

CBJ DOCKS & HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday September 29, 2005

I. Call to Order

Chairman Simpson called the Regular Board Meeting to order at 7:00 p.m. in Room 224 of the City Hall Building.

II. Roll Call

The following Members were present: Mr. Dore, Mr. Etheridge, Mr. Fisk, Ms. Jebe, Mr. Preston, Mr. White, and Chair Simpson.

Mr. Kueffner arrived at 7:05 p.m.

Mr. Knapp was absent.

Also present were the following: Mr. Stone--Port Director, Mr. McCall--Harbormaster, Mr. Kriebler--Port Engineer, and Mr. Dybdahl--Assembly Liaison.

III. Approval of Agenda.

MOTION by Mr. Etheridge: ASK UNANIMOUS CONSENT TO APPROVE THE AGENDA AS PRESENTED. Hearing no objections, the motion carried.

IV. Public Participation on Non-Agenda Items.

Mr. Jeff Coult – PO Box 22295 Juneau, AK 99802 - addressed the board and asked for an appeal to the decision by the Harbormaster denying permanent reserved moorage of his boat, the Arctic Traveler. Reserved moorage was originally denied because the boat measured short of the required 57 feet. Mr. Coult informed the board members of his discussions with Harbormaster McCall and of the modifications, both planned and temporary, to the boat. Mr. Coult believes his modifications meet the regulations and that he deserves approval to move into the 60-foot stall.

Mr. Dore asked Mr. Coult whether he has secured a contract to add the proposed permanent modifications to the boat.

Mr. Coult advised he does not have a contract but does have a contractor and a design in mind.

Chair Simpson accepted Mr. Coult's appeal as timely. He advised the issue would be on the agenda of the next Regular Board Meeting on October 27, 2005.

V. Approval of Previous Meeting Minutes.

MOTION by Mr. Etheridge: ASK UNANIMOUS CONSENT TO APPROVE THE MINUTES FROM THE REGULAR BOARD MEETING HELD ON AUGUST 25, 2005 AS PRESENTED.

Mr. Preston and Ms. Jebe both objected.

Mr. Preston noted the minutes were incorrect under Items for Action, Moorage Management Regulations Part II – Fees for DeHart's Marina. He stated the minutes did not reflect his friendly

V. Approval of Previous Meeting Minutes (cont'd).

amendment to Mr. Fisk's motion, which was to keep the DeHart's Marina fees the same. He would like the minutes corrected to show that the motion and amendment were tabled.

Mr. Fisk recalled the matter ended when Mr. Knapp moved the entire issue be tabled until the next meeting.

Mr. Preston asserted the public record should reflect what occurred at the meeting. He asked that the actual minutes be corrected.

Chair Simpson directed the secretary to correct the August minutes.

Ms. Jebe noted a technical error on Page 7. She also noted that she was not "shown around the Harbors" as indicated on Page 8.

Mr. Fisk noted he did not make a short report on the subject of "ATS 556A Tideland Lease Approval" as indicated on Page 3.

Chair Simpson referred to the motion on the floor and asked board members to approve the minutes as amended. Hearing no objections, the motion carried.

VI. Consent Agenda.

1. Proposed Regulations for DeHart's Marina Fees.

Chair Simpson asked for public testimony.

Mr. Bud Jaeger – 3451 Meander Way, Juneau – referred to a memo from Mr. Stone, Port Director, dated September 20, 2005 titled "Draft Regulations for DeHart's Fees" and asked whether the board planned to move forward on the proposal. He expected there to be public discussion concerning the fees.

Mr. Preston informed Mr. Jaeger that according to the Legal Department, the fees should be inserted under 05 CBJAC 20 because that is where the fees are. The Chair will then assign the topic to the Finance Committee and it will move to the Assembly after being heard there.

Mr. Dennis Watson – 9333 Northland St, Juneau – commented on the subject of fees on watercraft. He expressed concern over fee structure and cautioned the board members to carefully explain the process to the public as it is confusing.

MOTION by Mr. Fisk: ASK UNANIMOUS CONSENT TO APPROVE THE CONSENT AGENDA.

Mr. Preston commented that Item 5 (passenger-for-hire activities at DeHart's) of the Draft Regulations for DeHart's Fees is a new item and expressed concern of the late insertion. Items 1-4 have been discussed prior and neither the committee nor the public have had a chance to discuss the additional item.

