

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, October 28, 2010

- I. Call to Order (7:00 p.m. at the CBJ Assembly Chambers.)
- II. Roll (Donek, Etheridge, Jardell, Jebe, Kueffner, Williams, Wostmann and Busch, Preston).
- III. Approval of Agenda

MOTION: TO APPROVE THE AGENDA AS PRESENTED.

- IV. Approval of September 30, 2010 Regular Board Meeting Minutes.
- V. Public Participation on Non-Agenda Items (not to exceed 5 minutes per person, or twenty minutes total time).
- VI. Items for Action.

1. Juneau Port Development, LLC

Presentation by CIP/Planning Committee Chair

Public Comment

Board Discussion/Action

MOTION: TO AUTHORIZE A 24 MONTH EXTENSION TO JUNEAU PORT DEVELOPMENT, LLC AS SET OUT IN SECTION 5(C) OF THE LEASE WITH CBJ FOR THE PURPOSE OF PROVIDING ADDITIONAL TIME TO OBTAIN PERMITS AND TO APPROVE THE CONCEPT PLAN FOR MARINE USE SUBMITTED BY JUNEAU PORT CONSTRUCTION.

2. Direct Market Fisheries Study – Grant Award

Presentation by CIP/Planning Committee Chair

Public Comment

Board Discussion/Action

MOTION: TO REQUEST APPROPRIATE A GRANT OF \$25,000 FROM THE ALASKA FISHERIES DEVELOPMENT FOUNDATION FOR THE PURPOSE OF DEVELOPING A PLAN FOR IMPROVED MARKETING OF FISH AT CBJ HARBOR FACILITIES.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, October 28, 2010

3. Board Attendance Ordinance Change

Presentation by Operations Committee Chair

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY AMEND THE BOARD MEMBER ATTENDANCE REQUIREMENT SET OUT IN THE CBJ ORDINANCE 85.02.020(4) SUCH THAT A BOARD MEMBER MAY MISS REGULAR BOARD MEETINGS FOR MORE THAN 90 DAYS WITH PRIOR APPROVAL OF THE BOARD.

4. Douglas Harbor Rebuild Additional Permit Work

Presented by Port Director

Public Comment

Board Discussion/Action

MOTION: TO BE DEVELOPED AT THE MEETING.

VII. Items for Information/Discussion.

None

VIII. Committee and Board Member Reports

1. Operations Committee Meeting – October 19, 2010
2. CIP/Planning Committee Meeting – October 21, 2010
3. Finance Committee Meeting – Meeting Cancelled

IX. PRAC Representative Report

X. Port Engineer's Report

XI. Harbormaster's Report

XII. Port Director's Report

XIII. Assembly Liaison Report

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, October 28, 2010

XIV. Committee Administrative Matters

- a. Operations Committee Meeting – November 16, 2010
- b. CIP/Planning Committee Meeting – November 18, 2010
- c. Finance Committee Meeting– November 30, 2010
- d. Board Meeting – December 2, 2010

XV. Adjournment

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, September 30, 2010

I. Call to Order.

Mr. Preston called the Regular Board Meeting to order at 7:00 p.m. in Room 224, City Hall.

II. Roll Call.

The following members were present: Mr. Donek, Mr. Jardell, Ms. Jebe, Mr. Etheridge, Mr. Busch, Mr. Williams and Mr. Preston. Mr. Kueffner was absent.

The following member attended via teleconference: Mr. Wostmann.

Also present were the following: Mr. Stone – Port Director, Mr. Benner –Harbormaster, Mr. Gillette-Port Engineer, Ms. Danner – City & Borough Assembly Member and Ms. Hood – Parks & Recreation Advisory Board Member.

III. Approval of Agenda.

Mr. Stone no changes

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

The motion passed without objection.

IV. Public Participation on Non-Agenda Items.

Bruce White, 8121 Gladstone St., Juneau, AK 99801. He has concerns about the DeHart's/Statter Harbor rebuild project. His concern is: removing a year round marina, that Juneau residents use, for a seasonal based marina for whale watchers that will probably be used five months out of the year. Moving the fuel dock is not going to relieve congestion. Two lanes are not enough for launching boats. Suggestions: to rebuild DeHart's, increase the length of the Petro Marine dock, install four launch lanes, and move whale watching boats to Douglas Harbor or North Douglas launch ramp. By keeping DeHart's, you still will have that income. Moving whale watching would remove some of the congestion at Statter Harbor and make more money for the companies with less transport time and fuel expense.

Paul Swanson, 3101 Riverwood Dr., Juneau, AK 99801, stated he finds merit in what Mr. White suggested. He wanted to know if there has been any consideration given to moving whale watching tour boats to North Douglas. Also, he has not known one person to have received the letter that was sent out to DeHart's Marina patrons.

Mr. Preston said he would check into the letter.

CBJ DOCKS & HARBORS BOARD
REGULAR BOAR MEETING MINUTES

September 30, 2010

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V. Approval of Previous Meeting Minutes.

Ms. Jebe had clerical corrections. Mr. Preston suggested adding Mr. Etheridge as absent and Ms. Danner as attended the meeting.

Hearing no objection, the minutes of the August 26, 2010 Regular Board Meeting were approved as amended.

VI. Items for Action

1. Boat Shelter Sale – Aurora F-18

Mr. Jardell reported the Finance Committee decided to decline the purchase of boat shelter at Aurora F-18 and needed the Boards approval to decline the purchase.

Public Comments

None

Board Comments

None

MOTION by MR. JARDELL: TO NOT EXERCISE THE BOARDS RIGHT OF FIRST REFUSAL ON THE PURCHASE OF A BOAT SHELTER AT AURORA F-18 AND ASK FOR UNANIMOUS CONSENT.

Motion passed without objection

2. Statter Harbor Rebuild and DeHart's Marina Replacement Professional Services Contract Approval.

Mr. Jardell reported the Finance Committee discussed this at their meeting. This contract would include looking at the Statter Harbor chains and anchors, looking at concepts and designs for adding floats to take in DeHart's patrons, along with joining old and new floats and costs, looking at the electrical conditions and conduit on the floats and adding new, and fuel dock placement areas. The Finance Committee felt this was a good time to move forward with this contract. They want to increase information and communication with DeHart's patrons on the progress of PND Inc. studies and to keep them aware of what is happening.

Public Comments

Mr. Watson, 9333 Northland St., Juneau, AK 99801. He recalled the study done on the cost estimate on replacing the Statter Harbor chains was over \$2 million dollars. He has not seen an update on current cost estimate and felt one should be done before going ahead with the project. He is hoping the lumber that was purchased 5 years ago would finally be used to finish the project, and he would like to see the floats stabilized.

