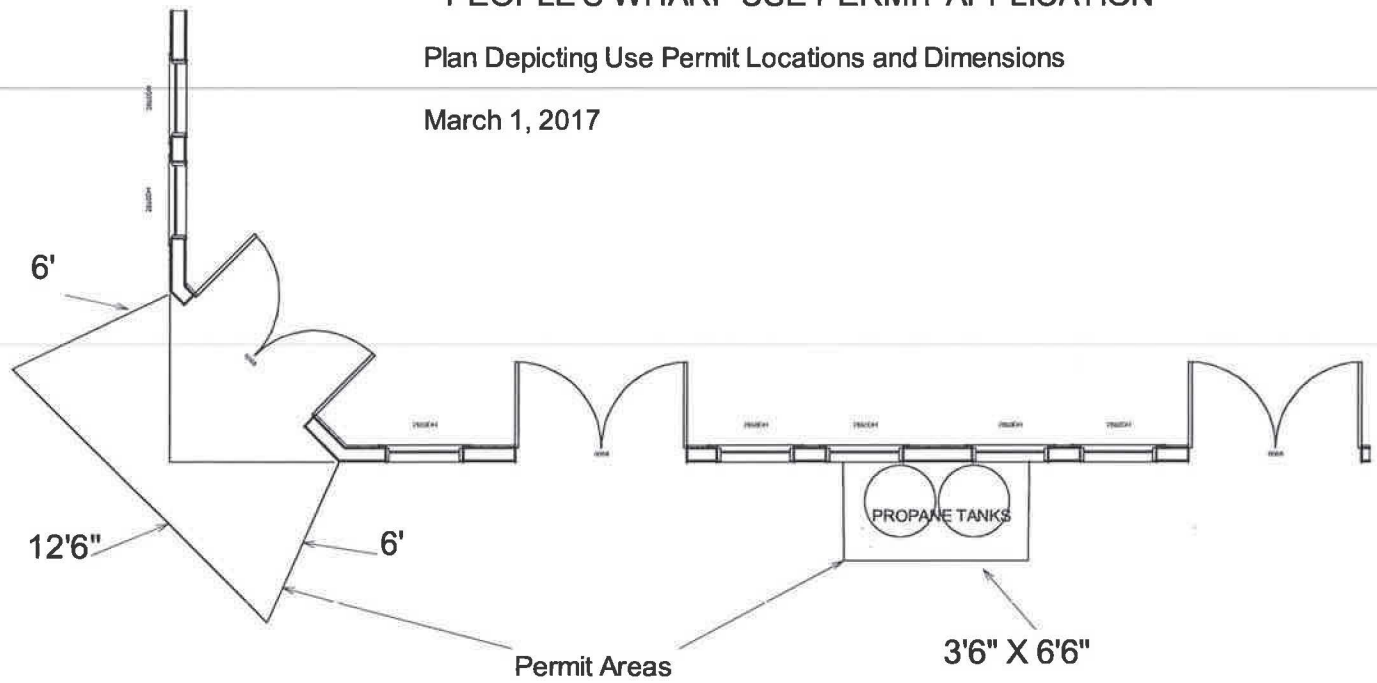
3/1/2017



PEOPLE'S WHARF USE PERMIT APPLICATION

Plan Depicting Use Permit Locations and Dimensions

March 1, 2017



SUBJECT PHOTOGRAPHS



PHOTO 1 – CLOSE-UP VIEW OF SUBJECT USE AREAS, PHOTO CENTER AND PHOTO RIGHT BETWEEN BLUE AND RED PANELS. (1033017_0370)



PHOTO 2 – SOUTH SIDE OF PEOPLE'S WHARF BUILDING SHOWING MORE DISTANT VIEW OF SUBJECT USE AREAS. (2033017_0369)



PHOTO 3 – LOOKING TOWARDS PEOPLE'S WHARF ACROSS PEDESTRIAN TRAVEL AREAS TO THE SOUTH. (3033017_0368)



PHOTO 4 – PEOPLE'S WHARF BUILDING AS IT FACES SOUTH FRANKLIN STREET PHOTO RIGHT AND PUBLIC AREAS PHOTO CENTER AND LEFT. (4033017_0375)

Record Number: 7238

HORAN & COMPANY, LLC**LAND COMPARABLE NUMBER 1****Community:** 17 CBJ - Town - CBD - Retail**Address:** 356 South Franklin St**Location:** 356 South Franklin St.**Legal:** Ptn Lot 7A1, Plat 2011-38;**Recording District:** Juneau**City:** Juneau**State:****Zip:****Instrument:** SWD - **Serial:** 2011-007713-0**Trans.Type:** Sale**Rights:** Fee Simple**Terms:** Assume Cash**Sale Price:** \$498,300**Trans. Date:** December 16, 2011**Grantor:** Archipelago Properties LLC**Grantee:** City and Borough of Juneau**Size (SF):** 1,650**Frontage:** 309.86**Zone:** WC**Utilities:** All**Access:** Road, paved, See Comments**Improvements:** None**Land Class:** Vacant, Commercial, Waterfront**Topography:** Level**Vegetation:** None**Soil:** Typical**Present Use:** Parking**Intended Use:** Sidewalk**Highest and Best Use:** Sidewalk**Comments**

This was an acquisition of a 5 foot strip of land along the South Franklin street frontage to widen the sidewalk. The size of this parcel varied somewhat based on whether it considered a small area encumbered by an existing easement. In the end the sales price was calculated on 1651 SF which is used for our analysis.

Analysis:

$$\$498,300/1651 \text{ SF} = \$300/\text{SF}$$

Marketing Info: This parcel along with two others is sold to the City Borough of Juneau were negotiated over a period of one to two years. Both buyer and seller felt these were market transactions. The price was allocated at \$41/ SF. They have no direct access to sell Franklin street. These totally submerged lands were considered somewhat isolated by the Sellers and would have been more difficult to market to others. The se seller felt the purchase was a good fit for the CBJ which would need land for public areas with its planned

Confirmed with: Bud Simpson

Confirmed date: 4/25/2014

Confirmed by: C.Horan

Revision Date: 3/30/2017

Record Number: 7238



041012_1394



1

use plat.

Record Number: 7659

HORAN & COMPANY, LLC**LAND COMPARABLE NUMBER 2****Community:** 17 CBJ - Town - CBD - Retail**Address:** 432 South Franklin St**Recording District:** Juneau
City: Juneau**State:** AK **Zip:** 99801**Location:** People's Wharf**Legal:** Portion of Lot 9B & Lot 13B, Block 83, ATS No.3 (See (13-049); Parcel Number: 1C070K830071**Instrument:** Land **Serial:****Trans.Type:** Land Lease**Rights:** Fee Simple, Lease Fee, Permit/License**Terms:****Annual Rent:** \$5,950**Trans. Date:** July 1, 2012**Grantor:** CBJ**Grantee:** Bill Heumann**Size (SF):** 476**Frontage:****Zone:** WC**Utilities:** All**Access:** Road, paved**Improvements:** transitional - see notes**Land Class:** Commercial, Waterfront**Topography:** Level**Vegetation:** None**Soil:****Present Use:** retail/apartments**Intended Use:** retail/apartments**Highest and Best Use:****Comments****Analysis:**

\$5,950 Cap at 10%=\$59,500

\$59,500/476=\$125/SF

Marketing Info: Previous rent was \$4,760? Appraised (13-049) for annual lease renewal effective June 1, 2013 with market value estimate at \$59,500 or \$125/SF. Contract annual rent is 10% or \$5,950.

These sloping tideland were estimated at 40% of the value of filled uplands.

Confirmed with: Teena Scovill

CBJ

Confirmed date: 5/1/2014

9/20/2006

Confirmed by: C.Horan

CH & TR

Revision Date: 3/30/2017

Record Number: 7659



041012_1400



HORAN & COMPANY, LLC**LAND COMPARABLE NUMBER 3****Community:** 17 CBJ - Town - CBD - Retail**Recording District:** Juneau**Address:** **City:****State:** **Zip:****Location:** 490 South Franklin Street, Mt. Roberts Tram**Legal:** Leased Site. Portions Lots 13, 16 & 17, Block 83, ATS 3, Plat 355 & a portion of Lot 1, Plat 89-9; Parcel Number: 1C100K830011**Instrument:** Land **Serial:** 1995-004154-0**Trans.Type:** Land Lease**Annual Rent:** \$270,000**Rights:** Lease Fee, Air Rights**Trans. Date:** March 2, 2015**Terms:** Typical Juneau lease; 5 year renewal**Grantor:** City and Borough of Juneau**Grantee:** Goldbelt**Size (SF):** 10,000**Frontage:** ±175' on Gastineau Channel**Zone:** WI**Utilities:** Water, Sewer, Electric, Telephone**Access:** Road, paved**Improvements:** Tramway**Land Class:** Waterfront, Tidelands, Commercial**Topography:** Level**Vegetation:** None**Soil:** Typical, See Comments**Present Use:** Tramway**Intended Use:** Tramway**Highest and Best Use:** Valued as Commercial retail per lease**Comments**

This form shows fee land & rent only. Estimated values set by Harbor Board. 10,000 SF Fee land for base tram site. In addition the air rights, 21,815 SF is rented for \$2,000/ year.

