

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING AGENDA
For Tuesday, May 17, 2011

I. Call to Order (5:00 p.m. at the AURORA HARBOR OFFICE).

II. Roll Call (Don Etheridge, Cheryl Jebe, Jim Preston, Wayne Wilson, Mike Williams, and Greg Busch).

III. Approval of Agenda.

MOTION: TO APPROVE AGENDA AS PRESENTED OR AMENDED.

IV. Public Participation on Non-Agenda Items (not to exceed five minutes per person or twenty minutes total).

V. Approval of April 19, 2011 Operations Board Meeting Minutes.

VI. Items for Action.

1. Inactive Vessel Management

Presentation by Port Director

Committee Questions/Comments

Public Testimony

Committee Deliberations/Action

MOTION: TO BE DEVELOPED AT THE MEETING

VII. Items for Information/Discussion.

1. Launch Ramp Enforcement

Presentation by Port Director

2. Harbor Operations Update

Presentation by Harbormaster

VIII. Staff & Member Reports.

IX. Committee Administrative Matters.

1. Next Operations Committee meeting – June 21, 2011

X. Adjournment.

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING MINUTES
For Tuesday, April 19, 2011

I. Call to Order.

Greg Busch called the meeting to order at 5:00 p.m. at the Aurora Harbor Office.

II. Roll.

The following members were present: Don Etheridge, Cheryl Jebe, Greg Busch, and Jim Preston.

The following members were absent: Michael Williams and Bob Westmann.

Also in attendance were: John Stone – Port Director, Phil Benner – Harbor Master and Ruth Danner- Assembly Liaison.

III. Approval of Agenda.

MOTION by Jim Preston: TO APPROVE THE AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.

The motion passed without objection.

IV. Public Participation on Non-Agenda Items.

Paul Swanson

Mr. Swanson expressed his concerns about the proposed location of the retired Navy vessel, Storis and he asked who would maintain the vessel.

Steve Kikendall-Tyler Rentals

Mr. Kikendall provided a copy of the bill from Tyler Rentals to provide portable sanitation units for FY11. He also provided a spread sheet comparing the Tyler Rental contract amount to Docks & Harbors estimated expenses to purchase and maintain their own sanitation units. The Tyler Rental spreadsheet estimated Docks and Harbors would spend an additional \$30,242.00 per year to own and maintain their own sanitation units.

Andrew Maples-Deharts Live aboard

Mr. Maples asked if the Risk Assessment had been done on the Dehart's Harbor. He mentioned that several of the floats in Deharts are sinking and Deharts is deteriorating very rapidly and he encouraged the Board to move quickly on the replacement moorage in Statter Harbor.

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IV. Public Participation on Non-Agenda Items(Continued).

Dennis Watson-Dehart's Patron

Mr. Watson said recently there was a presentation given by Mr. Gillette about the Cruise ship Dock and Mr. Gillette did an excellent job of presenting the project and answering questions.

V. Approval of March 22, 2011 Operations Committee Meeting Minutes.

Hearing no objection, the minutes from the March 22, 2011 Operations Committee Meeting were approved as presented.

VI. Items for Action.

1. Juneau Youth Sailing Request for Lease.

Mr. Stone said Juneau Youth Sailing was an experiment started about 10 years ago that has been successful. They are interested in a tideland lease for space in the Yacht Club area they use for storage and operations. In order to establish a lease, we would need to charge them some kind of rent even though they are a non-profit organization. We did issue them a use permit for storage of a container that has been there for about 10 years. Mr. Stone said he would like to consult Mr. Herran to see what appropriate rent would be for a non-profit public entity.

MOTION by Mr. Etheridge: TO RECOMMEND THE BOARD WORK WITH JUNEAU YOUTH SAILING TO CREATE A 5 YEAR LEASE FOR THE AREA BY THE YACHT CLUB AND BRING IT BACK TO THE BOARD FOR APPROVAL AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

2. Portable Toilet Service.

Mr. Benner provided a proposal from Porta-John Industries for the purchase of portable sanitation units.

Mr. Stone said Angelica with the CBJ Accounting department provided us with all the expenses relating to the portable sanitation units in the Harbors. There are restroom expenses that are in addition to the Tyler Rental Bill.

We should probably look at rebidding the contract for another year at this point that will give us another year to look at purchasing and maintaining our own portable toilets.

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VI. Items for Action (continued).

Public Comment

Don Burford-R&S Pumping

Mr. Burford felt the cost estimates for CBJ to provide Porta-Johns and maintenance were way out of line and unrealistic. He felt the City is becoming more and more invasive. He would have appreciated more advance notice that the City was considering providing its own portable sanitation units. He would not consider bidding on this contract under the circumstances.

Dennis Watson-Dehart's Patron

Mr. Watson felt that Docks and Harbors should confine their services to harbor related business and contract out services like portable sanitation units.

Mr. Preston said this item is something Harbor Staff has asked to look into and has not yet been accepted by the Board.

Mr. Etheridge said he remembers when Docks and Harbors staff was doing the porta-potties in house and the staff threw a fit about doing it in house and he swore he would never get involved in it again. That is why the service was originally put out to bid.

Mr. Busch said he appreciated the staff taking a look at services like this for a possible cost savings.

Mr. Preston recommended getting the bid out for notice so that all the companies providing this service can bid on it.

VII. Items for Information/Discussion.

1. Russell Peterson Request.

Mr. Stone said in the packet there is a memo from him dated April 11, 2011 which recaps the past history behind the inactive vessel regulation. He also provided a copy of the Regulation in the packet. We are asking vessels that have not moved in years to demonstrate operation or move to an inactive moorage zone.

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VII. Items for Information/Discussion (continued).

We are also removing vessels that are a hazard or in danger of sinking in the harbor. Mr. Peterson's vessel is not a hazard, but it has not moved in several years and he is asking for relief from the request to move because he is actively restoring his vessel.

Doug Mertz-Attorney for Russell Peterson

Mr. Mertz said Mr. Peterson has one of the oldest wooden boats in the state and he is actively restoring the vessel from original blue prints. He does intend to make the vessel active. The vessel is currently tarped over for restoration and removing the tarps, Mr. Peterson has estimated, will cost him an extra \$2,000. He can show that the vessels engines run while staying in its slip and he would be happy to give the Harbor Board Members a tour of the vessel and show the progress he has made. This seems to be a reasonable compromise under the circumstances.

Mr. Preston asked when Mr. Peterson felt he would be able to move the vessel. Mr. Peterson has been told by Harbor Staff that we can move him to an inactive area where he will be allowed to continue working on the vessel and not be asked to move the vessel.

Mr. Busch said in 05 CBJAC 07.010 it is not very clear how many times a vessel will be required to move from the harbor per year.

Mr. Stone said in practice, we are asking vessels to move that have not gone anywhere since we installed the new marina management system three and a half years ago.

Mr. Benner said as the Harbormaster he would never approve of a boat being powered up in its slip. This practice is hard on the floats.

Mr. Etheridge said he did not want to see the harbors go back to being full of non-moving vessels.

Ms. Danner asked if Mr. Peterson would be able to get his slip back once the vessel was operating.

Mr. Stone said once the vessel is finished he would need to get back on the waitlist for another slip assignment.

Mr. Busch suggested they take a look at how the waitlist is currently working.

Ms. Danner asked if the Harbor had an inactive space that would accommodate Mr. Peterson's vessel.

