CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Thursday, October 22nd, 2015

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

II. Roll Call (John Bush, Tom Donek, 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 August 12th, 2015 Operations/Planning Meetings Minutes

VI. Consent Agenda - None

VII. Unfinished Business

~~1. Fritz Cove Road~~
~~Presentation by Port Director~~

~~Committee Questions~~

~~Public Comment~~

~~Committee Discussion/Action~~

~~**MOTION: TO BE DETERMINED AT THE MEETING**~~

2. Auke Bay Boatyard Lease Amendment
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING

3. Juneau Port Development
Presentation by Howard Lockwood – Manager, Juneau Port Development

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING

VIII. New Business

1. Docks & Harbors department referring to customers as "customers"
   Presentation by Mr. Summers

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: IN ALL FUTURE ELECTRONIC, WRITTEN, PRINTED, AND SPOKEN COMMUNICATIONS, WE SHALL REFER TO ALL DOCKS & HARBORS CUSTOMERS AS "CUSTOMER(S)" AND REFRAIN FROM ANY OTHER LABELS SUCH AS "USER(S)" OR OTHER WORDS THAT DO NOT ACKNOWLEDGE THAT CONSUMERS ARE PAYING FOR SERVICES THAT DOCKS & HARBORS SELLS TO THEM AND THEREFORE ENTITLED TO BE TREATED WITH ALL THE DUE RESPECT AND PROFESSIONAL COMMON COURTESY THIS RELATIONSHIP ENTAILS.

2. Docks & Harbors department becoming a tobacco-free workplace
   Presentation by Mr. Summers

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: WHEREAS THE JUNEAU DOCKS & HARBORS DEPARTMENT PLACES THE HIGHEST PRIORITY FOR THE OVERALL HEALTH OF IT'S EMPLOYEES AND CUSTOMERS, THE QUALITY AND PROFESSIONALISM OF THE SERVICES IT PROVIDES, AND ACTS AS FAITHFUL STEWARDS OF THE MARINE, WATERFRONT AND UPLANDS ENVIRONMENT; THE DOCKS & HARBORS DEPARTMENT SHALL BE A TOBACCO-FREE WORKPLACE. FOR ALL EMPLOYEES, NO TOBACCO USE SHALL BE

PERMITTED IN ANY D&H OWNED OR MANAGED OFFICE, WORKSHOP, DOCK, FLOAT, VEHICLE OR WATERCRAFT AT ANY TIME NOR AT ANY TIME WHILE IN UNIFORM AND/OR OTHERWISE CONDUCTING BUSINESS ON BEHALF OF THE DEPARTMENT.

IX. Items for Information/Discussion

1. Juneau Port Development Operation and the Alaska State Mining Laws
   Presentation by David Wilfong, Department of Natural Resources, DMLW-Mining Section

2. Downtown Food Vendors
   Presentation by Port Director

X. Staff & Member Reports

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Tuesday, November 10th, 2015.**

XII. Adjournment

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, August 12th, 2015

I. Call to Order

Mr. Simpson called the meeting to order at 5:00 p.m. in the Assembly Chambers.

II. Roll Call

The following members were in attendance: John Bush, David Summers, Tom Donek, Bob Janes, and Budd Simpson.

Also in attendance were: Carl Uchytil – Port Director, Gary Gillette – Port Engineer, Dave Borg – Harbormaster, and David Lowell – Board Member.

III. Approval of Agenda

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

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items – None

V. Approval of Previous Meeting Minutes

MOTION By MR. JANES: TO APPROVE THE July 15th, 2015 Ops/Planning Meeting Minutes AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

VI. Consent Agenda- None

VII. Unfinished Business

1. Fritz Cove Road – Zoning Issue

Mr. Gillette said at the last Ops meeting there was a recommendation by staff to use bollards to block off the area used as a launch ramp and to secure the small parking area with signs that relate to beach access. The Community Development Department (CDD) indicated it is not able to be zoned for a boat launch. Since the last meeting, committee member Tom Donek went down to the area, drew a map, and took some pictures which are included in the packet. Docks & Harbors also received a letter to the City Manager written by Kathy Nielson and Loren Domke, which is in the packet. There is no other new information to add.

Mr. Simpson said he also did a site visit and it was helpful to his understanding of the area in discussion.

Committee Questions

Mr. Janes asked if the area could be grandfathered in as a historic access area regardless of the current zoning?

Mr. Uchytil said he spoke with a CDD staff member who did not think it merited "historic use," but we are still waiting on a decision from the CDD Director

Mr. Simpson asked Mr. Gillette to elaborate on the zoning issue.

Mr. Gillette said CDD confirmed that in the D1 (Density 1 unit per acre) zoning district, a launch ramp would not be allowed. We could not apply for a permit to build a launch ramp there.

Mr. Simpson asked if there is one there already, is it just a question of historic use?

Mr. Gillette said it is a question of whether it actually has historic use, and how far that goes back. Some of Mr. Domke's testimony indicated that it didn't see use until Spuhn Island was developed, and that probably wouldn't be classified as "historic." It's also never been designated as a launch ramp. If it were a designated launch ramp and the zoning changed, that's when you typically get "grandfather" rights.

Public Discussion

Ed Grossman of Juneau, AK
Mr. Grossman said he is building a house on Spuhn Island. He's been before the Board and has read the minutes from the last meeting. It's helpful to know the zoning issues out there, but the bigger issue is that regardless of zoning, you have a current use there that isn't a problem. You have a conjecture that someday somebody will launch a big boat. You have complaints by one, maybe two neighbors that just don't like the idea. You should be embracing this opportunity to take some of the pressure off some of your other overflowing launch sites. Currently, the Harbor people are parking in the road this weekend. Auke Bay Harbor is so full that people are anchoring in the bay because they can't tie up, and inside the bay they're tying 3, 4, and 5 deep. Allowing some place for small craft to access the Channel Islands, or for folks like Mr. Grossman to bring materials back and forth is a valuable asset. There is parking in this area and a hardened beach. People like him aren't asking you to develop a launch ramp, because it's already there, and there is no maintenance to the City. He said he had also brought up at a few meetings that the reason for some of the complaints about people parking along mailboxes and such, is because that current parking area at the corner of Fox Farm doesn't allow for overnight stay. That was built as a mitigation for the subdivision out there, and you could correct some of that congestion around the residences or their mailboxes by changing that to allow a 4 or 5 night stay or allow for holiday weekend use of Channel Islands. If you decide that there is a need to close off this access, please use something that is less of a hassle to move for legitimate use for locals, a utility company, emergency access, etc. Bollards or a gate are definitely much better solutions than jersey barriers where you need to bring in an excavator.

