

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

I. Call to Order Mr. Ridgway called the meeting to order at 5:00 p.m. in a Zoom meeting at the Port Directors Office.

II. Roll Call

The following members were present telephonically or via zoom: Chris Dimond, Don Etheridge, Steve Guignon, James Houck, Dave Larkin, Annette Smith, Bob Wostmann and Mark Ridgway.

Absent: Jim Becker

Also present Carl Uchytel – Port Director, Erich Schaal – Port Engineer, Matthew Creswell –Harbormaster, John Osborn – Operation Supervisor, Ashley Bruce – Administrative Assistant, and Alicia Hughes-Skandijs – Assembly Member.

III. Approval of Agenda

MOTION by MR. ETHERIDGE: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

The Agenda was approved as presented.

IV. Public Participation on Non-Agenda Items – None

V. Approval of Wednesday, August 19th, 2020 and Wednesday September 16th, 2020 Operations/Planning Meeting Minutes

Hearing no objection, the minutes of August 19th and September 16th, 2020 were approved as presented.

VI. Consent Agenda – None.

VII. Unfinished Business –

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

Mr. Uchytel said on page 13 in the packet, is the draft ordinance amending CBJ 72.10.140 Use of Skateboards, roller skates, roller blades and similar devices restricted, per request from the Board. He said at last month’s meeting, there were pictures in a presentation showing the downtown area and the expansion of the Archipelago lot with all the new infrastructure along the waterfront since 2004 when this ordinance went into effect. Mr. Uchytel said the new language is not changing any of the rules on skateboarding, the change is including areas from the downtown parking garage to the Twisted Fish, seaward of Franklin Street, and Statter Harbor. Mr. Uchytel said this change is the result of observations by the Docks and Harbor Officers over the summer and their difficulty in managing some skateboarders in the crowds of people we have

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

downtown. He said there are some areas of the downtown, specifically at the Cruise Ship Terminal Dock, where skateboarders have used benches and chipped corners and used wax making it unsuitable to use. Mr. Uchytel said if the new language is approved tonight, staff would move forward with the public notice.

Committee Discussion -

Mr. Ridgway asked if the exhibit A map attached to Ordinance 92-12am is the current portion of the downtown this ordinance covers. Mr. Uchytel said yes.

Ms. Smith said she has heard from several people on this topic. The big concerns she heard are about staff being in a position to punish everyone for the actions of a few. Ms. Smith said she also heard we need to hold the people behaving irresponsibly and doing damage responsible, and this ordinance is not doing that. Ms. Smith asked Mr. Uchytel if staff has looked at ways, when we repair damages, to make the items stronger and more resistant to damage? Ms. Smith asked if staff has looked at ways to hold people who damage public property responsible?

Mr. Uchytel said our fallback position is to put skate stops on areas we do not want skateboarders to use, and some had been removed. He said as far as making them stronger than what they already are, he does not have an answer for that but certain areas of the concrete will chip when misused.

Mr. Dimond asked with the Archipelago project not completed yet, has there been any look at engineering components allowing skateboarders who are downtown skating to utilize these facilities and minimize damage and still allow for public use. Does staff have a cost estimate on what skateboarding specific damages have cost the City and Borough of Juneau at this point?

Mr. Uchytel said staff has not looked to engineer recreational facilities within the area designed for passenger traffic. He said as far as cost, he could ask our harbor staff to find out how much money we have spent on skate stops and repair but it is probably in the hundreds and not thousands of dollars.

Mr. Diamond asked what the feasibility is in installing products to prevent future damage before the project is completed?

Mr. Uchytel said he has not considered that. He said the idea last month was to modify the existing ordinance to include the new infrastructure. It was not to look at increasing the usability of the facility, but we can look into integrating this idea.

Mr. Ridgway said this does not appear to be anything more than trying to control a few bad actors who might be whipping through crowds or causing damage with their skateboards. Mr. Ridgway asked how this would come into play if someone wanted to cross the property with their skateboard when no one was there? He said the focus as he understands it is to focus on the few bad actors. Mr. Ridgway asked Mr. Uchytel if this was correct.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Uchytal said yes, the Harbor Officers have come to the Port Director and indicated concern about being able to manage areas where we have large concentrations of passengers and a handful of skateboarders unwilling to take direction and cease and desist. Staff recognize there are no rules or violations for operating recklessly in the area we built five years ago near the tram. Mr. Uchytal said at the request of the officers managing the property in the summer, the skateboarding ordinance already in place would need to be extended another three blocks.

Mr. Ridgway said he is aware skateboarding within the current ordinance and he does not see anyone being apprehended. He believes the ordinance was an attempt to control bad actors in the middle of downtown and this proposal is just an extension of the ordinance for the same purpose. It would be different for staff of CBJ to be the potential enforcers, but it would be approached the same way.