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VII. Items for Information/Discussion (continued).

Mr. Benner said we can take a look at that. There is a space along the main part of Douglas in the newer section that has been dredged that will accommodate the Seal.

Mr. Stone said we will start working with the vessels that have not moved after June 1st. We can revisit this item again at the next operations meeting.

2. Reserved Moorage Rental Agreement Change.

Mr. Stone said we added a sentence to the annual preferential moorage agreement for this year in consideration of the moorage situation at Dehart's. The first sentence of the moorage agreement now reads, "This moorage agreement does not guarantee that you will not be moved from your current assigned slip for reasons of safety, good working order, or other unforeseen circumstances as determined by the Harbormaster.." The ordinance does give us the authority to do that and this will serve as a reminder that there is always a possibility that you could loose your assigned slip and be moved somewhere else.

Dennis Watson

Mr. Watson questioned the twenty-five cents per foot fee for uninsured vessels in the harbor. He felt that twenty-five cents per foot would hardly insure a vessel each month.

Mr. Preston clarified that the vessel disposal fee strictly helps Docks and Harbors bring a boat to the surface in the event it sinks in the harbor and does not have insurance.

3. Harbor Operations Update.

Mr. Benner included a memorandum of work ongoing in the Harbors and the Port in the packet.

Mr. Benner said we have hired a permanent full time Harbor officer to replace Pete Frank who is retiring at the end of April 2011. Mr. Frank (Ben) Merritt will be taking his place at the down town harbors. We will be having a BBQ for Pete tomorrow, April 20, 2011 from 11:00 to 1:00 please come and celebrate.

We will be having a surplus inventory auction as well as a vessel impound auction on July 13th, 2011 at the Aurora Harbor Office.

On the 10th of June, 2011 we will be having a going away party for John Stone and Nicky. We will also be having customer appreciation day on May 27, 2011 at the Aurora Harbor Office.

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VIII. Staff & Member Reports.

There were none.

IX. Committee Administrative Matters.

Mr. Busch said at the last Operations meeting we decided to table the item for discussion: Statter Harbor Lower Lot Management. That item was not on the agenda for tonight's meeting, but it does need to be added as a discussion item on the agenda for one of the next Operations Meetings.

The next Operations Meeting will be on May 17, 2011.

X. Adjournment.

MOTION by Mr. Etheridge: TO ADJOURN THE OPERATIONS COMMITTEE MEETING AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

The meeting Adjourned at 6:47 P.M.



Port of Juneau

To: Docks and Harbors Operations Committee
CC:
From: John M. Stone, P.E. Port Director
Date: May 11, 2011
Re: Inactive Vessel Management

At its April 19 meeting, the Operations Committee reviewed the harbor use policy ordinance and the inactive vessel management regulations in light of a request made by the owner of the M/V Seal. Pursuant to this review, the Committee agreed to discuss the vessel movement requirement set out in CBJ Ordinance 85.20.020(d) at its May meeting.

As it appears that there is some confusion by users over how the Safe Vessel ordinance found at 85.20.020 and the Inactive Vessel Management Regulations interact, I am attaching the board minutes from the meetings when the inactive vessel management regulations were developed for the Board's review. These regulations can be found at 05 CBJ AC 07.010, *et seq.* As far as I know, this accommodation is unique in Alaska.

The stated purpose of the regulatory scheme is directed solely at establishing "a system for assigning moorage to vessels which are not used regularly for transportation on the water..." 05 CBJ AC 07.010. The regulations do not address derelict or nuisance vessels.

Please call if you have questions or would like additional information.

CBJ DOCKS & HARBORS BOARD
OPERATIONS MEETING
For October 12, 2004

I. Call to Order.

Committee Chairman Mr. Etheridge called the Operations meeting to order at 5:00 p.m. at the Aurora Harbor Office.

II. Roll.

The following members were present: Mr. Etheridge, Mr. Dore, Mr. Fisk and Mr. White.

Also in attendance were the following: Mr. Knapp—Harbor Board Chairman, Mr. Stone—Port Director and Mr. McCall—Harbormaster.

III. Approval of the Agenda.

The agenda was approved without objection.

IV. Public Participation on Non-Agenda Items.

Mr. Deraimer is an owner of a houseboat. He wanted to thank the Harbor Board for all the work they are doing with allowing houseboats in the harbor. He mentioned that he would like the option of being able to bring his houseboat into the harbors for the winter months and he wanted to know what direction the Harbor Board was going to take with allowing houseboats in the harbor. Mr. Deraimer was also wondering about the Memo of Understanding, regarding houseboats. He was concerned that if he did not sign it now, he would lose his opportunity of ever getting a spot in the harbor. Also, he heard that this was just a temporary situation. He also mentioned that he was not aware that the discussion of houseboats in the harbors had already taken place at the last Harbor Board meeting.

Mr. Etheridge said that there was public comment at the Harbor Board meeting on this topic, but that they are currently looking at the uses of the harbors and inactive vessels and houseboats will play into that conversation.

V. Approval of Previous Meeting Minutes.

MOTION by Mr. Fisk: ASK UNANIMOUS CONSENT TO APPROVE THE PREVIOUS MEETING MINUTES AS PRESENTED FROM THE AUGUST 12, 2004 MEETING. The motion passed without objection.

VI. Items for Action.

A). Inactive Vessel Management.

Mr. Stone went over the September 10, 2004 memo, which addressed the issue of inactive vessel moorage zones. This memo is in response to the August 12, 2004 Operations meeting, in which they discussed moorage zones for inactive vessels and asked the Port Director to return to the next meeting with more information. In this memo, Mr. Stone went over the different ordinances that address how the harbor should be used. Based on the ordinances, it is clear that the Assembly intended for the harbors to be used by active vessels. Mr. Stone also went over a new set of rules that could be put in place to help implement the inactive moorage zones. Mr. Stone also pointed out the different areas in each harbor that could be used for inactive vessels.

Mr. Fisk wanted to know what they would do with the inactive vessels that cannot reach the designated areas. He also wanted to know if these areas are for permanent moorage, because he has some concerns with inactive vessels having permanent spots and having no intentions of moving. He suggested that these areas be treated as transient spots.

Mr. McCall also has concerns about vessels being allowed to do major construction to their vessels in the harbor. He does not feel that the harbor is a place for individuals to do construction to their vessels. He mentioned the public might have concerns with inactive vessels getting permanent moorage.

Mr. Dore also has concerns with inactive vessels getting permanent moorage, because he feels it could create problems if individuals in those areas sell their vessels.

Mr. White wanted to know if these proposed areas are used by active vessels.

(Discussion Continued)

MOTION by Mr. Dore: TO FORM A SUB-COMMITTEE CONSISTING OF MR. ETHERIDGE, MR. DORE AND MR. WHITE TO WORK ON INACTIVE VESSEL MANAGEMENT AND RETURN TO THE OPERATIONS COMMITTEE WITH RECOMMENDATIONS BEFORE GOING TO THE FULL HARBOR BOARD. The motion passed without objection.

B). Winter Small Boat Harbor Maintenance Plan.

Mr. McCall had asked the Harbor Staff to provide him with material, labor and overhead costs for certain maintenance projects that need to be done in the

CBJ Docks & Harbors Board
Operations Committee Meeting
For October 27, 2004

I. Call to Order.

Committee Chairman Mr. Etheridge call the Operations meeting to order at 5:00pm at the Aurora Harbor Office.

