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

I. Call to Order (5:00 p.m. in City Hall Conference Room 224)

II. Roll Call (John Bush, Tom Donek, David Lowell, David Summers, Bob Janes, 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 9th, 2016 Operations/Planning Meetings Minutes

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.

MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

VII. Unfinished Business

1. RECONSIDERATION – MORATORIUM ON SEAWALK PROPERTY LEASES
Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING.

VIII. New Business

1. Policy for anchoring on CBJ Docks & Harbors tidelands

Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING.

2. Proposed New Regulation – Vessel Sewage Requirements
Presentation by the Harbormaster

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING.

IX. Items for Information/Discussion

1. Vessel & Boat Shelter Insurance Options
Presentation by the Mr. Rick Shattuck

Committee Discussion/Public Comment

2. Duck Boat Tour
Presentation by Mr. Cedar Stark

Committee Discussion/Public Comment

3. Auke Bay Marine Station Update
Presentation by the Port Engineer

Committee Discussion/Public Comment

X. Staff & Member Reports

XI. Committee Administrative Matters

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

XII. Adjournment

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
For Wednesday, November 9th, 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 present were John Bush, Tom Donek, David Lowell, and Bob Janes. Also present were Carl Uchytil-Port Director; David Borg-Harbormaster; Gary Gillette-Port Engineer; Matt Creswell- Senior Harbor Officer.

III. Approval of Agenda
Mr. Uchytil asked to have item #1 Live Aboard Regulation Update under items for information/discussion moved to the first item after the Consent Agenda to accommodate the several members of the public who are here to give input.
MOTION: BY MR. BOB JANES TO APPROVE THE AGENDA AS AMENDED AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections.

IV. Public Participation on Non-Agenda Items – None

V. Approval of Wednesday, October 19th, 2016 Operations/Planning Meetings Minutes
MOTION: BY MR. TOM DONEK TO APPROVE THE OCTOBER 19, 2016 MINUTES AS PRESENTED AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections.

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. Grid Usage Fees (05 CBJAC 20.100)

RECOMMENDATION: TO INCREASE THE GRID USEAGE FEES TO $1.00 PER FOOT PER DAY AND APPLY ANCHORAGE CPI TO ANNUAL INCREASES.

2. Pump Use Fees (05 CBJAC 20.120)

RECOMMENDATION: TO DELETE REGULATION 05 CBJAC 20.120 (PUMP USE FEES).

MOTION: BY MR. BOB JANES TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections.

Items for Information/Discussion (*Moved from Items for Information/Discussion)*
1. Live Aboard Regulations - Update
Presentation by the Port Director

Mr. Uchytil stated at the last board meeting there were some proposals from the Fee Review Committee to make some changes to the Live Aboard Regulations and fee structure. We did take some public input and after the meeting, he met with the Board Chair & Vice Chair and made the recommendation that we hold off on moving forward with any changes until we can do some more due diligence as far as having a shared vision of clean safe secure harbors. We need to determine our carrying capacity for live aboard in our harbors and the fees associated with it. We need to do more public outreach. We have this larger project to connect Harris and Aurora Harbor with a land use master plan so we have a lot of moving parts to consider for the regulations and the live aboard fees. We are not ready to move forward and that is the update at this time. The Harbormaster and I need to look at the carrying capacity and what makes sense for the harbors. Mr. Uchytil said he can answer any questions and the board can take public comment.

Mr. Janes asked if there is rough timeframe for the regulation changes.

Mr. Uchytil answered he is hoping this winter. We want to continue having that dialog regarding live aboard regulations. He thinks having the master plan for the area and having a lot of things we are doing in the Harbors right now make for more of a discussion. We are looking at reopening the Harris Bathrooms and we are investigating a cameras system in the Harbors. There are a lot of things going on that we need to flush out to have clean safe secure facilities. I'm hoping we can get there this winter.

Public Comment
Mr. Tom Willis – Harris Harbor, Juneau, AK
Mr. Willis stated he has been living in the Harbors for six years. He just saw the notice about the rate increase and he appreciates letting the patrons come to the committee. The rate increase does not look that bad and he is not opposed. He does have some concerns about limiting the amount of people living in the harbor. His major concern is how you discriminate against that. He thinks we need people living in the harbor. A month ago he pulled a guy out of the water who would have died otherwise. We all look at each other's boats to see if they are sinking. We are there to help and to help other people. He wants the committee to consider these things when they decide on limiting live aboards.

Mr. Donek stated he wants the public to know the fee increase is currently off the table with the regulation changes as well.

Mr. Jackson Buchanan – Aurora Harbor, Juneau, AK
Mr. Jackson stated he had two things. He does not really see a problem with the rate increase. He believes it is incredibly cheap to moor and live aboard in the harbors. He agrees with Mr. Willis about not limiting the amount of people who can live in the Harbors. We need people or there is going to be more crime and more break-ins. He said he believes Mr. Uchytil was quoted in the Juneau Empire that there is direct correlation with live aboard patrons and crime in the harbors. He doesn't know how that was reached but he does not believe that is true. There is a correlation with drug use. There has been an upswing the last few years with more overdoses. It is pretty much a daily event which is really unfortunate. He said he is celebrating a year and a

half of sobriety this month. He sees this going towards an exclusive list for live aboards and wants to know who is going to make that call. People who live on their boat are going to take care of their boats.

