

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, October 29th, 2020

I. Call to Order

Mr. Etheridge called the Regular Board Meeting to order at 5:00 pm in the Port Director's Office via Zoom.

II. Roll Call

The following members were present via zoom or in person: James Becker (in person), Chris Dimond, David Larkin, Mark Ridgway, Annette Smith, Bob Westmann, and Don Etheridge (in person).

Absent: Steve Guignon, and James Houck

Also present at the Port Directors Office were the following: Carl Uchytel-Port Director, Erich Schaal- Port Engineer, Matt Creswell – Harbormaster, and Teena Larson- Administrative Officer.

III. Approval of Agenda –

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

Motion passed with no objection.

IV. Approval of September 24th, 2020 Regular Board Minutes.

The September 24th, 2020 Regular Board minutes were approved as presented.

V. Public Participation on Non-Agenda Items – None

VI. Special Order of Business

Mr. Uchytel recognized Mary Wolf as Employee of the Quarter.

Mr. Creswell recognized Petro 49 Incorporated for their assistance with disposal of the old fuel and oily wastewater from the Lumberman.

VII. Consent Agenda –

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

- 1. Board CY2021 Calendar

MOTION: TO ADOPT THE CY2021 DOCKS & HARBORS CALENDAR AS PROPOSED.

MOTION By MR. BECKER: TO APPROVE THE CONSENT AGENDA AS PRESENTED

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Motion passed with no objection.

VIII. Unfinished Business –

1. Ordinance Update – CBJ 72.10.140 Use of Skateboards, roller skates, roller blades and similar devices restricted.

Mr. Uchytel said the Board heard last month that Docks & Harbors needed some sort of regulatory oversight in the downtown area we manage. He said he has seen first-hand the skateboarding issues and has heard from staff how they have to deal with skateboarders not wanting to leave the area. Last month, the Board gave direction to come back with an ordinance change on how to manage skateboarders and others in the prescribed areas. Last week at the Operations/Planning Committee meeting, Mr. Uchytel said he introduced the ordinance update, which was an amendment to the existing ordinance that has been around since 2004. The ordinance restricts skateboarders and other wheeled activities in the area from Marine Park to the parking garage. At that meeting, 20 people called in advocating skateboarding as a healthy activity and it should be promoted and encouraged in the downtown area. At the end of that meeting, there was some direction to come back with other changes to the ordinance. He said this is the most pressing Docks & Harbors issue and the skateboarders that called in were very polite and articulate. Some did not want any changes and some wanted the ordinance removed all together. He said two things can be both true statements, “skateboarding is a healthy activity and should be promoted”, and “staff does have to deal with skateboarders who are not compliant with the direction of the Harbor Officers when safety of pedestrians are paramount.” Last week he proposed an amendment to the existing ordinance. However, there are other ways to regulate skateboarding in lieu of amending the ordinance like posting signage. When a skateboarder is not compliant with a Harbor Officer, a ticket could be issued for violation of a posted notice. He is looking to the Board for direction tonight.

Committee Discussion

Ms. Smith stated she thought there was going to be a committee assigned to work on this topic. In dealing with skateboarders, it seems to her that destruction of private property is a crime. Is there authority to issue a ticket when that crime is committed? What does the City do on the City streets in dealing with skateboarders when there are many pedestrians around?

Mr. Uchytel said Mr. Etheridge did want to set up an ADHOC Committee but that was not yet set up. In the downtown area, there are only certain locations that do not allow skateboarders, and he is not sure how many tickets are given out for this. His guess is it is very rare.

Ms. Smith stated that destruction of public property is a crime and asked if staff has authority to issue tickets?

Mr. Creswell said he would need to go back to the harbor specific regulation to see if it applies to this topic. There is a CBJ regulation that gives staff authority to write tickets

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for this but he is unsure if this also gives Harbor Officers authority. He said he would do research and get back to her.

Ms. Smith said she would want to hear the answer.

