

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Wednesday, March 18th, 2015

- I. Call to Order** (5:00 pm in CBJ Room 224)
- II. Roll Call** (Budd Simpson, Bob Janes, John Bush, David Summers, David Logan)
- 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 time)
- V. Approval of January 21st, 2015 (corrected copy) and February 18th, 2015 Operations/Planning Meetings Minutes**
- VI. Consent Agenda-**
 - A. Public Request for Consent Agenda Changes**
 - B. Board Members Requests for Consent Agenda Changes**
 - C. Items for Action**

- 1. Harbor Code of Conduct
Presentation by the Harbormaster

RECOMMENDATION: TO APPROVE THE PROPOSED HARBOR CODE OF CONDUCT AND FORWARD TO THE FULL BOARD FOR ADOPTION.

MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

- VIII. Unfinished Business -NONE**

- IX. New Business**

- 1. Harbor Fee Review- ABLF Rate Recommendations
Presentation by the Harbormaster

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO APPROVE THE PROPOSED CHANGES TO THE AUKE BAY LOADING FACILITY FEES AND FORWARD TO THE FULL BOARD FOR ADOPTION.

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X. Items for Information

1. New Douglas Harbor Configuration
Presentation by Harbormaster
2. North Douglas Launch Ramp - Kayak Separation
Presentation by Harbormaster

XI. Staff, Committee and Member Reports

XI. Committee Administrative Matters - Next Meeting: Wednesday, April 22nd, 2015

XII. Adjournment

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CORRECTED

I. Call to Order

Mr. Simpson called the meeting to order at 5:00 p.m. in room 224.

II. Roll Call

The following members were in attendance: Budd Simpson, Bob Janes, and David Logan-via telephone.

Absent – John Bush and David Summers

Also in attendance were: Carl Uchytel – Port Director, Doug Unruh – Operations Maintenance Supervisor, Gary Gillette – Port Engineer, and Tom Donek- Board Member.

III. Approval of Agenda

Mr. Simpson said we do not have a quorum for the Passenger-For-Hire Fees, which is the only item on the Consent Agenda, because Mr. Janes recused himself from voting on the Passenger For Hire Fees. We will refer the following recommendation regarding the Passenger-For-Hire Fees to the Finance Committee and to the Full Board:

1. Harbor Fee Review – Passenger For Hire Fees

RECOMMENDATION: TO RECOMMEND TO THE DOCKS & HARBORS BOARD THAT THE FOLLOWING FEES ARE ADOPTED:

INSPECTED VESSELS:

2015 \$300 PERMIT FEE AND \$1.25 PASSENGER FEE;

2016 \$400 PERMIT FEE AND \$1.50 PASSENGER FEE; AND,

2017 \$500 PERMIT FEE AND \$1.50 PASSENGER FEE; AND EVERY YEAR THEREAFTER BOTH FEES WOULD INCREASE ACCORDING TO THE ANCHORAGE CPI.

UNINSPECTED VESSELS:

2015 \$50 PERMIT FEE AND \$1.00 PASSENGER FEE;

2016 \$100 PERMIT FEE AND \$1.25 PASSENGER FEE; AND

2017 \$150 PERMIT FEE AND \$1.50 PASSENGER FEE; AND EVERY YEAR THEREAFTER BOTH FEES WOULD INCREASE ACCORDING TO THE ANCHORAGE CPI.

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MOTION By Mr. Janes TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

IV. Public Participation on Non-Agenda Items

Howard Lockwood of Juneau, AK, said I am here as a Manager of the Juneau Port Development, LLC. I wanted to update you on the Harbor Plan & Design. We started with 118 slips, but the snow dump site has altered that plan. We now have a plan for 54 slips. PND Engineers, Inc. is working on the plan. We are designing a harbor that would accommodate mega-yachts. We will have that plan ready in a month, and I hope to present it to this body for review and discussion at the next Operations Committee Meeting.

V. Approval of September 18th, 2014 and November 13th, 2014 Operations-Planning Meeting Minutes

Mr. Simpson said I suggest when an item in the consent agenda is referenced that item should be restated in the minutes so the person reading the minutes in the future can understand what is happening.

MOTION By Mr. Janes TO APPROVE THE September 18th, 2014 and November 13th, 2014 Operations-Planning Meeting Minutes AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

VI. Unfinished Business

1. Code of Conduct

Mr. Uchtyl said I changed the word “patron” to “customer” per Board suggestion. There was a reference to recreational marijuana use, and that was removed. This will be presented to the Full Board next week. The last sentence states, failure to meet these requirements may likely result in the animal being banned from the harbor. I was asked to change “may likely”, but I’m not sure what to change it to.

Mr. Janes said I like “could result in”.

Mr. Simpson said “may” is discretionary and “will” is mandatory. I like “will”, but “may” is fine.

Committee Questions - None

Public Discussion - None

Committee Discussion/Action

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MOTION By Mr. Janes TO APPROVE THE HARBOR CUSTOMER CODE OF CONDUCT WITH THE MINOR CHANGE OF “MAY LIKELY” TO “MAY” IN THE LAST SENTENCE.

The motion passed with unanimous consent.

VII. New Business

1. Docks Fee Review – Waterfront Vendor Booth Regulation Change

Mr. Uchytel said I recommend increasing the minimum outcry bid to \$30,000 and add language regarding ownership to the booths policy that does not restrict the number of booths available. By reserving the right of adding more booths we have a mechanism to prevent the risk of a monopoly.

Committee Questions

Mr. Simpson asked has this been to the Fee Review Committee.

Mr. Uchytel replied yes, this has been to the Fee Review Committee. Also, the Chair of the Fee Review Committee, Greg Busch, said the memo stating the increase of the minimum outcry bid to \$30,000 accurately reflects what the Fee Review Committee wants. The outcry auction is tentatively scheduled for the 1st week in April 2015, and most likely before April 10th, 2015.

Mr. Janes asked have there been any enforcement hearings or penalties with regards to the vendor booths.