II. Roll.

The following members were present: Mr. Etheridge, Mr. Dore, Mr. Fisk, and Mr. White.

III. Approval of the Agenda.

Mr. McCall replaced the last page of the packet with a new page.

The amended agenda was approved without objection.

IV. Public Participation of Non-Agenda Items.

There was none.

V. Approval of Previous Meeting Minutes.

There was none.

VI. Items for Action.

A). Proposed Regulations for Inactive Vessels and Liability Insurance Requirements for Vessels Paying Annual Fees.

Mr. Stone said if the Operations Committee decides to move the proposed regulations for inactive vessels and vessel insurance forward, it will go to the Harbor Board meeting on 10/28/04. Then, if the Harbor Board decides to propose these regulations, Mr. Stone will prepare a legal notice and distribute the notice to the City Clerk, the libraries, the harbor offices, and put it on the web page. This notice will be out for public comment until the December 2, 2004 Harbor Board meeting. At that time, the Harbor Board would have a public hearing on the proposed regulations. Once the Harbor Board adopts the regulations, it goes to the Assembly. Mr. Stone went over the October 19, 2004 **Inactive Vessel Moorage and Vessel Insurance Proposed Regulations** memo.

(Discussion Continued).

MOTION by Mr. Fisk: TO RECOMMEND THAT THE OPERATIONS COMMITTEE FORWARD THE PROPOSED *INACTIVE VESSEL MOORAGE* AS DRAFTED BY THE PORT DIRECTOR TO THE FULL HARBOR BOARD. The motion passed without objection.

Mr. Stone also discussed the proposed vessel insurance regulations. He said the reason harbors should start looking into requiring vessels to have vessel insurance or to pay a flat fee at the start of every fiscal year, is to protect the Harbor Department from having to pay for vessels that sink, catch fire or other vessel casualty. Vessels that have insurance are covered, but if they do not, then the flat rate will go into a pool and help pay for the vessels that are not covered. This will protect the harbors from having to use our budget to pay for vessels that sink, catch fire, or have other emergencies.

(Discussion Continued).

MOTION by Mr. Fisk: TO RECOMMEND THAT THE OPERATIONS COMMITTEE FORWARD THE PROPOSED INSURANCE REQUIREMENTS FOR ALL VESSELS TO THE FULL HARBOR BOARD. The motion passed without objection.

VII. Items for Information/Discussion.

There was none.

X. Adjournment.

MOTION by Mr. Dore: ASK UNANIMOUS CONSENT TO ADJOURN THE MEETING. The motion passed without objection.

the meeting adjourned at 6:00 pm.

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wording. Once the changes are finished, they will provide the Harbor Board with the copy for additional changes or for approval.

Mr. Etheridge would like the draft to come back to the Operations Committee for review before sending it to the Harbor Board.

Mr. Fisk mentioned that under the section labeled **Purpose**, they may want to take out the wording "grants the right". He also mentioned that an entire-agreement-clause might need to be added.

Mr. Etheridge said they would set this aside until they hear back from the Legal Department.

VII. Items for Information/Discussion.

1. Proposed Regulations for Inactive Vessel Management.

Mr. Stone gave a quick summary of the proposed regulations for the public that attended the meeting. He mentioned that the regulations are currently out for public comment and that there will be a public hearing on December 2, 2004 at 7:00 pm at the Assembly Chambers. The public can pick up a copy of the proposed regulations at any of the Harbor offices, the web page, the Municipal Library, and the City Clerks Office.

Mr. Rick Pannell is currently a stallholder within the Juneau Harbor Systems. His stall is located in Aurora Harbor on the inside of the main float where they are proposing to put inactive vessels. His main concern with the proposed regulations is that inactive vessels will take over these areas and he and others that actively use these areas will lose their stalls. He is concerned with numerous inactive vessels wanting to move into these areas and taking over. He also feels they do not need to give inactive vessels that much area. He would like to have some of these areas left for active vessels only. He is also concerned that stallholders may not have enough room to get in and out of these areas if there are a number of inactive vessels.

Mr. Etheridge said they would consider these concerns and try to work with them.

Mr. Walters has a sailboat in the downtown harbors. Mr. Walters asked if there would be a grace period, once a vessel is declared "derelict", to get their vessel active and running again. Mr. Walters also mentioned that he thinks the definitions between "derelict" and "inactive" are not clear.

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Mr. Fisk responded to Mr. Pennells concerns and said that the Board does not intend to push skiffs or any active vessels out of the harbors. He said vessel owners can volunteer to move into the proposed inactive areas, or if they do not want to move into these areas, then they can prove that the vessel is able to move.

Mr. Dore mentioned that he thinks active vessels should have priority over inactive vessels that do not move.

Mr. McCall said the reason for setting up inactive areas is to open up space in the harbor for vessels that actively move.

Mr. Fisk still has concerns with granting inactive vessels permanent moorage.

Mr. Knapp said the original reason for wanting an inactive area was to free-up active spots in the harbor for vessels that move on a regular basis and the inactive areas would operate much like the active areas of the harbors.

Motion by Mr. Fisk: TO CHANGE THE WORDING ON ITEM #2 ON THE PROPOSED *MOORAGE FOR INACTIVE VESSELS* AND FORWARD TO THE FULL HARBOR BOARD. The motion passed without objection.

Mr. Goldsberry wanted to know if harbors could go to the DMV and stop them from issuing Alaska Numbers to vessels that are not eligible to be in the harbors.

Mr. McCall said that it is not up to the harbor department to contact the DMV to stop issuing Alaska Numbers.

(Discussion Continued).

2. Proposed Regulations for Derelict and Abandoned Vessel Management.

Mr. Stone said the proposed regulations for derelict and abandoned vessels is also out for public comment and will be open for public hearing on December 2, 2004. These regulations would apply to all boat owners that pay the annual fee. The owners need to do one of three options: pay a fee of \$2.50 per foot, provide proof of marine insurance, or provide an acceptable form of surety in an amount sufficient to cover costs arising from a marine casualty by the owner's vessels.

MOTION by Mr. Preston: MOVE TO AUTHORIZE THE PORT DIRECTOR TO UNDERTAKE ALL NECESSARY ACTIONS TO SUBMIT AN APPLICATION TO THE REGULATORY COMMISSION OF ALASKA FOR ELECTRIC UTILITY CERTIFICATION OF THE CBJ DOCKS AND HARBORS DEPARTMENT. Mr. Dore seconded the motion.

Public Participation: None

Mr. Kueffner recused himself from voting on the motion because he was council for AEL&P. He spoke against the motion.

Discussion followed by Mr. Kriebler, Mr. Clough, Mr. Preston and Mr. Simpson

ROLL CALL:

Ayes: White, Preston, Dore, Clough, Simpson

Nays: None

Abstain: Kueffner

Motion carries 5:0

1. Proposed Regulations Establishing Port Fees.

Mr. Stone gave a short presentation on this topic. He suggested the board establish an effective date.

MOTION by Mr. Preston: MOVE TO ADOPT THE PORT TARIFF AS PRESENTED BY THE PORT DIRECTOR WITH AN EFFECTIVE DATE OF MAY 1, 2005. Mr. Kueffner seconded the motion.

Public Participation: None

Discussion followed by Mr. Kueffner, Mr. Stone, Mr. Clough, Mr. Preston, and Mr. White.

