

CBJ DOCKS & HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, December 2, 2004

I. Call to Order

Chairman Simpson called the Regular Board Meeting to order at 7:00 p.m. in the CBJ Assembly Chambers.

II. Roll Call

The following Members were present: Mr. Clough, Mr. Dore, Mr. Kueffner, Mr. Preston, Mr. White and Mr. Simpson.

The following Members were absent: Mr. Ethridge, Mr. Fisk and Mr. Knapp

Also present were the following: Mr. John Stone, Port Director; Mr. McCall, Harbormaster; Mr. Krieber, Port Engineer; Mr. Dybdahl, Assembly Liaison

III. Approval of Agenda

Mr. Stone requested that Items for Action, #8 be moved to the first order of action.

Mr. Preston noted a correction on the last page, under Committee Administrative Matters, the Finance Committee is scheduled to begin at 5:00, not at 5:30.

MOTION by Mr. Preston: ASKED UNANIMOUS CONSENT TO APPROVE THE AGENDA AS AMENDED. The motion passed without objection.

IV. Public Participation on Non-Agenda Items - None

V. Approval of Previous Meeting Minutes

Mr. Preston noted on the regular minutes from October 28th, on page 7, the report that he made under the Finance Committee, the second sentence should read: “. . . one was to go over the suggested new Port Fees and the other was to look at Harbor Expenses.”

MOTION by Mr. Preston: ASKED UNANIMOUS CONSENT TO APPROVE THE MINUTES FROM THE REGULAR BOARD MEETING OF OCTOBER 28, 2004 AS CORRECTED, AND THE SPECIAL BOARD MEETING OF NOVEMBER 18, 2004. The motion passed without objection.

VI. Items for Action.

8. Electric Utility Certification Application

Mr. Stone gave a short presentation on this topic.

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. Krieber, 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 not 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.

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This will secure a very small revenue stream of \$2.50 per foot from those vessels who do not have insurance and those who would not be able to secure a \$30,000 bond. He proposed that rather than creating an additional cost of this program and its administrative burden, that they consider having the harbormaster be more enforcement oriented in terms of removing from the harbor those vessels that are not seaworthy while they are still not abandoned. The additional paperwork would be a burden on all boat owners and staff. He added that this would only cover the people with annual moorage and not the people who just dump their boats.

2. Jim Bentley, 3311 Nowell Avenue. He said he does not have insurance on his boat as his boat is extremely well maintained. The best thing for him would be to have the insurance but at \$2.50 it would only cost him \$100. At that price he did not see how they would generate enough revenue to remove a derelict boat from the water. Anyone with liability insurance will not be providing the revenue stream to the problem. Those who cannot afford the insurance will go the cheapest route, which would be the \$2.50 per foot and would not be enough to address the problem. He thought it would be foolish to bond for this cause either.

3. Nonna Shtipelman, Harris Harbor, Float 4-61. She said she does not have insurance but she can pretty much guess that she cannot afford it this year and probably not next year. She was not really ready to pay the \$2.50 per foot either. She does not mind being part of a community but was not ready to be penalized for somebody else's derelict vessel. She asked what Docks and Harbors have done to go after the folks that do have abandoned or derelict vessels. Finally, she commended the great on-the-ground staff for their support.

Mr. McCall said they were now the proud owners of 8 derelict vessels in the harbors. It was an ongoing project to assess the vessels that are considered derelict and to get them out of the harbor and open up the space. He explained the process was to provide a notice of impound to the last known owner, which provides 10 days for the owners response. After that he has 30 days before he can put it up for sale IF it's worth selling. In reality it probably takes three months to remove a boat.

Discussion followed with Mr. Preston, Mr. Kueffner, and Mr. Simpson.

4. Howard Lockwood, Apt. 20, Thunderbird Terrace, Manager of the Juneau Port Construction LLC. He explained the difficulties with bringing derelict boats to the boat bone yard on Thane. The property is a contaminated mess from boat hulls. He suggested the way to get rid of the derelict boats would be to take the boats to the hole at the property corners, stack them up and burn them. Then all the contaminated material would be in one spot and could be hauled to the dump.

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Mr. McCall said they remove all batteries and metal before disposal, but he was looking for a better way to dispose of the boats. Mr. Cohen suggested they consider a similar program to the abandoned vehicle round up program.