Mr. Uchytel said no, not to my knowledge. We can write tickets for violations and the Port Director has the authority to suspend permits after a hearing.

Public Discussion - None

Committee Discussion/Action

MOTION By Mr. Janes TO APPROVE THE WATERFRONT VENDOR BOOTH REGULATION CHANGE AS PRESENTED AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

2. This item was removed from the agenda:

Cultural Preservation Lease Review

3. Thane Ore House

Mr. Uchytel said the Thane Ore House property is managed by Docks and Harbors. The previous lessee defaulted on the lease payments and the lease was terminated.

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The state issued the lease in 1995 and there was some language stating the lessee would be compensated for the value the lessee added to the property above \$10,000. The appraisal from Horan & Co. stated the land was valued at \$86,000 and the building to be fully depreciated with no present value. Therefore, we do not owe the previous lessee any compensation. Now we can start the process of finding a new lessee. The Law Department said we need to establish criteria to evaluate lessees and make our selection based on the evaluations. Also, I recommend we charge 10% of the value annually, which is \$8,600. The property is zoned waterfront industrial. (Community Development Department confirmed the Thane Ore House property is zoned waterfront industrial.)

Committee Questions

Mr. Janes asked does waterfront industrial allow one residential dwelling per lot or facility.

Mr. Gillette said yes, the zoning allows for one resident caretaker per lot.

Mr. Simpson asked if a restaurant is still permitted.

Mr. Gillette said a restaurant would be permitted with an additional use permit.

Mr. Simpson said for general port development we discussed marine related benefit and economic benefit. Is there a weight to be given to those for this property? \$8,600 would take the economic benefit to the department out of the equation. It would then become a subjective consideration. If someone put dry storage or marine repair there that would benefit the Harbor Department.

Mr. Uchytel said that is correct. There is an easement, but no deep water access.

Mr. Janes asked can we change the zoning. Perhaps commercial zoning would be more beneficial in that area.

Public Discussion

Dennis Watson of Juneau, AK said waterfront industrial zoning requires the land to be used by an industry that is water dependent. It is possible to get an additional use permit to allow for other uses. Putting a residential home on the land would require a variance.

Jeff Fanning of Juneau, AK asked will the new lease be a 30 year lease or a continuation from the previous lease.

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Mr. Uchytel said it will be a new lease and per regulation 35 years is the longest lease we can offer. Typically a 35 year lease is offered to lessees that have capital invested in the leased land. If the lessees are not investing major capital, then the leases are usually for a shorter time frame.

Committee Discussion./Action

Mr. Simpson said the lease would be reviewed every few years for rent adjustment and it would be up to the lessee to get a variance or an additional use permit. Also, it seems counterproductive to set the lease rate at \$8,600 and then accept proposals around that number. If someone comes forward with a great idea that has the potential of making a lot of revenue, perhaps we should have an escalating rate in place. Is \$8,600 what the Law Department said we have to charge?

Mr. Uchytel said the property does not have sewer or water. It will require a lot of infrastructure for some business ideas. We need to make the property available at fair market value to people who will develop it.

Mr. Simpson said we can evaluate based on what revenues will be collected and specific intangibles.

Mr. Donek said the bid amount could be part of the criteria. Bidders could be required to submit information on what they plan to do with the land, and how much money they are willing to put down for the bid. Perhaps the bidders will be willing to remove the current building or do renovations. It looks like it will cost \$50,000 to remove the building.

Mr. Uchytel said the port development requirements were due to the land being tied to tidelands, and it makes sense to have marine related benefits as one of those requirements. I would not recommend having marine related benefits as a requirement for the Thane Ore House property because it does not have marine access. A lessee could request easement access through the state.

Mr. Simpson said we should come up with 10 criteria to base the lessee requirements on before we open bids. This land is an opportunity for business.

Mr. Janes said I would like to have someone from the Law Department answer our questions about criteria, minimum bids, and what our limitations are. Also, I think we can get more for the lease.

Mr. Simpson said we would like more flexibility, in regards to who we lease to, than what has been implied. No motions need to be made at this time.

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4. Construction Administration & Inspection for Statter Harbor Launch Ramp Facility

Mr. Gillette said this is a request to extend the current contract for the Statter Harbor updates with PND Engineers to include construction and maintenance for the Statter Harbor Launch Ramp. We have reviewed the time table estimate, that includes taking soil samples, and the estimated total cost of \$790,150 and found these estimates to be reasonable.

Committee Questions

Mr. Donek asked what percent of the entire project is the Statter Harbor Launch Ramp.

Mr. Gillette responded 7%, but we don't estimate the cost based on the percent of the project. Some things take more time, resources, or money.

Public Discussion - None

Committee Discussion/Action

MOTION By Mr. Janes TO APPROVE THE STATTER HARBOR IMPROVEMENTS RATE SCHEDULE AS PRESENTED, RECOMMEND TO THE FULL BOARD, AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

5. Downtown Waterfront Facilities Corrosion Control Repairs

Mr. Gillette said the Downtown Waterfront Facilities Corrosion Control Repairs project is centered around the Steamship Wharf and Marine Park. This is for the sheet pile bulkhead. We have been designing the project for 3 years with the Engineering Department. The Engineering Department had some work they wanted to do under the Juneau Public Library, but the scope of the work was too big for them to fund so they cut back. We will continue to go forward with our project. The Engineer's estimated the Docks and Harbors portion of the project at \$415,000. We opened bids on January 15th, 2015 and the lowest bid was \$1,077,700, and the next lowest bid was \$1,083,932. Those two bids are close, which is usually a good sign, but they are significantly more than what we estimated. There might be some confusion on either side. I recommend we cancel the bid as there is no immediate need to complete the project. We were trying to complete the downtown waterfront facilities corrosion control repairs before the 16B Project started. We can try to find more money. This was a Passenger Fee funded project with funds totaling \$500,000. We will investigate

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to find where the confusion is coming from. It is a difficult area and requires hand excavation, which is labor intensive. We can see if it can be included in the 16B Project or wait until after the 16B Project is complete to move forward with the downtown waterfront facilities corrosion control repairs.