Mr. Etheridge said there will be a Sub-Committee established tonight.

Mr. Larkin said he has researched the City ordinances and under criminal mischief, 42.15.110, it does cover damage or damage to government property knowingly or recklessly. This would cover damage to Docks & Harbors property and it does already exist in the Juneau books.

Mr. Etheridge said staff does not know if Harbor Officers has the authority to write tickets under that ordinance.

Mr. Uchytel said he wanted to clarify what he said a month ago. He said, "Some skateboarders use wax when they use the concrete seats and the wax makes the seats unusable". A skateboarder brought to Mr. Uchytel's attention that the wax is off the concrete seats currently. Mr. Uchytel said that is true. He said, if they use the seats as an edge, it does build up wax, and on a 70-degree day, it makes it unusable at that time, but the wax does dissipate over time. It is not ruined permanently but unusable at that time by pedestrians.

Mr. Dimond asked if Harbor personnel are granted the right to issued citations, what is the chain of events to hold them accountable.

Mr. Creswell said if it is a monetary fine, it is turned into JPD and a person has 30 days to pay the ticket. There is also an appeal process and the City Manager will make a decision at that time. He does not know what happens if a ticket is not paid.

Mr. Dimond asked if there is a warning given first, or is there a ticket issued on the first offense?

Mr. Creswell said writing a ticket is to help compliance and that is the last resort. When signage is posted, it is a graduated scale. Staff does not want to write a ticket, but they want compliance.

Mr. Ridgway stated it sounds like the real issue is when skateboarders are causing a dangerous situation or damage to property and when staff asks the bad actors to leave they are laughed at. It sounds like signage might help and it would give authority for staff to enforce. He asked if there are any signage currently that say, "Do not endanger pedestrians and do not damage property".

Mr. Creswell said we do not have signage that states that currently, but that is another possibility to discuss.

Mr. Wostmann asked if we went to signage, would the entire proposed area have signage or only certain locations?

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Mr. Uchytel said staff would put the signs in the immediate area where the most pedestrians are and the area for the most potential for someone to be injured.

Mr. Dimond asked on average, how often are skateboarders ran off? Is it daily, or intermittent?

Mr. Creswell said it is hard to quantify. There are many skateboarders that are cooperative and want to do the right thing. The problem is when it is busy and skateboarders are on site causing a dangerous situation with pedestrians and damaging property. On the few times this happened, there is no action to take. It is infrequent, but there is no avenue to enforce this.

Mr. Etheridge said his intention tonight is to form a Sub-Committee to work with Parks and Recreation and the skateboarders to provide recommendations to the Board for this topic. He said his recommendation to staff is to use the trespass letters for those violators that will not do what is asked to protect our facilities and the public as needed. He said Mr. Dimond is appointed as Chair of this Sub-Committee and asked for other volunteers to be on this Sub-Committee.

Mr. Larkin volunteered to be on the committee.

Public Comment

Dennis Watson, Juneau, AK

Mr. Watson said he likes the suggestions. He said putting things in priority, pedestrians have the legal right and they have the priority. There will be a lawsuit if this is not dealt with. It is time to do what has been suggested and people against it will realize the Board has done the best they can to protect a \$50M plus project.

Wayne Smallwood, Juneau, AK

Mr. Smallwood said he likes what has been planned for the community. He said working with the skateboarders is a good idea and will benefit everyone in the end. He said he understands the need to shut down bad actors but not ban skateboarding all together.

Mr. Etheridge said we do not want to punish everyone but protect our infrastructure and pedestrians.

Martin Stepetin, Juneau, AK

Mr. Stepetin said he likes the work to define the laws. Working as a group is not a simple task to work toward a solution. However, the Committee has to do the work to figure out how to regulate this properly. He said Juneau has gone to far lengths to establish a well-defined friendly bike community. The Juneau community likes to think we are bike friendly. However, in the same sense, it cannot be overstated how many people use skateboards as a form of transportation. He said he has had a number of coworkers bring themselves to work on longboards. It is important not to make

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skateboarders into criminals for no other reason than some people not liking skateboarders. He said it might be worthwhile to look at the bicycle rules and rules of the road to make sure this is the best for the public.