Analysis:

land rent-value as follows set by Harbor Board:

Fee land rent \$270,000/year/ 10,000 SF = \$27/SF/yr. cap @9% = \$300/SF Value

Air Rights rent \$2,000/year. $\$2,000/9\%$ land cap rate referred to in lease amendment $\$22,222.22 = \$1.02/\text{SF}$ value (21,815SF)

Marketing Info: Revised rent effective 3/2/15 (30 days after effective date of CBJ Ordinance 2015-06) based on negotiations. Rent is retroactive to July 1, 2013 to June 30, 2020. from 2012 -2014. Going forward lease formula 9% of land value. \$2,000/yr air rights. To be reappraised in 5 years. Port memo noted the revised lease effective 7/1/2006, with the removal of royalties as \$104,000 annually, or as capitalized; \$1,300,000 for the site; \$130/SF at 8%. Original lease recorded 6/30/1995, rent 10% based on \$30/SF plus

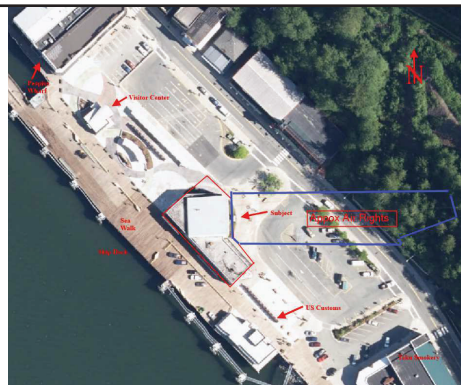
Confirmed with: Teena, lease docs Teena, Ports

Confirmed date: 3/31/2017 8/21/2011

Confirmed by: C.Horan T.Riley

Revision Date: 3/31/2017

Record Number: 7341



QUALIFICATIONS OF CHARLES E. HORAN, MAI

Professional Designation	MAI, Member Appraisal Institute, No. 6534
State Certification	State of Alaska General Appraiser Certification, No. AA41
Bachelor of Science Degree	University of San Francisco, B.S., Business Administration, 1973

Employment History:

8/04 – now	Owner, HORAN & COMPANY, LLC
3/87 – 7/04	Partner, HORAN, CORAK AND COMPANY
1980 – 2/87	Partner, The PD Appraisal Group, managing partner since November 1984 (formerly POMTIER, DUVERNAY & HORAN)
1976 – 80	Partner/Appraiser, POMTIER, DUVERNAY & COMPANY, INC., Juneau and Sitka, Alaska
1975 – 76	Real Estate Appraiser, H. Pomtier & Associates, Ketchikan, AK
1973 – 75	Jr. Appraiser, Ketchikan Gateway Borough, Ketchikan, AK

Lectures and Educational Presentations:

2007, "Conservation Easements" Presentation - Alaska Association of Assessing Officers, Fairbanks, AK
1998, "Easement Valuation Seminar," Alaska Chapter Appraisal Institute, Anchorage, AK
1998, "Easement Valuation Seminar," Seal Trust, Juneau, Alaska
1997, "Sitka Housing Market," Sitka Chamber of Commerce
1997, developed and taught commercial real estate investment seminar for Shee Atika, Inc.
1994, developed and taught seminar "Introduction to Real Estate Appraising," UAS, Sitka Campus
1985, Speaker at Sitka Chamber of Commerce, "What is an Appraisal? How to Read the Appraisal"
1984, Southeast Alaska Realtor's Mini Convention, Juneau, Alaska
Day 1: Introduction of Appraising, Cost and Market Data Approaches
Day 2: Income Approach, Types of Appraisals, AIREA Accredited Course
1983, "The State of Southeast Alaska's Real Estate Market"
1982, "What is an Appraisal?"

Types of Property Appraised:

Commercial - Retail shops, enclosed mall, shopping centers, medical buildings, restaurants, service stations, office buildings, auto body shops, schools, remote retail stores, liquor stores, supermarkets, funeral home, mobile home parks, camper courts. Appraised various businesses with real estate for value as a going concern with or without fixtures such as hotels, motels, bowling alleys, marinas, restaurants, lounges.

Industrial - Warehouse, mini-warehouse, hangars, docks barge loading facilities, industrial acreage, industrial sites, bulk plant sites, and fish processing facility. Appraised tank farms, bulk terminal sites, and a variety of waterfront port sites.

Special Land - Partial Interest and Leasehold Valuation - Remote acreage, tidelands with estimates of annual market rent. Large acreage land exchanges for federal, state, municipal governments and Alaska Native Corporations; retail lot valuations and absorption studies of large subdivisions; gravel and rock royalty value estimates; easements, partial interests, conservation easements; title limitations, permit fee evaluations. Appraised various properties under lease to determine leasehold and leased fee interests. Value easements and complex partial interests.

Special Projects - Special consultation for Federal land exchanges. Developed Land Evaluation Module (LEM) to describe and evaluate 290,000 acres of remote lands. Renovation feasibilities, residential lot absorption studies, commercial, and office building absorption studies. Contract review appraiser for private individuals, municipalities, and lenders. Restaurant feasibility studies, Housing demand studies and overall market projections. Estimated impact of nuisances on property values. Historic appreciation / market change studies. Historic barren material royalty valuations, subsurface mineral and timber valuation in conjunction with resource experts. Mass appraisal valuations for

Municipality of Skagway, City of Craig, Ketchikan Gateway Borough and other Alaska communities. Developed electronic/digial assessment record system for municipalities. Developed extensive state-wide market data record system which identified sales in all geographic areas.

Expert Witness Experience and Testimony:

2009 Expert at mediation - Talbot's Inc vs State of Alaska, et al. IKE-07-168CI

2008 Albright vs Albright, IKE-07-265CI, settled

2006 State of Alaska vs Homestead Alaska, et al, 1JU-06-572, settled

2006 State of Alaska vs Heaton, et al, 1JU-06-570CI, settled

2006 State of Alaska vs Jean Gain Estate, 1JU-06-571, settled

2004 Assessment Appeal, Board of Equalization, Franklin Dock vs City and Borough of Juneau

2000 Alaska Pulp Corporation vs National Surety - Deposition

U.S. Senate, Natural Resources Committee

U.S. House of Representatives, Resource Committee

Superior Court, State of Alaska, Trial Court and Bankruptcy Courts

Board of Equalization Hearings testified on behalf of these municipalities: Ketchikan Gateway Borough, City of Skagway, City of Pelican, City and Borough of Haines, Alaska

Witness at binding arbitration hearings, appointed Master for property partitionment by superior state court, selected expert as final appraiser in multi parties suit with settlements of real estate land value issues

Partial List of Clients:

Federal Agencies

Bureau of Indian Affairs
Bureau of Land Mngmnt
Coast Guard
Dept. Of Agriculture
Dept. Of Interior
Dept. Of Transportation
Federal Deposit Ins Corp
Federal Highway Admin.
Fish & Wildlife Service
Forest Service
General Service Agency
National Park Service
USDA Rural Develop.
Veterans Administration

Lending Institutions

Alaska Growth Capital
Alaska Pacific Bank
Alaska Ind. Dev. Auth.
ALPS FCU
First Bank
First National Bank AK
Key Bank
Met Life Capital Corp.
National Bank of AK
Rainier National Bank
SeaFirst Bank
True North Credit Union
Wells Fargo
Wells Fargo RETECHS

ANCSA Corporations

Cape Fox, Inc.
Doyon Corporation
Eyak Corporation
Goldbelt
Haida Corporation
Huna Totem
Kake Tribal Corporation
Klawock-Heenya Corp.
Klukwan, Inc.
Kootznoowoo, Inc.
Sealaska Corporation
Shaan Seet, Inc.
Shee Atika Corporation
TDX Corporation
The Tatitlek Corporation
Yak-Tat Kwan

Companies

AK Electric Light & Power
AK Lumber & Pulp Co.
AK Power & Telephone
Allen Marine
Arrowhead Transfer
AT&T Alscm
Coeur Alaska
Delta Western
Gulf Oil of Canada
Hames Corporation
HDR Alaska, Inc.
Holland America
Home Depot
Kennecott Greens Creek
Kennedy & Associates
Madsen Construction, Inc.
Service Transfer
Standard Oil of CA
The Conservation Fund
Union Oil
Ward Cove Packing
White Pass & Yukon RR
Yutana Barge Lines

Municipalities

City & Borough of Haines
City & Borough of Juneau
City & Borough of Sitka
City of Akutan
City of Coffman Cove
City of Craig
City of Hoonah
City of Ketchikan
City of Klawock
City of Pelican
City of Petersburg
City of Thorne Bay
City of Wrangell
Ketchikan Gateway Borg.
Municipality of Skagway

Other Organizations

BIHA
Central Council for Tlingit & Haida Indian Tribes of Alaska (CCTHITA)
Diocese of Juneau
Elks Lodge
Hoonah Indian Assoc.
LDS Church
Moose Lodge
SE AK Land Trust (SEAL)
SEARHC
Sitka Tribe of Alaska
The Nature Conservancy

State of Alaska Agencies

Alaska State Building Authority (formerly ASHA)
Attorney General
Dept. of Fish & Game
Dept. of Natural Service, Div. of Lands
Dept. of Public Safety
DOT&PF
Mental Health Land Trust
Superior Court
University of Alaska