Ms. Smith commented if we create an ordinance and our current staff is not enforcing things to the letter and being lax inappropriately, she asked what happens if management changes? Ms. Smith said she does not think this ordinance is the way to go. She said skateboarding is not a crime, but destruction of public property is and maybe that is the direction to focus on.

Mr. Ridgway asked Ms. Smith to expand on the comment staff has been inappropriately lax.

Ms. Smith replied she meant they are appropriate at enforcing the ordinance presently and are lax for example when there is no one around. Ms. Smith said this is a good thing, but if they expand the ordinance, we may not have people who are as liberal, lax, or reasonable at enforcement.

Mr. Ridgway asked Mr. Uchytal where we are in the process of expanding the existing ordinance into additional areas controlled by Docks and Harbors.

Mr. Uchytal said last month the Board looked at the evidence and was asked the question "Do we want to proceed with drafting an amendment to the existing ordinance that would include this property". It was sent to this meeting tonight to come up with an answer. This Committee can say do not go forward, or go forward and take it to the Docks and Harbors Board next Thursday night. At that point, the full Board would say yes proceed with an ordinance change and staff would use the proposed language to post publicly for 21 days. The information would go out on our website, Facebook, and be posted in libraries saying there is a proposed new amendment change to the ordinance. After a minimum 21 days, a public hearing would be held at a Docks and Harbors Board meeting where the public can come in and say we like or dislike this proposed change or offer suggestions. After the hearing, if the Board desires to continue moving forward, it would then go before the Assembly for consideration. Only the Assembly can change ordinances and regulations. The Docks and Harbors is only a empowered Board to make recommendations of changes to the Assembly but the Assembly has a final say if an ordinance is approved.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Ridgway said regarding the new infrastructure suggestion to be installed as part of the Archipelago project, this was a very public process. In terms of discussion of additions, this would need to meet the best requirements of the industry. Mr. Ridgway asked if Mr. Dimond's suggestion about seeking engineering or design features promoting use by Skateboarder's would have to go back to the design discussion and the public meeting for the Archipelago lot?

Mr. Uchtyl asked if the question is "if a skateboard park or built in activities at the proposed site is compatible with the intended use of a bus staging area and a bus passenger zone". Mr. Uchtyl said he would not want to give an answer without discussing this with others to see if there is a way for that to work.

Mr. Dimond asked if staff knows the percentage of people in the community that are partaking in these wheeled activities that are problem makers, causing issues for the tourists, and our facilities? He asked if staff has looked at partnering or having discussions with the skateboarding community for ways to engineer equipment so it would not be a skateboarding facility but if someone is passing through, or present during the evening, they would not be damage our facilities?

Mr. Creswell said it is hard to determine a percentage because people doing the right thing and skateboarding responsibly are not noticed. It is very noticeable when people are skating unsafe or damaging property and it comes to our attention. In terms of the design and including skateboarding elements, Mr. Creswell said he does not believe anyone from the public came to the meetings and asked to add those elements to the facilities. Currently, when someone is skateboarding unsafe, staff does not have anything to tell them they can not skateboard in this area because there is no ordinance.

Mr. Ridgway asked what is done about bikes?

Mr. Creswell said with staff experience, the problem has not existed with bicycles. Mr. Creswell said the problem occasionally came up was unsafe skateboarding, but when we asked folks to move along and not do the unsafe activities we were met with resistance. If JPD was asked to get involved, JPD would say there is no ordinance prohibiting the activities.

Mr. Dimond asked Mr. Creswell if staff encountered repeat offenders?

Mr. Creswell said yes,

Public Comment -

Rob Royce – Juneau, AK

Mr. Royce said when this first came up, he was shocked and surprised this was on the books because he did not think this kind of thing should be banned in Juneau. He brought up the damaged bench that Mr. Uchtyl talked about. He said he sat on this bench just yesterday and he was able to use it quite fine. He noted on the picture in the presentation that almost every other bench has skates stops. He said he walked over the medal of honor memorial on Franklin Street and there is no skate stops and there is no boarding or grinding happening on there. He believes it is a specific spot that is good to

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

use. He suggested to install skate stops. He said this reiterates the point we need a skate park downtown. I'm not a skateboarder but I think it is great. He said Mr. Dimond's comment to start putting in things to help skateboarders might be a better way to do address this issue. He said as a biker, he worries about tourists who are totally overwhelmed by the crowds or scenery and are not paying attention to what is going on around them. The issue is not the skateboarders or the bikers, or two wheeled users, the issue is the bad actors. If you have a rule or law on the books that is enforced in a capricious manner, that should not be on the books.