Jordan Kendall, Juneau, AK

Mr. Kendall said it would benefit everyone if there were a collaborated effort to work together and talk about materials and how things are built to mitigate some of the problems that has happened. There needs to be compromise and willingness to work with the City to create laws and ordinances that will be more reflective of what the community wants in addition to keeping people safe and pedestrians able to use the sidewalks. The community is very bike friendly and it is a prime example that this Committee should collaborate with those type of people and see how they fundraised and worked with the city on bike tracks. He said just like tennis courts, skate parks can also be put in which will benefit a large amount of people for a long time.

Committee Discussion/Action

Mr. Etheridge said his recommendation is to form a Sub-Committee to work on this topic and asked if there was any objection.

Mr. Ridgway said there is a need to protect property and people. He suggested placing signage with the following, "it is not acceptable in this area to endanger people or damage property," This wording would be enough to allow staff to enforce and write tickets. He does not think a Sub-Committee is needed to address this topic. He recommends looking for opportunity to better design public infrastructure for a broader use.

Ms. Smith said she would volunteer for the Committee. She recommended to have the Sub-Committee work on the current situation and set aside the proposed ordinance until after the Sub-Committee has completed its work.

Mr. Dimond said he does want to recognize the Harbor staff has a difficult time with skateboarders in a very busy area and an unruly person is stressful. Finding the best way to protect the infrastructure is in everyone's best interest. Finding a way to make all these issues not have a head on collision is a good endeavor. He asked if this was a Sub-Committee or ADHOC Committee?

Mr. Etheridge said he formed a Sub-Committee with Mr. Dimond as Chair, Mr. Larkin and Ms. Smith as members. He said if any other Board members would like to be on this Sub-Committee to let him know.

There was no objection.

IX. New Business –

1. Transfer of Auke Bay Boatyard Lease

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Mr. Uchytel said on page 18 in the packet is a letter from Mr. Duvernay, Harri's Commercial Marine, requesting to assign this lease to Karl's Auto and Marine. In the lease, he has the authority to do this, but he needs the Board's approval to move forward.

Committee Questions

Ms. Smith said she is a customer of Karl's and if there is concern, she will not vote.

Mr. Etheridge said there is no concern.

Mr. Wostmann said he wants to confirm that the items on page 17 of the lease, which is Exhibit C, Operations plan, that the new leaseholder will continue to do the entire list of services here.

Mr. Etheridge said he has been assured these services will continue as well as additional services.

Mr. Becker said he has a concern on the trailer used to haul boats out. Is Karl's Marine sure they can get the haul out working?

Mr. Etheridge said he heard Karl's Marine is not planning to use the Sealift. Karl's Marine currently has some trailers and he ordered a new larger trailer.

Mr. Uchytel said Shelly and Karl are online. The way this lease works, everything in the lease is transferred to Karl's Marine.

Mr. Ridgway asked if it is the purview of the Board to reassign the lease. He said Mr. Uchytel brings up a big issue that Karl's Marine has no plans to use the Sealift. Is the Board beholding to the use of the Sealift?

Mr. Uchytel said the agreement is between Jeff Duvernay and Karl Leis. All these items were in good working order at the time of the lease with Jeff Duvernay. Over the years, Docks & Harbors has maintained the Sealift. We were not required to, but we did. The assignment going forward assumes both parties are making the assignment with what is in the contract and all the equipment in the lease is in good working order.

Mr. Karl Leis said he has operating boat trailers and he said he ordered a larger trailer but he will also be using the Sealift at the boatyard. He said he did discuss with Mr. Uchytel the repairs needed on the Sealift. This will be a joint effort to get the Sealift repaired with the Harbor Department.

