

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING MINUTES
For Tuesday, January 17, 2012

I. Call to Order.

Mr. Busch called the meeting to order at 5:04 p.m. at the Port/Customs Conference Room.

II. Roll.

The following members were present: Greg Busch, Budd Simpson, Tom Donek, John Bush, and Kevin Jardell.

The following members were absent: Wayne Wilson, and Don Etheridge.

Also in attendance were: Dwight Tajon – Harbor Master, Carl Uchytel – Port Director.

III. Approval of Agenda.

MOTION by Mr. Simpson: TO APPROVE THE AGENDA AS PRESENTED.

IV. Public Participation on Non-Agenda Items.
NONE

V. Approval of November 15, 2011 Operations committee Meeting Minutes.

Hearing no objection, the minutes from the November 15, 2011 Operations Committee Meeting is approved.

VI. Items for Action.

1. Juneau Alaska Communications Lease Application

Presentation by Port Director

Mr. Uchytel

This is a new lease because the existing one has expired. The existing lease was between Alaska Juneau Communications and the State of Alaska. Since then CBJ has gotten the tide lands and it was a 25 year lease. There is no need to go through then entire lease processes because the applicant was the privies lessee. What I am asking from the committee is the approval to move forward with the process outlined in CBJ ordinance with Juneau Alaska Communications lease application.

Public Comments

Paul Swanson - Juneau, Alaska 99801

There are a lot of things going on with cell towers right now but not with this one. It is a 172 foot tower and it will loose its usefulness so you might want to check the lease and see who is responsible for taking it down.

Committee Discussion/Action

Mr. Uchytel

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They are only asking for a ten year lease.

Mr. Simpson

This is just to allow Mr. Uchytel to move forward and it will come back to the board for the approval

Mr. Uchytel

This will allow DH to get it appraised then to the finance committee. They will approve what ever the value is, next the full board and then the City attorney. There are several steps. The land committee has to review it too.

Mr. Simpson

I move to approve that the Port Director can move forward with Juneau Alaska Communications lease application.

MOTION: PASSED – Approved Unanimously

2. John Gitkov and Jane Hawkins Lease Application

Presentation by Port Director

Mr. Uchytel

This lease application is for John Gitkov and Jane Hawkins it is a new lease for property out near the ferry terminal. The lease was transferred from the State of Alaska to the City so there needs to be a new one. The estimate for an appraisal is in, that would be the next step after approval from this committee. The estimate is \$3,750.00 and that would be at the expense of the applicant. Mr. Gitkov asked for a proposed term lease of 55 years. I think the max under CBJ law is 35 years.

Public Comment

Mr. Gitkov

I know that the State of Alaska has just extended their leases to 55 years. I know 35 years does sound like a long time but the last 30 years have gone by in a flash. My life doesn't jump around. Longer is nice, you buy equipment and do improvements. I don't want to get a head of my self this is more for the finance committee but I want to say it. When DH was putting in that new facility I did say that it would strongly affect my business. One third of our dock is used by the mine but the Kensington Mine boat now docks and refuels at the ABLF dock. The loading and unloading is down and because of this we had to lay off a full time employee. I am not complaining or whining I just want DH to know it has been devastating to our business.

Committee Discussion/Action

Mr. Simpson

I move to approve that the Port Director can move forward with John Gitkov and Jane Hawkins lease application.

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MOTION: PASSED – Approved Unanimously

3. Capital Office Park J.V.

Presentation by the Port Director

Mr. Uchytel

The Director of Engineering Rorie Watt was out surveying some lands in preparations for the sea walk and ran into Myles Slosberg. It turns out that he owns the land that the Fish and Game building is on. They have been using the land on the east side of the building as a parking. Mr. Watt let Mr. Slosberg know that was not his land it belongs to DH. Mr. Slosberg came to me and said that they have been using the land and they should pay for the use of it. I asked the port engineers if this would impact any future project with the DH, they said no.

Mr. Donek

What is the little corner out from the outlined space closer to the water?

Mr. Jardell

With no improvements to the land I would be hesitant to lock it up for 30 years, if they are not investing any capital into it. Knowing that there is going to be a sea walk near it, I just don't know enough. Thirty years seems like a long time if they are just parking cars on it.

Mr. Simpson

It is a nice piece of property just to park cars on it.

Mr. Busch

That is what it has been used for over the last 30 years.

Mr. Jardell

If the sea walk does go right by there, there could be value in the property.

Mr. Uchytel

The trick to that is to have an out in the lease for DH to terminate the lease early based on growth.