Mr. Frank Michalsky – Harris Harbor, Juneau, AK
Mr. Michalsky stated he has been living in the Harbor for about 6 months. He does not have much different to add to what has already been stated. He lived aboard in Auke Bay for a couple years in the 80s and he would rescue a lot of boats in the middle of the night. If the board reduces the amount of people that live in the Harbor there is going to be more crime and it will be easy pickings. The harbors need to have eyes and witnesses with the live aboard. You may have some live aboards that are giving you problems but we have a lot of those people that are all not live abaords.

Mr. Janes asked if there is a live aboard community that is working together.

Mr. Michalsky answered that he's been there about 6 months but yes there is a familiarity with people who live there and are on their boats a lot.

Mr. Janes asked if he has witnessed any major problems within the live aboard community.

Mr. Michalsky answered he has not witnessed any major concerns. Just some people playing music too loud or not picking up after their dog.

Ms. Loretto Jones – Harris Harbor, Juneau, AK
Ms. Jones stated she does not live in the Harbor but she has had boats in the Harbor for over 30 years and she is a licensed captain. What she would like to bring to the board's attention is the safe condition of a vessel and which is one of the requirements for the Port of Juneau. One of the things she has seen are boats disintegrating in Harris and Aurora Harbors. One of the things required to qualify for space is to be sea worthy. She can count at least 35 boats in Aurora Basin and 10 in Harris Harbor that have not moved. When she first moved to Harris Harbor she was concerned about drug traffic with a boat a few stalls down from her. She said she contacted the office and she contacted the police department after $4,000 worth of stuff was stolen off her boat. They were cooking crystal meth on the boat and over 5 people were living on the boat. That is a huge concern. She has a live aboard that contacts her if there is something wrong with her boat. Live aboards are the first responders. She has pulled people out of the water that were drowning and she is a commercial diver. The live aboards are going to be there to help and be the first responders.

Mr. Janes asked how do you suggest we discriminate if there is boat that has something really crazy going on or if they are a legitimate live aboard.

Ms. Jones answered that she is a concerned citizen and that is why she is here. The board has it in the books to get rid of vessels that are not sea worthy so it's right to question the safe condition of the vessel and use that law. We have a problem in the harbors but it is not the live aboards. She recommends walking the docks and start evicting.

Mr. Frank Mooney – Harris Harbor, Juneau, AK
Mr. Mooney stated he is a live aboard in Harris Harbor going on 5 years with his dog. We are the first responders in the Harbors. He has called the harbormaster when he witnessed a boat that had been untied from the dock. A few years ago he pulled a guy out of the water three times. We get a lot of drunk people wandering down. It's a life style and he enjoys it. He thinks it will be tough decision to qualify people to be able to live in the harbor. He knows quite a few people in the Harbor and we all know each other. It is easy to tell who doesn't belong in the harbor.

Mr. Mike Baldwin – Aurora Harbor, Juneau, AK
Mr. Baldwin stated he lives in Aurora Harbor and has been there since 2011. This idea of discrimination to clean out the harbors is really kind of easy. You have the moorage agreement, insurance, operable boats rules so if you just follow those guidelines you have, then you can weed out the individuals causing problems. He believes a person needs to be the legal owner of the vessel in order to be a live aboard because it gives them more responsibility to take care of things. If you go by the guidelines patrons signed up for then it wouldn't be hard to clean up the harbor. And if you do have over the amount 10-15% responsible owners that want to be live aboards then it would be great to have them to make the harbors safer. The fees going up to $75 that's ok to help with the water in the winter. Adding a second person for $25 is a problem. He thinks the $75 total is good for the boat.

Mr. Rick Gotner- Aurora Harbor, Juneau, AK
Mr. Gotner stated he maintains two boats in the Harbor and lives on one. He's been living there for 3 years and we do watch out for each other and the fishing community. He makes sure he goes around and get everyone's phone number and has called several times when there is someone poking around his neighbor's boat. We are the first line of defense in that regard. One thing he did notice that one of the justifications for raising the fees is for trash expense, one thing he has noticed is that cars will come in and dump mass quantities of trash in Harbor dumpsters and they are not patrons. He suspects that at least ¾ of the trash is not harbors. He thinks there are cameras so perhaps harbors can do enforcement to lower the trash costs. We have excellent people in the harbors. The only thing he witnessed was someone not from the Harbors on his boat trying to steal his motor. He was able to stop them because he lived there & the guy bolted up the ramp and out of the Harbor. The additional $25.00 for his son to live with him won't kill them but he doesn't think he should pay a pet fee for his 2 cats that never leave the boat.

Mr. Lowell asked Mr. Gotner if he sublets his other boat.