ROLL CALL:

Ayes: Preston, White, Kueffner, Dore, Clough, Simpson

Nays: None

Motion carries 6:0

2. Proposed Regulations for Inactive Vessel Management.

Mr. Stone gave a short presentation on this topic. He referred to his memo dated November 24th and went over proposed changes to the regulation. He

recommendation was to adopt the attachment provided with his November 24 memo with, the new number 8 wording from his November 30th memo.

MOTION by Mr. Kueffner: MOVE TO ADOPT THE REGULATIONS FOR INACTIVE VESSEL MANAGEMENT AS PRESENTED BY THE PORT DIRECTOR. Mr. Preston seconded the motion.

Public Participation:

1. Rick Pannell, 3290 Douglas Highway, Juneau, AK 99801. As a skiff owner he makes heavy use of an area designated as an inactive vessel moorage zone. He felt the areas that have been designated were too broad in scope downtown and they would take up every spot that is currently available for skiffs. He did not feel that inactive vessels did not fall into what Title 85 actually covers or that the board should be trying to solve the city's real estate problems with empty space in the harbors. He did not have a problem with giving space to inactive vessels, but he did have a problem with replacing one special user group with another. The downtown moorage areas within Aurora should be cut in half or divided somehow between small skiff users and inactive vessel users.

Mr. McCall felt there would be a small number of vessels that would be able to get into the location of the Aurora Harbor space because of the rise and fall of the tide and access. He felt there would be plenty of room and that Mr. Pannells' concerns would not be an issue.

2. Nonna Shtipelman, Harris Harbor Float 4-61, student teacher at JDHS. She said during the summer she would be in the field working for Fish and Game and would not be on her boat except for a couple days a month. She asked if that would make her an inactive vessel. She also wondered if some of the spaces in Aurora were too small for many of the vessels that were being used as live aboards and she asked where those boats would go.

Mr. McCall said that there was hot berthing for those waiting to move up the list. They would be displacing a lot of vessels and would put them wherever they possibly could to accommodate them until they can be provided a space in the inactive zone.

Ms. Shtipelman asked the definition of an inactive vessel. Mr. Stone referred to page 1 of 2 in the regulations, number 6. The owner could declare the vessel inactive, or the Harbormaster can declare the vessel inactive because it doesn't have sufficient mode of power, or it does not move three times per year, or they can't demonstrate that the vessel's primary use is transportation on water.

Discussion followed with Mr. Kueffner, Mr. Clough, Mr. Simpson, Mr. Dore, Mr. Preston, and Mr. McCall.

Mr. Preston asked Mr. Kueffner if it was his intention to include the November 30th memo definition of houseboat in his motion. Mr. Kueffner said he was going to use the November 24 version.

AMENDMENT by Mr. Preston: THAT THEY REPLACE THE NUMBER 8 THAT IS PRINTED IN THE 11/24 MEMO WITH THE DEFINITION OF HOUSEBOAT IN NUMBER 8 AS PRESENTED IN THE 11/30 MEMO FROM THE PORT DIRECTOR. Mr. Kueffner accepted the amendment.

Discussion followed with Mr. White and Mr. Stone.

Mr. Pannell was allowed to continue with his comments. Mr. Pannell reiterated that his concern was with the specific group of users because if these spots were filled with inactive vessels then they would be displacing a potential group of users.

Discussion followed with Mr. Simpson, Mr. Kueffner and Mr. Stone with regard to commercial use and rental/residential use.

MOTION by Mr. Preston: TO DELETE NUMBER 5, THE PROHIBITION ON COMMERCIAL OPERATIONS. Mr. Kueffner seconded the motion.

Mr. Preston explained it was redundant to include that as it was already in Title 85.

Mr. Simpson clarified that there was no objection to the Amendment.

Discussion continued with Mr. Simpson and Mr. Stone.

ROLL CALL

Ayes: Kueffner, Dore, Clough, White, Preston, Simpson

Nays: None

Motion carries 6:0

3. Proposed Regulations for Derelict and Abandoned Vessel Management.

Mr. Stone gave a short presentation on this topic.

Public Participation:

1. Chuck Cohen, 3241 Nowell Avenue, Juneau, AK 99801. He thought the proposal was poorly thought out. Abandon vessels in harbors create a cost and at the present time that cost is allocated among all harbor users through the moorage fees. This proposal will not reduce that cost and the cost of administering the harbors will increase because of the administrative burden brought forth by this program. Keeping track of over 1,000 vessels and sending certified letters would have a cost.

05 CBJAC 07.010 Inactive vessel management.

(a) *Purpose.* The purpose of this regulation is to establish a system for assigning moorage to vessels which are not used regularly for transportation on the water, such moorage to be provided in areas of the harbor system that are not favored for use by commercial fishers, government vessels, commercial vessels in trade or commerce, or pleasure craft.

(b) *Moorage areas designated for inactive vessels.* Certain moorage within Douglas, Harris, and Aurora Small Boat Harbors is designated as moorage eligible for use by inactive vessels. Moorage includes the east side of the headfloat in Aurora Harbor, the area along the east side of the headfloat in Harris Harbor, and the west side of the area along the headfloat in Douglas Harbor. Maps showing the moorage designated for inactive vessels are available at any of the harbor offices.

(c) *Prohibition of moorage in other harbor areas.* No later than one year after the effective date of this regulation, a vessel declared inactive by the Harbormaster is prohibited from mooring in the Douglas, Harris, Aurora or Statter Small Boat Harbors, except when such vessel is assigned moorage in a moorage area designated for inactive vessels.

(d) *Qualifying criteria.* To qualify for moorage in a moorage area designated for inactive vessels, a vessel must meet all applicable requirements set out in CBJ Ordinance Title 85, except for the requirements related to motive power and vessel movements set forth in CBJ 85.20.020(a) and (d). This regulation does not relieve the owner or vessel from compliance with all other applicable requirements of law.

(e) *Inactive vessel designation.* A vessel may be designated as an inactive vessel if:

- (1) The owner voluntarily declares the vessel as an inactive vessel; or
- (2) The Harbormaster declares the vessel as an inactive vessel because:
 - (A) The vessel does not meet the requirement related to motive power set out in the CBJ 85.20.020(a); or

- (B) The vessel does not meet the requirements related to vessel movement set out in CBJ 85.20.020(b); or
- (C) The vessel owner cannot adequately demonstrate that the vessel's primary use is for transportation on the water.

(f) *Inactive moorage management.* The harbormaster shall assign moorage to inactive vessels in designated areas of the harbor in the same manner as that used to assign reserved moorage in other areas of the harbor, including the provisions and fees for space application, waitlists, space assignment, and space forfeiture. The Harbormaster is allowed to deviate from the reserved moorage provisions as necessary to equitably and efficiently administer the inactive vessel moorage space.