Committee Questions

Mr. Donek asked can we add it to the Aurora Harbor Project.

Mr. Gillette said we can look into that as well.

Public Discussion - None

Committee Discussion/Action

Mr. Janes said I would like to cancel the bid process. Also, I would like Manson and the Aurora Harbor contractor contacted. They are here and mobilized, and we might be able to integrate the Downtown Waterfront Facilities Corrosion Control Repairs with one of the current projects.

Mr. Gillette said the Aurora Harbor contractor does not have this type of work in their contract, so that would be difficult to add. There is a provision in our contract with Manson that allows for this type work. We might be able to save money by going this route, but I don't think we'll save half, so we'll still be looking for more funding.

**MOTION By Mr. Janes TO CANCEL THE BID PROCESS AND
INVESTIGATE MORE OPTIONS FOR THE DOWNTOWN WATERFRONT
FACILITIES CORROSION CONTROL REPAIRS.**

The motion passed with unanimous consent.

VIII. Items for Information

1. Douglas Harbor Update

Mr. Uchytel said this is an update on the Douglas Harbor dredging project. The State said Harbors have \$2 million in state harbor matching money and if Harbors does not use the money by the 2nd of March, 2015 we risk losing the money. The Corp of Engineers will most likely dredge Douglas Harbor and will confirm the dredging by the 2nd of February, 2015.

Mr. Simpson asked has the Department of Transportation responded to the letter you sent them.

Mr. Uchytel replied Michael Lukshin said he is okay with the phasing of the project. There is a demolition phase which Mr. Gillette has begun preparing for the bidding

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process. The demolition is tentatively scheduled in September 2015. The Corp of Engineers has to award their dredging project by the end of their fiscal year, and if Juneau Docks and Harbors receives the award, then Douglas Harbor will be dredge in the fall of 2015.

2. Strategic Planning Retreat

Mr. Uchtyl said we originally set the date for February 21st, but that date will no longer work for many of us. What do we want to get out of the retreat? I would like us to prioritize the projects. What is the next project we want to spend money on? How much of Douglas Harbor do we want to finish? We also have projects to consider at Aurora and Statter Harbors.

Mr. Simpson said those are all projects that are within the routine purview of this committee. We consider projects like those regularly and accomplish as much as we can with the money and public input we receive. I am not convinced we need a special session for this.

Mr. Donek said I think it is a good idea to bring the rest of the Board in to decide on the next project.

Mr. Simpson said lets set a date for the retreat.

Mr. Janes said it does not need to be an all-day event. We should schedule it for less than 4 hours, and I think we will get a lot accomplished.

Mr. Donek said Mr. Uchtyl can pick a date and the Board Members who can attend will. No one date will work for all the Board Members.

Mr. Simpson said Mr. Uchtyl can prepare a survey to see which day will work for most of the Board Members.

Mr. Uchtyl asked what the expectations of operating a launch ramp in the winter in Alaska is. I will create a master plan of topics to cover during the retreat. For example, I propose we discuss the Aurora Harbor basin holistically, from the Direct Fisheries Sales Study to the Yacht Club. I would like to discuss what the rest of Aurora Harbor will look like when we get the money to rebuild it. We can also discuss the design for Douglas Harbor.

3. Statter Harbor Parking Mitigation

Mr. Uchtyl said the Horton Lot is out of commission. That means we have lost the use of 50 trailer parking spaces and many vehicle parking spaces. I sent letters to 3 property owners, the University of Alaska Southeast (UAS), and First Student Inc. requesting use of their parking facilities during the summer months. I received a response from UAS and First Student Inc. I will meet with First Student Inc. tomorrow. Are there any boundaries or suggestions you would like to give me for negotiations?

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Mr. Simpson said have a discussion with them first to see how willing they are to let Docks and Harbors patrons use their parking lots. The school district has let people use their parking lots in the past.

Mr. Uchtyl said people have parked there in the past, but the school district has never sanctioned it. I would like a formal agreement for the parking lot use.

Mr. Simpson said there will need to be signs and Harbors will need to notify people of the alternative parking. Mr. Uchtyl, this needs to be brought back to the Full Board as an information item next week.

4. Electric Vessel Plan – Statter Harbor

Mr. Uchtyl said this is Bob Varness' plan to run an electric boat this season. We have found a place in the Horseshoe at Statter Harbor for electric boats. Electric boats will be permitted to utilize the space from 7:00 p.m. to 8:00 a.m., which is the time other boat users are permitted to use the Horseshoe area. We can put up signs stating the area is reserved during those times for electric boat charging. How do we charge him? Do we charge him \$0.54 per linear foot, or do we charge him at the reserved moorage rate of \$1.50 per linear foot?

Mr. Janes asked will the Horseshoe area remain open moorage until the electric boat arrives. The boat might not arrive until the end of the season. Also, is there a separate electric meter for the proposed electric boat moorage space?

Mr. Uchtyl said if there is no boat there then it won't be reserved.

Mr. Unruh said there are meters there that will work and one pedestal will work for all three of Mr. Varness' electric cords. The daily rate for power would cost \$55.20 for two 50 amp and one 30 amp electric cords.

Mrs. Mejia asked would he qualify for the monthly power rate. Monthly power would cost Mr. Varness a total of \$270.00 for two 50 amp and one 30 amp electric cords.

Mr. Janes said we don't know how much power he will use and we don't know how much our expenses will be. Perhaps he should have his own meter through Alaska Electric Light and Power (AEL&P).

Mr. Donek said all the other transient moorage patrons pay the daily rates for moorage and electricity. We can't put an electric boat on a meter and charge a different rate unless he gets his own power meter and pays AEL&P directly; in which case I would consider him to be in a reserved slip.