Public Comment

James Betts, Juneau, AK

Mr. Betts asked in the terms of the lease, all maintenance of the Sealift is to be done by the lessee, why is that not being done? It also states outside vendors can practice trade in this public space. He said how he understands it is outside vendor are welcome to practice their trade in this public facility as long as they have the appropriate credentials and insurance coverage. He asked if he is correct?

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Mr. Uchytel said the Sealift has been problematic and Docks & Harbors has helped in the past to make sure this is operable. We feel obligated to make this is an operable piece of equipment and we are somewhat of a partner. In terms of subcontractors or other shipwrights, there is nothing in the lease that requires allowing or prohibiting this type work.

Committee Discussion/Action

Mr. Ridgway said this is not a small lease. There was an appraised value. At what point does the transfer become an assessed value on this lease?

Mr. Uchytel said the lease payment of \$36,000 annually was determined by an appraiser. CBJ and the lessee agreed to it. As far as moving forward, he does not believe he should get into the business discussions between the two private parties. This lease is reappraised every five years. He is unsure if the assignment would weigh into the value of a lease.

MOTION BY MR. BECKER: TO APPROVE THE AUKE BAY BOAT LEASE ASSIGNMENT FROM HARRI COMMERCIAL MARINE TO KARL'S AUTOMARINE AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. A Resolution in Support of the Alaska Harbor Facility Grant Program

Mr. Uchytel said he brought this to the Operations/Planning Committee last Wednesday. Normally this would go on the consent agenda but because there was new language since last Wednesday's meeting by AAHPA, where they adjusted one paragraph of the resolution, he wanted to bring this back to the Board for discussion and action. On page 37 in the packet, the fifth whereas clause was changed. The previous wording was \$1.6B. The reason for the change was AAHPA decided to exclude the recapitalization efforts for the Port of Alaska (aka the Port of Anchorage). This was the only change and AAHPA does this resolution every year. This resolution is used throughout the state to leverage legislative support for the Harbor Grant Program.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

MOTION BY MR. BECKER: THAT THE CITY & BOROUGH OF JUNEAU ASSEMBLY URGE FULL FUNDING IN THE AMOUNT OF \$14,049,988 FOR THE STATE OF ALASKA MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY 2022 STATE CAPITAL BUDGET AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

3. Regulation Update 05 CBJAC 20.044 - Active fishing vessel discount at Statter Harbor

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Mr. Uchytel said on page 38 in the packet is recommended language from staff. If the Board approves this, he will go to Law and start the change. The intent of what is in red (c) is that we want to recognize that there may be commercial fishing vessels that have reserved moorage at Statter Harbor and we want to provide them the same courtesy that fishing vessels downtown get when they go out to Statter Harbor to fish.

Committee Questions - None

Public Comment - None

Committee Discussion/Action - None

MOTION BY MR. BECKER: TO PURSUE A REGULATION CHANGE TO ACKNOWLEDGE STATTER HARBOR COMMERCIAL FISHING VESSELS ARE ENTITLED TO DOWNTOWN HARBOR DISCOUNTS AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

4. Charter Vessel Rates at Statter Harbor (05 CBJAC 20.080 - Passenger-for-hire fee)
Mr. Uchytel said there is a Finance Sub-Committee looking at our budget and the Statter Harbor for-hire-float rates. With the completion of these floats in May, and the purpose of serving the charters for whale watching vessels and fishing charters, we should be adjusted the rates accordingly. The Finance Sub-Committee met on the 15th of this month and will meet again in late November to continue the discussion on an appropriate rate for passenger-for-hire. The Committee wanted to signal the charter operators that we would not make any changes to calendar year 2021. The Committee will continue to work on an appropriate fee for Statter Harbor passenger-for-hire activities for the following year.

Committee Questions

Public Comment

Dennis Watson, Juneau, AK

Mr. Watson asked if Mr. Uchytel is talking about the moorage rate of \$7.00 plus per foot for the charter boats as well?