Dave Hanna of Juneau, AK
Mr. Hanna said he would just like to reinforce everything that Mr. Grossman said and agrees 100%. He added that he remembers the launch area that comes down out of the parking lot was being used as far back as the 1960's to launch skiffs, most of which were being moored out there. There is a historical use there, not unlike the Tee Harbor beach launch. He believes that's also D1 zoning and people can drive down on the beach and launch their boat at that location. He doesn't understand where the problem is. There's really no damage being done to anyone. If there is concern about people parking by the mailboxes, opening up that parking lot at the entrance to fox farm would be an easy and free solution. Mr. Hanna reinforced the gate idea. It would actually be fairly easy to construct a pair of swinging gates that locked open at about 6 or 6 ½ feet wide. If we are bound and determined to close it off so nobody can back their pickup with a boat down there, at least the people that have 12 or 14 foot skiffs with big beach wheels on the back could get to the water. In the time he's spent working on the island in the last four or five years, it's amazing how many people he sees coming out of there in little skiffs and inflatables to go out to all the little islands.

Savannah Worley of Juneau, AK
Ms. Worley asked how Docks & Harbors would regulate having only small crafts going down? How much harbor staff time is it going to take to regulate that ramp, gate, bollard, jersey barrier, or whatever you want to put there? How are you going to make sure that only the people with small crafts are using it? It's still going to be abused, and the parking will be abused. Regulating that kind of stuff is going to be a tough deal for Harbor staff.

Committee Discussion/Action

Mr. Janes said he hates to fix something that's not broken and he's afraid that we're going to break something that's not broken. He's not for having another regulation in our books if we don't really need it. He doesn't know of anything that has ever happened out there that has caused damage or harm to any of the neighbors. It's not going to be over-used because there's not going to be a place for people to park. He said he is swaying towards the idea of leaving it as it is now, not taking up the harbor staff's time to try and regulate it, and carrying on as we have been for many years. If a problem arises then we deal with it.

Mr. Donek said it is difficult to make a decision with the zoning issue up in the air. If it can be done with the zoning restrictions out there, he would like to put an openable gate across it versus putting something that permanently closes it off. He can see the need for beach access, but he can also see the real potential for abuse, if we just leave it open. He can see why people like Mr. Grossman might want to use it. If it's legal to do, he would suggest a lockable gate and Mr. Borg's staff would be in charge of allowing people to use it if they have a legitimate reason to use it other than launching a recreational boat.

Mr. Summers said there are problems and we have complaints from people who don't like motorized use out there in our packets. It's a simple matter of do we manage that property or not? If we manage the property we can develop it as a boat launch or not, and there are fees

associated with that for users just like everything else. If we manage it, we either have to close it or operate it. There are problems in the neighborhood, some people don't like it, so it's not fair to the people that submitted their complaints for us to sit here and say that it's not a problem. Mr. Summers said he doesn't think it's clear whether it's our space or not.

Mr. Bush asked for clarification whether this is a DOT right-of-way?

Mr. Gillette said it's CBJ property managed by Docks & Harbors. It's accessed off the DOT right-of-way, but the actual area that's used for launching is on CBJ property.

Mr. Donek asked if we need a driveway permit from DOT to have that there, since it does come off the side of the DOT right-of-way?

Mr. Gillette said the driveway that comes off the DOT right of way is the driveway that splits our lot in half and there's some sort of easement or use agreement that accesses those houses back there. The access to this ramp comes off of that, so we've already got a driveway there. As far as the CDD issue, it's clear that it's not zoned to allow a launch ramp, it's the grandfather issue of how they interpret the historic use. To answer a question that was brought up in testimony, Tee Harbor launch ramp area is not owned by the City, that's on State land and it's zoned waterfront commercial, so they could actually apply for a ramp permit there. It is different, it's not the same scenario that we have.

Mr. Summers liked the suggestion from the public comment period that if we were to create a barrier of whatever kind, it should still allow for consistent use by non-motorized vehicles, such as a skiff small enough to carry. That might mean that you could carry a motor too, throw it on there and scoot across to Spuhn Island and that wouldn't be much different than a kayak launch, if a kayaker had an assist motor. He doesn't think that includes trailer parking, you would have to put it in the back of your truck.

Mr. Donek said that type of access is already available from our little parking lot. There are two access points, one at the far end of the parking lot and another one to the west. As far as launching non-motorized carry-downs, whether they are skiffs or kayaks, that function is already well served out there from our parking lot. It's actually nicer because it's several feet lower in elevation and you don't have to climb the hill to get up to the road.

Mr. Simpson said we're not talking about restricting motorized vessels, we're talking about motorized access on the beach. He is receptive to the suggestion that some kind of a gate as opposed to a jersey barrier might be a good way to go, because then at least if we changed our minds sometime in the future, or if there's a good reason for somebody to access it, for example a construction project or something that just needs that spot, it would be available.

MOTION by Mr. Donek to direct staff to look into the feasibility of installing a lockable gate across this boat launch area and having it cleared by CDD, and ask unanimous consent.

Mr. Janes objected that he doesn't know what the gate means, whether it will be opened for only emergency vehicles or whether it will include access by those that have been issued a key. There is a big question as to what that gate symbolizes so he can't support that motion.