Education

7-Hour National USPAP Update Course, Mount Vernon, WA, April 2013
Fall Real Estate Conference 2012, Seattle, WA November, 2012
Appraising the Appraisal: Appraisal Review-General, Rockville, MD, May 2012
Information Security Awareness for Appraisal Professionals Webinar, December, 2012
Fall Real Estate Conference 2011 Seattle, WA October, 2011
Appraisal Curriculum Overview (2-day General) Milwaukee, WI, August 2011
Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), Rockville, MD, Oct 2010
Business Practices and Ethics, Seattle, WA, Apr 2010
Fall Real Estate Conference, Seattle, WA, Dec 2009
7-hour National USPAP Update Course, Seattle, WA, May 2009
Fall Real Estate Conference, Seattle, WA, Nov 2008
Attacking and Defending an Appraisal in Litigation, Kent, WA, Sep 2008
Sustainable Mixed-Use N.I.M., Seattle, WA, Feb 2008
Appraising 2-4 Unit Properties, Bellevue, WA, Sep 2007
Business Practices and Ethics, Seattle, WA, Jun 2007
7-hour National USPAP Update Course, Seattle, WA, Jun 2007
Residential Market Analysis and Highest and Best Use, Seattle, WA, Apr 2007
Basic Appraisal Procedures, Seattle, WA, Feb 2007
USPAP Update Course, Anchorage, AK, Feb 2005
Rates & Ratios: Making Sense of GIMs, OARs, and DCF, Anchorage, AK, Feb 2005
Best Practices for Residential Appraisal Report Writing, Juneau, AK, Apr 2005
Scope of Work - Expanding Your Range of Services, Anchorage, AK May 2003
Litigation Appraising - Specialized Topics and Applications, Dublin, CA, Oct 2002
UASFLA: Practical Applications for Fee Appraisers, Jim Eaton, Washington, D.C., May 2002
USPAP, Part A, Burr Ridge, IL, Jun 2001
Partial Interest Valuation - Undivided, Anchorage, AK, May 2001
Partial Interest Valuation - Divided, Anchorage, AK, May 2001
Easement Valuation, San Diego, CA, Dec 1997
USPAP, Seattle, WA, Apr 1997
The Appraiser as Expert Witness, Anchorage, AK, May 1995
Appraisal Practices for Litigation, Anchorage, AK, May 1995
Forestry Appraisal Practices, Atterbury Consultants, Beaverton, OR, Apr 1995
Advanced Sales Comparison & Cost Approaches, Univ. of Colorado, Boulder, CO, Jun 1993
Computer Assisted Investment Analysis, University of Maryland, MD, Jul 1991
USPAP, Anchorage, AK, Apr 1991
General State Certification Review Seminar, Anchorage, AK, Apr 1991
State Certification Review Seminar, Dean Potter, Anchorage, AK, Apr 1991
Highest and Best Use and Market Analysis, Baltimore, MA, Mar 1991
Financial Institution Reform, Recovery & Enforcement Act of 1989, Doreen Fair Westfall, Appraisal Analyst, OTS, Juneau, AK, Jul 1990
Real Estate Appraisal Reform, Gregory Hoefer, MAI, OTS, Juneau, AK, Jul 1990
Standards of Professional Practice, Anchorage, AK, Oct 1987
Federal Home Loan Bank Board Memorandum R41C Seminar, Catherine Gearhearth, MAI, FHLBB District Appraiser, Juneau, AK, Mar 1987
Market Analysis, Boulder, CO, Jun 1986
Federal Home Loan Bank Board Regulation 41b, Instructor Bob Foreman, MAI, Seattle, WA, Sep 1985
Litigation Valuation, Chapel Hill, North CA, Aug 1984
Standards of Professional Practices, Bloomington, IN, Jan 1982
Course 2B, Valuation Analysis & Report Writing, Stanford, CA, Aug 1980
Course 6, Introduction to Real Estate Investment Analysis, Aug 1980
Course 1B, Capitalization Techniques, San Francisco, CA, Aug 1976
Course 2A, Case Studies in Real Estate Valuation, Aug 1976
Course 1A, Real Estate Principles and Valuation, San Francisco, CA, Aug 1974

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, April 27th, 2017

I. Call to Order

Mr. Donek called the Regular Board Meeting to order at 5:01pm in the CBJ Room 224.

II. Roll Call

The following members were present: John Bush, Weston Eiler, Bob Janes, David Lowell, Robert Mosher(via phone 5:25pm), David Seng, Budd Simpson, and Tom Donek.

Absent: David Summers

Also present were the following: Carl Uchtyl – Port Director, Gary Gillete – Port Engineer, David Borg – Harbormaster, and Matthew Creswell – Senior Harbor Officer.

III. Approval of Agenda

Mr. Uchtyl asked to add a special order of business.

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

Motion passed with no objection.

IV. Minutes from the March 30th, 2017 Regular Board Meeting will be on the May 25th, 2017 agenda.

V. Public Participation on Non-Agenda Items –
Mr. Becker, Juneau, AK

He said he is here to ask the Board to consider taking over the Fisheries Development Committee. He also wants to discuss the Bridge Park to Norway Point Study. Priority one was to put the haul out facility in at the Yacht Club area. He said he would like to recommend to continue that as a number one priority with looking at the needs for the Juneau area. This would be the quickest return on CBJ's investment. There are a lot of large vessels that would use this area.

Mr. Janes asked what would taking over the Fisheries Development Committee entail?

Mr. Becker said it would be dealing with issues that some of which Docks & Harbors is already taking on. There may be cold storage issues come up and you would need to have a group of fisherman come in to discuss and participate on this item. He doesn't want to lose the momentum that the Fisheries Development Committee has had, but when there is nothing to do it is falling apart.

Mr. Janes asked if this should be a special Committee?

Mr. Becker said yes. He said on another point, he was at an event last Sunday at the Yacht Club and it was very crowded. The parking lot was completely full. When the Yacht Club is moved, there needs to be better parking to accommodate a large crowd.

CBJ DOCKS AND HARBORS BOARD

REGULAR MEETING MINUTES

For Thursday, April 27th, 2017

Mr. Uchytel said in the packet is a list of Docks & Harbors projects that are going to be discussed at the Strategic Retreat on Saturday. He believes Mr. Becker to say from the Fisheries Development Committee perspective, the Marine Services build out is a number one priority.

Special Order of Business -

Mr. Uchytel said Doug Unruh is retiring and read a letter of appreciation for his 15 years service to Docks & Harbors.

VI. Consent Agenda - None

VII. Unfinished Business

1. Public Hearing for Regulation Changes to the Dockage Charges (05 CBJAC 15.030), Reservation Change Policy (05 CBJAC 15.035) and Loading Permit Fee (05 CBJAC 15.080)

Mr. Uchytel said these are three regulation changes that the Board previously approved. This went out for the 21 days public notice and received no comments. This is the public hearing required by CBJ. Page three of the packet are the changes.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MR. SIMPSON: TO APPROVE THE PROPOSED REGULATION CHANGES AND RECOMMEND THE ASSEMBLY TAKE ACTION TO ADOPT AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

2. People's Wharf – Use Permit

Mr. Uchytel said on Tuesday the Use Permit for Tracy's Crab Shack went through the Planning Commission and was approved. The Board action tonight is to approve the use of the portion of the People's wharf that you have previously approved. If this is approved tonight by the Board, Mr. Heumann and I will sign a use permit and rent will be \$144.00 per month.

Board Questions –

Mr. Simpson asked if the \$22 per sq/ft is a lease rate appraisal for the year?

Mr. Uchytel said on page 29 in the packet is the Horan appraisal summary which ends up being \$144.00 per month.

Public Comment - None

Board Discussion/Action

MOTION By MR. BUSH: TO APPROVE SEASONAL USE OF A PORTION OF THE PEOPLE'S WHARF FOR TEMPORARY FOOD SERVICES AS PRESENTED AND SIGNED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, April 27th, 2017

VIII. New Business - None

IX. Items for Information/Discussion

1. Navy USS O’KANE Visit

Mr. Uchytel said the USS OKANE is a destroyer from Honolulu and is going to make a port visit in Juneau. They will be at anchor from May 13th to May 18th and he is coordinated a welcoming committee to welcome them to Juneau. There is also an Adopt a Sailor program on the CBJ website for Juneau people to welcome the sailors.

Board Discussion/Public Comment

2. Strategic Retreat

Mr. Uchytel said in your packet on page 61 is a list of projects that the Board will review and decide where Docks & Harbors will put their efforts for the coming year and decades. It is a variety of different projects, not in any order, and the Board can think about prior to the meeting. The list provides the cost, source of funding and if there is match or grant opportunities. It is also separated by Harbors or Docks projects.

Board Discussion/Public Comment

Mr. Janes asked how does reopening of the Harris restrooms dove tail with the Harbor waterfront plan?

Mr. Uchytel said staff talked to our term contract holder Behrend’s Mechanical and Jensen Yorba Lot for the Harris Restrooms estimate. This is a short term fix that will show good will.

Mr. Lowell asked if other items can be added to the list?

Mr. Uchytel said yes.

Mr. Donek recommended to not limit the Board to items on this list but to brainstorm and come up with other projects that would benefit Juneau.

Mr. Lowell wanted North Douglas Master Planning added to the list.

Mr. Donek said if any Board member wants something added to the list to send an email to Mr. Uchytel.

2. Alaska Clean Harbor

Mr. Creswell said 11 months ago staff came and asked for an adoption of a resolution to start the process to getting certified for Alaska Clean Harbors. There was some great strides made last summer and throughout the fall. A lot of requirements were cocompleted and literature about the program was printed. Alaska Clean Harbors provided nice signage for our Grids and approach docks. The biggest hurdle has been the sewage regulation that is on line to be adopted. The last Clean Harbors requirement is a fish waste management plan which will be an internal memo. We are about 95% complete on the mandatory requirents and we need to be at 100%. We are at 65% to 70% on the optional requirements which we need to be at 80%.

Board Discussion/Public Comment

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, April 27th, 2017

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, April 19th, 2017 CANCELLED
2. Finance Committee Meeting – Thursday, April 20th, 2017 CANCELLED
3. Member Reports- None.

XI. Port Engineer's Report

Mr. Gillette said his written report is in the packet.

Mr. Eiler requested to bring the big spreadsheet with several years out timeline to the strategic retreat.

Mr. Simpson asked if the dispute between Trucano and the Aurora Harbor contractor is resolved?

Mr. Uchytel said he does not know if it has been resolved.

Mr. Janes said it has not been resolved yet.

XII. Harbormaster's Report

Mr. Borg reported:

- The Port is ready for the first ship.
- The old boat yard area at Statter Harbor has been made ready for the busses that drop off cruise ship passengers for the whale watching tours.
- The old lift was moved out of the way and have an approved view plane.
- There has been some concrete work being redone at the new launch ramp. Staff has received a lot of good feed back on the new launch ramp.
- He has offered free parking to the 2017 Thunder Mountain High School graduating class. They will park at the new launch ramp facility and will be picked up by a Limo and will come back to get their vehicles by midnight after Prom.
- There was a 30' sailboat close to sinking over the Easter weekend. The vessel is out of the water now and sitting at the Aurora parking lot behind the dumpster.
- He said he is working between Aurora and Statter Harbor offices.
- He was contacted by DEC water quality. In the past it was standard practice to dump snow at the Yacht club over the edge. Docks & Harbors was reported for this and told to cease and desist that practice. The snow can only be dumped in the parking lot and not over the edge and that is why the Yacht Club parking lot filled up. There are three individuals that use that area for a snow dump and we will notify them to make alternative arrangements for their snow dumping.
- He said he is no longer allowing storage in the Yacht Club area due to the vandalism and adding to the crime rate. He has given everyone using the storage to remove their items by May 1st.

Mr. Lowell asked if people are trying to park in the Auke Bay School to avoid paying for parking at Statter Harbor?