Mr. Uchytel said this rate has not been determined yet.

Committee Discussion/Action

MOTION BY MR. BECKER: NOT TO PURSUE ANY CHANGES TO THE STATTER HARBOR PASSENGER FOR HIRE FEE FOR CY2021 AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

X. Items for Information/Discussion

1. UA/UAS Lease Agreement – Juneau Fishermen’s Terminal

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Mr. Uchytel said this is on pages 44 to 46 in the packet. He said he is calling attention to our lease that expires on May 4th, 2021. We currently lease 2.87 acres from the University and we sub-lease a couple areas. He said we need to be prepared to discuss this at an appropriate time in December once we get the fair market appraisal from UAS. UAS is getting an appraisal that should be finished in December to determine the fair market value for a lease and a rate for portions of this lot to be sold. We need to be prepared to act.

Committee Discussion/Public Comment

Mr. Wostmann asked what is the mechanism to inform the Assembly of this and what is the timeline?

Mr. Uchytel said he has discussed this with the City Manager and asked what the next step should be. He said the City Manager suggested to wait and see what the appraisal comes back at from the University. Mr. Uchytel said the other thing he can do is by every November there is a requirement that Docks & Harbors advises the Assembly on the previous fiscal year operations and this would be an opportunity to talk about the lease and let them know funding is a concern.

Mr. Dimond asked if there has been any discussion about a private/public partnership?

Mr. Uchytel said he has not thought about that.

Mr. Dimond said it could be a joint venture where we still continue to have some control, but we mitigate some of the cost born by the City.

Mr. Uchytel said he has not thought that through but it is not out of the realm of possibility.

2. Capital Improvement Plan (CIP) and Harbor Enterprise Funds

Mr. Uchytel said staff has spent about \$40,000 for this CIP with our Harbor funds. Staff could take the tracked salaries of employees working on this CIP and apply those salaries to the CIP. This will bolster our Harbor budget and provide more flexibility with Harbor operations, but it does draw down our CIP.

Committee Discussion/Public Comment

Mr. Wostmann asked what could be funded with this money?

Mr. Uchytel said the light at Douglas Harbor. We have contacted our term contractors and there are quotes from \$12,000 to \$17,000. Moving some expense from Harbor operations to the CIP would help the budget.

Mr. Wostmann said they are useful projects and he is in favor of moving the funds.

Mr. Dimond said the light at the end of the launch ramp is out right now and he is in favor of this project.

Mr. Etheridge agreed to move the funds.

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Mr. Larkin left the meeting at 6:31 pm

3. Protected Species Observer – Permit Requirements for In-Water Construction Work
Presentation by Senior PSO Daniel Michrowski

Mr. Michrowski showed a power point presentation describing the permit requirements, what it takes to be a Protected Species Observer, and the many challenges they are faced with to move a project with this requirement forward.

Committee Discussion/Public Comment

Ms. Smith asked if the PSO's take into consideration traditional uses, for example, whales that come into Statter Harbor to feed at certain times of the year.

Mr. Michrowski said yes but because of the cruise ships, the construction season for these projects is in the winter and the whales are not extensively in our area. However, all this is taken into account in the application process.

Dennis Watson, Juneau, AK

Mr. Watson asked who is the first point of contact for initial concerns and communication back and forth?

Mr. Michrowski said his direct report is Port Engineer Erich Schaal. With dealing with any concerns, he is in constant contact with the construction contractor or designated inspectors and he will shut down the project if there is an immediate need. There is other reporting necessary if wildlife is spotted in the area and he contacts NMFS.

XI. Committee and Member Reports

1. Operations/Planning Committee Meeting – Wednesday, October 21st, 2020.
Mr. Ridgway was called upon for the report and he was no longer attending the meeting.
Mr. Etheridge reported that everything discussed here tonight was also discussed at the Operations/Planning Committee Meeting.
2. Member Reports – None
3. Assembly Lands Committee Liaison Report – Mr. Dimond said nothing to report.
4. Auke Bay Steering Committee Liaison Report – Mr. Wostmann said nothing to report related to Docks & Harbors.