Mr. Simpson said this property is managed by Docks & Harbors, and since we've got it, we've either got to give it back to somebody else and do nothing, or we've got to manage it in some way. Putting a gate there that's consistent with what appears to be the correct zoning application for the area at least makes some sense. We haven't developed a comprehensive policy yet for the use of that area, but this at least allows us to begin controlling it.

Mr. Donek said that the motion is to have staff look into the feasibility of the gate. We don't know if we can build a gate or if it will be allowed, and there's no sense in going down the road of how we're going to manage that until we know whether or not we can do it. CDD may come back and say absolutely not, and then we're back to a pile of rocks. Does that clarify your objection, Mr. Janes?

Mr. Janes said it still leaves a lot of unanswered questions, but withdrew his objection.

Mr. Simpson said Mr. Domke suggested that we could transfer this to Parks & Rec.

Mr. Uchytil said we don't need permission to put the gate up, we could do it tomorrow if we wanted. The question for CDD is whether the historical use has any merit, but that's the only thing we need to ask anybody outside Docks & Harbors.

Mr. Simpson said putting a gate in allows us to manage the property, and if we decide that the historical use takes precedent over the local neighbor's complaint, we can open that gate.

Mr. Uchytil said he wants to be careful that this gate is not to establish a launch ramp facility. Once you go down that road, there's going to be expectation that it's managed, maintained, plowed in the winter, etc. He doesn't think that's where staff wants to go with this.

Mr. Donek said if we put up a gate, we have a launch ramp. If the gate is opened, we have a launch ramp. Do we have an illegal launch ramp right now, or can we manage it as a restricted use or permitted use only? If it's not a launch ramp, we're putting rocks in it.

Mr. Gillette said in his discussions with CDD he asked about launch ramp use and they said it is not allowed in that zone. He asked about having a gate that could be opened for emergency use or period use to access utilities or maintenance on Spuhn Island and they said that would be fine.

Mr. Donek withdrew his motion, as the feasibility question has already been answered.

Mr. Summers asked Mr. Borg how it would be for staff to manage a gate out there?

Mr. Borg said it would be a nightmare. He likes the idea if it's for utility access or emergency vehicles only. He doesn't always have staff that can come unlock the gate because someone did a Home Depot run. It's going to be a nightmare plain and simple.

Mr. Simpson said there's virtually no circumstance under which the Home Depot run couldn't be made from Statter Harbor.

Mr. Borg said the expectation from the public will be that it's going to be available for them to go back and forth. Even if it's a 12 hour notice, it takes 15 minutes for one of my guys from Statter Harbor to run out there, unlock a gate, then hang around for 30 minutes while they drive a truck down and unload it. Then he's got the neighbors coming out and saying "Oh isn't this nice, now you guys are coming down here and using this as a launch ramp." It's just going to be a nightmare.

Mr. Simpson asked what Mr. Borg's suggestion would be?

Mr. Borg suggested to install a gate which will be available for emergency vehicles and emergency access. As much as he would love to make it all work for everybody, it isn't going to work for everybody.

Mr. Simpson said if we put a gate up, it means that we're managing the site. We can open it later if we decide that it should be available for anyone who wants it, but I don't see that happening.

Mr. Borg asked if we would charge for freight loading? It's not a launch ramp, but now we're going to have people saying "I don't want to go pay $60/hr to sit on the ramp and load up gear so I'll just have Docks & Harbors open the gate and I'll pull my drop down up there and load it up."

Mr. Janes said until he hears from the Law Department or someone who can give us a certainty on this historic use that has been benign and rather passive, he doesn't feel that he can really make a good decision on this. If it is historically legal to do and there are no problems that have occurred, he tends to want to leave it alone.

MOTION By MR. BUSH: TO CREATE JERSEY BARRIERS WITH A GAP NO WIDER THAN 6 FEET, PUT THEM IN PLACE AND BE DONE WITH IT, AND ASK UNANIMOUS CONSENT.

Mr. Summers objected because he would rather see a gate that could be opened for emergency services or utilities. He offered an amendment that there be a locking gate installed with the following policy: to be opened for emergency use only at the discretion of the Harbormaster or the Port Director, with the follow up that the 6 foot space be available.

Mr. Simpson said the 6 foot space is available at the other place. The gate could close it off and people with canoes and kayaks still have as much access as they need.

Mr. Summers said the idea being, speaking to other comments, if in the short term we hear from the CBJ Law Department there is a historical use, the gate would go, and we haven't made a major investment.

Mr. Simpson said the gate can just be opened too. So there is a motion which is essentially to install a gate. It's Mr. Bush's motion as amended by Mr. Summers, and consented to by Mr. Bush.

Mr. Donek asked if this goes to the full board for further discussion?

Mr. Simpson said yes, it has to, and asked for a vote.

John Bush – Yes
David Summers – Yes
Tom Donek – Yes
Bob Janes – No
Budd Simpson – Yes

Motion passed 4 yes – 1 no.

2. Douglas Harbor 35% Design & Budget Review

Mr. Gillette said staff is reviewing the 35% design submittal from our consultants, PND Engineers. Mr. Somerville is here to answer any questions, and staff would like to continue moving forward with the design process.

Mr. Uchytil added that the design we're looking at right now would require the Board to use $1.2 million of Harbors fund balance.

Committee Questions

Mr. Lowell asked if our dredging permit precludes us from adding additional volume beyond what's shown in the plan?

Mr. Gillette answered yes, since the Corps of Engineers is dredging the historic footprint. Originally, there was a different plan that had additional dredging area, but it added to the cost and by the time all the environmental requirements for the permit were met, the cost was prohibitive.

Mr. Lowell said the clear space behind the 24' slips on the south side of the harbor is a very tight area. He would consider trying to put more transient and skiff moorage there in lieu of the 24' slips. He's not aware of the demand for the 24' slips. He suggested to trade and add transient moorage on the backside and install more 24' slips somewhere along the walk floats.