Public Comment

Dennis Watson – Juneau, Alaska 99801

As a member of the public I would be reluctant to see the harbor put a 30 year lease on a piece of land on the water like that. It will have a sea walk near it and putting an out in the lease doesn't seem smart, make it a shorter lease.

Committee Discussion/Action

Mr. Simpson

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I move to approve that the Port Director can move forward with Capital Office Park J.V. lease application.

MOTION: PASSED – Approved Unanimously

VII. Items for Information/Discussion.

1. Harbormaster Operations Report

Presentation by Harbormaster

1. Snow removal equipment repairs for town and Statter
2. Snow removal at both locations
3. Removed trash cans from Echo Cove
4. Water line repairs for Aurora & Douglas – **Aurora is still on going there are leaks from the main line. That is turned off and now feeding from the south and only reading from that end.**
5. Pilings for A-Float are installed and owners are back in their stalls
6. Used oil transfer/burning
7. Electric receptacle, breaker repairs at Aurora & Douglas
8. Dock light repairs at Harris Harbor
9. Tagged non-moving vehicles in all harbors

Mr. Busch – What are the rules for non-moving vehicles?

Mr. Tajon – Title 72 up to five days then it is considered storage and if it was junk vehicle it could be taken under title 36. You could tell that these vehicles had not moved due to the large amount of snow on them.

10. Repair plow lights on vehicle 007
11. Pulled all hydraulics off flatbed from the old sand spreader
12. Install Non-Skid on bottom of main ramp at Statter
13. Changed out batteries and lights on Statter breakwater – **the crew is working on one light that is still having trouble.**
14. Installed new gravel spreader for Statter truck
15. New boom truck arrived – **It is downtown but it will be moved out to the ABLF by the 23rd because the inspector will be here. I am waiting for personal to give me the okay on the tests required for the CDL holders for the drug program.**

2. Live Aboard Agreement/Registration

Presentation by Harbormaster

Mr. Tajon

The Port of Bremerton has a five page agreement; it is more or less a contract for the live aboard. Also there is a copy of our current registration. DH currently doesn't have a set of rules. The only thing DH has to go by if there is a problem patron in the harbors is to charge them a daily rate for not registering as a live aboard. There are no signs that are applicable to issues citations to them. I talked with Amy Mead (CBJ Law Department) about posting some signs and she said that wouldn't be a good idea unless there is an ordinance to back it up. In some of the examples if patrons don't register they and vessel can be evicted from the harbor. Ms. Mead also said that if there was something in the Bremerton agreement that would work best she will look at

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it and then draft a new ordinance with it. The only ordinance in DH is 05 CBJAC 20.050.

Mr. Busch

This is in the process right now? Ms. Mead has not sat down with you to go over the limited regulations DH has right now? What DH can and can not do at this time? Where do you see DH with items like: Sub Lease, Commercial Contracting aspect, and pets?

Mr. Tajon

Sub leasing didn't seem to be a problem? For individuals that wanted to lease the boat out as a business Ms. Mead thinks there is a way to go after that for commercial permits. Also for the problem pets there are City ordinances there and professionals for enforcing those laws and issuing the citations.

Mr. Simpson

Hasn't there been a policy for years about not being able to sublet your boat for resident? Is that just an unwritten policy? Where is that in DH policy? There has been a number of live aboard rules. Where have they come from? Are they just unwritten rules?

Mr. Tajon

After reading a large amount of the rules 05 CBJAC policy, the only thing I found was the surcharge and a patron under the age of 16 was allowed to transit back and forth. There is nothing else for residents.

Mr. Simpson

I thought there were rules and regulations set, but if not I guess DH can not enforce them. I like these summaries from the other harbors that gives DH range of what others are doing. I think everyone should go through the examples and par it down to about two pages and come up with some written agreement. Then give it force with an ordinance and go with it. It is going to take a few meetings and maybe some work shops to get throw it. Maybe by the end of spring DH will have something they can enforce.

Mr. Donek

One of my concerns it sanitation, DH needs to get people using their tanks. If DH doesn't do it I could see the State stepping in.

Mr. Busch

That is something I noticed in the examples, the harbor staff having the ability to go on and check to make sure the boats are not pumping directly into the water. I don't know if DH will have much success with the pets or how many people. That would be limited by haul carrying capacity of the vessel.

Mr. Simpson

I am really concern about the sanitation.

Mr. Uchtyl

The way to address that is to move towards becoming certified through the Alaska Clean

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Harbors Program. There is a lot of education and signage, and getting people to be self compliant. That is something I would really like to focus on.

Mr. Busch

Maybe not this next meeting but the one after that would be a good time for a focus work group after the meeting to look at the regulations. By then Ms. Mead's comments will be back on these purposed regulations.