Mr. Simpson said we do not have enough information to make a decision at this time. Also, we would be giving him a reserved space because the space is just for electric boats and no one else.

Mr. Unruh said the Horseshoe has never been full at night. Probably because people don't want to wake up and move their boats before 8:00 a.m.

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Mr. Uchytel said this committee has already told Mr. Varness we will accommodate his vessel.

Mr. Janes said we have not told him how we would charge for power.

Mr. Simpson said I want to know what our expense will be so we can charge proportionately. We can bring the boat in with empty batteries and charge it then we can read the meter to see how many kilowatt hours go into that.

Mr. Donek said the electric boat might not need the same charge every time. So, we can't charge for a full charge every day because that would be overcharging. I think it needs to be metered and we can charge a fee for our meter reading to cover our costs.

Mr. Janes said we need to get this right because there are going to be more electric boats needing to charge in the future.

Mr. Unruh said it's the same concept as a yacht reserving a space on the breakwater; it's a reserved space and we should charge the reserved rate.

Mr. Donek said it could be by reservation only, and anyone who moors there will be charged the reservation rate.

Mr. Uchytel said the Harbors Department is not permitted to meter and charge for power.

Mr. Unruh said Mr. Varness could put a meter in his name with AEL&P and lock the meter so no one else can use it when he is not there. Each pedestal is capable of taking two 30 amp and two 50 amp, so he would only need one pedestal.

5. R/V Park (Savikko Park)

Mr. Gillette said the Montessori School would like us to move the R/V parking spaces that are in the Montessori School's parking lot. They would like to configure the parking lot to allow for a drive through flow. They would like to convert their other parking area to a playground. There are currently 4 R/V parking spaces in that parking lot, and Docks and Harbors manages those spaces. Over the last 3 seasons they were rented out for 100 days. We do not offer sewage or water for the R/Vs.

Mr. Simpson asked do the R/V users go to the Aurora Harbor Office and pay a fee.

Mr. Gillette responded yes. It is advertised on our website and there are signs on site. Can we retain some R/V spaces and do we want to manage R/V spaces?

Mr. Simpson said R/V parking spaces are not part of Docks and Harbors core mission. I do not think we need to keep R/V parking spaces. We could find space for R/V parking elsewhere, like near the Yacht Club.

6. FY16 Moorage Rates

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Mr. Uchtyl provided a rate sheet and said the FY16 Moorage Rates are based on the Anchorage Consumer Price Index (CPI). If no action is taken, either with the fee review or the Board, these are the values that will be charge starting July 1, 2015. The parking rates are not affected by the CPI. However, with the loss of the Horton Lot, and knowing parking will be at a premium, I recommend we do away with the monthly parking fee that is discounted to \$75.00. This is a regulation and requires Board action to change it. How many monthly permits are there?

Mr. Unruh said that is difficult to answer but I think between 30 and 40 are sold each month. We used to limit the monthly permits to 20 per month, but that stopped happening when we started using the APARC machine to sell parking permits.

The Statter Harbor Monthly Parking Reports for 2014 were generated after the January 21st, 2015 Operations/Planning Committee Meeting and the results are below.

Quantity of Statter Harbor Monthly Parking Passes sold in 2014 by month:

May: 49, June: 46, July: 33, August: 26, and September: 20.

Mr. Uchtyl said the regulations do not mention a limit to how many monthly parking passes can be sold. It just says the monthly parking permit is \$75.00. People are less concerned about moving their cars when they have prepaid a discounted rate of \$75.00 for a month. If they were paying \$5.00 per day, maybe they would not buy the parking pass for 30 days, and would instead move their cars so it is not as expensive.

Mr. Unruh said people were storing their vehicles in the Statter Parking Lot last year because it is so inexpensive.

Mr. Donek asked if some of the people parking their cars live on Colt Island or Shelter Island.

Mr. Uchtyl said maybe.

Mr. Janes asked if the \$75.00 was too low.

Mr. Uchtyl said I think the issue is that people prepay for a month then want to use the parking lot for the entire month.

Mr. Janes said I have multiple employees that I buy monthly passes for every season. It would be an administrative issue for me to have to buy each employee daily parking passes every day. Also, I think \$75.00 is not enough to charge for a month of parking.

Mrs. Mejia said the APARC parking machine has an option for users to add days to one parking ticket so they can have one parking pass for multiple days.

Mr. Donek asked does buying a \$75.00 monthly pass reserve a parking space for the month.

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Mr. Unruh said no. We are discussing limiting car parking to 3 or 5 days maximum and trailer parking for 3 days maximum.

Mr. Simpson said the elimination of the discounted \$75.00 monthly parking fee needs to go on the agenda for next week's Regular Board Meeting. The Harbor Fee Committee will take up the rest of these fees.

Mr. Uchytel said I do not think we will have time to go over the FY2016 moorage rates before they automatically take effect on July 1, 2015. However, the parking needs to be addressed soon. Also, we will need to discuss how we want to charge for the new Statter Harbor Launch Ramp and Parking facility.

Mr. Donek said we had agreed in the past to vote on the CPI moorage rate increases so the rate increases were transparent for the public. Maybe now, with all the rates linked to CPI, we won't need to vote every year on any of the rate increases.

Mr. Janes said we made a commitment to look at all of the rates. We might not get to all of them this year, but I think we should stick to our commitment and look at all of the rates.

IX. Staff, Committee and Member Reports

Mr. Uchytel said the next Coffee and Doughnuts with the Harbormaster and Port Director is scheduled from 7:00 – 9:00 a.m. on January 30th, 2015 at the Yacht Club.

X. Committee Administrative Matters

The next Operations/Planning Committee meeting is scheduled for Wednesday, February 18th, 2015

XI. Adjournment

The Operations/Planning Committee meeting adjourned at 6:56 p.m.

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I. Call to Order

Mr. Simpson called the meeting to order at 5:00 p.m. in room 224.

II. Roll Call

The following members were in attendance: Budd Simpson, David Summers, and David Logan – via telephone.