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, April 27th, 2017

Mr. Borg said he did have someone ask if they could park at the bus barn and have free parking. He told them Docks & Harbors only allowed that for two years and will need to check with the bus barn.

XIII. Port Director's Report

Mr. Uchytel reported:

- April 12th, the FY17 & FY18 budget was presented to the Assembly Finance Committee.
- Tuesday Docks & Harbors employees were given a three hour refresher customer service training.
- May ribbon cutting events –
 - May 5th - Cruise Ship Dock Project (Manson is providing food)
 - May 19th - Statter Harbor Launch Ramp
 - May 26th - Mike Pusich Douglas Harbor
- May 6th is the Maritime Festival – weather permitting it will be held on the AS float.
- May 6th the blessing of the fleet.
- May 17th is the Boat Shelter Expo. Local Contractors and Engineers will set up at the Yacht Club as vendors for the Boat Shelter owners to meet and improve their boat shelters prior to NCS mobilizing. NCS will probably mobilize October 1st.
- AK Marine Exchange should have the current sensors for the downtown floats online.
- In June, staff plans to reengage the liveaboard community with a facilitator to discuss liveaboard regulation changes and fees.
- Miller is still working on concrete at the Statter Harbor Launch Ramp project. On March 29th there was a hearing to determine if Millers violated their contract by not hiring Secon to do the Asphalt work. May 13th is the deadline to render the decision. Staff is also working to close out liquidated damages of about \$45,000 caused by additional fees to PND and Miller is claiming additional cost overruns for concrete and asphalt in the amount of \$100,000.
- Staff held pre-season meetings with vendor booth permit holders, downtown transportation companies, and Statter Harbor user groups. He wants to get ahead of next years rates now and will be bringing the Statter Harbor rates to the next OPS/Planning Committee. He is interested in having just one rate for the users at Statter Harbor.
- Staff is moving forward with the design for Statter Harbor Phase III.

Mr. Janes asked about the legality of charging a permit fee on any facility that was paid for by cruise ship passenger money.

Mr. Uchytel said we are still collecting passenger fees on the cruise ship berths and it doesn't go away just because it is built. We still have costs to run the facility.

Mr. Eiler asked about the hearing on the vendor booth permit?

Mr. Uchytel said staff believed Capital City Sightseeing was in violation of their permit because of their association with Juneau tours. Juneau Tours was represented by a lawyer. He said he was convinced enough even though they don't meet the spirit of the regulation. When the regulation was written, it was done so that 11 businesses would be sole proprietors operating each booth. The reason the language was put in regulation was for fear Princess or Holland America companies

CBJ DOCKS AND HARBORS BOARD

REGULAR MEETING MINUTES

For Thursday, April 27th, 2017

would come in and buy up all the permits and squeeze out the locals. He was persuaded enough to believe Juneau Tours has use agreements with four different booths and handle all the administrative operations within the language of the regulation. This is another item he would like to bring back to the Board to do away with this regulation if it is not enforceable.

Mr. Eiler said he was asked by a food vendor about the water piping going on by the parking garage and the Archipelago property. He asked if that was related to the Cruise Ship Berth project?

Mr. Uchytel said this is part of the water/sewer tie in for the Cruise Ship Berth Project. This is the last bit to tear up the ally way, pour concrete, and pave. We are close to wrapping this project up.

Mr. Uchytel said the Auke Bay Marine Station is getting close to finalizing the split in property.

XIV. Assembly Liaison Report - None

XV. Board Administrative Matters

- a. Strategic Retreat – Saturday, May 13th, 2017 at 9:00am –
- b. Ops/Planning Committee Meeting – moved to Thursday May 18th, at 5:00pm
- c. Finance Committee Meeting – May meeting Cancelled
- d. Board Meeting – Thursday, May 25th, 2017 at 5:00pm

XVI. Adjournment – The regular Board Meeting adjourned at 6:17pm.

2017 Heumann Use Permit

THIS USE PERMIT is entered into this 27th day of April, 2017, by and between the City and Borough of Juneau, Alaska (hereafter "CBJ"), a municipal corporation whose address is 155 S. Seward Street, Juneau, Alaska 99801, and William Heumann ("Permitee") 6000 Thane Road, Juneau AK 99801.

WHEREAS, William Heumann, owner of People's Wharf, requested the use of 62 square feet of City property for a small addition and siting of propane tanks for Tracy's Crab Shack;

WHEREAS, the CBJ owns certain real property, parcel code number 1-C10-0-K83-001-2 also known 470 South Franklin Street or Lot 13C, Block 83, Tidelands Addition;

WHEREAS, Capital City Fire & Rescue has indicated that no propane tanks shall be located within three feet of any opening, such as windows or doors;

WHEREAS, the Planning Commission approved CSP2017-0005: Seasonal Use of a Portion of People's Wharf for Temporary Food Services at its April 25, 2017, meeting as required by CBJ 53.09.310;

WHEREAS, CBJ conducted an appraisal which determined, based on the analysis of the market, that the annual permit fee shall be \$1,364/year;

WHEREAS, the CBJ Docks & Harbors Board approved William Heumann's request under the conditions stated herein;

NOW THEREFORE, the Docks & Harbors hereby grants William Heumann a Use Permit subject to the following terms and conditions:

1. **Authority.** This Use Permit is entered into pursuant to the authority of the City and Borough of Juneau Code, Chapters 85.02.260 and 53.09.310.
2. **Term.** This Use Permit is valid for the 2017 tourist season, commencing on April 27, 2017 and terminating November 1, 2017.
3. **Fee.** The fee for this use permit shall be \$114.00 per month. (53.09.310 (d)) and the appraisal cost.

4. **Authorized Use.** Permittee is authorized to use the property solely for a small addition onto the People's Wharf Building and siting propane tanks as described in CSP2017-0005.

5. **Repairs and Corrections.** Permittee agrees to return the property to its original pre-permitted condition and shall post a cash bond (\$5,000) for removal of the propane tanks and screening, and the small additional onto the People's Wharf Building.

6. **Indemnification.** The Permittee agrees to defend, indemnify, and hold harmless CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to the Permittee's performance related to this permit, without limitation as to the amount of fees, and without limitation as to any damages, cost or expense resulting from settlement, judgment, or verdict, and includes the award of any attorneys' fees even if in excess of Alaska Civil Rule 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 contract. 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 is waived where the Permittee has actual notice.

7. **Insurance.** 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 in Paragraph a. below. At least 30 days prior to the cancellation, non-renewal or reduction in the amount of coverage, Permittee shall provide written notice to CBJ Risk Management. The Permittee's insurance shall be primary and any insurance maintained by the CBJ shall be non-contributory. If the Permittee maintains higher limits than shown below, the CBJ shall be entitled to coverage for the higher limits maintained by the Permittee.

a. **Commercial General Liability Insurance.** The Permittee must maintain Commercial General Liability Insurance in an amount it deems reasonably sufficient to cover any suit that may be brought against the Permittee. This amount must be at least \$1,000,000 per occurrence, and \$2,000,000 aggregate. **This insurance policy is to contain, or be endorsed to contain, additional insured status for the CBJ, its officers, officials, employees, and volunteers.** If Additional insured status is provided in the form of an endorsement to the Permittee's insurance, the endorsement shall be at least as broad as ISO Form CG 20 10 11 85 or **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 forms if later revisions used).

b. **Deductibles and Self-Insured Retentions.** 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 defense expenses within the retention.

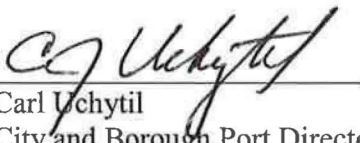
7. **Improvements and changes.** No improvements or changes to improvements may be made on the permitted area unless first approved by the Port Director.

8. **Revocability.** This Use Permit is revocable at the sole discretion of the Port Director. The CBJ shall not be liable to the Permittee or any other person for any costs, losses, or damages arising out of the revocation.

IN WITNESS WHEREOF, the parties have executed this instrument as of the date and year set forth below.

City and Borough of Juneau

William Heumann

By: 
Name: Carl Uchytel
Title: City and Borough Port Director

By: 
Name: William C. Heumann
Title: Owner

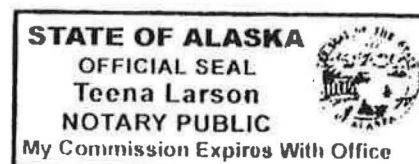
CITY AND BOROUGH OF JUNEAU ACKNOWLEDGMENT

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss:

THIS IS TO CERTIFY that on the 12th day of May, 2017, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **CARL J. UCHYTIL** to me known to be the identical individual described in and who executed the foregoing instrument as the CITY and BOROUGH PORT DIRECTOR of the CITY AND BOROUGH OF JUNEAU, ALASKA, a municipal corporation which executed the above and foregoing instrument; who on oath stated that she was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that she 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 for the State of Alaska
My Commission Expires: with office