Bobby Jo Skibo – Juneau, AK

Ms. Skibo said she grew up in Pittsburg where skateboarding was a crime. A lot of youth were targeted for something which could have been viewed as a positive outdoor activity to engage a population of underserved youth who did not have money to do certain things. She said she looks to Juneau in Alaska as a leader to supporting our young people, and she believes this is going the wrong way. Juneau needs to find ways to support our youth and if there are bad apples, they are always going to be there. She said she is on the Seawalk as much as she can in the summer biking, walking, and she has a stroller, scooters, and she has almost been hit by tourists walking around unsafely. She said she understands they are excited about the mountains and water views. She believes there is a way to do this without putting stringent regulations in place. She said she would really like the Board to consider some of the creative ideas that came up supporting outdoor activities and bring in Skateboarders and talk about how to support this activity and not ban it. She said she would hate to not be able to go with her children on scooters, it helps to get from point A to point B a little faster and we just really enjoy the infrastructure. It is a beautiful part of our community and she would like to see this done in a way that it is inclusive. She said she really looks to Alaska as a leader in supporting our youth and I would like to see this maintained.

Tisa Becker – Juneau, Alaska

Ms. Becker said she is against this ordinance for several reasons. She said she is the president of the Fisherman's Memorial Committee and she maintain's and does the Blessing of the Fleet which is the memorial downtown. This is essentially a graveyard, and when the cruise ship companies and the City were pounding the pilings for the cruise ships to come in, there was so much damage done to the memorial and to this day the City and the Cruise Ship companies have not come together to fix it. We are not talking hundreds like you guys are talking park benches, we are talking thousands and tens of thousands of dollars of damage that was done when they were driving the pilings and all the other parts and pieces that went into that dock. She said there is not real data to support this ordinance change other than 'Oh we see this park bench and it's tore up by these skaters and this kid did this. She said she is working on her second Master's Degree in Public Administration and wanted to cite, because she said she is studying Natural Resources, and has extensively looked at the climate change predicted impacts in Juneau, the report that the CBJ did back in 2007. If you look at the climate change report and the rising sea levels, trying to get people from using their cars as much as possible should be a priority. If you look at cities like Scottsdale, AZ, they have a lot of multi-use pathways to encourage people to bike, scooter, skateboard, rollerblade, walk,

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

or whatever you know. She said Juneau needs to develop Arizona's multi use pathways and not put parameters on them. Look at cities like Scottsdale where they do have ordinance's and parameters on vehicles that go over 20mph. They have an extensive multiuse pathway built in as well as a skate park which would be good for the downtown residences. She said she noticed some kids were building a biking park on Perseverance, it was a homemade deal but it would be great if the City would get behind something that would get people outside and healthy. She said putting parameters on this ordinance without any real data is ridiculous when you are talking about a bench that could have a skate stop on it. She said she is upset the City is going overboard on skating when they have not done anything to fix the memorial which the City and the Cruise Ship companies have lots of money to fix.

Mr. Ridgway said as far as data goes, the issues driving this are observational from the staff, observing what they have seen, some skateboarders potentially putting other in harm's way and this is unquantified but less than thousands of dollars' worth of damage. He asked Ms. Becker what type of data she would recommend?

Ms. Becker said when you look at data and how it's collected, observational data should be done in a way that is stringent with actual observation dates, and times, and you can actually make the call based on the median of the number and the average of what is happening. It just seems like "oh I saw this happen" but you are not really giving any real data on what you are seeing. So she said she does not know, from what she is hearing, but it just sounds like it is bias.

Wayne Smallwood – Juneau Alaska

Mr. Smallwood commented growing up in Juneau, this is not the first time the skaters have had to stop skate ordinances or worked together with CBJ to develop a skate park. Mr. Smallwood said more resources could go into the skate park or develop a new skate park. Mr. Smallwood said it is the last legal spot and the skateboarders will want to defend that.

Will Muldoon – Juneau, Alaska

Mr. Muldoon said he cannot support the resolution and echos the sentiments of previous commenters. He said he feels a biased point of view is being represented as data. Mr. Muldoon expressed strong concerns over having a law on the books that is either not enforceable or not enforced 100% of the time. Mr. Muldoon said we should keep an idea of the scope as we are discussing hundreds of dollars. When the outhouse melted, it is probably triple that cost. Mr. Muldoon said, until we can provide better citation data, he cannot support this.

Isabelle Jones – Juneau, AK

Isabelle Jones said she is a long boarder down town and is not old enough to drive. If this ordinance were passed, she would be affected and have nowhere to board, as her parents do not drive and she currently cannot take the bus.

Stewart Wood – Haines, Alaska

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Wood said he is a local videographer and skateboarder from Haines. Mr. Wood said he testified against this ordinance in Haines. Being someone who lives, works, and skateboards downtown, it is hard to make the transition to the valley just to go skateboarding. Mr. Wood also said street skateboarding has been recognized as an art form, a sport, and a mode of transportation. There could be a better way to work with one another instead of fighting one another.