Absent – Bob Janes, and John Bush.

Also in attendance were: Carl Uchtyl – Port Director, Dave Borg – Harbormaster, Gary Gillette – Port Engineer, and Michael Peterson – Board Member.

III. Approval of Agenda

MOTION By Mr. Summers TO APPROVE THE AGENDA AS PRESENTED.

The motion passed with unanimous consent.

IV. Public Participation on Non-Agenda Items

Howard Lockwood of Juneau, AK, handed out a pamphlet titled “ATS 556A Harbor Project – AMEx Mining.” The pamphlet contained a construction schedule, and an aerial view of the proposed harbor.

Mr. Lockwood said I am here as a manager of the Juneau Port Development, LLC. I am working on which areas to dredge and where to put the dredged materials. I am working towards getting a Conditional Use Permit because the zoning might be changed from Waterfront Commercial to Industrial.

V. Approval of January 21st, 2015 Operations-Planning Meeting Minutes

MOTION By Mr. Summers TO APPROVE THE January 21st, 2015 Operations-Planning Meeting Minutes AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

VI. Consent Agenda

A. Public Request for Consent Agenda Changes - NONE

B. Board Members Requests for consent Agenda Changes – NONE

C. Items for Action

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1. Appropriation Ordinance and Funds Transfer for Douglas Harbor

Gary Gillette made a recommendation that the Assembly approve an ordinance appropriating \$67,145.08 of interest revenue to CIP account H54-084 and transferring \$46,391.84 from H51-084 to H51-085 for the Old Douglas Harbor Rebuild project.

MOTION By Mr. Summers TO APPROVE THE CONSENT AGENDA AS PRESENTED.

The motion passed with unanimous consent.

VII. Unfinished Business

1. Harbor Code of Conduct

Mr. Uchtyl said the Harbor Code of Conduct is a summary of some important regulations for patrons who live aboard their vessels. The Harbormaster can use the Harbor Code of Conduct to encourage proper etiquette on the docks. The Harbor Code of Conduct should be written simply enough for most people to understand. Also, it will require a regulation change. George Utermohle is the President of Grateful Doges of Juneau, Inc. He sent a letter in response to the Harbor Code of Conduct and the Pet Owners Code of Conduct, and that letter is included in your packet. Mr. Utermohle would like to see an addition to the Pet Owners Code of Conduct and some rewording to help clarify the latest edition.

Committee Questions

Mr. Simpson asked do you want to replace the Pet Owners Code of Conduct we have prepared with what Mr. Utermohle has prepared.

Mr. Uchtyl said yes, that would be my recommendation.

Mr. Peterson asked is what Mr. Utermohle recommending a conflict with what staff and law recommend.

Mr. Borg said the only conflict is the pet registration requirement. I want pets to be registered with the harbor so I know what animals a patron has on his or her vessel. There are many dogs in the harbors that are not registered with the City and Borough of Juneau, AK. There will also be a fee for having a pet living aboard a vessel in the harbor, and that will help cover costs associated with pets in the harbors.

Public Discussion

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, February 18th, 2015

Mr. Utermohle of Juneau, AK, said I am here on behalf of Grateful Dogs of Juneau, which is a local nonprofit membership organization that advocates on behalf of responsible dog owners and dogs. Codes of conduct are useful in establishing standards that promote harmonious social relationships. Our goal is to be good citizens and work well with the rest of the community. Currently the Harbor Code of Conduct is written to establish rules by which to ban patrons from the harbors. I suggest a Code of Conduct that people can aspire to and will make the harbors a more attractive and friendlier place to visit and live. I propose the Code of Conduct be aspirational instead of regulatory. Currently they set a very low standard of conduct and are on the edge of what is criminal and what is not criminal. Picking up after your dog is just one rule. Training the dog and having the dog be civil towards others would be better. Also, the current Code of Conduct is directed at residents of the harbors. There are a large number of people that use the harbors that the Harbor Code of Conduct should encompass. The Code of Conduct should include the areas surrounding the harbors so harbor users are not impacting non-harbor properties.

Committee Discussion/Action

Mr. Summers asked do you currently or have you in the past resided in the harbors.

Mr. Utermohle responded no.

Mr. Summers said I consider you an advocate of the dogs. Do you think having a large dog on a small boat is good for the dog; knowing there is no yard and no place for the dog to go?

Mr. Utermohle responded that is a lifestyle choice and as to my expertise on the subject, I could not say.

Mr. Borg said there is a 28 foot Bayliner in the harbor with 4 dogs and 2 people living on it. Perhaps in the future we can address the maximum number of pets allowed on a boat.

Mr. Summers said I disagree with some of the points made in the letter from the Grateful Dogs of Juneau. People are entitled to peaceful use of their space. Harbor patrons are entitled to peaceful use of the harbors and we should not live in fear for our safety or the safety of our children. The letter from Grateful Dogs of Juneau is above and beyond the Code of Conduct that was prepared. One of the reasons it should be above and beyond is that there is only 8 feet of egress on the docks. When I encounter a dog on the docks I don't have a yard or a fence to try to get away from the dog. My solution to the dog waste problem in Savikko Park is that we do not allow dogs in Douglas Harbor. The regulations need to be punitive in order to stop the people who don't aspire to be good pet owners from disrupting the harbor flow.

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Mr. Simpson said I would like to have a Code of Conduct that has authority to support it as some of the dog owners in the harbors do not aspire to meet some of the basic requirements necessary to be in the harbors.

Mr. Borg said I have given the unabiding dog owners numerous opportunities to correct their actions. These dog owners respond negatively or completely ignore me when I tell them to put their dog on a lease. I have purchased 500 leashes for Harbor Officers to give to patrons walking their dogs on the docks without a leash. I appreciate Mr. Utermohle's suggestions, but I need a Code of Conduct that gives me more authority.

Mr. Peterson asked it says "infractions or penalties as provided in CBJ Animal Control Code," how will that give you more authority?