Mr. Gotner answered that he tried to let someone live on the vessel earlier in the year and they abused it so he ended it.

Mr. Al Holzman – Aurora Harbor, Juneau, AK
Mr. Holzman stated he has lived in the Harbor for over 10 years. It appears to him the harbors doesn't have a live aboard problem. It is a law enforcement problem. Another thing that was brought up that there is a level of hostility from the harbor people towards the harbor officers. He doesn't think it is the live aboard people. If you have hostility it is the same people you legal

problems with. So it's the police department's job to deal with them. Security is having the live aboards in the harbor. We have pulled people out of the water, tied up boats, and help with boat shelter. The 10% rule is not good for anybody. How much does it cost to have live aboards in the harbor. He understands it is hard to figure out. You probably get called out after hours for non-live aboards too. You need water on in the winter for fisherman too not just live aboards. He doesn't think the large trash bill is from live aboards. My friend on Douglas pays $30 a month for trash pick-up at his house. He thinks it is wise to not have a 10% rule and encourage people to use their boats. A live aboard uses their boat every day. He thinks we should do away with the live aboard fee completely since the harbor does not have a cost analysis and not discriminate against live aboards at all.

Mr. Markus Bressler – Juneau, AK
Mr. Bressler stated he would like to build a houseboat and become a live aboard. He is not sure how the harbor considers a live aboard. If there is time limit and what the boat has to have as far as bed and toilet to be considered a resident.

Mr. Borg answered the regulations state if you are staying more than 3 days in a calendar month then that is considered a live aboard.

Ms. Carrie Warren – Aurora Harbor, Juneau, AK
Ms. Warren stated she has been a live aboard for 3 ½ years on a houseboat in Aurora Harbor. She wants to say thank you for allowing us to come and talk about this issue that we care about and she is happy to see the turn out tonight. Her first question is for Carl Uchytil and she asked what kind of more information does he need and where is he going to get that information.

Mr. Uchytil answered the possible 10% number we are considering is a starting point because we have issues and we need to make our harbor a clean safe secure facility. How do we handle the amount of waste are some concerns. We need to figure out what we can handle.

Ms. Warren asked if that is just an obscure number he pulled out of the air.

Mr. Uchytil answered no and we have done research on how other Harbors handle live aboards. Some do not allow live aboards at all.

Ms. Warren asked if we can have that research.

Mr. Borg answered we obtained it from the different Harbor web-sites.

Ms. Warren asked about the timeframe about this winter. How can we keep our eye on this issue and do our due diligence.

Mr. Uchytil answered we do our best to communicate with harbor patrons. We do a monthly newsletter and we don't want to not deal with this regulation because it is too hard. It is our goal to work with the Harbormaster and staff to move forward.

Ms. Warren asked about when reducing the amount of live aboards are you going to do it by attrition or eviction. What is the strain on the infrastructure. We understand the change of having to deal with the waste issue. We struggle to know what the answer is to the strain on the infrastructure. We are waiting for the answer. What problem are you trying to solve because we do not think it is a live aboard issue. If it is a matter of enforcement then you have the means to deal with it. There are things that need to be enforced and they are not happening. She personally thinks boat owners should be able to do what they want with their property if they want to rent it out. It is up to the boat owners to deal with it if there are irresponsible renters. You should solicit answers from us. She knows you are saying you are doing your best to notify us. She trys to do her best and fails sometimes. She really appreciated putting notices on the ramps this time for the meeting tonight.

Mrs. Rozella Michalsky – Harris Harbor, Juneau. AK
Mrs. Michalsky asked if we are allowed to have boat sitters live on our boat when we are gone.

Mr. Janes answered we have not addressed or changed these regulations for a number of years. He wants to thank everyone for coming in to enlighten the board. We have troubles in our harbors with drug issues and we want to make our harbor clean safe and secure. That is what we are after. We will be very reasonable when it comes to live aboards. We are trying to make life better for everyone in the harbors and we will do a good job.

Mr. Donek stated he thanked everyone for coming out. We like having the input.

Mr. Gotner stated we all saw the notice on the ramps this time and that got us here.

Ms. Warren said we need the information out there.

Mr. Donek said we are on the web-site with our meetings and agendas.

Mr. Rick Metzger -Washington & Juneau, AK
Mr. Rick Metzger stated the 10% number in Washington State is in our state code.

Mr. Uchytil stated we have the monthly newsletter.

Ms. Warren asked where is it.

Ms. Raster answered we have it available in the harbor office, the link is posted on the monthly statements, we have an email list you can join, and it's on our web-site.

Ms. Warren said it needs to be put on every bulletin board.

Mr. Metzger stated the bulletin boards are not secure because stuff blows in the wind.

Mr. Olson – Douglas, AK

Mr. Olson stated he also wants to build a float house. There are a lot of moldy and unsafe vessels. He applauds the harbor for taking on the task to take this on and thank you to the board for volunteering to serve the harbor.