XI. Port Engineer's Report

Mr. Schaal reported:

- Western Marine Construction is anticipating mobilizing into Harris Harbor in the next couple of weeks to start that phase of dredging. They are working for the Army Corps, but staff was given direction to make as much space as possible by removing vessels from floats so the barges can fit. The contractor has realized they still cannot fit and they are aggressively pursuing the idea of pulling piles

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and fingers on one and two floats so they can fit. It is a very tight facility and they are going through a rush permit process to temporarily gain access. The plan is to dredge into Harris around the Fish & Wildlife float and make the space with our structures being temporarily removed. They will dredge, and then replace the piles and floats. Staff is working very closely so if they do remove our facility they put it back on one piece so staff has been sharing as-builts so we do have a complete and intact facility when they are finished dredging.

- Work at Statter Harbor is well underway to build the next phase of the MSE wall. The contractor needs to work when the tide is out. There is special work that they need to sleeve through the riprap for some of the piles that will support the new gangway. They are doing well and on schedule.
- The DWI project downtown is winding down. The last bit of work happening is adjustments to the seawalk so it is a nice and smooth transition from the Seawalk to the new facility.

Mr. Etheridge asked with Harris Harbor's piles and floats being removed, is there going to be an inspector to make sure everything is reinstalled to how it was originally taken out or is staff just going to trust that they will be installed properly again.

Mr. Schaal said staff will watch very closely. The contractor has not submitted a final plan for what they are going to do and they have not identified what piles need to be removed. The new Deputy Port Engineer, Matthew Sill has been working very closely with the Contractor and we are watching for instances that could harm our harbor. Staff is also working very closely with the Army Corps and they have inspectors on site as well to make sure our facility is returned to the condition we gave it to them.

Mr. Etheridge said he wants to know they are supervised because they are taking out our facility.

Mr. Schaal said staff will watch closely.

XII. Harbormaster's Report

Mr. Creswell reported:

- Aurora Harbor float removal is nearly complete and it was all in-house labor and equipment with the exception of renting one small excavator. There are three seasonal staff left to finish up with this project and that will be next week. The boat moves were interesting and are all moved to where they need to be for the winter.
- The Echo Cove restrooms have been shut down for the winter but prior to the shutdown the interiors of the Echo Cove and Amalga restrooms were painted as well as other maintenance and upkeep to those facilities.
- Staff has taken an increased stance on our sewage regulation enforcement primarily on new registered liveaboards in the Harbor. Staff is actively inspecting vessels to make sure there is an approved marine sanitation device on the vessel. This has gone well.

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- Staff is working to upgrade the pump out in Statter Harbor for year around pumping to get our harbors cleaned up.
- The Lumberman is still here but staff is working on options to get it moved.
- There are three impounded vessels up for sale. The two sailboats are tied up at the bottom of the gangway and one other boat is on blocks in the yard. All vessels are located at Aurora Harbor.

XIII. Port Director's Report –

Mr. Uchytel said he had nothing more to report but would answer questions.

XIV. Assembly Liaison Report –

Ms. Alicia Hughes-Skandijs reported she will remain Docks & Harbor Assembly Liaison for another year. At the last Assembly meeting, the new members were appointed and everyone was sworn in. Mr. Loren Jones was chosen to serve as Deputy Mayor. The hot topic of the meeting was real estate disclosure and spending CARES money.

XV. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Thursday, November 12th at 5:00pm
- b. Board Meeting – Thursday, November 19th at 5:00pm
- c. Finance Sub-Committee Meeting Scheduling – TBD
- d. Visitor Industry Task Force Meeting – Friday, October 30th at 5:00pm

XVI. Adjournment - The meeting was adjourned at 7:19 pm.