Mr. Borg said currently all I can do is write a \$25.00 civil fine. Animal Control Officers can write tickets for \$25.00, \$50.00 and \$100.00.

Mr. Peterson asked is there anything we can do to give you more authority than you already have.

Mr. Borg said only if it is in our regulations.

Mr. Simpson said we need to have the Harbor Code of Conduct first, and then we can go to the Assembly to request an ordinance change.

Mr. Uchytel said I met with the Law Department and was informed that if we have a code of conduct that will have more authority over patrons who have multiple infractions. We can issue a no trespass against patrons who have crossed the threshold of too many offenses. We currently have no authority for the issues listed in the Code of Conduct.

Mr. Simpson said the docks and the floats are different than anywhere else. There is a safety element that does not exist in a lot of other places and it warrants different treatment and more rules than what you might have elsewhere like a trail. We are willing to incorporate some of the suggestions presented by Grateful Dogs of Juneau. We will still need people to register their pets with Harbors. Also, there should be a provision that says "repeated violations of this Code of Conduct can subject the offender to punitive discipline and no trespass".

Mr. Uchytel said the Law Department did not support the idea of us evicting pets from the harbors.

Mr. Simpson said we can direct the discipline at the pet owner.

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Mr. Uchytel said we have a process that allows us to impound vessels but we do not have a process that allows us to evict people from the harbors.

Mr. Simpson asked when we impound a vessel are the patrons evicted from the harbor.

Mr. Uchytel said no.

Mr. Peterson asked is the Law Department okay with number 5 which states, "Ensure animals are properly confined on the vessel".

Mr. Borg responded yes, the Law Department is okay with number 5.

Mr. Logan said we need to consider pets that are transient. The pet registration should be for harbor use. Pets from people who don't have a boat in the harbor or patrons who are transient should abide by the harbor rules too.

Mr. Simpson said I would like to see another draft of the Code of Conduct before we move forward.

VIII. New Business - NONE

IX. Items for Information

1. ABLF Boatyard – Next Steps

Mr. Gillette said we have received our conditional use permit for the Auke Bay Loading Facility (ABLF). The permit allows maintenance and repairs for boats to be done on site. However, we still need a multi-sector general permit from the Department of Environmental Conservation (DEC), which is a federal permit. The permit has to do with water runoff collection. We will need to set up a waste oil collection site and explain to the DEC how we will handle waste in order to get the multi-sector general permit. PND Engineers have experience preparing applications for the multi-sector general permit and quoted us a cost of \$13,000 to prepare the application. It will take 60 to 90 days for PND Engineers to prepare the application and DEC to issue the permit. The second page of the packet I handed out shows how we might layout the ABLF boatyard. We currently have funding that will cover the application cost, but we will need to secure more funding for the project. We are looking into what the project will entail. We are thinking at including a boat cover and I have included a picture of what that might look like. We also need to determine if we want to add any buildings.

Mr. Uchytel said we have considered moving Juneau Marine Services (JMS) to the ABLF. JMS have a lease that expires in 2018 and it has a clause that allow them right of first refusal once a new haul-out facility is built. I recommend we pay to move

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JMS to the ABLF so JMS does not incur any expense. By doing this we can keep the current lease and JMS won't have a reasonable expectation to extend the lease. If we told JMS to move and build their infrastructure, then there would be a reasonable expectation to extend their lease.

Mr. Simpson asked what is the minimum size boat the boat lift can haul-out.

Mr. Borg said 19 feet by 4 feet.

Mr. Simpson said by moving the boat lift to the ABLF we would have a wider range of boats that could be hauled. How does the area JMS is at now compare to the area at the ABLF?

Mr. Gillette said the areas are very close in size.

2. Strategic Retreat Planning

Mr. Uchytel said the retreat is scheduled for the 7th of March at 9:00 a.m. at the Port Customs building. We will provide all the trends we are able to provide. We do not have perfect data to provide to the Board. We will provide the following: layouts of the harbors, number of vessels we can accommodate, number of vessels currently in the system, and launch ramp permit trends. I want to provide as much information to everyone prior to the retreat so we can accomplish more.

Mr. Peterson asked what the average size boat at the Intermediate Vessel Float (IVF) is and how many boats use the IVF from April 1st to September 30th.

Mrs. Mejia said I can gather that information.

Information provided after the meeting regarding the IVF:

- 12 to 14 boats make reservations for the IVF by the end of February each year.
- Boats average 50-150 feet in length.
- The IVF accommodates boats that are up to 200 feet in length.
- Staff turns away 12-14 boats that are 100-150 feet or over every year between June 21st and August 15th.
- About 45 boats use the IVF from April 1st to September 30th. That has remained steady for the past 4 years.

3. Thane Ore House – Update

Mr. Uchytel said I included a memo regarding the Thane Ore House in tonight's packet. We need to determine how we will select the next lessee. I recommend we have a proposal process for people who are interested in leasing the property. Potential lessees can present a business plan and explain what they intend on doing

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with the property. We will want to know about their back ground and financing. The annual lease rate will need to be at least 10% of the appraised \$86,000 value. We can assemble a committee to pick the best candidate. There will need to be a matrix by which to evaluate candidates, but it will be somewhat subjective.

Mr. Simpson said revenue to the City and Borough of Juneau, AK should be criteria in the evaluation process.

Mr. Summers asked can we sell the property.

Mr. Simpson replied no, we cannot sell the property.

Mr. Peterson asked are there any buried fuel tanks on the property.

Mr. Borg said there are two tanks above ground.

Mr. Peterson said I like the idea that the highest bid will not automatically be the winning bid. Perhaps we could have a controlled burn of the building. That might make the property more attractive to potential lessees. The building needs a lot of work.

Mr. Uchytel said we considered raising the building and that could cost \$40,000. If we lease the Thane Ore House property for \$8,600 a year, we won't recoup the money we spent to remove the building for more than 10 years.

Mr. Simpson said potential lessees might be interested in repairing the building. We should wait until we read the proposals before we consider removing the building.