VII. Unfinished Business - None

VIII. New Business

1. Loading permit fees (05 CBJAC 15.080)
Presentation by the Port Director

Mr. Uchytil stated the proposal for the loading zone fees would be the company fee from $300 to $400 and the per seat fee from $7 to $9. I want to allow John McConnochie to talk be fore he has to leave.

Committee Questions - None

Public Comment
Mr. John McConnochie – Cycle Alaska, Juneau, AK
Mr. McConnochie said he is not opposed to the fees increasing. Why are you going over costs with these fee increases.

Mr. Uchytil answered we are trying the best we can to attribute our expenses to the costs but it does not include every expenses. There are other fees like landscape, water, trash removal, and hours. This past summer we did our best to account for patrol hours but there are other fees. There is a lot of overhead that goes on for running and managing a loading zone and parking lot.

Committee Discussion/Action
Mr. Janes stated he is a user of the loading zone and in our fee structure review we tried to manage our increases fairly. This is a big jump compared to other fee increases the board has done.

Mr. Uchytil answered that this is a delayed increase since they have not gone up in 12 years.

Mr. Donek said this was brutal one to go through. It was hard to figure out the accurate amount we are spending to operate the loading zones. We needed to make a decision and we chose to run it by the CPI like other fees.

Mr. Lowell asked if the new fee $400 is a CPI calculation.

Mr. Uchytil answered yes.

Mr. Donek said the $9.00 fee is per seat on a bus not per person using the seat. So one problem we have is these fees are diluted by volume and the smaller companies do have to pay more.

Mr. Janes said he needs to rescind himself since he is user and operator. The increase is 30% and we have not done that for other fees. This is an easy target. It's our issue that this has not been raised in such a long time but this is a hit of several thousand dollars for operators. We need to give them time to budget. Maybe we could split the increase over two years.

Mr. Donek asked are we too close to the seasons to change rates.

Mr. Janes said yes that operators have already set prices for 2017. We've already turned in our prices to the cruise lines. In an ideal year this would be better for 2018 or split it over 2 years. It would be great to know fee increases by August prior to the year they go up.

Mr. Uchytil said we do not typically know the CPI adjustment increases until February of the year we are increasing.

Mr. Donek stated we could do an increase in 2018 to $350 and $8 then 2019 to $400 and $9 then automatic CPI increases every 5 years starting in 2024 after that to break it up.

Mr. Bush stated he agrees that the prices are set so we should phase it in. He likes the every 5 year increase but let's start in 2025 for every five years.

Mr. Lowell asked about our operating expenses not including everything.

Mr. Uchytil answered that it's hard to allocate every little expense like trash, line painting, gravel removal, staff hours, and power washing. We do have other sources of income that goes in the pot to cover all expenses. The venders are getting brand new lots for their private use to move over 700,000 people for under $100,000. That's a really good deal for them.

MOTION: BY MR. JOHN BUSH TO KEEP THE CURRENT FEE STRUCTURE WITH A CPI INCREASE TO $350.00 PER COMPANY FEE AND $8.00 PER SEAT FEE IN 2018 THEN INCREASE TO $400.00 PER COMPANY FEE AND $9.00 PER SEAT FEE IN 2019 THEN IN 2025 START THE CPI ADJUSTMENT EVERY 5 YEARS AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections.

2. Potable Water Fee (05 CBJAC 15.050)
Presentation by the Port Director

Mr. Uchytil stated he added to the packet information that shows the existing water rates and previous amounts. In 2012 we increased the fee to $4.67 from $3.35 per 1000 gallons. It is a commercial rate and we include a markup for expenses. In 2012 we did a similar 48% mark up like we did in 2005. We have metered commercial rates based on volume and we want to apply 150% mark up from a motion from the committee in a previous meeting. Based on previous four years where we did not markup we can catch and from $4.67 to go to $4.70 in 2017 and then in 2018 to $5.00.

Committee Questions

Mr. Donek stated the intent is that we want to do the 150% markup based on the current city rates. So if the rates go down for us then we will charge less as well. We want to make sure the rates we pay do not exceed what we charge.

Public Comment
Mr. Drew Green – Cruise Line Agencies, Juneau, AK
Mr. Green stated he does not have any issues with increases. The only issue he would say is we have already paid for the infrastructure from industry through other fees. Also he believes water usage will increase. It seems like a little double dipping with the mark up but the fees increases are realistic. The mark up for maintenance is also realistic.

Mr. Janes asked if the cruise lines will view it as a reasonable adjustment as well.

Mr. Green answered yes that it is fair and it won't go up until next year so they can plan for it.

Committee Discussion/Action
Mr. Uchytil asked what would the effective date be for these increases.

Mr. Donek stated there is a chance this won't make it through the Assembly quick enough for January letters.

Mr. Uchytil said we can just push it forward and see how the timing comes out.

MOTION: BY MR. BOB JANES TO CHANGE THE RATE STRUCTURE FOR WATER SERVICE TO 150% OF THE BULK RATE OF WHAT DOCKS AND HARBORS PAYS TO CBJ AND PUT IN TO EFFECT AS SOON AS REASONABLY POSSIBLE AND ASKED UNANIMOUS CONSENT.
Motion passed with no objections.

