

CBJ DOCKS & HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, June 28th, 2012

I. Call to Order.

Mr. Williams called the Regular Board Meeting to order at 7:00 p.m. in CBJ Room 224.

II. Roll Call.

The following members were present: Greg Busch, John Bush, Tom Donek, Eric Kueffner, Budd Simpson, Wayne Wilson, and Michael Williams.

Absent: Don Etheridge, and Kevin Jardell

Also present were the following: Carl Uchytel – Port Director, Dwight Tajon - Harbormaster, and Gary Gillette – Port Engineer.

III. Approval of Agenda.

Mr. Uchytel deleted Action Item #3.

MOTION By MR. BUSCH: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the May 31st, 2012 Regular Board Meeting minutes were approved.

V. Public Participation on Non-Agenda Items.

Dennis Watson, Juneau, AK 99801

He said he wanted to thank Wayne Wilson and Don Etheridge for serving on the Harbor Board.

Paul Swanson, Juneau, AK 99801

He said there is always a shortage of carts at DeHart's. He had to wait in line for one. There are seven or eight carts at Statter. He said there needs to be more carts at DeHart's.

VI. Items for Action

1. Auke Bay Regulation Changes

Mr. Uchytel said with very few changes to the regulation, the transition should be manageable.

The transition changes to the regulation would be;

1. To allow smaller vessels moorage in the new Statter Harbor slips. The Harbormaster will determine the maximum and minimum length and breadth of a vessel that is allowed to moor in the small boat harbors.
2. Remove the ability for DeHart's patrons to transfer their stall with the sale of their vessel. That would be deleted to stay consistent with the other Harbors.

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3. A person with a moorage assignment that makes their private shore power available for temporary moorage assignment will have a credit equal to the daily shore power access fee charged in 05 CBJAC 30.010(e). This is not linked to the CPI adjustments.

Board Questions

Mr. Simpson wanted to know what the procedure is next for the changes to the regulation?

Mr. Uchytel said this would go to CBJ law and have them make the recommended corrections. The changes would be effective May 2013.

Mr. Simpson asked if there are changes that the Board wants, now is the time to do it?

Mr. Uchytel said yes. He is also going to ask CBJ law on how to clean up the separation of DeHart's. The regulations should apply to all the Harbors.

Mr. Busch said with the smaller vessels under 29 feet, is this an area easily addressed with the Harbormaster having the ability to make a decision on a case by case basis.

Mr. Uchytel said the DeHart's patrons would get the preferred moorage until the vessel is sold, lost or destroyed, and at that time the patron would have to buy up.

Mr. Busch said what if there is a patron with an undersized vessel on the wait list paying \$50 would that person be accepted in and pay for the size of the vessel.

Mr. Tajon said he thinks all the patrons on the waitlist will be assigned in the new Statter Harbor.

Mr. Busch asked if this situation would fall under the regulation to be decided by the Harbormaster on a case by case basis.

Mr. Kueffner said he tried to find this regulation on Docks and Harbors webpage and was not able to find the most current one. Where are the most current regulations found?

Mr. Uchytel said he gets the regulations off the Law Department webpage.

Mr. Kueffner wanted to have the Docks and Harbors website updated.

Public Comments

Dennis Watson, Juneau, AK

He said there is a recommendation to hold nine stalls for loading zone until completion of passenger-for-hire facility. He said holding nine is out of line. That will cost Docks and Harbor \$28,000 in revenue annually.

Mr. Uchytel said that was the recommendations from a year ago that went to the Finance Committee and never moved forward, so no action was taken. There are no plans to leave nine stalls open.

Mr. Simpson asked how many stalls are open?

Mr. Uchytel said four. There is also going to be usable space on the head float.

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Paul Swanson, Juneau, AK

He said there are 34 DeHart's boats that do not meet the 32' criteria, and Docks and Harbors is building less slips than DeHart's has now. He is wondering if this is a cost factor? He said he wants to know about the DeHart's seasonal moorage, and parking?