WILLIAM HEUMANN ACKNOWLEDGMENT

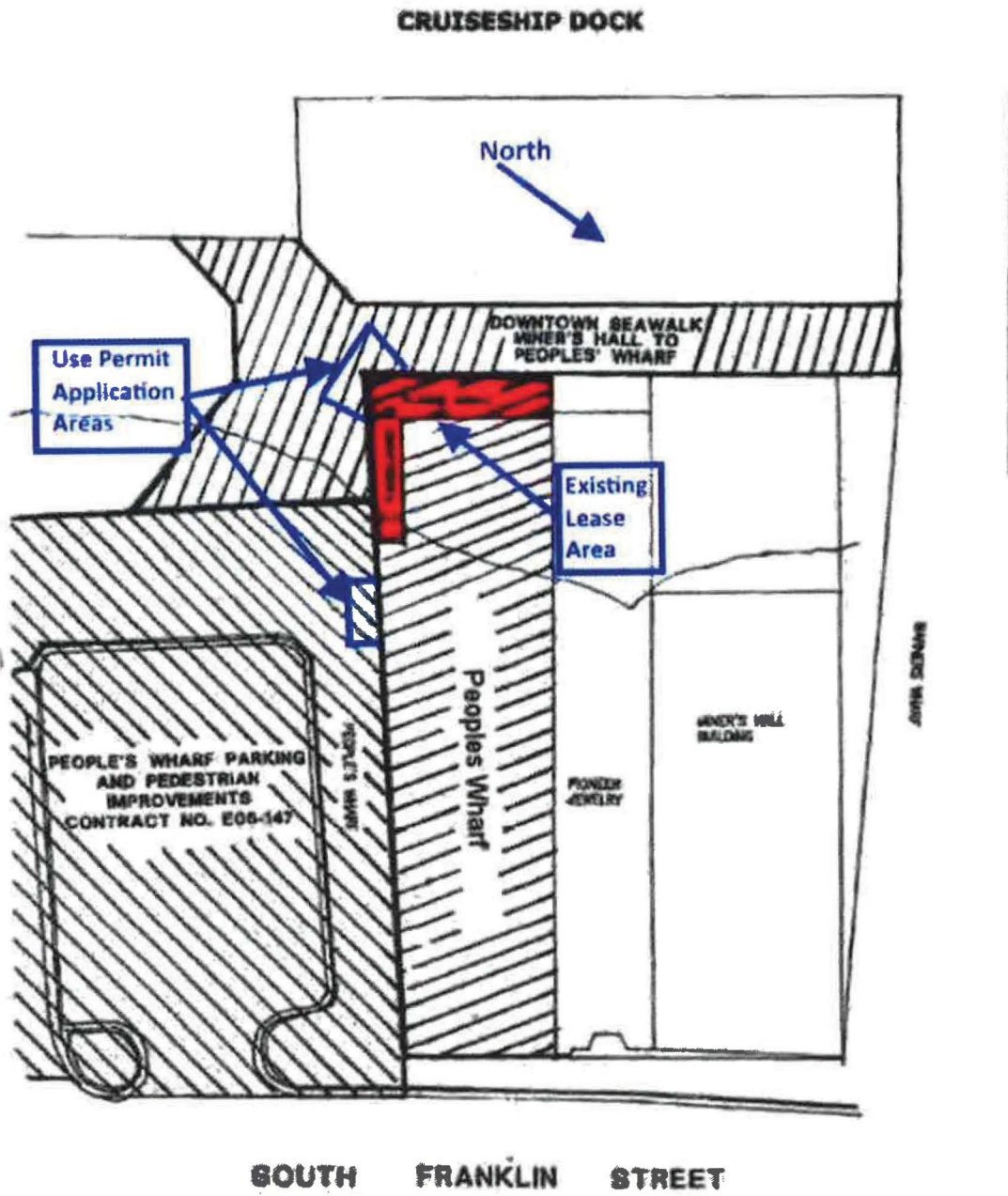
STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 10 day of May, 2017, before me the undersigned, a Notary Public, in and for the State of Alaska, duly commissioned and sworn, personally appeared **William C Heumann**, known to me to be the identical individual described in and who executed the foregoing instrument, and acknowledged that he/she executed 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.

Natalia B. Clay
Notary Public for the State of Alaska
My Commission Expires: July 8, 2020

Attachment A:



53.09.310 - Use permits.

(a)

Purposes. Permits for less than one year for the use of City and Borough owned land may be granted by the manager after review and an opportunity to comment by the planning commission for nonconsumptive uses which do not cause or require significant damage to the property when it is certain that the use can be completed within one year or when an application is pending for an easement, sale or **lease** of the parcel to the permit applicant. Permits shall be nonexclusive unless otherwise provided in the permit.

(b)

Application and fee. An application for a use permit shall be filed with the manager and shall be accompanied by plans, reports, a narrative and other material sufficient to permit evaluation of the proposed activities of the applicant in the permit area. The application shall be accompanied by a base fee of \$15.00 plus an amount determined by the manager to be sufficient to cover the cost of an appraisal of the permit right requested.

(c)

Departmental and commission comment. The completed application shall immediately be referred to the planning commission, the engineering department, the planning department and such other departments as the manager determines may have an interest in the land or proposed activities. Unless the manager determines that the issuance of the permit would be contrary to the public interest, the manager, upon full consideration of the departmental and commission comments, may issue a permit to the applicant with such restrictions and conditions as appropriate. If any department or the commission has submitted a written objection to the issuance of the permit, or has submitted a requested restriction which the manager's designee does not propose to include in the permit, the manager's designee shall deliver written notice of the decision to the director of that department or the planning commission, as appropriate, at least three working days before the permit is issued. The commission or the director of such department may appeal the matter to the manager.

(d)

Permit fee. The permit fee shall be the appraised value of the permit. Prior to issuance of the permit, the applicant shall pay to the City and Borough an amount equal to the value of any materials, timber, or other resources which will be damaged cut, or removed from the permit area. The manager shall determine the value of resources of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed. If the manager determines that a survey of the permit area should be made, the permittee shall provide such a survey prior to making any use of the permit.

(e)

Improvements and changes. No improvements or changes to improvements may be made in a permit area unless first approved by the manager.

(f)

As-built plans. Upon the construction of any improvements in the permit area, the permittee shall immediately provide the manager with complete, accurate, and legible as-built drawings of the improvement. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(g)

Revocability. Use permits issued under this section are revocable at the sole discretion of the manager. Upon issuing a notice of revocation to the permit holder, the manager may also require the permit holder to remove any improvements placed within the permit area and to restore the permit area to its original condition or such lesser condition as the manager may authorize. The City and Borough shall not be liable to the permit holder or any other person for any costs, losses or damage arising out of the revocation or order to remove improvements and restore the permit area.

(h)

Security for restoration. The manager may require such security for restoration as appropriate.

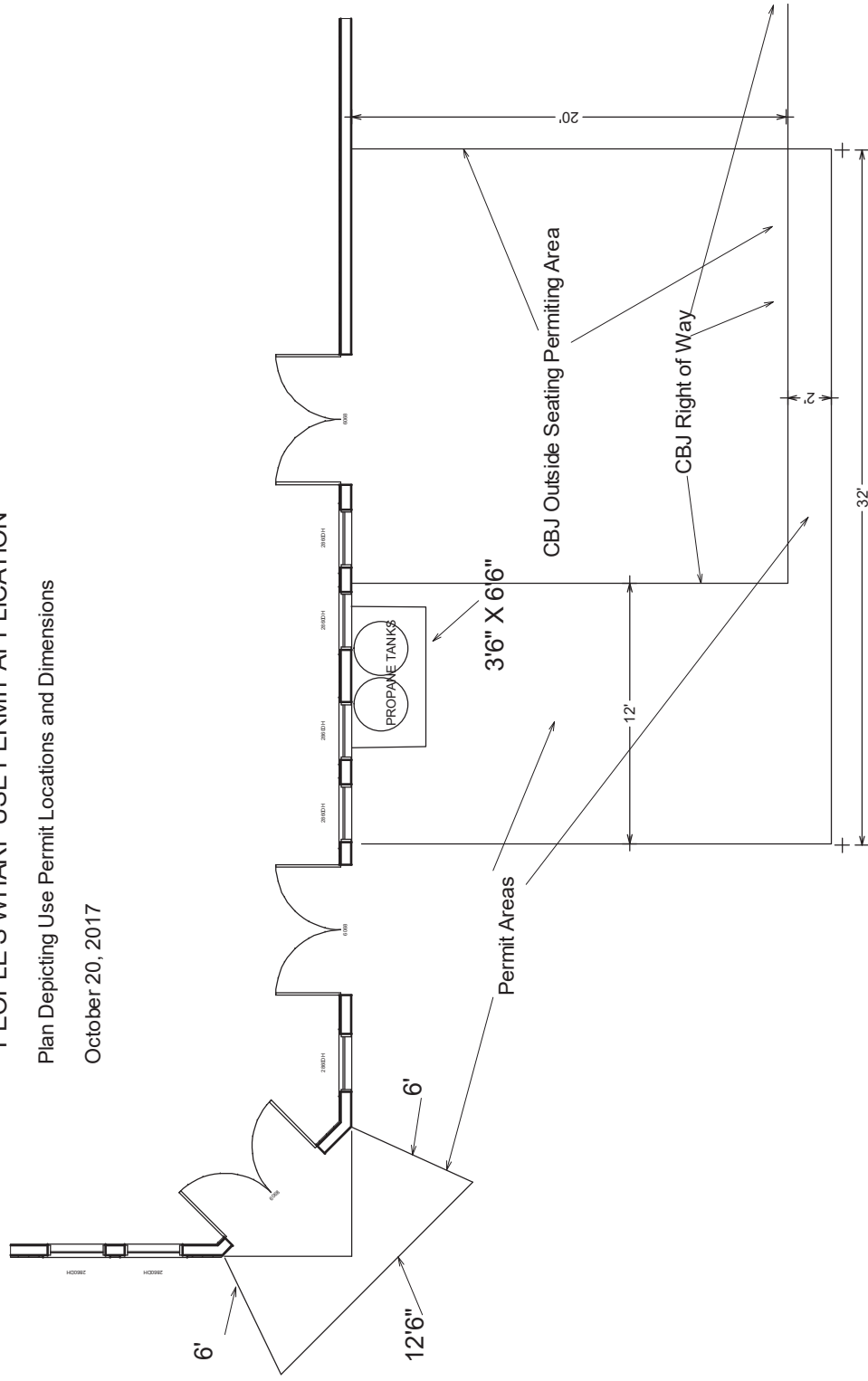
(Serial No. 83-09, § 3, 1983)