3. Archipelago Property Acquisition – White Paper
Presentation by the Port Director
Mr. Uchytil stated he is back with the Archipelago Property Acquisition to see if the board wants to acquire the property. There is a packet included in the agenda with different concepts for the area. The property is assessed at $9M. We have multiple options that we could do with options like retail, bus staging area, or a memorial. We want to create a plan that would have something for everyone and meet the community needs. If the board decides to move forward He and Gary would come up with land use master plan for the area.

Committee Questions
Mr. Donek asked what happened with this is 2012.

Mr. Uchytil answered He and Gary had gone to an Assembly meeting that went in to an executive session. This was a good opportunity to find an area to bring the whale sculpture downtown. The assembly wanted the area go to retail for property tax income as opposed to the Harbor department. The Harbor Department has the funds to afford the property.

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

Mr. Uchytil 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. Uchytil 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. Uchytil 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.

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. Uchytil 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 DEVELEOPED 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.

It's hard to say how long this will take anywhere from two to ten years. So far there is not a great demand from the cruise line industry to provide shore power. Also the ships can only accommodate power on one side of the ship.

Mr. Uchytil stated there were assembly members in the past that said we would need to mandate that they must use shore power if they are going to tie up in Juneau. Next week we will have the CIP list for projects but staff recommends other priorities at this time rather than spending $13M per cruise ship in order to provide power.

Mr. Bush stated when cruise ships are running generators every day you can see and smell it. He sees where this is a priority to keep our air clean. We want to keep it on the priority list.

Public Comment
Mr. Drew Green – Cruise Line Agencies, Juneau, AK
Mr. Green stated since the time when the docks were originally designed things have changed. So to spend $100M for electrification is not a high priority right now for cruise industry. They have emission issues to deal with all over the sailing area. They are working on natural gas power for the ships to run on. They already have immense costs to handle the emissions. The industry is now going a different way so there may not be a need like there was in the past.

Mr. Janes asked if we want to keep this option of future power for the cruise ships alive.

Mr. Green answered it is too early to tell if this won't be necessary so you can keep it for now.

Committee Discussion/Action

MOTION: BY MR. BOB JANES TO ADOPT THE OCTOBER 2016 SHORE TIE POWER STUDY/FEASIBILITY STUDY REPORT FOR THE NEW CRUISE SHIP BERTHS PROJECT AND ADD IT TO THE CONSENT AGENDA FOR THE FULL BOARD AND ASKED FOR UNANIMOUS CONSENT.
Motion passed with no objections.

IX. Items for Information/Discussion

1. Live Aboard Regulations - Update
   Presentation by the Port Director

(Moved to beginning of meeting. See Above.)

2. Aurora Harbor Phase II - Update
   Presentation by the Port Engineer

Mr. Gillette stated the schedule for Aurora Harbor Phase II is after the Salmon Derby in 2017. We will move the vessels out of the E, F, & G floats in Aurora. Then we can move the boat shelters so the contractor can rebuild the floats. We will need to instruct the contractor on how to move the shelters.

Committee Discussion
Mr. Donek stated we will need to make sure the boat shelters are spaced out enough otherwise snow from the roof could sink them. We need to ensure the contractor spaces them safely.

Mr. Gillette said he got advice from Doug Trucano to keep them attached to the fingers to keep them spaced safely.

Mr. Janes asked if we have any public resistance at this time.

Mr. Gillette stated we do not have major resistance at this time but patrons do not want to have to move their own shelters and they want their boats to stay covered. We cannot avoid it and it needs to be done.

Mr. Donek said patrons can get their boat tarped or shrink wrapped if they want. He has a boat shelter so that's what he's going to look in to.

Mr. Uchytil said he sent a letter to all the boat shelter owners with the details with the plan and it is in the Tideline Newsletter and he has not gotten any complaints yet. He's still working with PND to hopefully get it done by Christmas.

Mr. Gillette stated we want to make sure we give the contractor time to get it done and not drive up the cost by rushing the timeframe.

Mr. Donek stated we need to make sure in the winter weather they will have time to install the power and water lines. We can't let the public in to a work zone.

Public Comment- None.

3. Bridge Park to Norway Pt Land Use Master Plan - Update
   Presentation by the Port Engineer

Mr. Gillette presented the land use master plan ideas for the upland area from Douglas Bridge to Norway Point to include the Harbormaster building. We have areas around the Yacht Club where we could put in retaining walls to increase the land in that area for future use. We have three different concepts for developing the area. Concept #1 we could build up a haul out area and grid at Norway Point and move the Yacht Club near the whale structure. Fisherman support and fish sales area could be near the harbormaster office. Concept #2 could include housing options near the yacht club and just build out the existing haul out area. Concept #3 moves the yacht club to haul out and the haul out to Norway Point. We could choose one of these three plans or mix and match the plans or create our own plan. The idea is to come up with one concept that we agree on then move forward to figure how to accommodate it.