(g) *Houseboats.* A houseboat is eligible for moorage in an inactive zone only if:

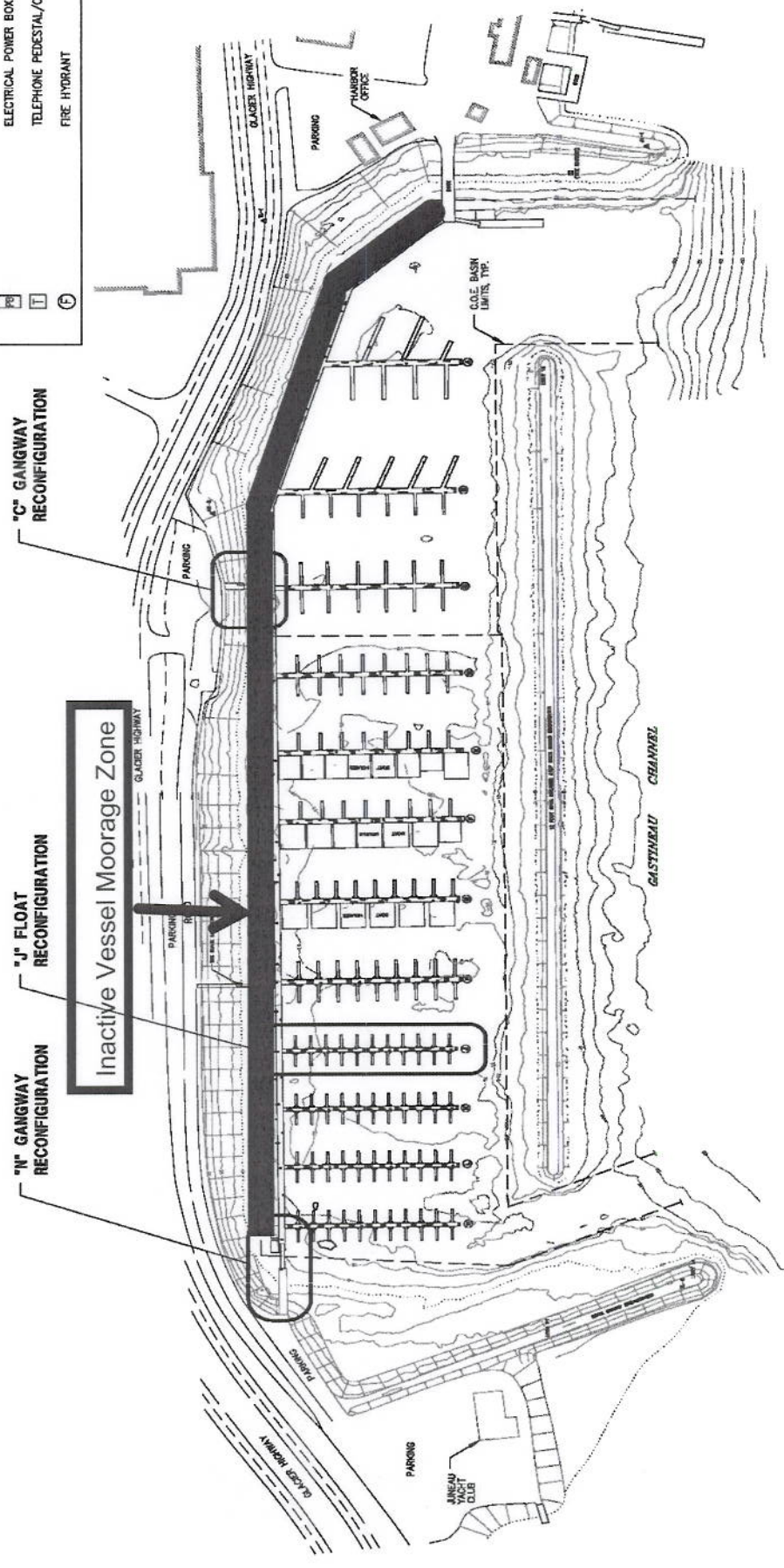
- (1) The dimensions of the houseboat are less than 30 feet in length overall by 12 feet in beam overall by 12 feet in height from the waterline; or
- (2) The houseboat was moored in the CBJ harbor system on or before December 28, 2004.

(Eff. 12-28-2004; Amended 9-11-2006, eff. 9-19-2006)

Aurora Harbor Inactive Vessel Moorage Zone

LEGEND

EXISTING	NEW
	LIGHT ON PILE
	PILE IN HOOP
	PILE IN FLOAT
	LIGHT ON POST
	WATER PEDESTAL
	ELECTRICAL PEDESTAL/CONNECTION
	ELECTRICAL POWER BOX
	TELEPHONE PEDESTAL/CONNECTION
	FIRE HYDRANT