E

PEOPLE'S WHARF USE PERMIT APPLICATION

Plan Depicting Use Permit Locations and Dimensions

October 20, 2017



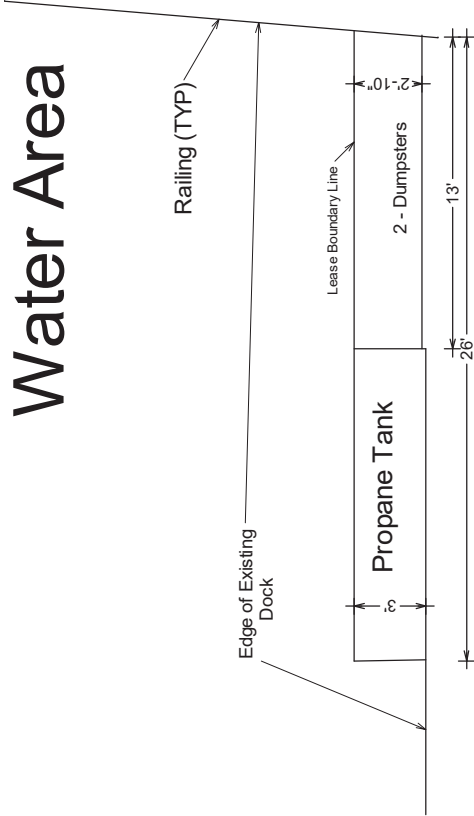
WHeumann@msn.com

From: Edward Quinto <Edward.Quinto@juneau.org>
Sent: Tuesday, October 31, 2017 9:33 AM
To: wheumann@msn.com
Subject: ROW lease at People's Wharf
Attachments: ssv_compliance.pdf

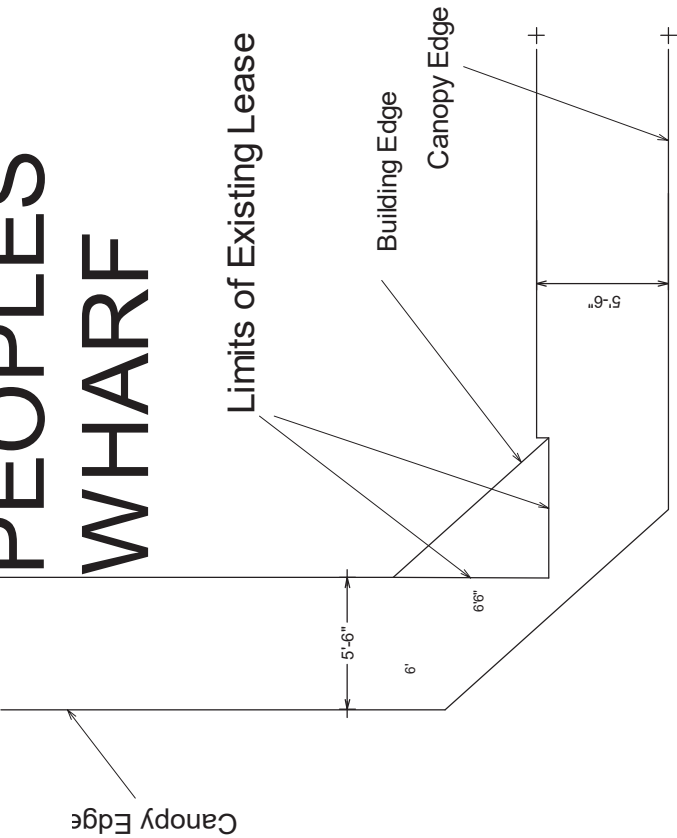
Bill, after checking with the finance department and Rory, the fee for the 2019 seasonal lease is \$5,625.00 for a total of 5 months. We can collect that at any time prior to the start of season. In addition, we'll need a copy of Tracy's 2019 business license, approval to operate from DEC, and verification from the Finance department on their form that Tracy's is current on all of her taxes. I'll attach the form titled "Street & Sidewalk Vendor Certificate of Compliance". Just fill out the top portion or ask someone with Tracy's to, and then the finance department can fill out the bottom. Return the form to me when it's complete. If you have any questions, let me know.

LEASE PROPOSAL

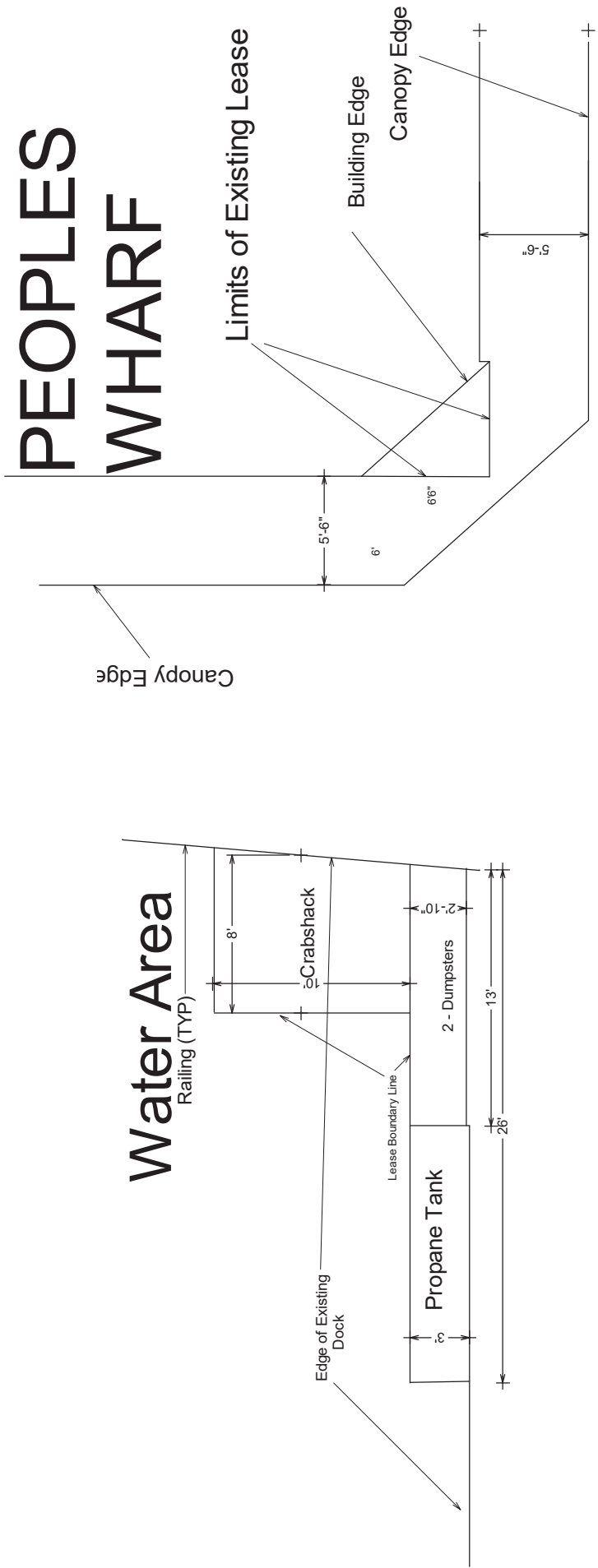
Water Area



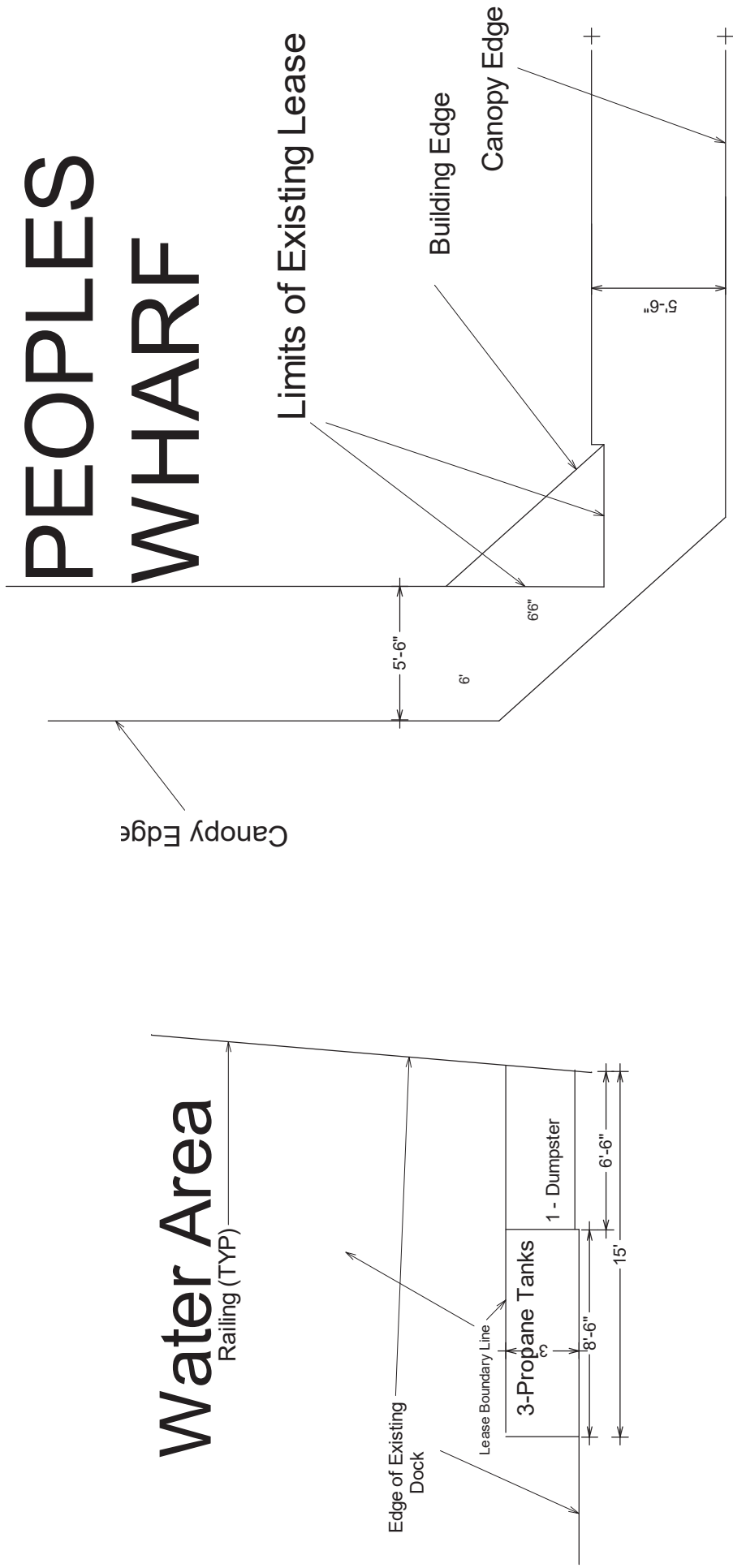
PEOPLES WHARF



LEASE PROPOSAL



LEASE PROPOSAL 3



From: David Molina [<mailto:dmolina@shopdi.com>]
Sent: Monday, November 6, 2017 9:46 AM
To: William Heumann <wheumann@msn.com>
Subject: Tracy's Crab Shack

Dear William

I write to you in reference to Tracy's Crab Shack's business we had this 2017 season in your building, we believe is a great business ally to have operating there as it attracts a good amount of traffic to the seaside and into our shops.