Ryan Cortez – Juneau, Alaska

Mr. Cortez said, in this City, there is so much support for people who take part of activities that have high upfront costs to get into. Skateboarding is an activity anyone can do. A lot of skaters come from lower income families, and the worth of the activity is more than a bench for tourist who come for three months out of the year. It seems biased towards people of lower economic levels. Mr. Cortez said it needs to be more of a collaborative process.

Ms. Smith asked Mr. Cortez what he thought if the area was closed to skateboarding seasonally or by hours.

Mr. Cortez said it sounds like an idea but it does not prioritize people of the community.

Mr. Dimond asked when downtown is busy with tourist, how much skatable space is there when it is busy.

Mr. Cortez said it is busy and they are a nuisance to get around.

Unknown – Juneau, Alaska

This person commented that when tourist are present, it is too busy to skateboard so they save their boarding and film making for when tourists are not present.

Kayla Berger – Juneau, Alaska

Ms. Berger said she is a business owner downtown and putting a regulation on a population who has been habiting the area for a long time is not the best decision to make. It would be a better idea to encourage our community to come to the downtown area. This ordinance is a threat and transportation discrimination.

Nona Dimond – Juneau, Alaska

Ms. Dimond said she is a skate mom and would like to be able to bring her kids down town to practice their activities.

Jennifer Gross – Juneau, Alaska

Ms. Gross said she does not see how these benches became unusable and there are other places to sit. She likes the idea of installing infrastructure for skaters. She does not appreciate the skate blockers. If a time ban goes into affect, the inclusion of daylight hours would be appreciated.

Jordan Kendel – Juneau, Alaska

Mr. Kendel said adding and building in features of the architecture makes a lot more sense than prohibiting these activities and is a lot more efficient. Mr. Kendel wanted to

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

advocate for the young people.

Patrick VanPool – Juneau, Alaska

Mr. VanPool said he does not think skateboarding should be banned downtown and there are more important issues.

Ty Sturgis – Juneau, Alaska

Mr. Sturgis wanted to comment in support of skateboarding.

Shawn Fishbone Williams – Juneau, Alaska

Mr. Williams wanted to call in support of skateboarding in downtown Juneau.

Angus Saya- Juneau, Alaska

Mr. Saya wanted to advocate for skateboarding through the downtown corridor.

Committee Discussion/Action

Mr. Ridgway said he would ask staff if the option of creating a narrow corridor or being specific in the package would work. Mr. Ridgway said if staff sees an unsafe situation, they are obliged and it is their duty to do something about it

Mr. Ridgway asked how the area was determined.

Mr. Uchytel said it is the area of newly constructed infrastructure since 2015. Prior, the only area restricted was only the timber Seawalk. Now it includes the Cruise Terminals, the associated parking lots, and the Archipelago lot.

Ms. Smith asked if anyone has thought to work with Parks and Rec since they have money from Covid to create projects to accommodate those needs.

Mr. Uchytel said George Schaaf, Parks and Rec Director, was on the call earlier, but they have not had the discussion. Handling pedestrian traffic and skateboarders are two different activities and are incompatible. But we can take a look at it.

Mr. Ridgway asked Mr. VanPool to respond to an inquiry by Ms. Smith regarding the skating community collaborating to design something to accommodate needs.

Mr. VanPool said when the skate park was built, it was part of the youth center, but then when it was transferred to Parks and Rec, communications ceased with the skaters. When skateboards were to be outlawed, Zach Gordon organized the opposition. As of now, the skaters feel they have no way to communicate with the city.

Mr. Wostman responded to the comments by saying he believes we need to step back and rethink how the Board approach's this. He said when this first came up, the significant aspect was commentary from staff regarding underlying authority and lack of support from JPD regarding reckless behavior. At this point, we need to take a step back and identify what behavior is really ok and what is frowned upon.

Mr. Larkin asked if the current ordinance, which has been in effect for 16 years, has been affective.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Ridgway asked Mr. Creswell if in his operations if anyone has commented that the current ordinance was affective.

Mr. Creswell said he has not heard of anything as to the current ordiance because all discussion has been focused on the area around the visitor center where the ordinance does not exist.

Mr. Larkin pointed out regarding paragraph six, which only applies when a ship is in, and seven applies when there is a bus in the lot. If this were to go forward, could we apply wording to denote when a vessel is in, and not all the time.