PLAN - AURORA HARBOR



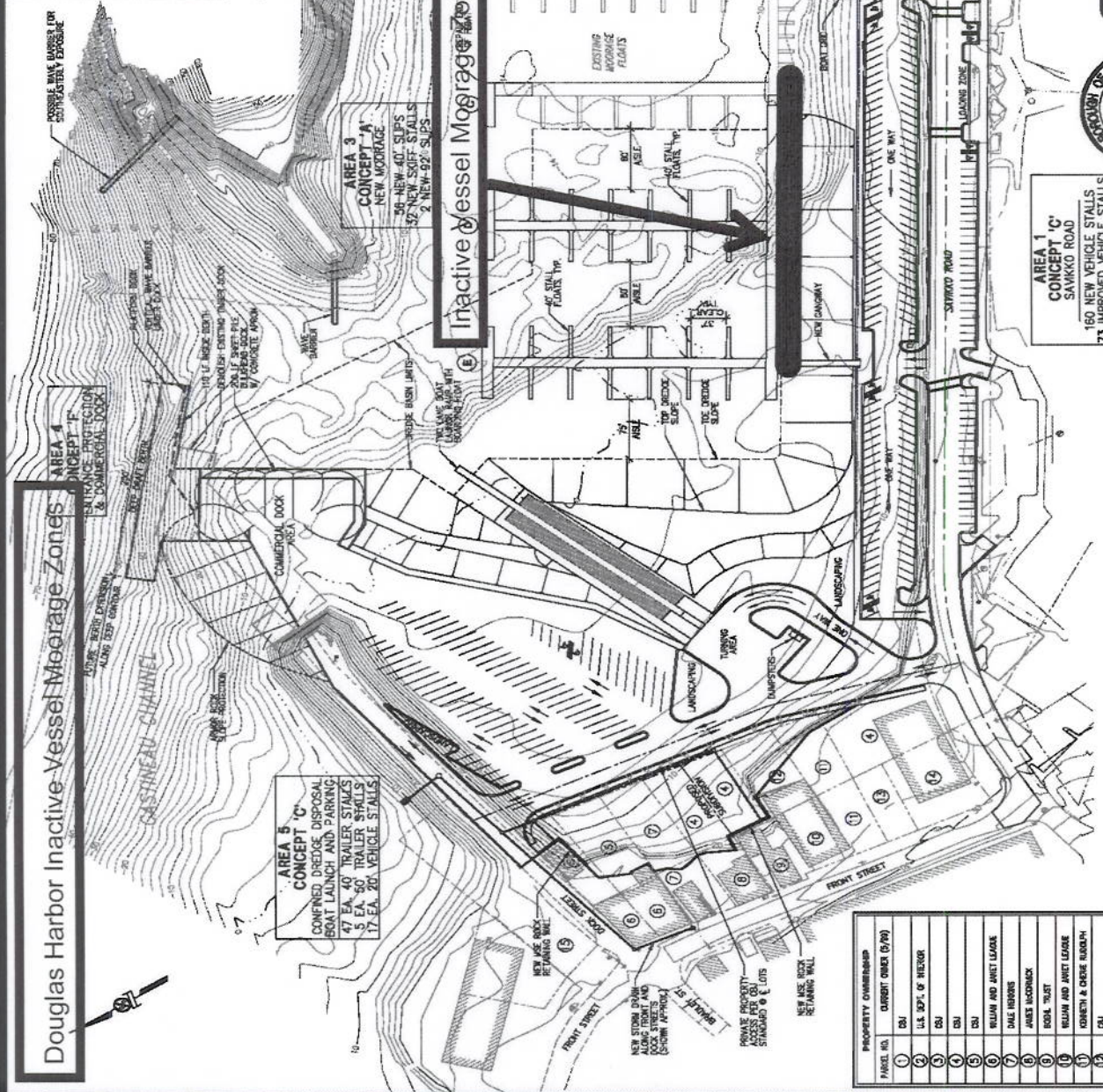
PRELIMINARY

Douglas Harbor Inactive Vessel Moorage Zones

PHASE	PROJECT DESCRIPTION	TOTAL PROJECT COST (\$ MILLIONS)	ANTICIPATED COMPLETION
1	AREA 3 CONCEPT A (REDESIGN ONLY) & AREA 3 CONCEPT C & AREA 3 CONCEPT A (MOORAGE)	3.2	2001
2	AREA 1 CONCEPT F (DEPENDS ON FEDERAL PARTICIPATION)	6.1	2002
2A	AREA 4 CONCEPT D & AREA 6 CONCEPT B	5.2	2003 (EST.)
3	AREA 2 CONCEPT B	1.1	2003

* COSTS INCLUDE SITE INVESTIGATION, ENGINEERING, CONSTRUCTION, CONTAMINATION, ADMINISTRATION & REDEMPTION.

JUNEAU ISLAND



**AREA 2
CONCEPT 'D'
ROADWAY &
SHORE PROTECTION
IMPROVEMENTS
40 NEW STALLS**

**AREA 3
CONCEPT 'A'
EXISTING MOORAGE CONFIGURATION**

**AREA 3
CONCEPT 'A'
NEW MOORAGE**
36 NEW 40' SLIPS
52 NEW 92' SLIPS

Inactive Vessel Moorage Zones

**AREA 1
CONCEPT 'C'
SAVAKKO ROAD**
160 NEW VEHICLE STALLS
73 IMPROVED VEHICLE STALLS

**AREA 5
CONCEPT 'C'
CONFINED DREDGE DISPOSAL
BOAT LAUNCH AND PARKING**
47 EA. 40' TRAILER STALLS
5 EA. 60' TRAILER STALLS
17 EA. 20' VEHICLE STALLS

PARCEL NO.	CURRENT OWNER (S/P)
1	DU
2	U.S. DEP. OF INTERIOR
3	DU
4	DU
5	DU
6	WELLM AND JARRET LEASE
7	DALE BERBER
8	AMES WOODRICK
9	BOGAL TRUST
10	WELLM AND JARRET LEASE
11	KONENI & CHRE RUDOLPH
12	DU
13	KONENI & CHRE RUDOLPH
14	DU
15	ALASKA PROPERTY TRUST
16	NOTED



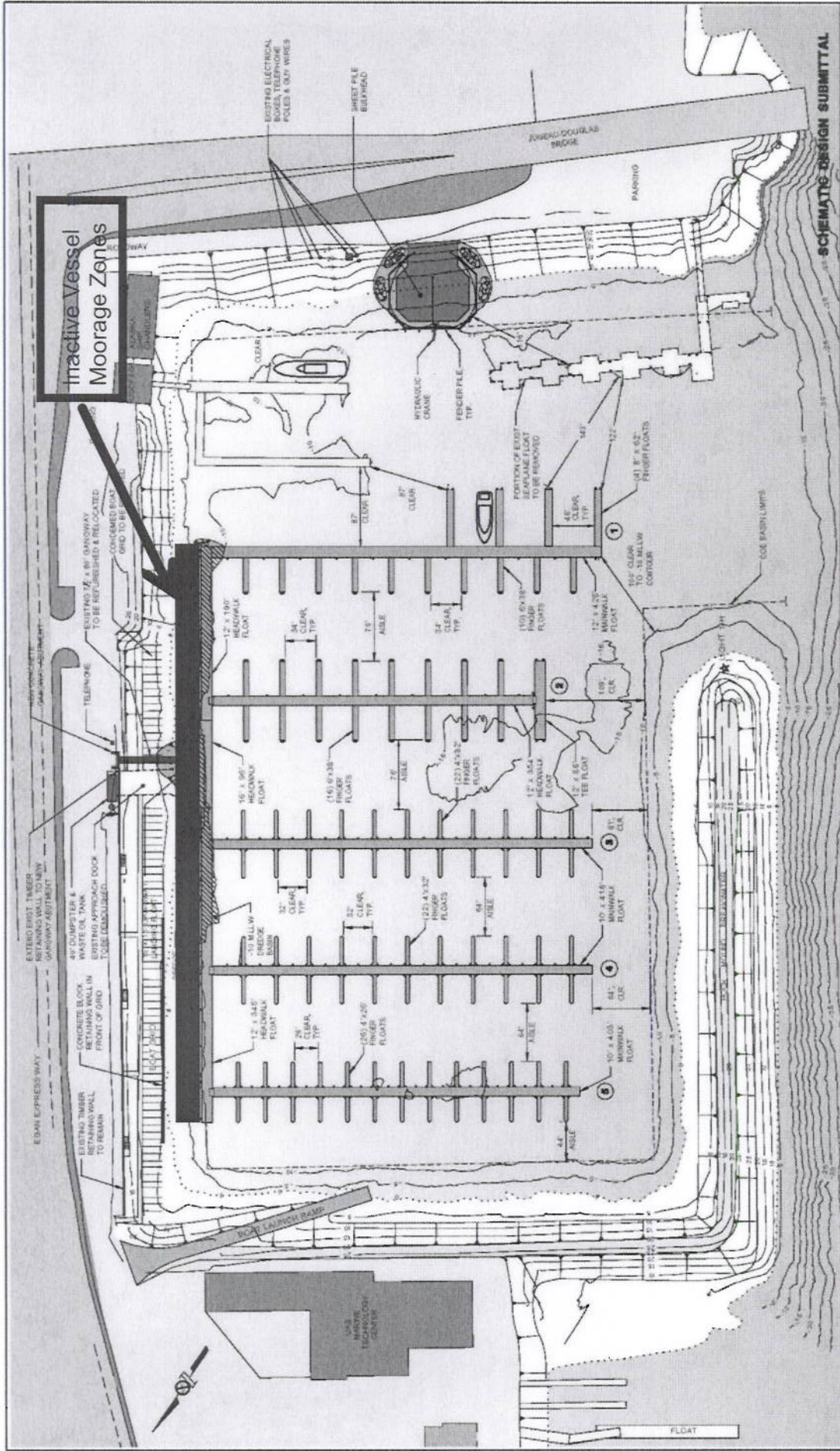
SCALE IN FEET
0 50 100 150 FT.