Mr. Clough was in support of the previous testimony that this would cause more work than it was worth. Mr. Preston suggested sending this back to the Operations Committee with direction to revise this Derelict and Abandoned Vessel Management Plan to be brought back with something instead of this fee structure, something to expedite Mr. McCall's job in order to remove these things from the harbor before they become a problem of being sunk. At the same time, direct the Port Director to propose at the next Finance Committee meeting that they include such a fee that is being suggested as a separate fee labeled for derelict management.

Mr. Simpson directed staff to take this back to the Operations Committee and provide an analysis of what they might do as a small across the board surcharge and he said the analogy to the waste car fee was appropriate.

B R E A K
8:50 p.m. – 8:55 p.m.

Mr. Clough left the meeting.

4. New Harbors Tariff.

Mr. Stone gave a short presentation on this topic.

MOTION by Mr. Preston: MOVE TO DIRECT THE PORT DIRECTOR TO DEVELOP A PROPOSED HARBORS TARIFF CONSISTENT WITH THE RECOMMENDATION OF THE FINANCE COMMITTEE AND TO SCHEDULE A MEETING WITH THE ASSEMBLY COW SO THE BOARD CAN PRESENT THE TARIFF TO THE ASSEMBLY.

Public Participation: None

Mr. Preston asked unanimous consent. There being no objection, the motion carried.

5. Proposed Regulations for the Management of Statter Harbor.

Mr. Stone gave a short presentation on this topic.

Public Participation:

1. Leo DeMeo, Aspen Avenue, Juneau, Dolphin Jet Boats. He recommended that public information be made available. As a private user he and his partner felt they had been kicked out of Auke Bay and that they were not welcome. If it was the intent

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of the city to designate that as a Transient Harbor, they should let the public know and let them know what the alternatives are. His company picks up people at the cruise ship terminals and brings them out to Auke Bay because that is closer to the whales. They do this trying to generate as much business as they can. To be forced out of this harbor would force them to adjust their schedules, and they would be taking fewer people out, and in turn they would be paying less into the city coffers. The daily rate increases their cost by about 50% for moorage fees, on top of the 17% increase they will be paying per passengers. He wished they would have know about this before they started basing their operations out of there. Their fuel costs have gone way up and this will also increase a lot of their costs and possibly decrease their incentive to continue operating the business.

Discussion followed with Mr. Preston, Mr. Stone, and Mr. Simpson.

MOTION by Mr. Preston: ASKED UNANIMOUS CONSENT TO PROPOSE REGULATIONS AMENDING THE HARBOR RULE FOR THE MANAGEMENT OF STATTER HARBOR AS PRESENTED BY THE PORT DIRECTOR. There being no objection, the motion carried.

Mr. Preston clarified this would go out for public comment for 60 days and be discussed again at the January meeting.

6. De Hart's Marina Purchase.

Mr. Simpson gave a short explanation on the topic.

MOTION by Mr. Preston: TO AUTHORIZE THE NEGOTIATING COMMITTEE TO NEGOTIATE WITH THE OWNER OF DE HART'S MARINA FOR THE PURCHASE OF THE MARINA. Mr. Dore seconded the motion.

Mr. Kueffner recused himself from the discussion.

Public Participation: None

Mr. Preston asked for comments from Mr. Dybdahl. Mr. Dybdahl said the Assemblymembers were happy this happened in a rapid manner from the time that the direction was given. This had been sitting in a catch-22 for some time and with the other property coming up, they would need to get the site before they could move on with the other plans. He recommended it keep moving at this pace.

ROLL CALL

Ayes: Dore, White, Preston, Simpson

Nays: None

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Abstain: Kueffner

Discussion ensued about how many votes were necessary. Mr. Stone would call Mr. Clough in the morning to get his vote. [Mr. Clough, per phone conversation of December 3, voted yes – motion carries 5:0 with Mr. Kueffner abstaining.]

7. ATS 351, Lot 1 Purchase.

Mr. Stone gave a short presentation on this topic.

MOTION by Preston: MOVE TO AUTHORIZE THE NEGOTIATING COMMITTEE TO NEGOTIATE WITH THE AGENT OF THE OWNER OF ATS 351, LOT 1 FOR THE PURCHASE OF THE LOT. Mr. Dore seconded the motion.

ROLL CALL

Ayes: White, Preston, Kueffner, Dore, Simpson

Nays: None

Motion carries 5:0

9. CIP Nominations – Harbor and Port Project Ranking.

Mr. Krieber gave a short presentation on this topic.