Committee Discussion - None

Public Comment - None

X. Staff & Member Reports

Mr. Uchytil reported that Maritime Administration accepted our application to obtain the NOAA lab out at Auke Bay. We will work on getting what we need for harbor expansion.

Mr. Janes stated he wanted to thank staff and the harbormaster for always presenting us with logical information and making it easier for them to work as a board.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, December 7th, 2016.**

XII. Adjournment

The meeting adjourned at 7:43pm.

05 CBJAC 25.080 - Winter management.

(a) From October 1 through April 30 each year, the Harbormaster may assign moorage to vessels for all or part of this period. Moorage will be assigned as follows:

(1) During the month of August each year, a person wishing to obtain a moorage assignment may apply on an application form provided by the Harbormaster. The person shall submit a $100.00 application fee, refundable if the person does not receive a moorage assignment and creditable towards docks and harbor department charges;

(2) During the month of September each year, the Harbormaster shall assign moorage by lottery until all of the designated space is assigned or all of the applications are processed.

(3) After assigning moorage by lottery, the Harbormaster may assign moorage if space is available at the facility.

(b) No person, other then the moorage assignee, shall moor in an assigned space without Harbormaster approval. Moorage assignments under this section will terminate if the assignee does not pay all applicable fees on a timely basis. Moorage assignees shall notify the Harbormaster of departure and arrival times as required by 05 CBJAC 40.020(d).

(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

05 CBJAC 25.090 - Winter management waitlisted vessel moorage zone.

From the day after Labor Day through the Thursday before Memorial Day each year, the Harbormaster may assign space to vessels that are on the reserved moorage waitlist when space cannot be assigned in the downtown harbor system and there is excess space at the facility after the daily and monthly moorage zones have been established. The Harbormaster shall assess moorage fees to the owner of each vessel as follows:

(a) No additional fee for vessels who pay the full annual fee on or before July 1 in accordance with the applicable small boat harbors fees and charges schedule; and

(b) 75 per cent of the full annual fee for all other waitlisted vessels.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 40.050 - Winter temporary assignments.

(a) *Winter temporary assignment application.* During each September, the owner of a vessel who desires a temporary assignment to reserved slips or spaces and other designated winter moorage may apply for such moorage at the Aurora Harbor Office.

(b) *Winter temporary assignment application review.* No later than 15 days after September 30, or the receipt of a temporary assignment application, whichever is later, the Harbormaster will review each application and place the applicant on a waitlist for winter temporary assignment if

(1) The applicant does not owe any past due amounts to the Docks and Harbors Department;

(2) The applicant has not been a party to an impounded boat administrative procedure outlined in CBJ 85.25.180; and

(3) In cases where a waiting list exists for the slip or space size being requested, the applicant has no more than two vessels in the small boat harbors.

(c) *Winter temporary assignment priority.* As space becomes available, the Harbormaster will assign available winter moorage space according to vessel size and other management factors with the priority of assignments given according to the following order:

(1) First, to applicants with reserved slips or spaces, priority ranked by the date of original slip or space assignment, provided the applicant allows the Harbormaster to use their assigned slip or space when vacated;

(2) Second, to applicants on reserved moorage slip or space waiting lists, priority ranked by reserved moorage waitlist sign-up date;

(3) Third, to all other applicants on the winter temporary assignment waitlists, priority ranked by sign-up date in September; and

(4) Fourth, to the owners of boats that apply for a winter temporary assignment after September 30.

(d) *Relationship to Statter Harbor Management Regulation.* Space for moorage assigned through the winter management monthly moorage zone procedures set out in 05 CBJAC 25.080 takes precedence over moorage assigned under this section. The procedures in this section will be used for moorage assignments made under the winter management waitlisted vessel moorage zone regulations set out in 05 CBJAC 25.090.

(Amended 9-12-2005, eff. 9-20-2005)

CBJ Docks and Harbors Board
Harbor Fee Review Committee Meeting Minutes
For Wednesday January 25th, 2017

I. Call To Order – Budd Simpson called the meeting to order at 12:00 p.m. in CBJ Room 224.

II. Roll Call – The following members were present: Tom Donek, David Lowell, Bob Janes (arrived at 12:03), and Budd Simpson.

Absent: Robert Mosher

Also present were the following: Carl Uchytil – Port Director, Dave Borg – Harbormaster, Doug Unruh – Operations Maintenance Supervisor, and Matthew Creswell – Senior Harbor Officer.

III. Approval of Agenda.

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

Motion Passed With No Objection

IV. Approval of January 4th, 2017 Harbor Fee Review Committee minutes. Hearing no objection, the January 4th, 2017 Harbor Fee Review minutes were approved as presented.

V. Public Participation on Non-Agenda Items – None

VI. Unfinished Business -

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

Mr. Uchytil said this was discussed at the last fee review. This is three regulations and only one is needed. Staff is recommending deleting 05 CBJAC 25.080 and 05 CBJAC 25.090.

Mr. Simpson said at the last meeting staff said these regulations were duplicative of each other and was administratively confusing. Staff's perspective was the temporary assignment authority was sufficient.