CBJ DOCKS & HARBORS BOARD
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September 30, 2010

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VI. Items for Action (continued).

Board Comments

Mr. Busch wanted to note that one of the key things is additional information for the public and for a meeting with DeHart's patrons.

Mr. Preston agreed with Mr. Watson that there needed to be an updated cost to replace the chains at Statter Harbor and to have the chain anchors rechecked.

Mr. Williams wanted to know when this would move forward?

Mr. Gillette stated that this would move forward if it was approved tonight. It is ready to go. Visibility could be an issue.

MOTION By MR. JARDELL: TO APPROVE A CONTRACT WITH PND, INC. FOR PROFESSIONAL SERVICES RELATED TO THE REBUILD OF STATTER HARBOR AND THE REPLACEMENT OF DEHART'S MARINA IN AN AMOUNT NOT TO EXCEED \$50,000 AND ASK FOR UNANIMOUS CONSENT

Motion passed without objection

3. Auke Bay Loading Facility Phase 1 Close-out.

Mr. Jardell reported Phase 1 is coming to a close. With the Phase 2 project ready to start, it is necessary to finalize and close by paying off all the bills. In order to do that, \$130,000.00 dollars is needed. The Finance Committee recommended moving \$130,000 from the budget reserve account to the Auke Bay Loading Facility Phase 1 project.

Public Comments

Mr. Watson, 9333 Northland St., Juneau, AK 99801. He thought it was part of the original funding to put a swing arm in and credit card access. He also stated, in the original plan, there was not going to be long term storage. There is a 40' connex that has been there for a very long time and vehicles have been stored more than 30 days. Seven million dollars has been spent on this project and it is still not secure.

Board Comments

Mr. Jardell directed the questions to Mr. Stone.

Mr. Stone reported the swing arm was taken out of Phase 1 because there was not enough money to award it. With Phase 2, under the Tiger Grant, he believes there is enough money to put a gate at the facility. He felt there was going to be too much maintenance on a credit card or key card entrance system, and the recommendation was not to go that way, but to have gates.

CBJ DOCKS & HARBORS BOARD
REGULAR BOAR MEETING MINUTES

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VI. Items for Action (continued).

Mr. Preston clarified the swing arm was an add on and there was not enough funding under Phase 1.

Mr. Stone would have to look into the long term storage agreements.

Mr. Gillette commented the 40' connex was a Docks and Harbors container to store snow removal equipment until a permanent storage could be built.

Mr. Jardell suggested having the permanent storage area need added to the Operations Committee Agenda.

MOTION By MR. JARDELL: TO RECOMMEND THE BOARD APPROVE THE CLOSE OUT PLAN FOR THE AUKE BAY LOADING FACILITY PHASE 1 PROJECT AS PRESENTED BY THE PORT ENGINEER TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT.

Motion passed without objection.

4. Archipelago Property Purchase and Appraisal Review.

Mr. Jardell reported that the Finance Committee received the appraisal for the waterfront property and they would like to start negotiations with the owners to come up with a price and then come back to the board for approval.

Mr. Preston wanted to know where the money for the purchase would come from?

Mr. Jardell stated the purchase would come from the CBJ Assembly land acquisition fund.

Public Comment

None

Board Comments

Mr. Wostmann looked at the appraisal with some detail. He would concur that he would support the motion. This is a good starting point for discussion.

MOTION By MR. JARDELL: TO AUTHORIZE STAFF TO NEGOTIATE THE PURCHASE OF PROPERTY FROM ARCHIPELAGO PROPERTIES FOR PUBLIC ACCESS AND OPEN SPACE PURPOSES ALONG THE DOWNTOWN WATERFRONT AS RECOMMENDED BY THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT

Motion passed without objections.

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VI. Items for Action (continued).

5. Cruise Ship Terminal Staging Area Design Contract Award.

Mr. Jardell reported that there was a map in the packet that described the design. This has been discussed and the next step is awarding the contract for the design.

Mr. Gillette reported the plan was discussed with the users of the area and they were satisfied with it. The CBJ Assembly Lands Committee also approved it. This is the next step in the process.

Public Comment

None

Board Comment

None

MOTION By MR JARDELL: TO APPROVE A CONTRACT WITH PND, INC. FOR DESIGN OF THE CRUISESHIP TERMINAL STAGING AREA IN THE AMOUNT OF \$235,505 AND TO REQUEST THE ASSEMBLY APPROVE THE CONTRACT AND ASK FOR UNANIMOUS CONSENT.

Motion passed without objections.

Ms. Jebe made a comment that this was all discussed in great detail at the Finance Committee and is why there is not much discussion in this meeting.

VII. Items for Information/Discussion.

1. Juneau Port Construction Update

Presentation by Howard Lockwood, Apt #28, Thunderbird Terrace, Juneau, AK 99801 – In 2007 a Lease was signed with the City of Juneau, which was for the development of a private harbor dock near the Little Rock Dump and being able to sublet the property. This project is designed for the larger vessels. He has done a three year study on this area and feels this is a viable project and we should move forward on this. He feels confident he has a good team to work with on the challenges of this project. All net revenues will go back to Docks and Harbors. He is asking for a continuation of the lease. They plan to dredge the sand by Alaska Marine Lines leased property, and also study other requirements on this project. Estimated value to build is \$112 Million; 18 to 24 more months before construction can start.

Mr. White wanted to know if there would be a place for the whale watching boats?

Mr. Lockwood said yes.

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September 30, 2010

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VII. Items for Information/Discussion (continued).

Mr. Preston recommended sending to the CIP/Planning Committee Meeting.

Mr. White encourages the board to work with Mr. Lockwood.

Mr. Wostmann recommended further discussion on this at the CIP/Planning Committee.

2. Statter Harbor Launch Ramp Environmental Assessment Update

Presented by Mr. Gillette. If everything stays on target, this should be completed by mid or late October or early November, final environmental assessment by mid November, and be bringing back to the board for comments and final approval.

Mr. Preston reported that there has been much discussion about the need for a four lane launch ramp and was wanting to know if that was going to be added.

Mr. Gillette stated he believed that was one of the things they were looking at.

Mr. Stone added PND is doing time studies to see the need for a four lane launch ramp.

Ms. Jebe questioned if the letter went out to all the launch ramp permit holders?

Mr. Gillette responded the letters were sent out to the permit holders that had addresses.

3. Discussion on Board Member Absences

Mr. Preston discussed the issue of absences. He suggested an ordinance change so some are excused and not counted. The attendance policy stated that a board member could not miss 40% of the meetings and not three consecutive meetings. He talked with the Law Department on this subject and feels it is unclear what his role is with the absences. He knows sometimes jobs cause the issue of not being able to attend the meetings. He wanted to know if the board wanted to pursue or request the assembly to do something different with the attendance requirements under regulations.