Mr. Dimond commented on the importance of civic engagement. The Board needs to check in on other Boards and meetings to make public comment ahead of time and not after where there are contentious issues. The damages we see are real and tangible, and someone needs to bear the cost for those. Moving forward, the Board should take some of the comments and maybe create an advisory Board so the skateboarding community can take responsibility for their actions. Skateboard parks are great, but they are limited in their capacity and the downtown area will always be a draw towards skaters. We should have Harbor staff look at the issue and the people that are really causing the problems downtown. Mr. Dimond said he suspects the transient community causes more damage to the downtown area than the skateboarders do and skateboarding should not be a priority, but harbor staff should better enforce safety downtown.

Mr. Ridgway supported the idea of reviewing other options. He said we are not Parks and Rec but Docks and Harbors and we will need to table a motion on this issue for now. He asked staff to look at the issues heard tonight, discuss with downtown JPD Officers their use of the ordinance, review with Law, and develop an ordinance that better reflects comments from the public.

Mr. Uchytel said he understands Mr. Ridgway is directing staff to work on amendments to this ordinance.

Mr. Dimond requested staff to engage with more entities for discussion.

Mr. Uchytel said he will communicate with Parks and Recreation on this topic.

Mr. Dimond said as appointed chair of the Skateboarding Committee, he will work with the skateboarders as long as they reach out.

VIII. New Business –

1. Resolution in support of the Alaska Association of Harbormasters and Port Administrators (AAHPA) in Support of full funding for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2022 State Capital Budget.

Mr. Uchytel said the resolution in the packet is language drafted and approved by the AAHPA. The AAHPA members are asked to take this resolution to their assembly for support for statewide approval. This grant program is important to all harbors around the state. He said staff applied for this grant earlier this month and DOT has published

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

the ranking of all the projects submitted. Cordova has a tier 1, which means there harbor was previously owned by the state. This puts them ahead of the other applicants and they will receive the maximum they asked for. Mr. Uchytel pointed out that Juneau is number four out of five on the list and it is not looking good for us to receive any harbor grant money this year. He said it is important to support other harbors by supporting this resolution.

Committee Discussion – None

Public Comment – None

Committee Discussion/Action

Mr. Etheridge said it is important for us to support this resolution and move forward in support of all the harbors in the state.

MOTION By MR. WOSTMANN: TO PROVIDE FULL SUPPORT OF THIS RESOLUTION AND ASKED FOR UNANIMOUS CONSENT.

Hearing no objection, Mr. Ridgway passed the motion.

2. Regulation update of 05 CBJAC 20.044 – Active fishing vessel discount at Statter Harbor

Mr. Uchytel said when the Finance Sub-Committee met, one of the issues discussed was the active fishing vessel credit at Statter Harbor. A commercial fisherman who homeports out of Statter Harbor was displeased to find there was not a reciprocal agreement for fees downtown as there are for Statter Harbor for commercial fisherman who are also stallholders. He said the proposal is to provide a reciprocal discount for fisherman using the Harbors in a way downtown users do.

Mr. Ridgway wanted to clarify if the intent is to allow this discount for assigned or permanent stallholders.

Mr. Uchytel said this would be for a permanent assigned stall holder that wants to use the downtown harbors in the same way the fisherman downtown use the fish ticket system in Statter Harbor.

Mr. Wostman said his view is pending the review by the Law Department. This language does indicate what the Finance Sub-Committee intended it to.

Ms. Smith asked Mr. Uchytel to clarify the details and history of this request.

Mr. Uchytel said the issue has not come up before because until 2013, Auke Bay was a transient harbor with no permanent stalls. When this was crafted, no one thought there was an active fishing fleet in Statter Harbor. Currently, there are maybe three fisherman in Statter Harbor that would be eligible for this.

Public Comment –

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Dennis Watson – Juneau, Alaska

Mr. Watson asked how staff intends to verify the 6 months moorage and ensure people are not taking advantage of the program?

Mr. Uchytel said we do have an accounting system our staff uses and we would have to go back to ensure compliance. Mr. Uchytel said he is not trying to make it onerous, just something to shoot for to support fishing and we do have the ability to check that information.

Committee Discussion/Action.

Mr. Etheridge said he thinks this is a step in the right direction but commented moorage is not free. He also pointed out when they pay their moorage for one place, and head to another, we have the right to hot berth their stall.

Mr. Dimond asked if the moorage needs to be consecutive months, or any six months out of the year?

Mr. Uchytel said he would like to work with staff to ensure better wording because this was quickly put together for the meeting tonight.

MOTION By MR. ETHERIDGE: TO MOVE THE CHANGES FORWARD IN SUPPORT OF FISHING VESSELS AND ASK FOR UNANIMOUS CONSENT.

The motion passed with no objection.