Mr. Gillette said the 23 ½ foot clear to the dredge line is at minus 14 feet. There might only be a problem at really low tides, but at your standard tide there would be a lot more clearance.

Mr. Lowell said it does come up pretty fast there. Typically you want at a minimum 1 ¾ length of the vessel.

Mr. Gillette said we understand it is tight. The Harbormaster can address use, but almost all of those slips are assigned and over the last few summers they have been well used. We eliminated skiff slips on the inside because they just aren't being used.

Mr. Lowell said the budget is a concern, and asked PND if there is consideration for more cost-effective floats such as glulam and billet style which are 30% cheaper per square foot?

Mr. Somerville said a variety of float designs have been looked at for CBJ, and what we're trying to do is get them standardize with this tub design, like we did at Aurora. We're trying to get all the timber elements and structural connections out of the water to increase the longevity of the float. The decision has been made some time ago to change from the glulam design, which the rest of the harbor is designed with, to go to the poly-tub floats.

Mr. Lowell said they have survived pretty well over the 55 years they've been in service, and it's a fairly protected basin. If money is a concern, it seems like that's a good opportunity to look at saving nearly half a million dollars or so in float costs.

Mr. Simpson asked if we removed those small slips along the south side and just go to side tie, how much would we save?

Mr. Somerville said removing 12 units at about $14,000 would save about $165,000. Electrical could also add to maybe another $50,000-$100,000.

Mr. Simpson asked if A float could be designed so that fingers could be easily added later, if there was a demand for those slips?

Mr. Somerville said it could, but it would probably be more expensive to add the floats later.

Mr. Uchytil said that by removing those fingers, larger transient boats may think they can fit there, but water is tight and they can't. It would just be side-ties for smaller boats, and side-ties are inherently very inefficient.

Mr. Simpson said nobody wants to do that, but we're looking at finding $1.2 million that hasn't been allocated yet.

Mr. Borg said the feedback from the public is going to be extremely negative if we cut 25 slips out of Douglas Harbor.

Mr. Simpson said he was impressed by the amount of positive feedback we got from the public on this design.

Mr. Gillette said if the Board is reluctant to use the fund balance for this project, there will need to be some drastic changes to this design and we will hear from the public. If the Board feels that we could use the Harbor funds but not as much as we need to do the full design, we can look at that too. The amount of money we can add to the project from the fund balance will give us guidance on what we can do. The second approach dock, gang ramp, and float is about a $500,000 unit. We could do that as a bid alternate, and if we have a good bidding climate we might be able to pick that up later.

Mr. Simpson said that he would like to see this project completed as presented and to use the Harbor funds for the additional money needed. What would be entailed if we moved the trestle down close to the bulkhead area and ran the gangway down at a right angle like we did in the new section at Aurora Harbor? The parking would then be pushed down to where we actually have parking and not just road-side like it is on the south end. Could we save any money by having a smaller trestle?

Mr. Somerville said the approach dock would need to be longer to reach the head float and allow vessel passage underneath, which would increase the cost.

Mr. Simpson said by moving it closer to the other gangway, you wouldn't have to worry about getting vessels under it because there's not very much space under there.

Mr. Somerville said if we just moved the gangway to the wall it would reduce costs, but then you've got two gangways pretty close to each other.

Mr. Simpson asked it if would be a lot of savings if you didn't have to build that trestle?

Mr. Somerville said some money savings, but there is work that would need to be done to the wall. If the approach dock is $250,000 or so, you'd probably save half of that.

Mr. Lowell suggested changes that could eliminate the approach dock abutment. He asked what the cost for the approach dock and the piles associated with it would be?

Mr. Somerville said it's around $300,000 for the approach dock, the piles, and the abutment.

Mr. Lowell asked if the intention is to use an existing gangway?

Mr. Somerville said that is correct, it just needs some repairs.

Mr. Janes said there is parking but it's across the street and it's not well developed for parking. We are continuing an unsafe situation with that ramp there unless we have an alternate plan for parking.

Mr. Gillette said those parking spaces have been changed in the last few months from perpendicular to parallel, so there are a lot less spaces but vehicles don't stick out into the road anymore.

Mr. Somerville said if you really want more parking, what we haven't looked at is extending the wall, getting rid of the approach dock, and building about 100 more feet of retaining wall, then putting the gangway on that corner. He doesn't know what that would cost, but it might be comparable to $300,000.

Mr. Simpson said he likes Mr. Somerville's idea because it gives us something that we don't have.

Mr. Lowell asked if CBJ has access to the causeway approach? Could we move it down to the other end where it's not as congested and narrow? The headwalk would probably have to be extended or the approach dock longer. We'd have to get rid of the launch ramp as well.

Mr. Gillette said that the boats accessing the slips on that side might have to go under there. Also, the boat launch ramp is well supported and well used.

Mr. Simpson said we ought to look at extending the bulkhead 50 or 100 feet and see what that cost looks like compared to building the trestle. It adds some parking and allows us to move that ramp up to where there's parking.

Mr. Lowell asked if that is in an effort to save money or reduce congestion?

Mr. Simpson said it's an effort to get more bang for the same buck.

Mr. Lowell asked if that would be quite a bit more expensive than the approach dock?

Mr. Somerville said he doesn't know right now. That was a fairly inexpensive wall to put in, it might pencil out pretty close.

Public Discussion- None

Committee Discussion/Action

MOTION By MR. DONEK: TO APPROVE THE 35% DESIGN AS PRESENTED, CONSIDERING THE DISCUSSION WE'VE JUST HAD ABOUT IT WITH SUGGESTED CHANGES, AND THAT WE RECOGNIZE THAT THIS DESIGN IS $1.2 MILLION IN EXCESS OF FUNDS AVAILABLE, AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

VIII. New Business- None

IX. Items for Information/Discussion

1. Savikko Park – Parking Lot Gate Installation

Mr. Uchytil said Parks & Rec Director Kirk Duncan is going to give an update on a request to put a gate up that would block parking in Savikko Park. Historically we've allowed overflow trailers to park there. There's no agreement with Parks & Rec for Docks & Harbors patrons using this area, but he can listen to your input as part of the public process to move forward.