Mr. Simpson

Maybe the committee should give Ms. Mead our take on what the committee likes first.

Mr. Uchytel

The new regulations must be enforceable. The officers need to be able to articulate these are the regulations and this is what happens if you don't follow them.

Mr. Simpson

Go over the packets, highlight the regulations that need to be put into DH's regulations and then forward them to Dwight.

3. Multiple Stall Assignments at DeHart's

Presentation by Harbormaster

Mr. Tajon

The Staff has brought to my attention that there are some stall holders in DeHarts that currently have more than the specified amount of stalls/slips as outlined in 05 CBJAC 40.035 (a) (3) Reserved Moorage Assignment. These patrons need to be notified of the limitations prior to the final closure of DeHarts on 10/1/2012 if everything goes on schedule. The recommendation is for the Operations Committee to set an effective notice date of 10/01/2012 that ends the multiple use stalls of more than two stalls per person/company. The harbormaster will also send letter of explanation.

Mr. Busch

There are two entities that fall under this? Do you recall how many vessels each patron has?

Mr. Tajon

Yes there are two. These patrons had the stall before the purchase of DeHarts.

Ms. Young

That was not looked into specifically. I am not sure. I do know that there are more boats between the two companies then there are stalls between the two.

Mr. Jardell

I would suggest that DH calls them and communicate with them before sending a letter, then send the letter.

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Mr. Busch

That has started and they have the opportunity to sit in on this meeting.

Mr. Simpson

Make sure DH offers them other places if there are places that would work for them.

Mr. Donek

How does that apply to the regulations? Is it two slips per harbor or the system?

Mr. Tajon

The regulations say if there is a wait list for a particular harbor you may not be assigned more than two slips.

Mr. Simpson

In a particular harbor?

Mr. Busch

It doesn't even specify; it mentions in cases where a waiting list exist for the slips or spaces being assigned the applicant or assignee has no more than two slips or spaces assigned to them. Please introduce your self Dean.

Mr. Murayama

I am the owner of Anchor Point Lodge, one of the patrons in the DeHarts Harbor along with the Shelter Lodge owner Richard Yamada which I am speaking for too. Shelter Lodge has been with the DeHarts for 30 years and Anchor Point Lodge for 27 years. Just for the record between the two lodges there are a total of seven stalls we occupy, four under Shelter Lodge and three under Anchor Point Lodge. In the November meeting minutes it stated that there were eight slips between the two. What was the rational behind limiting the amount of stalls provided the stall holders are current on all stall fees for the slips?

Mr. Busch

From my perspective the original intent for limiting the number of stalls as a City and Borough entity was to try and offer it to as many patrons as possible without allowing the large blocks of stall to be taken out by commercial entities in a highly desirable area like Statter Harbor. The intent was to try and keep that available to the public as much as possible.

Mr. Jardell

I think part of the foundation for this is the application of the rules for everyone. When DeHarts was purchased there was some leeway given to keep things the way they were but with an understanding that when DeHarts as purchased it was going to be removed. With the building of the new floats at Statter, DH has ordinances in place that needs to be applied fairly to all harbors and these are the ordinances that need to be applied. It is really the final step in bring the facility in line with all the other harbors.

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Mr. Murayama

I noticed in the ordinances that no more than two slips be available per person if there is a waiting list. These fingers that are being put in to accommodate the displaced DeHarts patrons are going to be more than ample for the patrons there already. Is there a waiting list on top of that?

Mr. Busch

Yes there is.

Ms. Young

There are 14 for the 32' stalls and six for the 42' stalls.

Mr. Murayama

What is the out look for the smaller vessels?

Mr. Busch

There are only 32' and 42' slips that are in the replacement. So there are not a smaller set of stalls available. They are all moving to the 32' and 42' lengths. Your vessels even know smaller will be moving into a 32' slip.

Mr. Murayama

How are the fees going to be assets in regards to that?

Mr. Busch

That is still going to be finalized. But the assumption as Mr. Jardell was mentioning, is to have the new slips underneath the current regulations. That way there are not two sets of regulations. The fee structure would follow as it is currently written in the regulations: based on the length of the vessel or stall which ever is greater.

Mr. Murayama

Vessels that are side tied are not charged a daily fee, is that still correct?

Mr. Busch

Are you talking about over in the main Statter area?

Ms. Young

I believe they do charge the smaller vessels when they side tie to a boat.

Mr. Murayama

With regards to what we were lead to believe as far as patrons of DeHarts was that we were going to be able to keep our stalls after the City took over the private marina. Now that is all going to change because as it stands now DeHarts is going to be ripped out. Now all that regulation, pre agreement or what we were lead to believe as being able to keep our stalls and our numbers of stalls, that is going to change.