IX. Items for Information/Discussion

1. Auke Bay Boatyard – Potential Reassignment of Lease

Mr. Uchytel said Mr. Duvernay, Harri Commercial Marine, is asking permission to assign his lease for the Auke Bay Boatyard to Karl's Auto and Marine. He said the reason this was not put on the agenda as an action item is because this is a substantial decision. The Board needed to be informed in advance that after discussion on this topic, they will need to make a decision to approve or not approve. Mr. Uchytel said when having other discussions with Mr. Duvernay, he mentioned selling his lease to another party but did not contact staff until Monday after the deadline for agenda items. The assignment of this lease requires approval by CBJ and in this case CBJ is the Board. He said this is a 10-year lease that started in April of 2018, with an option to renew for one additional 10-year period. The rent is \$36,000 per year and adjusted every 5 years per appraisal. The assignee will be subject to the provisions of the lease, all terms, conditions, and covenants of the underlying lease may be applicable or incorporated to the assignment. Mr. Uchytel said the lease consists of 0.83 acres at the Auke Bay Loading Facility and the items included in the lease are as follows: Sealift, a wash down containment pad, 125 boat supports, and three buildings Docks and Harbors constructed in the wake of moving the boat yard from Statter Harbor to the Auke Bay Loading Facility as part of Statter Harbor Master Plan. There is an operational plan incorporated in the lease and Jeff Duvernay or Karl Leis can answer questions as to how the transfer of the lease will affect

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

what activities will be conducted. Mr. Uchtyl said there is also an ongoing request from the Alaska Department of Transportation for the right-of-way section and staff is still dealing with gaining understanding on use of some parts of the boatyard. Mr. Uchtyl said he has been assured by the State the right-of-way issues still pending will not affect use of the boat yard.

Mr. Ridgway asked about the DOT right-of-way imposed on the lease. Does this mean we need to go back and reappraise the property to reassess the lease value?

Mr. Uchtyl said yes. If DOT is not flexible, it would be fair to have a new appraisal or new lease for the property all together. Mr. Uchtyl said DOT has said because the vessels stored in the right-of-way have tanks, it makes the use of the right-of-way improper.

Mr. Ridgway asked what part of the lease is an enforceable item. If the expectation is CBJ Docks & Harbors provide an operational list of items, and the lessee decides to stop services, how does this affect the lease itself?

Mr. Uchtyl said the way he interpret the lease is, when the lease is assigned to another party, they intend to provide the services in the lease. For example, Harri's can not assign this lease to be used for other activities such as manufacturing.

Committee Discussion –

Ms. Smith asked if because she was a customer of Karl's Marine, would it be inappropriate to vote on this issue?

Mr. Uchtyl said all of us have some interest in some marine agreement and that should not prohibit or adversely affect you from rendering a judgement.

Mr. Uchtyl said this will be put on the next Board's agenda for action.

Committee Discussion Public Comment –

Mr. Duvernay said he is available to answer any questions. He said his request and intent is pretty straightforward. By transferring this lease, the intention is not to reduce the breadth of services available but to expand. Mr. Leis will be taking over operations but also providing his mechanical services. Mr. Duvernay said he would be working with Karl's Auto and Marine as a subcontractor providing services. He said the biggest challenge has been the lift and it is unreliable and can not be operated.

Mr. Wostman asked if Karl's Marine has the ability to haul boats so they are not dependent on the Sealift?

Mr. Duverney said Karl's Marine operation is to perform boat hauling with their different boat trailers and vehicles which they are very good at. Mr. Duvernay said he has worked with Karl's Auto and Marine for 25 years and they are a very good and capable operation.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Leis said they do have a trailer and would not be dependent upon the SeaLift to operate, and they are also in the process of buying a larger boat trailer than the ones he currently owns. Mr. Leis said he has a positive working relationship with the Harbors and is confident they can get things working.

Committee Discussion/Public Comment

Mr. Ridgway asked if there would be a significant expansion of operations than what is shown in exhibit C of the lease?

Mr. Leis said no, he anticipates things to stay the same as it has been.

Mr. Etheridge requested this item be put on the next Board Agenda for action.

2. UA/ UAS Lease Agreement – Juneau Fisherman’s Terminal

Mr. Uchytel said the University of Alaska Southeast (UAS) lease for the Juneau Fisheries Terminal will expire in May of 2021. He said UAS is currently appraising the property. They will be looking at what a fair market lease rate will be to continue operations, and what the value of the property would be if they choose to sell it. Mr. Uchytel said the existing lease, included in the packet, has an option to renew for 33 years. This lease, had a \$500,000 advance payment from CBJ to UAS, which reduced the lease payment we pay to UAS. He said moving forward, once the appraisal is complete, we can expect we will be paying much more than what we do already. Mr. Uchytel said we should be thinking about the opportunity to purchase as much property as we can because the appraisal should be completed in December and we will know what UAS will be asking. The Board should be poised to renew the lease or, his recommendation is to buy the property. This will need to be discussed with the Assembly to let them know we would appreciate any allocated funding to continue this operation. Mr. Uchytel said the appraisal UAS is having done is for the entire lot, not just the parcels leased to Docks & Harbor, including the Vocational Technologies Building (Vo-Tech). If there is a way for CBJ to control this property between the Harbors it operates, it will be a valuable and integral part of what we do operationally. Mr. Uchytel said UAS could choose to let the lease run out and sell this area to another buyer. If this were the case, the boatyard would not be under Docks and Harbors purview. Presumably, this would not happen but as any good steward of property, they must act in their best interests for their agency.