Mr. Duncan said that he's been approached by a member of the Douglas community who lives above Sandy Beach. The issue is people are going into the Savikko Parking Lot at 2:00am and creating a lot of noise. They would probably place some large boulders and have a 24 foot gate across both sections. The gate would be closed at 11:00pm and open at 6:00am. There would be signs indicating the times and stating that if your vehicle is located inside, you can call a posted telephone number and pay $100 for someone to come open the gate. It's what they do at Montana Creek and the skate park. This will be going to the Parks and Recreation Advisory Committee and there will be public comment about this. If this causes us concern, he would like to know. The front part of the lot is striped for car and trailer parking, and that would continue to be available. However, if you leave your car and trailer in there and come in at 4:00am, you're going to have issues unless you pay that $100 to unlock the gate.

Mr. Summers asked if they have considered putting the gate at the center island?

Mr. Duncan said the further they put the gate out, the more of a detraction it will be. This is not a done deal, we will reach out to the public and get much more public comment. At this point in time, this seems like a reasonable approach. On the Fourth of July and some special days, they would not lock the gate.

Mr. Donek said that was the old parking lot for the old launch ramp, and asked Mr. Borg how many vehicles with trailers park there?

Mr. Borg said very few, it doesn't get a lot of use.

Mr. Simpson said his observation is that area is usually crowded with Savikko Park and Sandy Beach users so there isn't much room for trailers anymore.

Mr. Borg said there are three or four that park up on the road and that's it.

Mr. Simpson asked if they are launching at the old ramp?

Mr. Borg said yes.

2. Docks & Harbors Property Disposal – M/V Icy Strait

Mr. Borg said the Icy Strait is 21 years old and we haven't used it in 18 months. It's been sitting out of the water the whole time. It runs great, and staff will put it in the water in the next couple days to run some fuel through it.

Mr. Simpson asked if it floats.

Mr. Borg said yes it will.

Mr. Simpson asked if Mr. Borg has a picture of it?

Mr. Borg said he does not. It is a 32' drop bow and is at the ABLF. We just don't have a lot of need for it, and we don't put it in the harbor during the summer because it takes up so much space. He'd like to get a survey and put it on the auction block.

Mr. Simpson asked what the proposed process for the auction would be?

Mr. Borg said he'd like to find out what the boat is worth, and then bring that before the Board at the Regular Board meeting.

Mr. Uchytil said we will get the survey done, and then as long as there are no objections from the board, the City has a surplus auction website that we'll use.

Mr. Simpson said this is probably a fairly valuable asset that someone would pay real money for. He wants to make sure that we have a process that's designed to maximize the return.

Mr. Borg said we can put a minimum bid on it.

Mr. Bush asked if it was extra money that we could use to rebuild Douglas?

Mr. Borg said actually we need to replace the skiff we've got in Auke Bay.

X. Staff, Committee and Member Reports

Mr. Summers said he has two items for action for the next Ops meeting. First, he'd like to see that in future electronic, written, printed, and spoken communications through the Docks & Harbors Department, we refer to customers as "customers", and refrain from using labels such as "users," or other words that don't acknowledge the fact that Docks & Harbors customers actually pay for the products that they're purchasing. Second, he feels that the

Docks & Harbors Department, as stewards of the marine waterfront and uplands environment and since our department places the highest priority for the health and safety of its employees, should become a tobacco-free workplace.

Mr. Janes complimented Mr. Borg on the management of Statter Harbor this year. For a tight space, he thinks the staff is doing a good job and he appreciates that. He put a bag of garbage in the dumpster last week and there were things in there that he can't imagine were ever on a boat. Do we have any inexpensive camera opportunities to see what's going in that dumpster or who's putting things in it? There are some odd contents.

Mr. Borg said it's our biggest staff issue right now. Those guys show up at 6:00am and the first thing they do when they get out of their car is start picking up trash. We don't have any cameras on that dumpster yet, but we are working on it. We are also working on some options of what a trash compactor system would look like, because we've got to do something. We had the entire bay full of trash over the weekend along with two pickups full of trash that we had to drive to the dump on Monday morning. It's an ongoing problem.

Mr. Simpson asked if Docks & Harbors has cameras on some of the other dumpsters? Has staff caught people before?

Mr. Borg said we do have cameras at other dumpster locations and have caught violators. JPD Community Service Officers work with us really well and we give them information; addresses, and so forth. They will go right to their house or place of business and give them a ticket.

Mr. Janes asked if Mr. Borg thought we would have more garbage this weekend with the Salmon Derby?

Mr. Borg said yes, it's amazing how much trash comes off a boat. We'll have another 20 yard dumpster out there this weekend as well.

XI. Committee Administrative Matters

Next Operations/Planning Committee Meeting - Wednesday, September 16th, 2015.

XII. Adjournment

The Operations/Planning Committee adjourned at 6:26 pm.

Recorder return to: City and Borough of Juneau
Attn: Carl Uchytil, Port Director
155 S. Seward Street
Juneau, AK 99801

LEASE AMENDMENT

PART I: PARTIES

This Lease Amendment is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska, hereafter "City" or "CBJ" and Harri Commercial Marine, hereafter "Lessee."

PART II: AUTHORITY TO AMEND

Non-code ordinance No. 2008-08 granted the port director the authority to enter into a land lease with Juneau Marine Services, Inc. and to include terms which were appropriate as to the lease. The parties entered into a lease on April 10, 2008. Appendix A, Section 3, Term states "In the event a new haul-out facility is constructed during the term of the lease, the City agrees to offer Lessee a new lease" with necessary amendments based on the terms and conditions required for that facility. Section 5 of Appendix B of the lease stated "The lease may be modified only by an agreement in writing signed by all parties in interest of their successor in interest."