DOUGLAS HARBOR MASTER PLAN NO. 8A

Peratrovich, Nottingham & Drage, Inc.
Engineering Consultants



New Harris Harbor Inactive Vessel Moorage Zones



SCHEMATIC DESIGN SUBMITTAL

HARRIS HARBOR RENOVATION
PROPOSED DEVELOPMENT PLAN
CONCEPT NO. 6A

DATE: APRIL 29, 2009



100 Municipal Drive, Suite 200
 Anchorage, Alaska 99501
 Phone: 907.562.2000
 Fax: 907.562.2009
 www.pnd-inc.com

PND Incorporated
 CONSULTING ENGINEERS

DESIGNED BY: [blank] CHECKED BY: [blank] APPROVED BY: [blank]

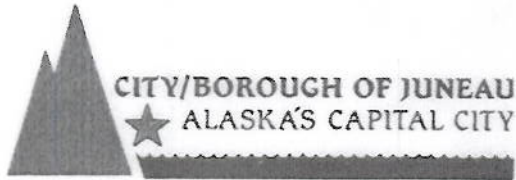
SCALE IN FEET: 1" = 30'

REVISIONS

REV.	DATE	DESCRIPTION

CITY OF ANCHORAGE
 ALASKA'S CAPITAL CITY

DOCKS & HARBORS DEPARTMENT



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

Port of Juneau

April 13, 2011

Grey Mitchell
3065 Douglas Highway
Juneau, Alaska 99801

Dear Mr. Mitchell,

Please find some of the information you requested in your March 17, 2011 letter to Mr. Benner concerning launch ramp permit enforcement.

The Juneau Police Department (JPD) keeps records concerning all citations issued by employees of the City and Borough of Juneau. We have checked with JPD and they are unable to provide us with the number of launch ramp citations that were administratively dismissed by the Harbor Department during the period of January through March 2010 and January through February 2011. However, JPD is able to provide the total number of launch ramp citations issued during the requested periods and it is my understanding that JPD provided you with this information. If not, please let me know and I will get the information to you.

You requested any written policy and/or procedures regarding the issuance of citations, issuance of warnings, and dismissal of citations for violations CBJ 85.20.030. As you know, CBJ 85.20.030 makes it an infraction to use a boat launch ramp without a permit. CBJ 03.30 describes the procedures for issuing and disposing of citations and warnings for infractions. These procedures have been in effect since at least 1979. Harbor staff are bound by these procedures and it is unlawful for any public official to direct staff otherwise. In the case of launch ramp infractions, warnings may be scrupulously issued in cases where there is no deliberate, continued, or flagrant violation and where there are appearances which indicate the violation may have been unavoidable. To my knowledge, harbor management and the Docks and Harbors Board have never given staff direction that is contrary to the ordinances.

The topic of launch ramp enforcement does occasionally come up at Docks and Harbor Board meetings. The most recent discussion was at the January, 2011 Operations Committee Meeting. I am attaching a copy of relevant portion of the minutes. I believe the minutes reflect a keen awareness by the Board of several issues you talk about in your letter.

The fine amount was established by the CBJ Assembly in 2007 after an opportunity for public hearing. The fine amount was recommended by the City Attorney and was based on the cost avoided by operating without a permit and also consistent with similar

Mr. Grey Mitchell
April 13, 2011
Page 2 of 2

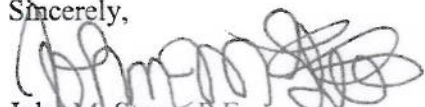
infractions established by the municipality. Note the fine was increase from \$50 to \$75 to take into account the permit fee increasing from \$35 to \$90. We do not believe a comparison of the fine to the daily permit fee is appropriate. We sell very few daily permits and usually only to boaters who launch and retrieve their boats as part of keeping their boats in water for the summer season. If we were to lower the fine to the daily limit, we most certainly would have people taking their chances by calculating the number of infractions to break-even. I would also like to point-out that anyone issued a citation also has the option to appear in court and argue their innocence instead of paying the fine. You also need to be aware that we receive complaints from boaters who buy permits in accordance with the rules about boaters who use the launch ramps without permits. The launch ramps cost a lot to operate, certainly more that the \$140,000 per year in revenue we obtain from the sale of permits and the Board's policy is to make sure everyone who uses the ramps has the required permit.

I recognize you put considerable effort into the letter and do not want to appear unappreciative of your concerns and viewpoint. But, we do not view the launch ramp permit as an optional requirement, meaning it can be picked up after use of the launch ramp has occurred. I apologize if we somehow have given you that impression. We view the requirement to have a launch ramp permit much like ADF&G views the requirement to have fishing or hunting licenses, or as DMV views the requirement to have a vehicle registration or a driver's license.

I am concerned that you feel that staff did not treat you professionally and I have reiterated to the Harbormaster and Officer Nelson the need to exhibit professionalism and courtesy in all situations.

I do appreciate your business and continued patronage of the CBJ harbor system. I wish I could do more to address your concerns. As always, you are welcome to stop by or call me at (907) 586-0294.

Sincerely,


John M. Stone, P.E.
Port Director

ARTICLE I. AUTHORITY**03.30.010 Administrative assistance to district court; fine schedule.**

(a) The chief of police shall designate an employee of the police department to assist the district court with the clerical work of City and Borough code enforcement cases.

(b) The City and Borough assembly shall adopt a fine schedule for certain offenses, which schedule shall designate the specified offenses under the laws of the City and Borough with respect to which payment of a fine may be accepted in satisfaction thereof, and which schedule shall specify the amounts of such fine for first, second, and subsequent offenses; provided, such fine amounts must be within the limits of applicable fines declared by law.

(c) The City and Borough assembly may adopt fine schedules for certain municipal offenses, which schedules shall designate the specified offenses under the laws of the City and Borough with respect to which payment of a fine may be accepted in satisfaction thereof, and which schedules shall specify the amounts of such fine for first, second, and subsequent offenses; provided, such fine amounts must be within the limits of applicable fines declared by law.
(Serial No. 79-7, § 2, 1979; Serial No. 87-58, § 2, 1987)

State law reference—Authority to adopt schedule of traffic fines, AS 28.05.151(a).

ARTICLE II. PROCEDURE**03.30.015 Appearance plea.**

(a) Any person charged with an offense for which payment of a scheduled fine may be made shall have the option of paying such scheduled fine within the time specified in the notice of violation or by mail received at the police department upon entering a plea of nolo contendere and upon waiving appearance in court; or upon appearance in court and after entering a plea of not guilty shall be given a trial date and shall post such bail as the court may order.

(b) The payment of the scheduled fine shall be deemed an acknowledgment of conviction of the alleged offense.

(Serial No. 79-7, § 2, 1979; Serial No. 87-58, § 3, 1987)

State law reference—Disposition of scheduled offense, AS 12.25.195.

03.30.025 Citations; procedures.

Except when authorized or directed to immediately take a person before a district court judge for the violation of any City and Borough laws, a police officer or enforcement agent who cites a person for such violation other than for the purpose of giving him or her a warning notice and does not take such person into custody under arrest, shall take the name, address, the operator's license number of such person, if a driving offense is involved, the registration number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him or her in writing on the form provided by the City and Borough, a citation containing a notice to answer to the charges against him or her in the district court at a time specified in the citation.
(Serial No. 79-7, § 2, 1979)

03.30.030 Warning citations.

Police officers and enforcement agents are authorized to issue tickets and endorse thereon an "X" in the warning box, if there is such a place upon the citations, and otherwise shall mark the word "warning" across the citation wherein exceptional cases in their opinion the best interests of justice are thereby served. Such warning shall be scrupulously given and only in such cases where there is no deliberate, continued or flagrant violation and where there are appearances which indicate that the violation might be unavoidable.
(Serial No. 79-7, § 2, 1979)

03.30.035 Citations, warrants and complaints; disposition.

(a) Every police officer or enforcement agent upon issuing a citation to an alleged violator of any provision of any laws of this City and Borough, shall deposit the original and such copies of the citation as required by the court with the chief

of police or the chief of police's designee who shall cause the original and duplicates to be made available to the district court.