Mr. Borg said deleting the 05 CBJAC 25.080 will also remove the $100 fee which is charged then credited stated in (a)(1) of this regulation.

Committee Questions-

Mr. Simpson asked if staff was requesting to repeal 05 CBJAC 25.080 and 05 CBJAC 25.090? He asked if any changes were needed to 05 CBJAC 40.050?

Mr. Uchytil said subsection (d) would need to be deleted also because it refers back to 05 CBJAC 25.080 and 05 CBJAC 25.090.

Public Discussion – None

Committee Discussion/Action

MOTION By MR. LOWELL: TO DIRECT STAFF TO REMOVE SECTION 05 CBJAC 25.080 AND 05 CBJAC 25.090 AND SUB-SECTION (D) IN 05 CBJAC 40.050 AND BRING TO THE OPS/PLANNING COMMITTEE FOR REVIEW AND ASK FOR UNANIMOUS CONSENT.

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 Uchytil-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 draw 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. Uchytil 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. Uchytil.

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

~~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. Donek 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

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. Uchytil 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. Uchytil 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 Uchytil, Port Director
To: Docks & Harbors Board
Date: October 18th, 2016
Re: Lease Opportunity - Seawalk

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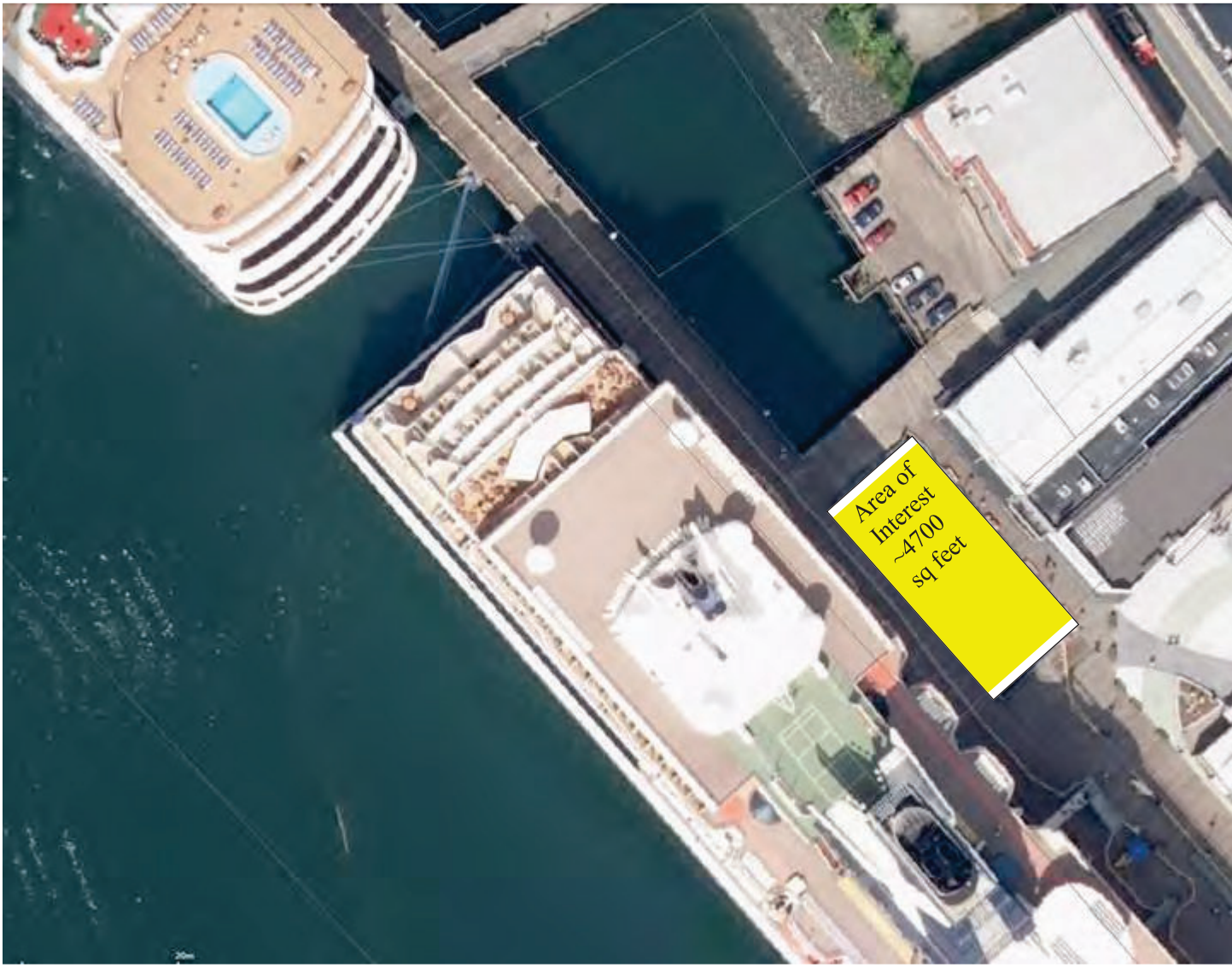
1. At the September Operations-Planning Committee and regular Board meetings, Mr. Bill Heumann asked consideration to open additional Docks Harbors managed property to be leased. The specific property referenced is approximately 4700 sf and is seaward of the People's Wharf building. The tideland property 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.