Non-code Ordinance No. XX-XX provides the approval authority for the amendment contained herein.

PART III: LEASE BEING AMENDED

This is an Amendment to a lease between the City and Borough of Juneau and Juneau Marine Services dated April 10, 2008. Except for the amendments set forth below, the original 2008 Lease and any amendments made therein are unchanged and in full force and effect.

PART IV: LEASE AMENDMENT

The following amendments are made to the lease

1. Juneau Marine Services, Inc. was acquired by Harri Plumbing and Heating, Inc. in December 2012, with Harri Commercial Marine being a division of Harri Plumbing and

DRAFT

Heating, Inc. Therefore, the lease is amended to reflect Harri Commercial Marine is the Lessee as to the lease.

2. In Appendix A, Section 1, "Description of the Property" is amended to read as follows: The property subject to this lease consists of certain real property, tidelands, equipment, and improvements, generally referred to as "the Leased Premises" or "the Property." The Leased Premises are more particularly described as follows:

(A) A .83 acre portion of A.T.S. No. 1685 whose lease boundaries are demarcated by a row of Jersey barriers, a chain link fence and gate, the edge of asphalt pavement, and the inside edge of landscaping feature, as shown in Exhibit A attached hereto and incorporated in this lease.

(B) The equipment and physical improvements listed on Exhibit B attached hereto and incorporated in this lease.

3. In Appendix A, Section 4, "Lease Payments and Adjustments, subsection (b) " is amended to read as follows:

The annual lease payment amount for the remainder of this lease shall be Twenty-Seven Thousand Dollars ($27,000.00) per year, plus sales tax.

PART IV: EXECUTION

The City and Lessee agree and sign below. This Lease Amendment is effective upon signature by both parties and when approved by motion of the Assembly.

CITY:

Date: _____

By: _____
Authorized Representative
Carl Uchytil
Port Director

LESSEE:

Date: _____

By: _____
Authorized Representative
Jeff Duverney
Harri Commercial Marine

CITY ACKNOWLEDGMENT

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

DRAFT

This is to certify that on the _____ day of _____, 2015, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, Carl Uchytil personally appeared to me known to be the Port Director of the City and Borough of Juneau, Alaska, a municipal corporation which executed the above and foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

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

_____
Notary Public in and for the State of Alaska

My Commission Expires: _____

LESSEE ACKNOWLEDGMENT

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

This is to certify that on the _____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, Richard Irwin personally appeared to me known to be the identical individual described in and who executed the foregoing instrument for and on behalf of Goldbelt, Inc., and who on oath stated that he was duly authorized to execute said instrument; who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

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

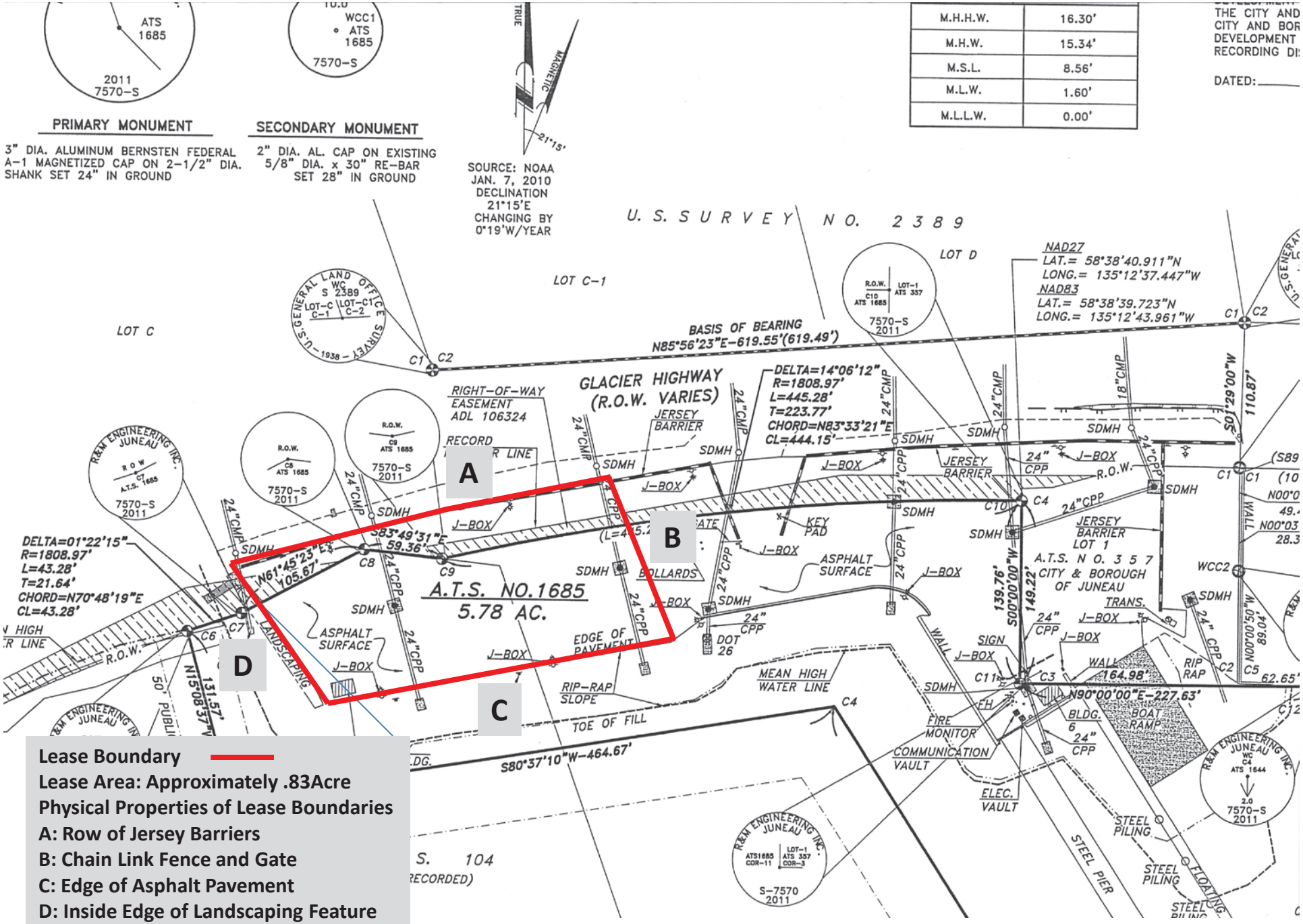
_____
Notary Public in and for the State of Alaska

