

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

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

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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.