#


Area of
Interest
~4700
sq feet

~~**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. Uchytil 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

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. Uchytil 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. Uchytil 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. Uchytil, what is your recommendation?

Mr. Uchytil 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?

Mr. Uchytil 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. Uchytil 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. Uchytil, 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. Uchytil 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

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. Uchytil 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. Uchytil 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. Uchytil said the Board has previously discussed an interest in purchasing the Archipelag~~o 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. Uchytil 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. Uchytil 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. Uchytil 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~~

~~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. Uchytil 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

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/redo 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.

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

~~Mr. Uchytil 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. Uchytil 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. Uchytil 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.

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. Uchytil 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 DEVELEOPED 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.~~

~~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. JANES: 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. Uchytil 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. Janes 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?

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. Uchytil 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. Uchytil 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 CONPREHENSIVE 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 Bib with Northwind Architects, Dick Sommerville with PND, and Milani Shivens with Raincoast 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?~~

~~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. Uchytil 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. Uchytil 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.~~

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. Uchytil 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 Uchytil – 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

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. Uchytil 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. Uchytil 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. Uchytil.

Mr. Uchytil 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

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?~~

Port of Juneau

From: David Borg
To: OPS/Planning Committee
Via: Carl Uchytil
Date: February 10, 2017
Re: Anchoring out regulation

Purpose:

To address the issue of vessels anchoring on CBJ managed tideland areas.

Generally Allowed Uses

Written authorization is required for any commercial or non-commercial anchoring out activities on CBJ tidelands. If a vessel intends to be anchored in excess of 14 days, a permit is required. To apply for this permit it is a $100.00 non-refundable fee. To be eligible for a permit, the vessel owner must show they have enough insurance coverage for recovery of the vessel if it should sink or damage CBJ land. A performance guaranty (damage deposit) might also be required. The vessel owner must show the vessel is equipped with an approved marine sanitation system. They must move every 14 days two miles. If the department determines that, under the circumstances of a particular case, an otherwise generally allowed use interferes with public access or other public uses or interests, the use must cease. Anchoring must use standard anchoring tackle as designed for the vessel. No permanent mooring systems will be authorized on CBJ managed tidelands.

Proposed Regulation

(a) No human waste or any substance or material deleterious to fish, plants or animal life may be discharged from a vessel except in a lawful and approved manner within the confines of the harbor system.

(b) Additionally, live aboard vessels shall be equipped with a permanently installed, operational, Coast Guard approved, toilet facility and waste holding tank with a capacity of no less than ten (10) gallons, or an approved incineration or composting toilet. The harbormaster shall have the right, upon reasonable notice, to inspect the interior of any such vessel to verify compliance with this requirement. Portable toilets are not considered an installed toilet facility and do not meet the requirements of this section. Waste may not be discharged within the harbors except at one of the City's sewage pump out stations or legally offloaded to a licensed private sewage handling contractor. The harbormaster shall have the right to require owners of live aboard vessels to demonstrate and/or document regular, legal off-loading of waste.

(c) Marine Sanitation Devices must be designed, installed and operated in such a manner as to prohibit the discharge of untreated sewage while moored within the confines of the Harbor in accordance with federal regulation.

Vessel Requirements:

Vessel Manufacturers: Manufacturers may not sell or distribute vessels having an installed toilet facility unless it is equipped with an installed and operational MSD of the type approved by the U.S. Coast Guard to meet the requirements of 33 CFR Part 159. The term *vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

Vessel Operators: No person may operate any Vessel having an installed toilet facility unless it is equipped with an installed and operable MSD of a type approved by the U.S. Coast Guard to meet the requirements of 33 CFR Part 159.

Approved MSDs: There are three different types of MSDs that can be certified by the U.S. Coast Guard to meet the requirements in 33 CFR Part 159, each having its own design, certification, and discharge criteria. For more information see 33 CFR 159.53.

- **Type I** is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. This type of device is typically a physical/chemical based system that relies on maceration and chlorination. Type I MSDs are issued a Certificate of Approval.
- **Type II** is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter. This type of device is typically a biological or aerobic digestion based system.
- **Type III** is a device that prevents the overboard discharge of treated or untreated sewage or any waste derived from sewage. This type of device is typically a holding tank and may include other types of technology including incineration, recirculation, and composting.

Inspected Vessels: In addition to the MSD requirements in 33 CFR Part 159, inspected vessels must also comply with the marine engineering regulations in 46 CFR Subchapter F and the marine electrical regulations in 46 CFR Subchapter J. The U.S. Coast Guard Certificate of Approval and device label will both indicate *inspected vessel* for those devices that meet these additional requirements and therefore are suitable for installation onboard inspected vessels. For more information see 33 CFR 159.97.