Committee Discussion/Public Comment

Mr. Dimond asked if it was Mr. Uchytel’s recommendation to pursue looking for a way to work with the City to procure the property, and what future plans could he see as being funding for Docks and Harbors?

Mr. Uchytel said yes, we do not have funding to purchase this outright, but perhaps if the City Manager has monies in their waterfront acquisition fund, or pursue a revenue bond or general obligation bond. There are other ways of obtaining money for a public purpose, but the property between the two harbors is extremely valuable to our organization to acquire and obtain as much property as we can afford.

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

Mr. Ridgway asked if the funding potential is an item on the Finance Committee's radar.

Mr. Wostman responded no, the Finance Committee has not discussed this yet but it needs to be. Mr. Wostman asked if it has been determined the timing needed to pursue such ideas so the Finance Committee may get started and be ready.

Mr. Uchytel said UAS is aware we would like the property and knows community waterfront property is best managed at the local level. UAS is aware of our intentions of pursuing this property.

Mr. Ridgway asked if there has been any discussion regarding any other Docks & Harbors property or other CBJ property UAS might be interested in swapping?

Mr. Uchytel said he did have the conversation with Sam Kito of UAS and it was expressed the University would prefer money over property. Mr. Kito said the welding lab is outdated and needs replaced and he suggesting UAS needs to find a way to provide trade educational training.

Mr. Wostman asked Mr. Uchytel if the School District uses part of the Vo-Tech building which is primarily used for mining technologies, and the University of Alaska, Anchorage (UAA) nursing program? If Docks & Harbors buy the entire lot, could we move the Harbor offices and still lease out the appropriate areas for the mining and nursing programs. Mr. Wostman asked if it was staff's understanding UAS wanted to continue operations in the building?

Mr. Uchytel said he understands they would like to consolidate their facilities to one campus, but like Docks & Harbors, they have resources throughout CBJ.

Mr. Uchytel said staff has to give written notice of the option to renew at least 90 days but not more than 180 days before the expiration of the term.

Mr. Wostman asked what the actual date would be to respond?

Mr. Uchytel said 100 days from May 4th would be the 1st of January.

3. Statter Harbor Passenger for Hire Fee

Mr. Uchytel said at the Finance Sub-Committee meeting regarding the for-hire fee discussion, it was recommended that the Statter Harbor for-hire float rates, which is also known as the passenger for hire rates, not change for 2021 and it would be considered for the 2022 calendar year. He said currently our Harbor fund balance is \$574,000, and the Finance Sub-Committee was given this information, but they still recommended no new fees be implemented for FY21 but to continue to work on the fee structure for FY22.

Mr. Wostman said he gave direction to staff during the upcoming season to gather statistics about the operational costs of the new floats to help establish what the final fee schedule should be once we are back into full operation. The Committee will look at what portion of the capital investment is reasonable to recover from the fleet. The Finance Sub-Committee and Board will review and consider the findings in the fall of

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

2022. After the review is when the rates for FY22 can be determined. Mr. Wostman said their recommendation for no new fee was to give certainty to the charter fleet for the upcoming year and use the information gathered to provide good rational for what the fees should be.

Mr. Ridgway asked if the goal was to meet the delta between operations and revenue?

Mr. Wostman said as he understands it is yes, we would want to recover operational costs, and additionally we would want to consider recovering some portion of the capital investment, but not all. The new facility is an improvement to everyone so it would be reasonable to recover some portion of the City's match in funding.

Mr. Ridgway asked if some portion was paid with head-tax, are we required to recover some portion of that investment?

Mr. Wostman said it was not his sense of the discussion and he understood the goal was to recover some of the funds matched by the City.

Mr. Uchytel asked if the members of the Finance Sub-Committee would like to make a motion of no new fees be implemented in FY21 to signal to the operators we are not considering new fees in the short term.

Mr. Wostman said he thought this was a good idea.

Mr. Ridgway requested this item be added to the next board meeting agenda.

Public Comment --

Dennis Watson – Juneau, Alaska

Mr. Watson asked if the moorage at the University will still be available for the fleet, and what is the rate?

Mr. Uchytel clarified the Auke Bay Marine Station is not the University and he said the rate applied is the same as the rate paid in the Harbor.