My Commission Expires: _____

DRAFT

Approved as to form: _____, Law Department

DRAFT


PRIMARY MONUMENT
3" DIA. ALUMINUM BERNSTEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND
SECONDARY MONUMENT
2" DIA. AL. CAP ON EXISTING 5/8" DIA. x 30" RE-BAR SET 28" IN GROUND
SOURCE: NOAA JAN. 7, 2010 DECLINATION 21°15'E CHANGING BY 0°19'W/YEAR
M.H.H.W. 16.30'
M.H.W. 15.34'
M.S.L. 8.56'
M.L.W. 1.60'
M.L.L.W. 0.00'
U. S. SURVEY NO. 2389
LOT C
LOT C-1
LOT D
BASIS OF BEARING N85°56'23"E-619.55'(619.49')
NAD27
LAT.= 58°38'40.911"N
LONG.= 135°12'37.447"W
NAD83
LAT.= 58°38'39.723"N
LONG.= 135°12'43.961"W
GLACIER HIGHWAY (R.O.W. VARIES)
RIGHT-OF-WAY EASEMENT ADL 106324
DELTA=14°06'12"
R=1808.97'
L=445.28'
T=223.77'
CHORD=N83°33'21"E
CL=444.15'
DELTA=01°22'15"
R=1808.97'
L=43.28'
T=21.64'
CHORD=N70°48'19"E
CL=43.28'
A.T.S. NO.1685
5.78 AC.
A.T.S. NO. 357
CITY & BOROUGH OF JUNEAU
LOT 1
JERSEY BARRIER
ASPHALT SURFACE
EDGE OF PAVEMENT
RIP-RAP SLOPE
MEAN HIGH WATER LINE
TOE OF FILL
S80°37'10"W-464.67'
N90°00'00"E-227.63'
BOAT RAMP
STEEL PILING
STEEL PIER
FLOATING
A
B
C
D
Lease Boundary
Lease Area: Approximately .83Acre
Physical Properties of Lease Boundaries
A: Row of Jersey Barriers
B: Chain Link Fence and Gate
C: Edge of Asphalt Pavement
D: Inside Edge of Landscaping Feature

JUNEAU PORT DEVELOPMENT LLC

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
juneau_port_dev@hotmail.com

RECEIVED
OCT 16 2015
BY:

Carl Uchytil, PE
Port Director
City and Borough of Juneau
155 South Seward St.
Juneau, Alaska 99801

October 16, 2015

Carl,

Please schedule an Action Item at the Operations/CIP Meeting on Thursday, October 22, 2015 for presentation, discussion and comment pertaining to approval of the reduced, modified Draft Harbor Plan at ATS 556A.

Regards,

Howard Lockwood
Manager
Ph. 209-4250

JUNEAU PORT DEVELOPMENT LLC

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
juneau_port_dev@hotmail.com

RECEIVED
OCT 20 2015
BY:

Carl Uchytil, PE
Port Director
City and Borough of Juneau
155 South Seward St.
Juneau, Alaska 99801

October 20, 2015

Re: Carl Uchytil, Port Director, letter attached

Dear Carl and Docks & Harbors Board Members,

The imposed, numbered requirements presented in your June 26, 2015 letter simply are not reflective, in any manner, of the longstanding historical, chronological record of the planning, effort and negotiation that went into the consideration and execution of the Lease by and between the City & Borough Assembly, Lands Committee and prior Docks & Harbors Port Director and Boards.

However, given the respect for your position as Port Director, I will attempt herewith, to address each item of your letter, paragraph by paragraph using the same numbered sequence.

1. It has never been the intention, in any of the Harbor project planning, to permit the Harbor, moorage floats, floating breakwater, pipe piles and other sheet piles before the Harbor area is dredged to -22' the containment walls are constructed and the sand fill is placed behind said walls.

2. This was accomplished with cooperation with AML (Alaska Marine Lines) in approximately 2010.

3. Is not applicable to the plans for this project.

4. It was necessary to withdraw this Dredge/Fill Permit #BLD 20140397 because the City Engineers took away approximately 1000 lineal feet of Docks & Harbors waterfront to construct a snow dump and street sweep trash facility on property planned for upland Harbor use, therefore making that planned work impossible.

5. The Law Department took both #4 and #5 out of the hands of both the Community Development Director, Hal Hart and his Assistant, Travis Goddard, for reasons not yet explained to me by either.

Carl, your continued statement that there is no survey and legal description of ATS 556A, which is the entire Leased area, is simply not true.

1. It was first surveyed by Toner & Nordling in their description of ATS 556A, shortly after Statehood.

2. The survey and description is shown in the State of Alaska Patent, Tideland No. 224, Municipal Preference Right, recorded at Deed Book 87, Pages 445-447. This document also specifies the Mineral Reservation withheld by the State of Alaska and claimed by Dr. Roger Eichman and held under agreement by Howard Lockwood, Owner of AMEx Mining.

3. The survey is also shown in the Lease at Appendix A: Par.1, Pge. 4, which reads "The property subject to this Lease is referred to as "the Leased Premises" or "the Property." The Leased Premises are as follows:

(A) "The premises comprised of filled and unfilled tidelands described as a portion of Alaska Tidelands Survey 556A as depicted on Exhibit A and shown generally on Exhibit B, exclusive of any recorded easements and any easements needed by the City and Borough of Juneau for its operations and activities at the Juneau Wastewater Treatment Plant."