As a reference, we recommend many of our clients to go to Tracy's and try an iconic restaurant in Juneau, we even buy for some of our VIP clients and they are delighted with the quality of the food there.

We believe that having a restaurant in your building is very good for all of the shops that are around and we strongly encourage them to keep them as your tenants.

Best regards

Operations Manager
Diamonds International
Cozumel, Mexico
Mobile: (52) 987-8785170
Office: (52) -9878695367 Ext 8002
Fax : (52) - 9878695361
www.diamondsinternational.com

JUNEAU'S WATERFRONT RESTAURANTS

September 28, 2017

Thank you Docks & Harbors, Corvus Design, and Northwind Architects for your hard work on this project. I very much like what I'm seeing from these sketches and think this site will be a gem for all of Juneau to enjoy.

We operate an outdoor restaurant business in the building directly south of the Archipelago Lot at 406 South Franklin Street. The waterfront and downtown views are essential parts of our business and our exciting future plans for the entire building.

We would like to ask the board and the designers consider adopting a site plan where the view planes of established private businesses are better protected from view obstruction. I believe there is an option being presented today that addresses this concern while also achieving a wonderful blend of public space and facilities, private enterprise, and a van staging solution.

Charlie Herrington



Marketing and Communications Director

Juneau's Waterfront Restaurants

(907) 419-4433



September 28, 2017

DOWNTOWN JUNEAU, ALASKA

CBJ Docks & Harbors Board:

RE: Urban Design Plan Concepts Presentation

Dear Board Members,

As downtown waterfront property owners with year round tenants, we support the use of public funds to purchase property and address infrastructure needs on the waterfront, such as transportation and staging areas, restrooms and open space for the public. Based on preliminary drawings and discussions, these items appear to be addressed. As a related matter, we do not support any use of public funds to purchase property, which, once owned by the City will be used to create commercial opportunities for select individuals. We look forward to your findings and decisions regarding the waterfront, and would be happy to discuss any issues with members of the board or architectural/design team.

Sincerely,

Reecia Wilson

Merchants Wharf, LLC

Goldstein Improvement Company

130 Seward St Ste 001
Juneau, Alaska 99801

glidmann@gmail.com
907 5860101 fax
907 3210790 voice

11/14/2017

City and Borough of Juneau
Docks and Harbors Board
Carl Uchytel, Port Director
Carl.Uchytel@juneau.org

The Goldstein Improvement Company has operated in downtown Juneau for well over 100 years, constructing the Goldstein Building in 1910.

Over the past 15 years we have rehabilitated all of our properties encompassing Front, Seward, Main and Second Streets. Creating a year round environment for locals and tourists has been our focus.

We have supported the unified efforts of the City Manager, Staff, Assembly and the Dock and Harbors Board in moving forward on the much needed and successfully executed waterfront projects throughout the borough. Thank you.

We have supported the use of public funds in the manner they have been used thus far.

However, the commercialization of certain waterfront areas such as the Seawalk is not on our list of supported uses.

Year-round business are not being supported and are being negatively impacted when seasonal waterfront opportunities, offered at a fraction of the annual costs that full time businesses incur, are allowed to flourish. Our local year-round businesses need consideration when evaluating guidelines for the use of properties created with public funds.

There may be unintended consequences in leasing public lands, not the least of which may relate to negatively impacting property values.

In the early days of the Seawalk concept it was almost universally supported by the community as a recreation opportunity and escape from the chaos of downtown in the summer. Please remain true to the vision.

I have worked directly in downtown Juneau for 42 years, managing downtown commercial properties for over 30 years.

Sincerely,

Daniel Glidmann
907 321 0790
Goldstein Improvement Company

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 40 SMALL BOAT HARBOR MOORAGE MANAGEMENT REGULATIONS

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, and CBJ 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the adoption of regulations in Title 05, Chapter 40 as follows:

05 CBJAC 40.065 - Vessel anchoring requirements.-(Reserved).

- (a) Purpose. City and Borough tide and submerged lands are managed to allow limited anchoring opportunities while maximizing public use and enjoyment of that property, minimizing interference with navigation, and equitably managing uses.
- (b) Applicability. These regulations apply to all tide and submerged lands owned, leased, or managed by the City and Borough of Juneau. The term vessel in these regulations means all vessels, watercraft, logs, piling, building material, scow, houseboat, structures, and any other article of value. These regulations do not apply to City and Borough of Juneau vessels or vessels owned or operated by authorized agents of the City and Borough of Juneau.
- (c) Anchoring requirements.
 - (1) A person may anchor a vessel for up to 24 hours without a permit. No person may anchor a vessel or raft to an anchored vessel in one location or within two miles of one location for more than 24 hours unless first having received a permit from the Port Director.
 - (2) A vessel anchored out shall use standard anchoring tackle as designed for the vessel and local conditions.
 - (3) A permanent mooring system is prohibited.
 - (4) No person shall anchor, permit their vessel to be anchored, or raft their vessel to an anchored vessel in a manner that unreasonably or unnecessarily (i) constitutes a navigational hazard or (ii) interferes with another vessel.
 - (5) Anchoring is prohibited (i) under or near the Juneau-Douglas bridge, (ii) in or adjacent to the entrance of the boat harbors, (iii) in or adjacent to heavily traveled corridor, and (iv) adjacent to the port.

- (6) A vessel violating any of these regulations is deemed a public nuisance. In addition to other legal authorities, the Port Director may abate, dispose, or impound a vessel as provided by sections 85.25.120 and 85.25.180.
- (d) Permits. The owner, operator, master, or managing agent of a vessel must submit an application for an anchoring permit on a form provided by the Port Director.
- (1) Short Term Permit. The Port Director may issue a short term permit for a vessel anchoring out for 14 or fewer days in one location.
- a. There shall not be a fee, no proof of insurance required, and no proof of an approved marine sanitation system for a short term permit.
 - b. Upon expiration of the short term permit, the vessel shall be moved more than two miles from the permitted short term anchorage location. A vessel subject to a short term permit is prohibited from receiving another short term permit for the same geographical area, as determined by the Port Director, within 13 days of the expiration of the prior permit.
 - c. The Port Director may attach other reasonable terms and conditions as necessary to protect public health, safety, and welfare.
- (2) Long Term Permit. The Port Director may issue a long term permit for a vessel anchoring out for 14 to 90 days. No vessel may receive a long term permit or a combination of permits for anchorage of more than 90 days in any twelve month period.
- a. A \$100.00 non-refundable application fee is required to apply for a long term permit. In addition, the daily fee for anchorage is \$0.25 per foot.
 - b. The vessel owner must demonstrate that they have enough insurance coverage for recovery of the vessel if it should sink, damage CBJ property, or discharge a hazardous material. A performance guaranty (damage deposit) in an amount determined by the Port Director is required if the Port Director finds the condition of the vessel and the contents on or associated with the vessel present a higher risk of loss or damage.
 - c. The vessel owner must show the vessel is equipped with an approved marine sanitation system pursuant to 05 CBJAC 45.010 and comply with the requirements, compliance, and inspections of 05 CBJAC 45.015.

- d. The Port Director may attach other reasonable terms and conditions as necessary to protect public health, safety, and welfare.
- (3) *Permit Refusal and Revocation.* The Port Director may, in the Port Director's discretion, refuse to issue or revoke a permit and provide a written explanation. Such an explanation may be based on the following non-exclusive list of factors: condition of the vessel; a vessel or the contents on or associate with the vessel are or are likely to become a hazard; when the anchorage would likely interfere with another vessel or a traffic corridor; when there is insufficient space for the vessel; when the anchorage would unreasonably risk public health, safety, or welfare; when anchorage is not in the public's best interest; or the failure to comply with any law related to the anchored vessel or use of Dock and Harbor property or facilities.. The Port Director may also revoke a permit upon probable cause that a violation of these regulations occurred. Unless circumstances warrant immediate revocation, the Port Director shall provide reasonable notice of revocation. Upon revocation, the applicant shall be entitled to a pro rata refund of anchorage fees paid in advance, if any, less any other fees or charges the City and Borough of Juneau may have against the vessel, its owner, operator, master, or managing agent.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on _____, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

Carl Uchytel
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

(1) Consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

Robert H. Palmer, III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at ____:____ a.m./p.m. on the _____ day of _____, _____.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: _____.

Date: _____

Laurie J. Sica, Municipal Clerk



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Carl Uchytel, Port Director

CBJ Docks and Harbors Board

November 15, 2017

R FY19 MARINE PASSENGER FEE REQUEST

1. Attached is a list of potential FY19 Marine Passenger Fee projects for your consideration. This list is divided into two groupings: 1) on-going maintenance needs, and 2) capital improvement needs.
 - a. On-Going Maintenance Needs
 - i. Area Wide Port Operations - \$154,100
 - ii. Port-Customs and Visitor Center Buildings Maintenance Support - \$133,500
 - iii. CBJ Parks & Recreation Landscape Maintenance Services - \$45,000
 - iv. Weather/Current Monitoring System Operations & Maintenance - \$40,000
 - v. Franklin Dock Tug Support - \$30,000
 - b. Capital Improvement Needs
 - i. Corrosion Protection for Marine Park Sheet Pile Wall - \$150,000
 - ii. Visitor Information Kiosk Replacement – Construction - \$120,000
 - iii. Security Checkpoint Shelters (2) - \$300,000
 - iv. Downtown Restrooms- Construction - \$500,000
2. The Board is asked to review these needs with the intent to prioritize the list for submittal to the City Manager for consideration for FY19 funding from the City and Borough of Juneau Marine Passenger Fee revenue.