Mr. Etheridge feels board attendance is important. He also thinks there is a need to maintain a diverse coverage of all the different industries and if you get too strict with the absentees, it will eliminate that. He recommends setting up a procedure for calling in.

Mr. Wostmann stated he always tries to be in an area to attend meeting by cell coverage, but that does not always work. He would like more flexibility for the board members that maintain a job that does not permit regular attendance. He also feels that regular attendance is important to know what is going on and to try to set your work around the meetings. Sometime with job and family emergencies it becomes very tough to be at the meetings.

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VII. Items for Information/Discussion (continued).

Mr. Stone read the CBJ Board Ordinance and stated the board has the right to approve or disapprove absences.

More discussion on Board absence rules and all were in favor of sending it to the Operations Committee to address. Mr. Etheridge would like the call in option addressed also.

VIII. Committee and Board Member Reports.

1. Operations Committee Meeting- September 21, 2010

Ms Jebe reported they did have a meeting. They authorized the removal of the finger floats on the south sides of the K & L floats in the Aurora Harbor and to convert the vacant stalls into side moorage for larger vessels. They received a bid for snowplowing, but they did not recommend it as Docks & Harbors has snowplows and employees to do this. The Harbor Master talked about the Little Rock Dump clean up, and NOAA request to not move the temporary float at Douglas Harbor because Harbor seals have been seen there.

2. CIP/Planning Committee Meeting – September 23, 2010

Mr. Williams reported the meeting was cancelled.

3. Finance Committee Meeting – September 28, 2010

Mr. Jardell reported everything was covered today at the board.

IX. Assembly Liaison Report

Ms. Danner, City and Borough Assembly Member, reported she has three things for consideration. On Monday, she met with Public Works regarding the building under the bridge and they talked about wanting to demolish the building. She suggested letting Docks and Harbors use the building in the interim. They said they would meet with Docks & Harbors. She met with a group of Waterfront Tour Operators and they wanted to encourage Docks and Harbors to take steps with compliance issues with the one person one permit rule and other concerns. They wanted to meet with Docks and Harbors, the City Attorney, all the permit holders, and form a working committee to address the concerns. Assembly approved going forward with the concept of 16B with two amendments: Fisherman's Memorial, if necessary, be moved, and create a fund to accommodate the need for high wind tug assist.

More discussion on Waterfront Tour Operators

Ms. Hood reported CBJ Parks & Recreation Advisory Committee wants to have a joint meeting with Docks and Harbors Board to discuss the under bridge park and they would like to have the building moved. They also want to talk with the board about Marine Park improvements.

CBJ DOCKS & HARBORS BOARD
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IX. Assembly Liaison Report(continued).

Mr. Preston suggested setting up the next Board meeting an hour earlier to meet with the CBJ Parks & Recreation Advisory Committee.

X. Administrative Officer's Report.

There was none.

XI. Port Engineer's Report.

Mr. Gillette's report was included in the packet.

XII. Harbor Master's Report.

Mr. Benner reported that the Juneau Convention and Visitors Bureau had their volunteer recognition day on the Statendam and JCVB mentioned that they appreciated the CBJ Docks & Harbors cooperation throughout the years.

US Coast Guard inspected the security procedures and did spot security inspections. We had zero discrepancies.

North Douglas ramp will be removed October 7th. They have put out public service announcement and posted notices.

Meeting with Public Works tomorrow.

All issues from the Permit Holders were addressed that were brought to our attention. He realizes there are still a lot to address.

A letter has been sent out to all permit holders for a meeting on April 20, 2011 for changes to the Standard Operating Procedures, Code of Conduct, and to introduce the new Enforcement Officer.

Mr. Preston suggested having a working committee put together sometime in December.

Mr. Benner reported he purchased two bolts for Statter Harbor that cost over \$700.00.

XIII. Port Director's Report.

Mr. Stone, Mr. Benner and Mr. Gillette will be attending the Harbormaster's Conference in Wrangell from October 25 to October 28 and be back on the 28th. Erich Schaal will be starting Monday to assist Mr. Gillette with all the projects. Mr. Stone reported he has Grand Jury duty for the next three months. There is a meeting with regulators in Douglas on Monday.

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XIV. Committee Administrative Matters.

1. **Operations Committee Meeting – October 19, 2010**
5:00 p.m. at the Aurora Harbor Office
2. **CIP/Planning Committee Meeting – October 21, 2010**
5:00 p.m. in the CBJ Assembly Chambers
3. **Finance Committee Meeting – October 26, 2010 - Cancelled**
All staff will be at the Harbormaster's Conference on October 26, 2010
4. **Regular Board Meeting – October 28, 2010**
7.00 p.m. in the CBJ Assembly Chambers
5. 2011 Meeting Schedule Discussion- No objection
6. Special Board Meeting for Cruise Dock Improvements 16B. Geotech Contract

Mr. Stone suggested adding this meeting to either CIP or Operations Committee meeting.

XV. Adjournment.

MOTION by MR. ETHERIDGE : TO ADJOURN AND ASK FOR UNANIMOUS CONSENT.

The Motion passed without objection.

The Regular Board Meeting adjourned at 8:41 p.m.

JUNEAU PORT DEVELOPMENT LLC

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



RECEIVED
OCT 26 2010
BY:

John M. Stone, P.E.
Port Director
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

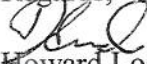
October 26, 2010

Subject: Request for Two (2) Year extension of time to complete
the environmental assessment and put the Harbor Construction
Permits in place.

John,

Pursuant to the provisions, as set forth in Par. 5 (b) (c), Page 6 and 7 of 22 of the Lease, by and between the Juneau Port Development LLC and the City and Borough of Juneau, which was recorded on December 10, 2007, and based on the unanimous approval expressed by the Docks and Harbors Board, after hearing an update presentation at their regularly scheduled meeting on September 30, 2010, together with the unanimous approval given by the CIP Committee, after receiving a PowerPoint review of the Harbor Project, at their meeting on October 21, 2010, it is herewith requested that the Juneau Port Development LLC be granted an additional two years, in which to finalize the environmental assessment, pertaining to the sand and fill material, which must be certified for placement behind the Harbor wall, in order to apply for permitting, which is necessary for the start of construction on the Harbor Project.

Regards,


Howard Lockwood
Manager

JUNEAU PORT DEVELOPMENT LLC

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

RECEIVED
OCT 08 2010

BY:

John M. Stone, P.E.
Port Director
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

October 8, 2010

John,

As instructed by the Docks & Harbors Board Chair, Jim Preston, after my updated presentation at the regular Board meeting on September 30, 2010, please schedule an action item, to be presented by me, to the CIP Committee meeting on October 21, 2010 and to the full Docks & Harbors Board meeting on October 28, 2010.