4. Electric Boat Charging Station

Mr. Uchytel said the Board has the authority and the responsibility to approve the layout of the moorage in Statter Harbor. In the packet provided, you will find a map showing the Horseshoe area in Statter Harbor where we intend for the electric boats to moor. What rate should we charge the electric boats? I recommend we charge the daily rate for power and the monthly moorage rate; a 50 foot vessel would cost approximately \$2008.50 per month.

Mr. Varness said the space and the rates will work for my electric vessel.

Mr. Summers asked will this area only be for electric boat mooring at night.

Mr. Uchytel said it will only be for electric boats and only when the owners of the electric boats have given the harbors advance notice. We can put up signs that inform people not to moor there for the nights the space is needed by the electric boats. The Horseshoe was not full last summer for overnight moorage.

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Mr. Logan asked if an electric boat is not in the space at 8:00 p.m., is the space available for another boat.

Mr. Uchytel said no, we need to give the electric boat people more time.

Mr. Borg said staff will be there until 9:00 p.m.

5. Douglas Harbor letter to DNR

Mr. Uchytel said the Department of Natural Resources (DNR) owns the submerged land where we plan on putting the dredged material from Douglas Harbor. A DNR representative informed me they need an explanation as to why it is in the best interest of the state for the dredged materials to be put in the Gastineau Channel.

Mr. Simpson said historically we have put the dredged materials in the Gastineau Channel.

6. Juneau Fisheries Terminal

Mr. Uchytel said we have contacted personnel at the University of Alaska Southeast (UAS) in regards to Harbors taking ownership of the land near the UAS Vocational School Downtown. The land in question is shown in the packet provided. Harbors would like the opportunity to acquire the land outright. This would allow us to holistically develop the uplands to suit the department's needs and the needs of the local fishermen. I received a response that stated UAS would be open to a land swap for parcels A and B. This area is a cornerstone of the long term plan we have for the area. This area could be developed into something akin to the Seattle Fisheries Terminal. It could become a multi-use facility with restrooms, restaurants, and stores.

Mr. Simpson said it is a start, but it does not provide us with the opportunity to develop the area like we want.

Greg Fisk of Juneau, AK said the response that UAS gave was disappointing. I would prefer a more comprehensive solution. This is a good start because it will allow Harbors to completely control the crane dock and tidelands. The rest of the area will still be in our lease provisions and we can extend the lease for over 30 years.

Mr. Simpson asked do we have property in mind that we could swap for this land.

Mr. Peterson said yes and a UAS representative, Teena, and I toured the properties available for a land swap.

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Mr. Fisk said the properties in question will need to be appraised and like value property will need to be considered. It might be difficult to achieve, but if the City and Borough of Juneau, AK pays to have the properties appraised it will go faster.

X. Staff, Committee and Member Reports

Mr. Gillette said I included a spreadsheet showing current and projected Harbors projects. The lighter blue hatched area shows projects currently under construction.

Mr. Simpson said schedule the new float construction discussion for next month's Operations/Planning Committee meeting. We will discuss it at the retreat too.

Mr. Uchytel said there is an eagle's nest near the Douglas Harbor.

Mr. Gillette said we have applied for and received two variances, so I don't think the eagle's nest will be an issue. However, we might need a federal permit.

Mr. Simpson said we have driven a lot of pilings in that area over the life of that eagle.

Mr. Uchytel said we might not be able to have construction work during nesting season, which is April, May, and June.

XI. Committee Administrative Matters

The next Operations/Planning Committee meeting is scheduled for Wednesday, March 18th, 2015.

XII. Adjournment

The Operations/Planning Committee meeting adjourned at 6:40 p.m.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
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March xx, 2015

SUBJ: HARBOR CODE OF CONDUCT

Background:

The Docks & Harbors vision is TO BE THE SOUTHEAST ALASKA MARINE CENTER OF EXCELLENCE PROVIDING SAFE, SECURE, MODERN, VIBRANT FACILITIES MEETING THE NEEDS OF THE USERS WE SERVE. In pursuit of our goals, Docks & Harbors is obliged to act in the best interests of all customers. Our employees work collaboratively with other CBJ employees, stakeholders and customers to deliver quality services to the Juneau public. The following Harbor Customer Code of Conduct is designed to allow Docks & Harbors to preserve its tradition of providing safe and secure facilities. This Code applies to all harbor clients who frequent CBJ owned property, including but not limited, to vessel owners and their guests, live-aboard residents, charter and commercial operators, launch ramp users and pedestrians along Docks & Harbors managed properties.

Recently, several issues have surfaced regarding the conduct of some harbor customers which merit the development of guidelines to safeguard all user groups. The establishment of a Harbor Customer Code of Conduct provides the expectations following a “reasonable person” standard. The intent is to codify rules to ensure customers are made aware that illegal or prohibited behavior, affecting other customers or Docks & Harbors employees will not be tolerated.

Personal conduct:

As a reminder, using CBJ Harbors is a privilege. Any continuing or repeated breach of Docks and Harbors policies, rules and regulations duly established by the Docks and Harbors Board, Port Director or Harbormaster may result in forfeiture of the privilege to use some or all facilities.