Mr. Busch

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All of the current stall holders will get moved over and get new slips.

Mr. Murayama

How are these new stalls going to be assigned?

Mr. Busch

That is going to be determined at a later date. Right now the discussion is a lottery system starting with pre-City owned, post and waitlist. This process still has to be worked out. What is the impact of dropping down to two stalls?

Mr. Murayama

Historically what the two lodges have done is shared our stalls between our four boats each as long as there was only one boat in there at a time. It will create a hard ship for both of our businesses in terms of logistics and speed at which we get in and out of the harbor. This will also impact all of those that use the loading zone.

Mr. Uchytel

How big are your vessels?

Mr. Murayama

The boats are 22'.

Paul Swanson – Juneau, Alaska, 99801

I see one of the problems is when DH bought DeHarts there was approximately 100 slips now DH is building 64 or so; there are fewer slips available to start with. I am curious, when the whale watch boats get their boarding dock are these commercial guys going to be able to use it.

Mr. Busch

With moving forward keeping the regulations consistent and not creating a separate regulations the harbor master needs to go ahead with the notifications that these regulations will come into play by the spring of 2013.

4. Juneau Marine Services Auke Bay Boatyard Haulout Status

Presentation by Port Director

Mr. Uchytel

This is just an update about where DH stands with Juneau Marine Services boat lift out at Auke Bay. In October there was a structural inspection done on the boat haul out by PND. They recommended that the entire boat lift be replaced. Also there was a recommendation to continue use with about \$40,000.00 worth of maintenance repairs. The load capacity would be down graded to 25,000lbs. which is half of its current weight capacity. I have been trying to get a hold of JMS to find out what that means to their business plan if DH elects to make repairs or not make them. I have left messages on the cell phone, at the office, faxed, and mailed this letter to them and I don't have an e-mail address. That is the status on that.

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Mr. Jardell

Next step? I think the next letter should come from the law department.

Mr. Busch

DH will need to look at the ramifications of not taking any action by the spring because by March boaters will be thinking of getting their boats re-launched.

Mr. Donek

DH needs to keep that boat lift in operations and the repairs need to start. Even at 25,000lbs that can lift a lot of boats and DH will have the new trailer to handle the bigger ones. The space JMS is using now is not going to be used in the near future. If DH lets the facilities good and then tries to put it back they won't be able to. The next step is to figure out where the money is going to come from, get a design and get it repaired before this spring.

Mr. Uchytel

The way the lease should work is JMS does repairs and ask for back rent consideration from the DH board. Alternatively DH could execute that contract and charge JMS.

Mr. Busch

I hope there can be some face to face communications and come to an agreeable solution.

Mr. Jardell

DH needs to move forward and get it done if DH can not get in touch with JMS. DH needs to get in touch with law for protection purposes.

Mr. Donek

This is DH facility. It is an old structure. It is not something JMS broke, it is just worn out. So DH needs to fix it. As far as how the works gets done DH needs P&D needs to design the repairs. Then the repairs need to be completed whether it is through DH, a contractor or JMS whom ever does it will have to follow the repair designs to do it correctly. I am a little hesitant to dump it on JMS and say go fix it. It has to be fixed correctly.

Mr. Jardell

In the lease it states that JMS is going to take on the operations, maintenance and repair damage, and the fact that DH can not get a hold of them. I don't think DH should be on the hook for 100% of the cost and less they can come forward and negotiate with the board.

Mr. Donek

It needs to get fixed.

Mr. Simpson

I agree it needs to be fixed. DH needs to look at a way to share the cost.

Mr. Uchytel

I will talk to legal but when I was dealing with them back in October their first take was the

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lessee was responsible. I will go back and make sure that the City attorney knows that it was in decrepit conditions when they got it or less then adequate condition when the lease was signed.

Mr. Busch

How many years has JMS been there?

Mr. Uchytel

In 2008 JMS stated to leases the facilities.

Mr. Busch

Lets put this back on the agenda for next meeting as an action item.

Mr. Donek

Mr. Uchytel it would be nice if you could get a hold of PND and get a proposal from them for the deign repairs. That will be the first step.

VIII. Staff & Member Reports.

Mr. Tajon

I will be at the boat show for the full board meeting.

Mr. Busch

Right now on the administrator calendar the Custom and Port Office is listed as the meeting location. If there is no objection I would like to change the location back to the Aurora Harbor Office.

IX. Committee Administrative Matters.

1. The next Operations Committee meeting – February 14th, 2012 at 5:00 pm at the Aurora Harbor Office.

X. Adjournment.

The meeting Adjourned at 6:12 P.M.