I will make a PowerPoint presentation at both meetings and will be asking for a vote of approval of the Project Concept Plan, as presented, together with approval of an additional 2-year time period, of which to acquire the permits necessary, in order to start work on the Harbor Facility.

CC: Mike Williams- CIP Chair
Jim Preston- Board Chair

Attachments:

Letter to John Stone - Sept. 14, 2010
Coastal Project Questionnaire and Certification Statement - May 1, 2008

Regards,


Howard Lockwood
Manager

JUNEAU PORT DEVELOPMENT LLC

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
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John M. Stone, P.E.
Port Director
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

RECEIVED
SEP 15 2010

BY:.....

September 14, 2010

John,

Pursuant to Page 6 of 22, Paragraph 5, (a), (b) and (c), of the Lease by and between CBJ Docks and Harbors Board and the Juneau Port Development LLC, which was recorded at #2007-007947-0, Juneau Recording District on December 10, 2007, I would like to schedule a time for me to present a chronological report of the activity and progress that has been made thus far, in the ongoing endeavor to plan, design, permit, construct, and operate a harbor facility, which would accommodate vessels between 80 feet and 300 feet, together with the related infrastructure and newly created uplands.

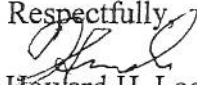
There is the need of approval of the concept modification, which would extend construction of the harbor wall across the face of AML's facility. The exact provision of this has yet to be negotiated between AML and Juneau Port Development LLC.

Also, the need of approval of the concept to plan, design and construct approximately 75 waterfront apartment units at the Little Rock Dump sewer waste disposal site.

We should schedule approximately 15 minutes for the power point presentation and then whatever time is necessary for the Board members to ask questions.

I will be asking for a formal vote of approval of the concept plan and engineering drawings, prepared by PND Engineers, Inc, together with the modifications, as outlined above, details of which are to be presented at this meeting, together with recognition, that at best, it will take between 18 and 24 months before work can actually start on construction of the harbor wall and placement of the fill behind.

Respectfully,


Howard H. Lockwood
Manager

5. AUTHORIZED USE OF LEASED PREMISES

(a) Lessee agrees to use the Leased Premises to plan, design, engineer, permit, finance, construct, sub-lease, and operate a full-scale harbor marina complex, together with uplands commercial marine-related facilities, a public park, and all of the related amenities necessary for the operation of these facilities and improvements.

(b) Lessee shall be responsible for obtaining all necessary permits and approvals that may be necessary for Lessee's development of the Leased Premises.

(c) Lessee agrees to obtain and have in place the permits and approvals necessary to start construction of the harbor facilities and amenities listed in subsection (a) of this Section 5 within 36 months after the effective date of this Lease. The site plan, conceptual design, cost estimates, and construction plan and schedule for the development of the Leased Premises will be presented to the Port Director and the City Docks & Harbor Board for review and approval prior to the commencement of any construction, unless otherwise agreed in writing by the parties. If Lessee does not have the permits in place within 36 months after the effective date of this Lease, the Lease shall terminate; provided, Lessee may request in writing to the Port Director that City extend the 36-month planning and permitting period if Lessee makes a showing satisfactory to

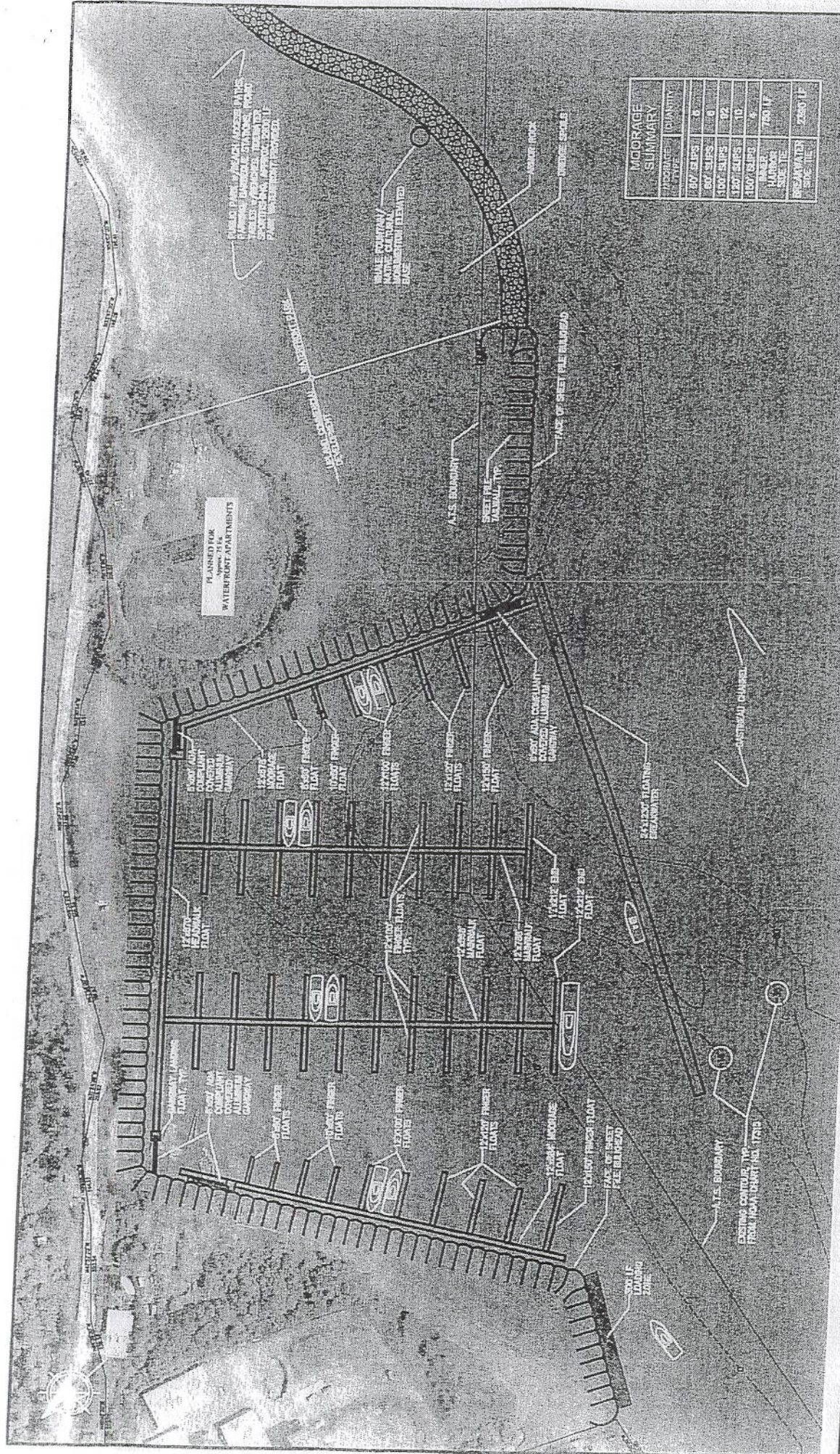


City that it has pursued the planning and permitting for its development of the harbor facilities on the Leased Premises with all due diligence and cannot meet this 36-month deadline for reasons beyond its control. Any extension to this 36-month period must be approved in writing by the Port Director.