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

Mr. Uchytel said this topic culminates with the DOT matching program and what available resources and funds we have at Docks and Harbors. He wanted to have this discussion about moving forward knowing we are not going to get any match money for the north end of Aurora Harbor. He said currently we have \$461,000 in our Aurora Harbor CIP. He said we have a commitment from the City for \$1.5M from the 2017 1% sales tax. The Harbor enterprise funds were going to be our match to the DOT grant, but we are not going to get the DOT grant. He said options for this money would be; keep the \$461,000 in its account, when we learn the appraisal results for the UAS property, we could move the money into a fund to purchase the property, we have insufficient local match for Phase III of Statter Harbor, the upland phase, and we could

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

proceed finishing Phase III with those funds. Mr. Uchytel said he wanted to start the discussion of how we should use the \$461,000.

Mr. Ridgway asked if we have looked at anything we can modify with Aurora Harbor to make use of those funds.

Mr. Uchytel said we need about \$8 million dollars to recapitalize the North end and we are really only have a quarter of the funds available.

Ms. Smith said she finds it hard to believe there is no low hanging fruit in Aurora Harbor and asked if that was true?

Mr. Uchytel said we could build a little with the \$2M; a head walk, one main float, maybe electrical, maybe a float with no fingers. You can spend \$2M and build some infrastructure. The question is strategically, do we hold on to the \$1.5M and try and continue our efforts in getting a harbor grant from the state which would double the amount, or we could use the money to leverage the completion of Statter Phase III, or we could use the money for the purchase of the Juneau Fisheries Terminal. Mr. Uchytel said you can certainly build something with \$1.5M dollars, but it would be a scaled back version and something would be shorted.

Mr. Wostman said on the three options, the opportunity to purchase land is a onetime deal. The other projects can be postponed and we can make due for another season. Mr. Wostman asked to have the final decision on the money be postponed until we know if we can make a bid towards the Fisherman's Terminal Property.

Mr. Ridgway asked if there was a limited installation option which would be available to support the tourism industry? Could we build one long finger that four boats could tie up to overnight if they choose and would that be justification to spend the \$1.2M left over from the Archipelago lot.

Mr. Uchytel said he did not know, but he understands the suggestion is to use head tax to build in Aurora Harbor. He said they went this round in the past and got head tax for the purpose of having a 110ft slip in Aurora for the idea it would be available for tug support. We are very careful about ensuring how the slip is used and make sure it is available for the tug only. Mr. Uchytel said he was not sure if he was comfortable using head tax in a harbor after just completing a contentious lawsuit with CLIA. He said it is appropriate to use the Aurora CIP monies in north Aurora for Trucano to remove the pilings, and for AJC to do the hauling, but our staff is funded with harbor operating funds currently. He asked the Board if it was appropriate to use CIP funds for staff hours spent completing demolition. He said using CIP money would protect the harbor expenses for this year, but at the expense of the CIP.

Mr. Ridgway asked if he had an estimate of the amount it would take for staff?
Mr. Uchytel said about \$45,000-\$50,000.

Ms. Smith said she is not fond of this method. Ms. Smith asked if we spend this money and something happens that we do get the grant, where will the matching funds come

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, October 21st, 2020

from? Mr. Smith said she does not support using harbor funds to provide the citizens with a commercial tourist operations. She asked if we do not use this money, does it expire, or is it fine sitting where it is.

Mr. Uchytel said it does not expire.

5. Board CY2021 Calendar

Mr. Uchytel presented the calendar staff are proposing for next year.

Mr. Ridgway asked about the Finance Sub-Committee meetings.

Mr. Wostmann said the schedule has been when needed and it would not be useful to publish a schedule.

IX. Staff and Member Reports.

Mr. Creswell reported;

- North Douglas floats were removed.
- Statter Harbor C, D, and Breakwater water connections were turned off and blown out.
- Grid water has been shut down for winter.
- We have a crew working six days a week to get the Aurora Harbor demolition finished.

Mr. Ridgway asked if there was any cost estimate for the demolition portion, and if Harbor staff were being utilized?

Mr. Creswell responded he cannot speak to an Engineer's estimate, but they have been using staff to complete the project.

Mr. Etheridge asked Mr. Schaal if we are moving forward on the Harris Harbor dredging?

Mr. Schaal said they met with the Corps and Western Marine Construction yesterday and they are moving ahead and trying to work as efficiently as possible. Western's equipment is extremely large and they want to be very specific about how they operate in the harbor. They have inquired about moving piles and finger floats for access but there have been no red flags raised.

Mr. Uchytel said we did receive the EPA permit to scuttle the Lumberman, and we plan to move forward with scuttling in the Gulf of Alaska.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting – Thursday November 12th, 2020.

XII. Adjournment at 8:33pm