#

Encl: FY19 Docks & Harbors Marine Passenger Fee Request

CBJ Docks and Harbors Board FY2018 Marine Passenger Fee Request

Area Wide Port Operations

Descriptions: CBJ's cruise ship docks and associated infrastructure are run as an enterprise fund established by local ordinance. All expenses and revenues associated with operating and maintaining CBJ's cruise ship docks and associated infrastructure are accounted within this fund. The CBJ Assembly has placed these assets under the responsibility of the Docks and Harbors Board. CBJ Ordinance Title 85 requires the Board to be self-supporting, generating revenues sufficient to meet the operating costs of the docks enterprise.

The Board has established a number of fees to generate revenues from users of the assets. The Board has calibrated these fees to assure the overall revenue generated by the enterprise equals the overall cost of running the enterprise.

Many of the uplands assets are used by entities which it is not possible, feasible, or acceptable to charge fees. As a result, users paying fees are subsidizing users that do not pay fees. The services provided to these users are area wide in nature benefiting the general public and cruise ship passengers of private docks. As part of this fee request, the Board identified services that are area wide in nature.

Board identified the following services:

1. Year round maintenance and monitoring of Marine Park.
2. Maintenance and operation of public parking at the Columbia Lot and seasonal public parking at the Steamship Wharf Plaza and the Visitor's Center Lot.
3. Maintenance and operation of unrestricted pedestrian access along the waterfront at the public docks.
4. Maintenance of tour operators Vendor Booths.
5. Maintenance and operation of shuttle drop-offs and pick-ups in the CBJ loading zone that are used by all cruise ship terminals in Juneau.
6. Providing area wide port security.
7. Billing and collecting CBJ area wide fees for all docks.

The Board reviewed its FY17 budget and apportioned expenses associated with these services. Based on its review, it estimates that about 9% of the annual docks budget is attributable to area wide services.

Marine Passenger Fee Funds Requested (FY18): \$154,100

Benefits: This approach is supported by the cruise ship industry since it is more equitable than raising dockage fees. This approach meets the intent of the marine passenger fee since the services benefit all cruise ship passengers, not just the passengers at the public docks. This approach allows the Docks and Harbors Board to direct part of the dock lease revenues to the much needed rebuild effort of the small boat harbors reducing the need for fee increases at the harbors.

Maintenance and Operation Responsibility: CBJ is responsible for all ongoing maintenance and operating expenses and will use local Docks enterprise funds for these expenses.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

Port-Customs and Visitor Center Buildings Maintenance Support

Project Descriptions: These two buildings are located on the downtown Juneau waterfront, an area that serves over one million cruise ship passengers each year. Docks and Harbors, an enterprise fund, is responsible for costs associated with operating the Port-Customs and Visitor Center Buildings. Expenses include all utilities (water, sewage, electrical, alarm monitoring) and facility support (parking lot, plaza, snow removal, janitorial and general maintenance).

Marine Passenger Fee Funds Requested (FY18): \$133,500

Approximately 4450 sq feet (building area) @ \$2.50/sq feet/month = \$133,500

Project Review: The Port-Customs Building was completed in May 2011 with the Visitor Center completion in June 2012. The project which included the buildings, infill dock construction, covered shelters, landscaping and plaza cost approximately \$9M and was funded with Marine Passenger Fees. The Port-Customs Building is occupied by the US Customs and Border Protection (CBP) year-round and Docks and Harbors staff from April to October. CBP claims to be exempt from any costs associated with their operations within a port. The Visitor Center Building is occupied from April to October by the Juneau Convention and Visitor Bureau (JCVB), a non-profit organization for the purpose of supporting cruise passenger inquiries. The JCVB budget does not support maintenance of the building. This leaves the Docks enterprise funds fully exposed to the costs of maintaining and servicing these buildings.

Benefits: By establishing a Port-Customs and Visitor Center Buildings maintenance fund Docks & Harbors can better manage and maintain the properties entrusted under their responsibilities. Passenger fees were granted for this purpose in FY2013 through FY2017.

Maintenance and Operation Responsibility: CBJ Docks and Harbors is responsible for all ongoing maintenance and operating expenses of these two buildings and associated upland support facilities.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchtyl, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

CBJ Parks & Recreation Landscape Maintenance Services

Project Descriptions: Docks & Harbors managed property includes the downtown waterfront from the Taku Dock to Merchant's Wharf. The landscaping has been maintained by CBJ Parks & Recreation seasonal staff for several years out of the CBJ general fund. Flowers, flower pots, trees, shrubs and grass along Marine Park, Cruise Ship Terminal and Alaska Steamship waterfront are meticulously planted and groomed in an admirable fashion. Beginning in FY15, Docks & Harbors was directed to fund this maintenance out of the Docks Enterprise budget.

Cost: \$45,000

Marine Passenger Fee Funds Requested (FY18): \$45,000

Project Review: The requested amount has been developed by a CBJ Parks & Recreation algorithm based on requirements to propagate plant and maintain the vegetative cover, new seedlings, plants and flowers.

Project Time-Line: This project would be an interdepartmental transfer from Docks & Harbors to CBJ Parks & Recreation.

Maintenance and Operation Responsibility: Commencing in FY15, Docks & Harbors has been assigned sole responsibility for maintaining the greenery along the CBJ owned waterfront, including parking lot facilities.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

Weather/Current Monitoring System Operations & Maintenance

Project Descriptions: This funding would provide annual operations and maintenance for valuable real time weather and water current information to mariners that access the downtown Juneau waterfront including the four cruise berths (private and public) and the Taku Dock (serving Taku Fisheries). The system provides wind and current monitoring sensors at various locations to offer real time information for navigation purposes. The system disseminates via a phone app, internet, or other public media commonly available to mariners in the immediate area.

Construction of the system was phased beginning in 2014 with final completion in 2016 for full use by the 2017 cruise season. The requested funding would provide annual operations and maintenance of the system for continued assistance to mariners in the Juneau harbor.

Marine Passenger Fee Funds Requested (FY18): \$20,920

Project Review: The requested amount has been developed by Marine Exchange of Alaska based on projected annual and periodic operational expenses and anticipated maintenance of the system.

Project Time-Line: The system will be fully functional by the 2017 cruise ship season.

Maintenance and Operation Responsibility: Maintenance for operational costs (electricity, equipment calibration, etc.) would be the responsibility of Docks and Harbors through a contract with Marine Exchange of Alaska.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

Corrosion Protection for Marine Park Sheet Pile Wall

Project Descriptions: The existing metal sheet pile wall is in need of new coating and impressed current cathodic protection. The work protects the steel components of the wall from corrosion by salt water and would extend the life of the facility.

Cost Estimate: \$600,000

Marine Passenger Fee Funds Requested (FY18): \$600,000

Project Review: An inspection of the wall was performed by Tinnea and Associates, experts in cathodic protection. It was determined that the existing sheet pile wall had lost significant material of its protective coating and that the impressed current system no longer functions. The project is designed and ready for bidding as soon as funds are available.

Project Time-Line: Procurement would begin upon receipt of funding.

Maintenance and Operation Responsibility: CBJ Docks and Harbors is responsible for ongoing general maintenance expenses. The work of this project is beyond normal wear and tear and needs dedicated funding to complete this work.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.

**CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request**

Visitor Information Kiosk Replacement - Design

Project Descriptions: The Visitor Information Kiosk serves cruise ship passengers needing information about Juneau. It is located in a strategic location near one of the two city owned docks that support the cruise industry. The current kiosk has exceeded its design life. The facility does not meet ADA standards, has inadequate heating, and does not provide adequate shelter for patrons. This request would provide funding for planning, design, and cost estimate for a new kiosk facility. Once costs are known it is anticipated a future funding request would be made for construction.

Cost Estimate: \$25,000

Marine Passenger Fee Funds Requested (FY18): \$25,000

Project Review: The Juneau Convention and Visitors Bureau (JCVB) requested that a new kiosk be provided which would offer a more user friendly facility and address safety and comfort concerns of volunteers. The current facility was moved from the Marine Park area when the Alaska Steamship Wharf was expanded for bus staging.

Project Time-Line: This project would begin the design phase upon allocation of funding.

Maintenance and Operation Responsibility: CBJ is responsible for all ongoing maintenance and operating expenses and will seek future passenger fee funds for these expenses.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchtyl, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

Cruise Ship Uplands Staging Area

Project Descriptions: This project would be located in the downtown area near the cruise dock, an area that serves over one million cruise ship passengers each year. The project entails identifying and procurement of available Downtown lands necessary to accommodate additional staging areas required to accommodate the larger post-panamax sized cruise ships and greater passenger counts.

Marine Passenger Fee Funds Requested (FY18): \$1,000,000

Project Review: The Cruise Ship Terminal Staging Area, completed in spring 2014, greatly improved the efficiency and safety of the parking and embarkation in support of the cruise industry. However, due to geographic limitations and finite available land, new property must be pursued to ensure facilities are available to support increased passenger loads in the coming decade. The efficient management of future cruise ship land based needs will require securing adjacent uplands to the cruise ship berth.

Project Time-Line: The project would be planned and designed once procurement of lands is accomplished.

Maintenance and Operation Responsibility: This project is to identify and procure land available for future Docks enterprise initiatives.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.

CBJ Docks and Harbors Board
FY2018 Marine Passenger Fee Request

Downtown Restrooms

Project Descriptions: The project would be located along the downtown Juneau waterfront, an area that services approximately one million cruise ship passengers each year. The project consists of constructing new restroom facilities at a location south of the Library/Parking Garage.

Cost Estimate: \$500,000

Marine Passenger Fee Funds Requested (FY18): \$500,000

Project Review: This project has been brought forward at the request of the Assembly to address the lack of adequate restroom facilities in the downtown waterfront area.

Project Time-Line: This project would begin design phase upon allocation of funding.

Maintenance and Operation Responsibility: CBJ is responsible for all ongoing maintenance and operating expenses and will seek future passenger fee funds for these expenses.

Project Contact: Gary Gillette, CBJ Port Engineer or Carl Uchytel, CBJ Port Director 586-0292.