(d) Lessee agrees to complete construction and commence operation of the harbor facilities and amenities within 48 months after Lessee has been issued all the permits and approvals necessary to start construction. If Lessee does not complete construction and commence operation within this 48 month period, the Lease shall terminate; provided, Lessee may request in writing to the Port Director that City extend this 48-month period if Lessee makes a showing satisfactory to City that it will complete construction and commence operation of the harbor facilities and amenities with all due diligence and cannot meet this 48-month deadline for reasons beyond its control. The time period of any such extension shall be decided by the Docks and Harbors Board; any extension must be in writing by City.

(e) The Leased Premises shall be used only for purposes within the scope of Lessee's lease proposal and the terms of this Lease, and in conformity with the City and Borough Code, and all applicable State and Federal laws and regulations. Use or development of the Leased Premises for other than the authorized uses shall constitute a violation of this Lease and subject the Lease to cancellation at any time. Lessee acknowledges that the Leased Premises adjoin the Juneau Wastewater Treatment Plant and that the Treatment Plant does and will cause the release of malodorous vapors. Lessee agrees to hold City harmless from any and all effects resulting from or caused by any and all such releases. This indemnification provision is in addition to the hold harmless and indemnification provision set out in Appendix C, Section 9, of this Lease, which also applies to this Lease.







LINEAU PORT DEVELOPMENT LLC
243 BROADWAY

NAME _____
ADDRESS _____
CITY _____
STATE _____
ZIP _____
PHONE _____

PRELIMINARY

JUNEAU PORT DEVELOPMENT LLC

INDEX TITLE

CONCEPT NO. 4

ENLARGED SCALE DEVELOPMENT PLAN

CONCEPT NO. 4

CONCEPT NO. 4
ENLARGED SCALE DEVELOPMENT PLAN

PLAN NUMBER NO. 072081 01



DATE: 02/28/08

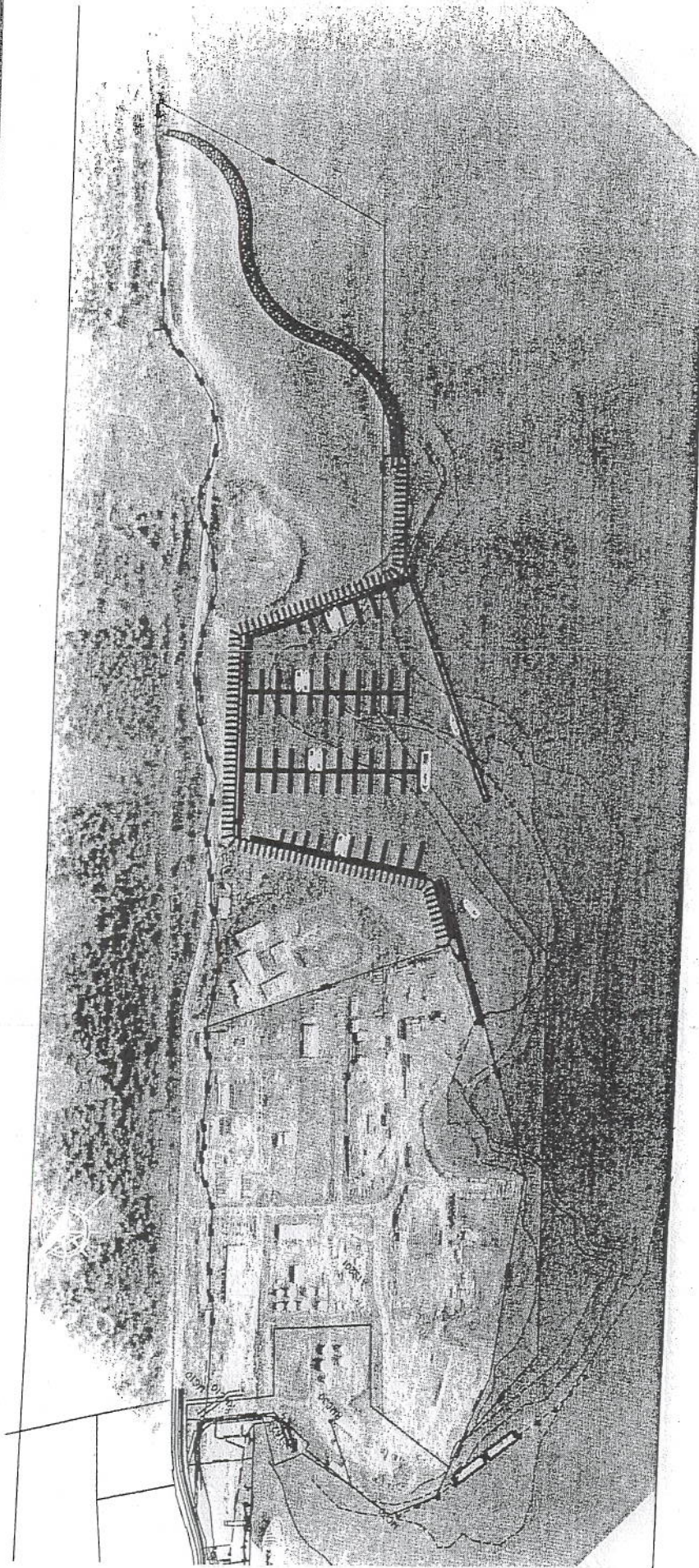
9360 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.w.pond-a-inc.com



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|-----------------|------------|-----------------|------------|
| <u>DESIGNED</u> | <u>AWS</u> | <u>CHECKED</u> | <u>CRS</u> |
| <u>DRAWN</u> | <u>AWS</u> | <u>APPROVED</u> | <u>CRS</u> |

SCALE: SCALE IN FEET

[illegible]



PRELIMINARY

JUNEAU PORT DEVELOPMENT LLC

SHEET TITLE

CONCEPT NO. 4

ENLARGED SCALE DEVELOPMENT PLAN

FINAL PROJECT NO. 07201.011 REV. 01.0

2

2 OF 2



9540 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.gpd-inc.com

GPD
ENGINEERS, INC.