The owner of a vessel will be responsible for the conduct of those on board the vessel. Behavior of the owner, operator or occupants of a vessel which disturbs or creates a nuisance for others in the boat harbors is prohibited. Examples of prohibited conduct include but are not limited to:

- (1) Violating any federal, state, or CBJ criminal law, including but not limited to:
- (a) The distribution and production of drugs;
 - (b) Assault;
 - (c) Harassment;
 - (d) Disorderly conduct; and

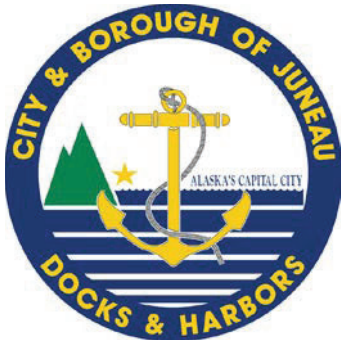
- (e) Criminal mischief on private or CBJ property.
- (2) Consistent with CBJ 42.20.095, to make or continue, or to cause or permit to be made or continued, any unreasonable noise so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort, or repose of a reasonable person of normal sensitivity.
- (3) Damaging any Docks & Harbors property through reckless behavior that could be reasonably avoided.
- (4) Causing, provoking or engaging in any fight, or to commit an act in a violent or reckless manner whereby the safety, life, limb or health of another is placed in fear of immediate jeopardy;
- (5) Being found under the influence of alcoholic beverages, or other drugs including prescription drugs, in such a condition as to be unable to exercise care for their own safety or the safety of others, except aboard a vessel;
- (6) Engaging in the use of or being instrumental in the exchange or production of illegal drugs or other illegal substances.
- (7) All commercial, for profit enterprises conducting business aboard a vessel in a Docks & Harbor facility must have a commercial use permit. This does not apply to commercial fishing vessels.
- (8) Behavior, language or mannerisms by harbor users toward any harbor employee during the performance of their duties by using threats or actions that place staff in reasonable fear of immediate jeopardy.

Pet Owners:

Live-aboard customers, boat owners, transient vessels, and guests that have a dog or cat residing onboard for a period longer than fourteen (14) days shall be required to complete a registration form indicating the type, breed, name and gender of the animal and pay the registration fee. Failure to meet the below requirements may result in infractions or penalties as provided in CBJ's Animal Control Code and Docks and Harbors Title 85.

Animal owners will also be required to ensure the following:

- (1) During registration, dog owners shall provide proof the animal is licensed in accordance with current CBJ regulations. Unlicensed dogs shall not reside within the CBJ Docks & Harbors system at any time.
- (2) Be leashed at all times when on Docks and Harbors property, floats, fingers and moorings.
- (3) Clean up after your animal on docks, parking areas, and all adjacent CBJ Docks & Harbors properties. Use of waste bags or other waste removal products are mandatory on all Docks & Harbors properties.
- (4) Ensure animals are properly confined on the vessel.
- (5) Persons living with pets aboard boats in the harbor are responsible for their pets' safety, health and quality of life.



Port of Juneau

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From: Carl Uchtyl, Port Director
To: Docks & Harbors Operations & Planning Committee
Docks & Harbors Finance Committee
Via: Harbor Fee Review Committee
Date: March 4th, 2015
Re: STAFF RECOMMENDATION – ABLF & STATTER PARKING

1. The Harbor Fee Review Committee requested Staff recommendations for operations pertaining to the Auke Bay Loading Facility and Statter Harbor parking. The ideas present here are intended to be conceptual, and pending approval, would require modification to the existing regulations. Fees associated with fuel transfer and bunkering require greater discussion.
2. ABLF
 - a. Rates for hauling out vessels using Docks & Harbors Self-Propelled Hydraulic Boat Lift have never been formalized. The recommendation is:
 - i. \$15/LF of vessel each way (includes blocking & stands).
 - ii. 1- Hour of the prevailing labor rate for pressure washing.
 - iii. 1- Hour of the prevailing labor rate blocking plus \$100/month for use of four boat stands (if outside operator brings vessel in for blocking/storage). **Blocking must be approved by Harbormaster.**
 - b. Rates for vessel use of the drive down float will now require **scheduling in advance: reservations.**
 - i. The first two-hours of use are free.
 - ii. After two hours, the rate is \$0.75/LF per calendar day regardless whether moorage fees have been paid elsewhere in the harbor system.
 - iii. After three calendar days, the rate goes to \$1.50/LF.
 - iv. **Fee will be \$3.00/LF per calendar day in excess of seven days.**
 - c. Mechanical Work Zone – Area will be established for vessels requiring extended mechanical repairs.
 - i. Area designated is 75 feet along the NE side of the drive down float.
 - ii. Reservations and Harbormaster must approve work from May 15 to September 30.
 - iii. Vessels will be required to submit a scope-of-work to the Harbormaster.
 - iv. Fee will be \$0.75/LF per calendar day for the first three days.
 - v. Fee will be \$1.50/LF per calendar day for day four through day seven.
 - vi. Fee will be \$3.00/LF per calendar day in excess of seven days.
 - d. Crane Use
 - i. \$5 per each 15 minutes of use.
 - e. Access to Drive Down Float
 - i. New gate to be installed atop Drive Down Ramp (estimated cost \$15K).
 - ii. \$5/entry for vehicle/truck access by key fob only.
 - iii. Efforts to coordinate with visiting vessels will be made by Staff.

- iv. Anticipate approximately \$18K in revenue/year.
- f. ABLF Parking
 - i. Approximately twelve parking spots can be made available for commercial users of the facility.
 - ii. \$100/calendar month for parking privilege.
 - iii. One parking pass will be made available, on a first come first serve basis, to a registered commercial vessel operating in Auke Bay.
- g. Storage
 - i. Gear & Cargo - \$0.50/sq foot remains unchanged.
 - ii. Vessel - On the hard – summer rate - ~~\$3/LF per day~~.
 - 1. \$1/LF for day 1 to day 5.
 - 2. \$3/LF for day 6 and beyond.
 - iii. Vessel – On the hard – Winter rate - \$8/LF per month
- h. Freight Use Fee
 - i. Currently:
 - 1. Up to 30 minutes = \$30; or
 - 2. Over 30 minutes = \$30 + \$1.50/minute.
 - ii. Recommend:
 - 1. \$60 for the first hour; and
 - 2. \$30 for each additional hour.

~~3. Statter Harbor Parking~~

~~a. New Launch Ramp Facility~~

~~i. Rate~~

~~1. \$10/day~~

~~2. 3 days maximum~~

~~3. Applies to either vehicles or vehicles plus trailers~~

~~ii. Off season discounted rate (Oct-April)~~

~~1. \$200/month~~

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