VI. Consent Agenda (cont'd).

Ms. Jebe recommended the item be forwarded to the Finance Committee Meeting on October 20, 2005 and then to the Regular Board Meeting on October 27, 2005.

Chair Simpson suggested the subject be taken off of the Consent Agenda and referred to the Finance Committee. He recalled that the subject was discussed and it was suggested that it be handled the same as with the other harbors but recalled there was no motion.

Mr. Fisk withdrew his motion to approve the Consent Agenda.

MOTION by Mr. Fisk: ASK UNANIMOUS CONSENT TO FORWARD ITEM 5 TO THE FINANCE COMMITTEE AND ASK THE FINANCE COMMITTEE TO FORWARD ITEM 5 TO THE REGULAR BOARD MEETING OF OCTOBER 27, 2005. Hearing no objections, the motion carried.

VII. Items for Action.

1. Harbor Fee Appeal.

Presentation by John Corwin concerning fees he is appealing.

Mr. Corwin was not present.

MOTION by Mr. Fisk: MOVE TO DENY THE APPEAL REQUEST BY MR. CORWIN ON THE BASIS OF EVIDENCE. THE PURCHASE DATE AND EXCHANGE OF BOAT OWNERSHIP REFLECTS THE FEES ASSESSED BY THE HARBOR. Mr. Etheridge seconded the motion for discussion.

Chair Simpson asked Mr. McCall to comment on the matter.

Mr. McCall advised the board there have been no misappropriation of fees on the account of Mr. Corwin. He produced the moorage agreement that Mr. Corwin had altered.

Discussion followed.

Roll call proved the motion carried on a 7-1 vote with Ms. Jebe dissenting.

MOTION by Mr. Fisk: MOVE THAT THE HARBORMASTER BRING MR. CORWIN'S MOORAGE AGREEMENT INTO COMPLIANCE WITH THE GENERAL REQUIREMENTS WITHIN 30 DAYS OR THE MOORAGE BE RETURNED TO THE DAILY MOORAGE RATE.

Discussion followed on the topic of moorage agreement. Mr. McCall will deny moorage to any individual who alters the agreement or does not agree to the agreement altogether. Roll call proved the motion carried unanimously.

VI. Items for Action (cont'd).

2. Annual Moorage Refund Regulations.

MOTION BY Mr. Preston: MOVE TO ADOPT THE REGULATIONS FOR ANNUAL MOORAGE REFUNDS AS PRESENTED BY THE FINANCE COMMITTEE CHAIRMAN.

Mr. Kueffner seconded the motion.

Chair Simpson asked for public testimony. Hearing none, he asked for board member comments. Discussion followed. Roll call proved the motion carried unanimously.

3. Ordinance Serial No. 2005-32 Review.

Mr. Stone reported the Assembly Committee of the Whole plans to discuss the ordinance at its October 2nd meeting and would like input from the enterprise boards. He gave a short report on the ordinance and discussion followed. The ordinance would require the enterprise boards to obtain City Manager concurrence on all personnel actions affecting enterprise board directors.

Mr. Fisk pointed out an empowered board brings together a group of people for the sole purpose of management. He expressed disagreement with the ordinance.

MOTION BY Mr. Fisk: MOVE THAT THE BOARD GO ON RECORD TO OBJECT TO THE PROPOSED ORDINANCE. Mr. Etheridge seconded the motion. Discussion followed.

Mr. Preston offered a friendly amendment to Mr. Fisk's motion: **MOVE THAT THE DOCKS AND HARBORS BOARD DRAFT A LETTER TO BE SIGNED BY THE CHAIR REGARDING THE BOARD'S RESPONSE TO THE PROPOSED ORDINANCE.** Roll call proved the full motion carried unanimously.

4. Electric Utility Study Appropriation.

Mr. Stone explained he did not receive the monetary figure from City Attorney Mr. Hartle; therefore the board can not take action on the subject. Mr. Hartle requested proposals from two consultants for his review. If the Board agrees to the appropriation, the study will move forward.

MOTION BY Mr. Etheridge: MOVE THAT THE BOARD APPROVE THE ELECTRICAL STUDY UP TO A COST OF \$15,000. Mr. Dore seconded the motion. Mr. Kueffner informed the Board that AEL&P advised the city manager that the study is not worth doing. Mr. Fisk noted the Board is on record disapproving the study but asserted that was trumped and encouraged the Board to move forward with the process.