SCALE IN FEET
0 250 500 FT

REVISIONS

| REV. | DATE | DESCRIPTION | OWN. | CHK. | APP. |
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JUNEAU PORT DEVELOPMENT LLC

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**JUNEAU PORT DEVELOPMENT LLC
CONCEPT NO. 4 - DEVELOPMENT PLAN**

PRELIMINARY BUDGET ESTIMATE

Prepared By: PND Engineers, Inc. on February 28, 2008

| Item | Item Description | Units | Quantity | Unit Cost | Amount |
|---|---|-------|-----------|-----------|----------------------|
| 1 | Mobilization | LS | All Req'd | 8% | \$6,411,840 |
| 2 | Construction Surveying | LS | All Req'd | \$100,000 | \$100,000 |
| 3 | Sheet Pile Bulkhead | LF | 3830 | \$6,000 | \$22,980,000 |
| 4 | Dredging | CY | 950,000 | \$20 | \$19,000,000 |
| 5 | Imported Bulkhead Fill | CY | 150,000 | \$20 | \$3,000,000 |
| 6 | Armor Rock | CY | 20,000 | \$50 | \$1,000,000 |
| 7 | Beach Access Trails | LS | All Req'd | \$300,000 | \$300,000 |
| 8 | Bulkhead Fender System | LF | 300 | \$1,000 | \$300,000 |
| 9 | Bulkhead Concrete Face Apron | LF | 3830 | \$1,000 | \$3,830,000 |
| 10 | ADA Compliant, 6' x 80' Covered Aluminum Gangway | EA | 4 | \$100,000 | \$400,000 |
| 11 | Moorage Floats Including Anchor Piles, Power & Lighting, Domestic Water & Fire Suppression, Life Safety Equipment | SF | 121590 | \$200 | \$24,318,000 |
| 12 | 24' x 1420' Floating Breakwater w/Anchors | SF | 19680 | \$250 | \$4,920,000 |
| ESTIMATED CONSTRUCTION BID PRICE | | | | | \$86,559,840 |
| CONTINGENCY (15%) | | | | | \$12,983,976 |
| OTHER INDIRECT COSTS (15%) | | | | | \$12,983,976 |
| TOTAL RECOMMENDED PROJECT BUDGET | | | | | \$112,527,792 |

DRAFT

JUNEAU PORT DEVELOPMENT LLC

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May 1, 2008

Coastal Project Questionnaire and Certification Statement Background & Project Description Test Facility at Portion of ATS 556A

Ownership:

The area is filled tide and submerged land at ATS 556A, owned by the State of Alaska, conveyed to the City & Borough of Juneau, by the State of Alaska, for management, through ADL 106678, dated February 14, 2001, under the provisions of AS 38.05.825.

The property involved in this application is a portion of ATS 556A, the area known as the Little Rock Dump. It is partially filled tide and submerged lands, created by the deposit of crushed rock and sand from the AJ Gold Mine, upon the original beach, during its operational days, over 70 years ago. Local residents historically used the area for a **rifle, pistol and shotgun shooting range, car dump and boat dump.**

Material:

The area contains rock and sand material, which was discharged from the A.J. Mine and placed on the surface of the existing beach, to an area approximately 5 ft. above mean high tide. Continual erosion and wave action over the years has cut this bank down and washed much of the light material out to sea and left the heavier material, such as **old car parts, boat parts, rusty iron, lead bullets, lead birdshot B-B's, burnt battery plates, burnt tire weights etc.,** to list a few, on the surface of the sand, which is washed and moved about daily by the tidal wave action.

Project Objective:

The proposal is to remove the top 1ft. to 2 ft. of known undesirable material and place this material inside approved containment boom areas for processing. In order to accommodate the need for the screening, classification and removal of the undesirable material, this material will be scraped into piles, working only at low tide with a cat and loader, and then carried to a place inside the boomed off area, where it will be lifted by the use of a vacuum dredge system, sand pump or sand screw, to a working area above +20.8 MHW (mean high water), for separation by gravity, with the **old car parts, boat parts, rusty iron, lead bullets, lead birdshot B-B's, burnt battery plates, burnt tire weights etc.,** being removed and sent to a proper place for disposal. The inert sand and rocks remaining will be stored and examined for its quality, to be used for fill behind the Boat Harbor retaining wall, to create the new Public Recreational Park, together with creating the new usable Uplands. No chemicals will be used in this process. After this is completed, 20 additional samples will be taken for examination, from test holes drilled to -20 MLT (mean low tide), inside the potential Harbor area, at locations to be determined by agreement, with the DEC.

Process:

The applicant approached the Docks and Harbors Board in March 2001, with the concept proposal to Plan, Design, Engineer, Finance and Construct and Operate a Harbor and related Upland facilities at this site, at no cost to the City or its taxpayers. The Docks & Harbors Board approved this concept, unanimously, in 2002 with the following conditions and stipulations:

- a. The project must be in accordance with and compatible to the provisions of the New Long-Range Waterfront Plan.
- b. The project must be certified by the City Law Department, to be in total compliance with all Federal, State and City Laws, Regulations and Ordinances.

The title and equity interest of all improvements created by this endeavor, including the Harbor facility, its Docks, Ramps, Breakwaters, newly created Uplands, newly created Public Park, together with the Park

Infrastructure, will vest in title to the City, at no cost to the City or its taxpayers. The project will be Designed, Permitted, Financed, Constructed and Operated, entirely with private enterprise capital.

After nearly four years of meetings, presentations, reviews, comments, analyses and changes, together with providing a Final Lease document, with the provisions necessary to carry the project through to successful fruition in the Private Sector market, the Ordinance, prepared by the City Law Department, supporting the Final Lease, was presented to the City Assembly, at its regular scheduled meeting on August 6, 2007, for review and approval.

- a. The Ordinance #2007-43 was approved by the City Assembly, at its regular scheduled meeting on August 6, 2007.
- b. The Lease between the City & Borough of Juneau and Juneau Port Development LLC was signed on November 14, 2007 and recorded on December 10, 2007, Recording No. 2007-007947-0.

The Lease, signed between Juneau Port Development LLC and the City, provide that the project would be developed in two phases.