(B) There are only four (4) legal easements on ATS 556A at this time:

a. The legal description and footprint of the original Wastewater Treatment Plant, before construction of the snow dump facility and current planned expansions.

b. GCI footprint and communication line easement to Douglas, across Mine Claim WAST 3 and 5.

c. DOT Camera Installation at Mine Claim WAST 1 and 2.

d. DOT culvert and fish weir at Slide Creek at Mine Claim WAST 1.

Note: All other work performed by the Public Works Department and the City Engineering Department, in conjunction with the Port Director's permission, including the Wastewater Treatment Plant expansions and snow dump facility, are in violation and trespass of City regulations, ordinances and law; State statutes and law; and prior existing rights of others.

Regards,

Howard Lockwood
Manager
Juneau Port Development LLC
Ph. (907) 209-4250

Port of Juneau

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

June 26th, 2015

Juneau Port Development
PO Box 20734
Juneau, AK 99801

Dear Mr. Lockwood,

Per the Docks & Harbors Board actions in enclosure (1) and (2), the extension to your lease is due to expire on October 31, 2015. I have also attached enclosure (3) which is correspondence from August 14th, 2014 to remind you that you must secure the necessary permits to construct a large scale harbor facility along the Juneau waterfront.

Those permits may include, but not be limited to:

(1) US Army Corps of Engineers Section 404 permit of the Clean Water Act for the construction of a harbor (moorage floats, floating breakwaters, pipe piles, and sheet piles) or the discharge of fill/dredged material into waters of the United States to create uplands.
(2) Alaska Department of Environmental Conservation - sampling plan of the dredge material prior to placing in an uplands location.
(3) If the land disturbance is greater than an acre, then an additional authorization under the Construction General Permit (CGP, AKR100000) and a storm water pollution prevention plan (SWPPP) would be required. If the dredge material is not clean, then further coordination with the ADEC Solid Waste and Contaminated Sites programs would be required.
(4) According to CBJ Engineering, AMEX Mining submitted Grading Permit BLD20140397 which was returned on July 15, 2014 and again on August 8th, 2014 stating in its review "The application as presented is incomplete and does not meet the requirements of Title 19.12 Grading and Drainage".
(5) According to the CBJ Community Development Director, action for the project to receive a Conditional Use Permit is predicated on City Engineering approving a grading permit.

Additionally, the City has yet to receive the survey plat showing the exact boundaries and a legal description of the Leased Premises as required under Appendix A – 1(c) and provided in enclosure (4).

The City and Borough of Juneau and the Docks & Harbors Board wishes you success in your endeavor. It is not our desire to place onerous requirements onto the lease. However, Docks & Harbors does not want to be in a position to act in on the eve of the expiration of the lease extension. I urge you to have all the necessary permits in place as required per the terms of the lease. Without the necessary permit and survey plat, the lease may be terminated.

Sincerely,

Carl Uchytil, PE
Port Director

Encl: (1) Memo Dated October 30th, 2014
(2) October 30th, 2014 Board Meeting Minutes pertaining to Juneau Port Development lease
(3) Memo Dated August 14th, 2014
(4) Lease Appendix A: Description of Property (page 4 of 22)

CBJ DOCKS AND HARBORS

Values

- Service Excellence
- Continuous Improvement
- Integrity

Mission Statement: Develop and provide opportunities, services and facilities to support marine related commerce, industry, fisheries, recreation and visitors.

Vision Statement: To be the Southeast Alaska Marine Center of excellence providing safe, secure, modern, vibrant facilities meeting the needs of the users we serve.

ADMINISTRATIVE POLICY 98-01
RESTRICTION ON SMOKING IN CITY FACILITIES AND VEHICLES

I. PURPOSE

Smoking tobacco in the workplace is a significant hazard to the health and safety of all employees, both smokers and nonsmokers. It poses a significant cost to the City owing to increased health care utilization, productivity losses and damage to equipment, vehicles and furniture. The Alaska State Legislature has declared smoking in any form to be a nuisance and a public health hazard. AS 18.35.300 et seq. This policy is intended to be in conformity with AS 18.35.300.

II. POLICY

Smoking is prohibited in all CBJ facilities and vehicles pursuant to and consistent with Alaska Statute 18.35.

A. Smoking is prohibited in the following places:

1. Anywhere highly flammable materials are stored or used;
2. All individual offices;
3. All indoor common areas; and,
4. In all city owned vehicles and equipment.

B. Smoking is prohibited in all City facilities with exceptions:

Smoking may occur only in designated smoking areas. In order to designate an area as smoking, the individual in charge of the facility must designate an area which protects the health of nonsmokers by separation, partition or ventilation to ensure that nonsmokers are not subject to second-hand smoke. The area must be designated with a sign bearing the signature of the individual in charge of the facility.

C. Smoking outside is permitted:

Employees may smoke outside of facilities or vehicles during designated relief periods or during lunch breaks. Relief periods are granted by supervisors consistent with personnel rules or collective bargaining agreements, and in no case may exceed a total of 30 minutes per day. Supervisors are responsible for assuring that allowable relief periods are not exceeded. Employees are requested not to smoke in the immediate vicinity of doorways where public and coworkers cannot avoid passing through second-hand smoke to enter buildings.

D. Violation of the smoking prohibition:

An employee who violates this policy may be subjected to discipline up to and including discharge.

III. REFERENCES

A. AS 18.35.300 et seq.

B. CBJ Charter Section 4.5

C. CBJ 44.05.040 (e); 44.10.130

IV. EFFECTIVE DATE

This policy replaces all previous smoking policies and takes effect on October 1, 1998.

Dated at Juneau, Alaska, this 16 day of September, 1998.

David R. Palmer, City and Borough Manager
City and Borough of Juneau, Alaska