Chair Simpson commented the Board should do the right thing by it's constituents and having a study done by an independent, qualified third party seems justified.

Roll call proved the motion passed unanimously with Mr. Kueffner passing due to AEL&P obligations.

VIII. Items for Information/Discussion.

1. Downtown Waterfront Report.

Mr. Fisk had nothing to report until the next meeting.

Mr. Preston asked Chair Simpson the reason Personal Property Tax on Boats was not on the agenda.

Mr. Dybdahl explained the Assembly has only received a draft of the recommendations and it has not been on the agenda as of yet. They will forward any opinion to the subsequent Docks & Harbors Regular meeting before taking action.

IX. Committee, Member & Staff Reports.

1. Finance Committee Meeting – September 15, 2005.

Mr. Preston gave a brief report of the last Finance Committee Meeting.

- Two main items were DeHart's fee structure and the annual moorage refunds.
- They would revisit commercial rates and the revenue bond at the next meeting.

2. Operations Committee Meeting – September 13, 2005.

Mr. Etheridge gave a quick report of his last Operations Committee Meeting.

- They met with Aniakchak Inc. regarding the Tideland Lease Application.
- The committee decided moorage should be part of the lease for Juneau Marine Services. A new lease will be renegotiated.
- A recycling program was approved for Douglas Boat Harbor area.

Mr. Etheridge advised Aniakchak adjusted their lease application and are building a second dock at an angle, which clears all of the surrounding facilities.

3. CIP/Planning Committee Meeting – September 27, 2005.

Mr. Fisk gave a brief report of the last CIP/Planning Committee Meeting.

The principle item addressed was the Auke Bay Zone Change. The board is in support of the zone change and it is in sync with the future plans of the city.

MOTION BY Mr. Fisk: MOVE THE BOARD VOTE IN SUPPORT OF THE ZONE CHANGE TO WATERFRONT COMMERCIAL. He explained the properties are currently out of compliance with the comprehensive plan and that the Board once considered buying the properties and would have asked for the same zoning change. Also with the consideration of the utility it would be a wise decision. Discussion followed.

Mr. Preston expressed support of the concept and of private enterprise development in Auke Bay. He said it would be an opportunity for private property owners to create businesses in Auke Bay.

Roll call proved the motion carried unanimously.

X. Capital Improvement Project Report.

Mr. Krieber gave a brief report on the progress of all Current Projects.

- Harris Harbor Phase I is done and demolition for Phase II begins Monday October 3, 2005.

Discussion followed regarding number and sizes of slips and the relocation of vessels.

XI. Harbormaster's Report.

Mr. McCall gave a brief report of Harbor happenings.

- Derelict vessels report:
6 vessels ready to destroy (need additional funding for this)
5 vessels will be moved this weekend
- Major problem finding winter moorage for transients and waitlisted
Have some moorage at Statter Harbor but power access will be a challenge
DeHart's also has some room but again, power access may not be available

XII. Port Director's Report.

Mr. Stone gave a brief report.

- Errol Champion thanked the CIP Committee for endorsement of the zone change.
- The Alaska Association of Harbormasters meeting will be October 11-14 in Valdez, where they intend to discuss revenue. He will also present to them a proposal to bring a Tall Ship Regatta Fleet to the State of Alaska for the 50th Anniversary of Statehood.
- He is in week 4 of MEBA negotiations.

XIII. Committee Administrative Matters.

Ms. Jebe informed the committee she is working the Tuesday elections and may not be at the Operations meeting.

1. Meeting Calendar for October 2005.

<u>Operations Committee Meeting</u>	October 4, 2005	5:00 p.m.	Aurora Harbor Office
<u>Finance Committee Meeting</u>	October 20, 2005	5:00 p.m.	Aurora Harbor Office
<u>CIP/Planning Committee Meeting</u>	October 25, 2005	5:00 p.m.	CBJ Assembly Chambers
<u>Regular Board Meeting</u>	October 27, 2005	7:00 p.m.	CBJ Assembly Chambers

XIV. Adjournment.

MOTION BY Mr. Dore: ASK UNANIMOUS CONSENT TO ADJOURN THE MEETING.

The motion passed without objection.

The meeting was adjourned at 9:15 p.m.