MOTION by Mr. Preston: MOVE TO AUTHORIZE STAFF TO SUBMIT THE DOCKS AND HARBORS CAPITAL IMPROVEMENT PROGRAM AS PRIORITIZED BY THE BOARD TO THE CBJ ADMINISTRATION AND ASSEMBLY AND FURTHER TO APPROVE THE RESOLUTION FROM THE DOCKS AND HARBOR'S BOARD TO THE CBJ AS PRESENTED BY STAFF. Mr. Dore seconded the motion.

Discussion followed with Mr. Simpson, Mr. Preston, Mr. Kueffner, Mr. White, and Mr. Krieber.

ROLL CALL

Ayes: Preston, Kueffner, Dore, White, Simpson

Nays: None

Motion carries 5:0

VII. Items for Information/Discussion - NONE

VIII. Committee, Member & Staff Reports.

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1. Finance Committee – November 18, 2004

Mr. Preston reported the intent of the meeting was informational although they did have one item of business, which was the Statter Harbor item on tonight's agenda. They spent their time looking at how they were going to deal with the revenue sources and they directed staff to develop a plan over the next several years where they were going to generate enough money from user fees to pay for the capital projects. At the next meeting they would look at proposals to raise those revenues.

2. Operations Committee – November 17, 2004

Mr. Dore reported that they discussed the Echo Cove caretaker's agreement and a draft was included in tonight's packet. They discussed the proposed regulations as discussed tonight for the inactive vessel management. They also decided to bring before the board the derelict and abandoned regulation, which has been sent back to committee with good suggestions. They heard public testimony on all these subjects.

3. CIP/Planning Committee – November 23, 2004

Mr. Simpson reported that they spent time on the Auke Bay commercial loading facility and spent time on the Statter Harbor regulation, both of which passed tonight at this meeting. They discussed Norway Point and what to do with the too high floats. They heard status reports on Aurora and Harris Harbor. Mr. Kriebler said they were looking to get Harris Harbor out to bid the first week in January. They were also looking to be done with the Aurora electrical by the end of the month. He gave a brief explanation on the sewer line being installed and said that was nearing completion.

4. Special Board Meeting – November 18, 2004

Mr. Simpson said at the meeting they took public testimony on the electrical access rate.

IX. Capital Improvement Project Report - None

X. Harbormaster's Report.

Mr. McCall referred to the draft Caretaker Agreement that was received this afternoon from the legal department. They hope to approve it at the next board meeting so they can get it signed and acted upon. He was concerned about the modifications made to the proposed regulations for Statter Harbor and said one portion of that deals with the reservation of vessels on the floating breakwater. Last meeting he provided a sample document of things that would be on a brochure that they would like to take to the Seattle boat show. He would still like to proceed with that 3-page advertisement.

Mr. Preston said they sent it out for public comment and they needed to give the public 60 days before they could formally pass it. He did not think there was ever any intention not to have that advertisement.

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Mr. McCall said he had a request from a logging contractor who was planning his operations along with the continuation of the road northward from Echo Cove. He wanted permission to use the Echo Cove launch ramp during September and October. Mr. McCall declined his request.

XI. Port Director's Report.

Mr. Stone said he would have three tideland lease proposals ready for Operations next meeting. The appeal of Statter Harbor was ongoing and he expected it would be resolved in January or February. The State Harbormaster Resolution on Deferred Maintenance would be before the board at the next meeting and he explained the steps for that process. Finally he said he and Mr. Knapp were trying to get on Capital Chat to talk about the new harbor rates after the December Finance Committee meeting.

XII. Committee Administrative Matters.

1. Meeting Calendar for December, 2004.

Regular Board Meeting – (November Meeting)
December 2nd – 7:00 p.m. – CBJ Assembly Chambers

Operations Committee Meeting –
December 14th – 5:00 p.m. – Aurora Harbor Office

Finance Committee Meeting –
December 16th – 5:00 p.m. to 8:00 p.m. – CBJ Assembly Chambers

CIP/Planning Committee –
December 28th, – 5:00 p.m. – CBJ Assembly Chambers

Mr. Simpson said he would prefer this be rolled into January as it was too much right in the middle of the holidays. This meeting would be canceled.

Regular Board Meeting –
December 30th, – 7:00 p.m. – CBJ Assembly Chambers

XIII. Executive Session.

1. Auke Bay Tidelands Appraisal
The board felt this was not necessary.

XIV. Adjournment.

MOTION: Mr. Dore ASKED UNANIMOUS CONSENT TO ADJOURN THE MEETING. There being no further business, the meeting adjourned at 10:00 p.m.