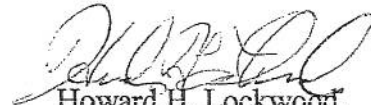
Phase No.1: Permitting

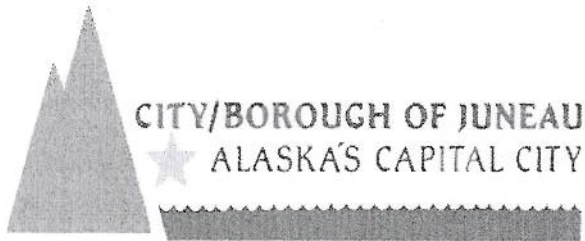
- a. This application is to procure the necessary permits, review and approval from all agencies, by the installation and operation of a test facility, in order to develop and demonstrate the procedure, which is planned for use in the construction method for creation of the Harbor, Uplands and Public Park.
- b. The intent is to present a concept of the entire project, but only apply for the Phase No. 1 permit, which will involve working with the various Federal, State and City agencies, in order to remove and isolate known undesirable materials, **old car parts, boat parts, rusty iron, lead bullets, lead birdshot B-B's, burnt battery plates, burnt tire weights etc.,** which exist in and upon the top 1 ft. to 2 ft. of the entire area. This is to be done prior to drilling the test holes, which are required by DEC, to analyze the sand at deeper levels.
- c. During this testing period, the applicant will be working on the final Design, Cost and Engineering for the entire project. The final Engineered plan and procedure for the movement of the dredged material from the Harbor area, to be used as fill for the creation of the new

Public Park facility, together with newly created Uplands for the benefit of the various City controlled projects, will be processed for permitting in the Phase #2 application.

Phase No. 2: Construction

- a. Involves the final phase of all Infrastructures, providing for Engineering, Financing, Construction, completion and Operation of the entire facility.
- b. Using the information obtained from the work and test performed in Phase #1, and after having received approval from all agencies of the methodology, which had been developed by and through the activation and use of the test facility, an amended version of this application will be presented for the actual construction of the Harbor. The Phase #2 permit application will include detailed Engineered drawings, which will include supporting calculations for the actual work to be required. The Phase #2 permit application will be forthcoming, on or before 36 months (3 years), from November 14, 2007, unless extended, in writing, by all parties


Howard H. Lockwood,
Manager



City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Port of Juneau

ALASKA FISHERIES DEVELOPMENT FOUNDATION GRANT

PLANNING FOR DIRECT MARKETING FACILITY in JUNEAU, ALASKA

STATEMENT OF WORK

- I. Project Title: Juneau Harbors Direct Marketing Facilities Planning
- II. Project Manager: Gary Gillette, Port Engineer / City & Borough of Juneau, Docks & Harbors Department
- III. Project Start / End Dates: Work on the project would begin in approximately 30 days after official notice of grant award as the Assembly must adopt an ordinance appropriating the funding. All work would be completed by March 31, 2011
- IV. Project Background: For many years there have been discussions of providing area salmon fishermen with improved facilities from which to retail their product direct to the public. Juneau represents the largest market in Southeast Alaska, with some 30,000 residents. This represents a substantial opportunity for fishermen to sell direct for local consumption. Many locals have also expressed interest in purchasing fish directly from fishermen to ship to relatives and friends in the Lower '48. We also receive more than 1 million visitors each year. If a fishermen's direct marketing location becomes well established, it could become an attraction for some of those visitors, with additional direct market opportunities for the fishermen. There is already a certain amount of direct sales taking place off vessels in our harbors. However, there are problems with lack of dedicated spaces and facilities, and poor communication with the potential buying public. Typically, fishermen put up "jury rigged" cardboard signs on the highway near harbor facilities.
- V. Objectives: 1.) Develop a coherent approach to helping fishermen direct market salmon to the public in Juneau. 2.) Improve access for Juneau residents and visitors to high quality, "right off the boat" locally caught Alaska salmon

- VI. Results / Deliverables: Using in house management and planning capabilities along with contractual services of architectural / engineering consultants we will develop plans to integrate fishermen's direct marketing facilities into at least one, and possibly two of Juneau's four small boat harbor facilities. Target facilities are Don D. Statter Harbor in Auke Bay and Harris Harbor or Aurora Harbor in downtown Juneau. In the case of Statter Harbor we are in design phase of a major harbor upgrade and major maintenance project. Statter Harbor is very heavily utilized by local residents and represents an excellent point of contact between commercial fishermen taking part in the Lynn Canal salmon fisheries and the Juneau public. Harris and Aurora Harbors are adjacent to one another in downtown Juneau. Harris was recently rebuilt. Reconstruction of Aurora is planned. Egan Drive, our major thoroughfare passes right by both harbors.

Plans will address: a.) harbor moorage management to facilitate fishermen's sales, b.) evaluation of alternative upland facilities within the harbor areas, c.) investigation of effective signage to notify the public of vessels in port and what they are selling; d.) potential integration with Juneau's "Saturday Market"; and d.) compliance with applicable DEC direct marketing and ADF&G catcher seller regulations.

- VII. Benefits to Salmon Fisheries / Salmon Fishers / Communities: Increased, higher value retail sales and enhanced community awareness of local fisheries and fishermen and better access to top quality seafood.
- VIII. Milestones / Timelines: Completion of studies and plans by March 31, 2011
- IX. Partners: We intend to consult with the Juneau Fisheries Development Committee, a nine member committee appointed by the CBJ Assembly for the purpose of advising and assisting the Assembly regarding all aspects of fisheries development and enhancement in the Juneau area. In addition we intend to consult with the Juneau Economic Development Council, which was established to enhance economic development opportunities in the community.

- X: Budget:

| | FY11 | FY12 | Total |
|--------------------|-------------|-------------|--------------|
| 100 Personnel | \$9,000 | | |
| 200 Travel | | | |
| 300 Contractual | \$14,000 | | |
| 400 Supplies | \$1,000 | | |
| 500 Equipment | | | |
| Total Direct Costs | \$25,000 | | |

TITLE 85 CHANGE FOR BOARD proposed change in bold

85.02.020 Organization.

The City and Borough Docks and Harbors Board shall elect annually from its members a chair and vice chair and such other officers as it deems necessary. The board may appoint such committees as it deems necessary.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.030 Vacancies.

- (a) A vacancy in the City and Borough Docks and Harbors Board shall exist under the following conditions:
- (1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
 - (2) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
 - (3) If a member submits his or her resignation to the board or assembly;
 - (4) If a member is unable to attend regular board meetings for a period of more than 90 days **without being excused by the board;**
 - (5) If a member misses more than 40 percent of the regular board meetings in a 12-month period; or
 - (6) If a member is removed by the assembly, in its sole discretion, for the convenience of the City and Borough.
- (b) For the purposes of counting attendance, a member participating telephonically in accordance with the Assembly Rules of Procedure shall be counted as present.
- (c) The chair of the City and Borough Docks and Harbors Board shall notify the clerk's office of any vacancy on the board. Upon notification, the assembly shall appoint a new member for the unexpired term.
(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-03(d), § 10, 6-13-2005)

85.02.040 Meetings.

The City and Borough Docks and Harbors Board shall meet at least once each month at a place and time to be designated by the chair.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.045 Coordination.