(b) Upon filing of such citations in the district court as aforesaid, the citation may be disposed of only by trial in the court or by other official action by or as authorized by a judge of the district court, including forfeiture of bail or by payment of fine.

(c) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the district court on minor violations charges or charges of failure to appear, which are delivered to the police department for service, and of the final disposition of all such warrants.

(d) It is unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a citation, meter ticket or any copy thereof, or the records of the issuance, or the disposition of any citation, complaint, or a warrant, in a manner other than is required in this title.

(Serial No. 79-7, § 2, 1979)

03.30.040 Illegal cancellation of citations.

It is unlawful for any person to cancel or solicit the cancellation of any citation or meter ticket in any manner other than as provided by this title. A citation issued for violation of a vehicle equipment requirement may be voided upon proof within a period specified on the citation that the violation has been cured.

(Serial No. 79-7, § 2, 1979)

03.30.045 When citation deemed lawful complaint.

In the event the form of citation includes information and is sworn to as required in respect to a

complaint charging commitment of the offense alleged in the citation to have been committed, then such citation when filed in the court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this Code.

(Serial No. 79-7, § 2, 1979)

03.30.050 Citation; failure to appear.

(a) It is unlawful for a person who has been personally cited for a violation of any law in this Code, or the owner of a vehicle to which a citation was affixed in accordance with the provisions of section 72.22.045, who has not made satisfactory arrangements with the clerk of the district court prior to the specified appearance date for a different court appearance, or who has not paid the applicable fine in accordance with the provisions of section 03.30.015, or fails to appear in court at the time specified on the citation, or any person who has made arrangements for a different appearance date to fail to appear in court on the date specified or scheduled.

(b) A person cited or released under the provisions of this Code who knowingly fails to appear before a court or judicial officer as required by the citation or court order shall incur a forfeiture of any security that was given or pledged for the person's release, and, if the person was cited, released, or ordered to court in connection with a charge of misdemeanor, is guilty of a Class B misdemeanor.

(Serial No. 79-7, § 2, 1979; Serial No. 2007-09, § 2, 3-5-2007, eff. 4-5-2007)

ARTICLE III. FINES*

*Cross reference—Fees, citations, and penalties, CBJ Code ch. 08.50.

DIVISION 1. TRAFFIC†

03.30.051 Traffic fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed

†Cross references—Fees, citations, and penalties, CBJ Code ch. 08.50; traffic, CBJ Code tit. 72.

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING MINUTES

February 15, 2011

Page: 6

VII. Items for Information/Discussion(continued)

2. Launch Ramp Permit Enforcement

Mr. Benner said some issues have come up on the launch ramp permit enforcement and said it is not true information. He said the launch ramp permits are available in December and it is an annual permit. He did research on other Alaska Harbors launch ramps and Juneau has the most launch ramps. You have to have a permit to use the launch ramp. If you do not, you are not in compliance, and you will get a ticket.

Mr. Etheridge said he knows that if you are not following the rules, he expects to get a ticket, and not just a warning ticket. He applauds the Harbors crew for doing the job of enforcement, even though it is not very pleasant.

Mr. Williams said if you do not have your permit or tags in other departments, you are going to get a ticket. He said Docks and Harbors should look into some incentive for people who pay early. He suggested offer a 10% discount if patrons pay before December 31st and a 5 % discount if they pay in January.

Mr. Etheridge said Docks and Harbors even did a public service announcement for the launch ramp permits as a reminder.

Mr. Benner said he even put on the scanner channel.

Mr. Busch said Docks and Harbors should look into their ability to issue warning tickets. He said reading the CBJ code there is an option for using a warning ticket, but should be used very infrequently and in very minor situations. CBJ code 03.03.040 talks about illegal cancellation of citations, and it says it is unlawful to cancel citations except for equipment requirements.

Mr. Benner said he has looked into the ability to write warning tickets and this is not a fixable ticket under code.

3. Harbor Operations Update

Mr. Benner said the Harbor staff has been doing snow removal and sanding of areas.

There was booming, reporting, and floating of a sunken vessel.

There was a major water leak at the IVF float and a major repair of electrical. The water leak at the IVF has still not been figured out. Docks and Harbors purchased meters for the water lines. This will be part of a daily report to look at the meters and hopefully catch leaks quicker.

He said he attended the Seattle Boat Show and there was a lot of interest in cruising Southeast Alaska.

Mr. Benner said there is a few personnel issues that he is dealing with.

A, B, and C float in Aurora Harbor are in the worst shape of any of the Harbors facilities.

The Harbor staff repaired two finger floats on B float in Douglas Harbor that were wind damaged, they assisted Juneau Police Department with thefts in cabins at Lucky Me, and they worked with USCG to repair the sewer line from the Liberty in Auke Bay.

Under the present Code, CBJ is limited to publishing the “names of sellers” that are delinquent. Merchants are required to register using their legal business name, but many of them operate under more commonly known or “doing business as” names. This code change would expand the allowable published information to include the common business names used by the merchants.

A memo from the Sales Tax Administrator containing additional information is included in the packet materials.

I recommend this ordinance be adopted.

E. Ordinance 2007-58

An Ordinance Amending The Waters And Harbors Code Relating To Boat Launch Ramp Fees, And Providing For A Penalty.

The current ordinance was developed before the Echo Cove, Amalga Harbor, and North Douglas Boat Launch Ramps were constructed. This ordinance makes it clear the Docks and Harbors Board has enforcement authority at these launch ramps. It also makes it clear that people using the boat launch ramps for access by off-highway or other vehicles must pay the boat launch ramp fee and display the permit, the same as people using the ramps for vessels. In addition, this ordinance increases the fine for failure to obtain a permit from \$50 to \$75. The current infraction amount was established when launch ramp permits were \$35 per year. Permits are now \$90 per year.

I recommend this ordinance be adopted.

F. Ordinance 2007-21(G)

An Ordinance Appropriating To The Manager The Sum Of \$26,500 As Funding For Water Quality Monitoring At Sandy Beach, Funding Provided By The Alaska Department Of Environmental Conservation.

This ordinance would appropriate a \$26,500 grant from the Alaska Department of Environmental Conservation (ADEC) to fund a water monitoring program for Sandy Beach, coordinated with the ADEC Beach Grant Program Manager.

I recommend this ordinance be adopted.

G. Ordinance 2007-21(H)

An Ordinance Appropriating To The Manager The Sum Of \$50,000 As Funding To Complete The Design Of A New Auke Lake Launch Ramp, Including Permitting Costs And Generation Of A Construction Estimate, Funding Provided By The Lands Fund Balance.

This ordinance would appropriate \$50,000 from the Lands Fund Balance, to be used for permitting and design of a new Auke Lake Launch Ramp. The proposed Auke Lake Launch Ramp is located on the east side of the wayside parking lot, and is accessed from Glacier Highway. The Assembly and the Lands Committee have expressed an interest in relocating and improving the current access location in Auke Creek.



2011 LAUNCH RAMP STICKERS
ARE AVAILABLE AT THE
AURORA AND STATTER
HARBOR OFFICES FROM 8AM
TO 430PM MONDAY – FRIDAY.