- (a) The City and Borough Docks and Harbors Board shall, no later than November 30 each year, provide the assembly with a written review of docks and harbors department operations during the preceding

CBJ CHARTER FOR ASSEMBLY

Section 3.5. Organization.

The assembly shall meet immediately following certification of the election. At such meeting, or within seven days thereafter, the assembly shall elect from its membership a deputy mayor and do such other acts as may be required for its organization and for the conduct of its business. The assembly shall provide by ordinance for the interim order of succession of its members to the office of deputy mayor.

Section 3.6. Vacancies.

(a) The office of an assemblymember shall become vacant upon the assemblymember's death, resignation, removal from office in any manner authorized by law or by this Charter, by forfeiture of office, or upon a determination in a manner as provided by ordinance that the assemblymember is medically incapacitated.

(b) The assembly by ordinance shall provide for the filling of vacancies on the assembly. Notwithstanding Section 3.12(e) and Section 3.12(f)(1) of this Charter, if at any time the membership of the assembly is reduced to fewer than five members, the remaining members may by majority action appoint additional members to raise the membership to five.

(c) The assembly shall, by ordinance, provide procedures for the declaration of a temporary vacancy in the office of assemblymember for medical incapacity and provide for the filling of such a vacancy on a temporary basis.

(Serial No. 77-32, § 4, 1977/10-4-1977; Serial No. 90-30, § 3, 1990/10-2-1990)

Section 3.7. Forfeiture of office.

(a) The assembly shall declare by resolution of forfeiture upon which the subject thereof shall not vote that the mayor or an assemblymember has forfeited office if the mayor or the assemblymember:

- (1) Lacks any qualification for the office prescribed by this Charter;
- (2) Knowingly and willfully violates any express prohibition of this Charter;
- (3) Is convicted of a felony involving moral turpitude and the assembly determines that the crime or the circumstances of its commission are of sufficient magnitude for the mayor or the assemblymember to have been shown to be unfit to hold office; or
- (4) Fails to attend three consecutive regular meetings of the assembly without being excused by the assembly.

(b) A resolution of forfeiture shall not be passed or be effective unless at least fourteen days prior to assembly consideration of the resolution, the assemblymember against whom the resolution is directed shall have received or have had delivered to his or her last known address, written notice of the specific grounds for the resolution and of the time and place when the resolution will be considered by the assembly. The assemblymember may demand a public hearing by the assembly on the resolution prior to its adoption, and notice of the time and place of the hearing shall be published at the expense of the municipality at least once in

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer/Architect

| Project | Status | Schedule | Contractor | Notes |
|---|--------------|-------------------|------------------|---|
| Auke Bay Loading Facility - Phase I | Close Out | Complete 8/20/09 | Trucano | Close out - awaiting Assembly approval of fund transfer |
| Conveyance - ADNR Land - Facility | Submitted | Spring 2010 | | Awaiting survey instructions from DNR |
| Conveyance - ADNR Land - Mitigation | Submitted | Spring 2010 | | Awaiting resolution with DNR |
| Auke Bay Loading Facility - Phase II | | | | |
| Final Design and Bid Documents | In Progress | Oct 2010 | PND | Awaiting final documents |
| Bidding | Bid | Oct-Nov 2010 | PND | |
| Construction | | Dec 2010-Aug 2011 | | |
| Douglas Floating Breakwater | Construction | Spring 2011 | Trucano | Corps has full funding |
| Old Douglas Harbor Reconstruction | | | | |
| Permitting | Hold | Fall 2010 | PND | Agencies request more information |
| Final Engineering and Design | Design | Fall 2010 | PND | Hold for permit |
| Construction | | Fall 2011 | | |
| Statter Harbor Improvements | | | | |
| EA Process | In Progress | Fall 2010 | PND | Completing response to agency request for more info |
| Conveyance - DNR Property at Glacier | In Progress | Winter 2010 | | Survey in progress |
| Conveyance - DNR Tideland | In Progress | ? | | Application Submitted - Awaiting response |
| Demolition of Lehnart House | In Progress | Fall 2010 | | Need to bid |
| Permitting | Hold | Winter 2010 | PND | Awaiting EA completion |
| Final Engineering and Design | Hold | Winter 2010 | PND | Awaiting EA completion |
| Begin Construction | | Fall 2011 | TBD | Awaiting full funding |
| New Cruise Berths | | | | |
| Preliminary Design Services | In Progress | Winter 2010 | PND | Preliminary Design work in progress |
| Geotech Investigation | | | PND | Awaiting proposal of fees and schedule |
| Fishermen's Memorial | | | | Awaiting response from Memorial group |
| Conditional Use Permit | | | | Schedule pre-application meeting |
| Port-Customs-Visitor Center Project | | | | |
| Phase I - Port/Customs Building | Construction | Oct 1, 2010 | NPE | |
| Phase II - Visitor Center | Hold | Oct 1, 2011 | NPE | |
| Visitor Center Demolition | Hold | Oct 1, 2011 | | Awaiting RFP on asbestos abatement |
| 1% for Art | In Progress | Oct 2010 | | Schedule Art Panel meeting |
| Cruise Staging Area Reconfiguration | Design | Fall 2010 | PND | Awaiting Assembly approval of fee proposal |
| Port Repair and Major Maintenance | | | | |
| Transfer Bridge Inspection | In Progress | Apr 27, 2009 | PND | Awaiting report |
| Cathodic Protection | Design | Fall 2010 | Tinnea & Assoc. | Awaiting inspection report |
| Harbor Upland Improvements | Construction | Spring 2010 | Admiralty Const. | In progress |

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer/Architect

| Fence Modifications | | | | | |
|---|-------------|----------------|-----------|--|--|
| Aurora Harbor Reconfiguration | Planning | Spring 2010 | PND | | Awaiting proposal from Roadrunner fencing |
| Municipal Harbor Matching Grant | Application | July 15, 2010 | PND | | Submitted application for \$2M |
| Taku Fisheries Dock Expansion | Planning | Spring 2010 | PND | | Considering options |
| Norway Point Net Float | Design | Plans Complete | | | No funds to construct - Est. \$50K+/- |
| Archie Van Winkle Memorial | In Progress | | | | Transfer to City |
| Cruise Dock Restroom Study | In Progress | | JYL | | Awaiting report |
| Archipelago Property Purchase | In Progress | | | | Working with Lands Department |
| Fishermen's Sales Facility Study | | | | | Grant Awarded - need follow up information |
| Statter Harbor Site Furniture | Planning | | | | Work with Dwight on site options |
| New USS Juneau Memorial | Planning | | | | Identify support group |
| Norway Point/South Harris Planning | Planning | | Northwind | | |
| | | | | | |
| | | | | | |