Mr. Uchytel said 66 stalls are being built, 16 (42') slips and 50 (32') slips. The vessels that don't meet the criteria will still get a slip, but they are undersized. To bring everyone into compliance, Docks and Harbor is allowing them to stay with their assigned stalls. The requirement is a 24' would have to buy up to 29'.

Mr. Uchytel said the parking issue there still needs to be a letter sent to the Harbor Patrons, but what he said he intends to do is to tell them staff does have a plan for transition. He said he is not sure if it will be with a change in regulation to allow one parking spot per slip holder, which was recommended from the operations Committee.

Mr. Uchytel said the seasonal moorage will be discussed at the next staff meeting.

Board Discussion/Action

Mr. Donek said the reserved moorage policy on sub-paragraph (e) Retention of Assigned Moorage. This allows a 90 day grace period to replace your vessel. He said if something happens to your boat, it will take longer than 90 days for an insurance settlement. He said he would propose a change to give a patron a year grace period time and Docks and Harbors would still be able to hot berth the stall.

Mr. Simpson said that would be valid if dealing with insurance, but it is not necessary if someone is just moving out or selling a boat. He said Mr. Donek's proposal should just be applicable to a casualty loss and not a sale.

Mr. Donek agreed.

Mr. Kueffner said he was in favor of more than 90 day grace period.

Mr. Busch recommended to just focus on the regulation that pertained to DeHart's, and address the other ones at a future time.

MOTION By MR.KUEFFNER : TO ADOPT THE REVISED REGULATION RECOMMENDED BY THE PORT DIRECTOR AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

2. Public Hearing to Discuss – Whether to provide “seasonal” DeHart's patrons, eligible for reserved moorage at Statter boat Harbor, one full year (July 1, 2013 to June 30, 2014) at a five month seasonal rate consistent with 05 CBJAC 20.010 (q) “a special rate to respond to unusual economic circumstances”.

Mr. Uchytel said in the small boat harbor fee policy, the Board is allowed to use a special rate to respond to unusual economic circumstances. With that authority, the Board can look at the transition and try to accommodate the needs of seasonal DeHart's Patrons.

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Board Questions - None

Public Comments

Paul Swanson, Juneau, AK

He said he doesn't have a problem with a year, like what was proposed, but he has been paying for 6 Months, and not only 5 months (April through September).

Board Discussion/Action

MOTION By MR KUEFFNER.: TO ADOPT THE PROPOSAL TO ALLOW DEHART'S SEASONALS TO GET A FULL YEAR OF MOORAGE (JULY 1, 2013 TO JUNE 30, 2014) AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

4. Contract with PND Engineers, Inc. to perform Design Services for the Aurora Harbor Re-Build project.

Mr. Gillette read the scope of services and anticipated tasks PND will be performing for Phase I of this project.

Board Questions

Mr. Kueffner wanted to know where Docks and Harbors was with the \$4M in financing for this project.

Mr. Gillette said Docks and Harbors received \$2M ADOT grant, \$500,000 from cruise passenger fees, and \$1.5M from the Harbor fund balance.

Mr. Busch asked if fingers on both sides of the float was included in the proposal.

Mr. Gillette said when the drawing was completed for the grant proposal, the cost estimate did not include the fingers. This will need to be re-looked at, but the intent is to do fingers on both sides of the float.

Public Comments - None

Board Discussion/Action

MOTION By MR. DONEK: TO APPROVE PROPOSED PND CONTRACT AND FORWARD TO THE ASSEMBLY FOR APPROVAL AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

5. Contract Amendment with PND Engineers, Inc. to perform Construction Administration and Inspection Services for the Cruise Ship Terminal Staging Area Improvements – Phase I Project

Mr. Gillette said this is a fee proposal from PND for construction Administration and Inspection Services for the Cruise Ship Terminal Staging Area Improvements – Phase I Project. This project is currently out to bid with construction scheduled to start this fall. PND will help with the procurement of the materials and the actual inspection. The material will be coming out of Seattle and PND employees in Seattle can go inspect the materials to make sure they meet the criteria for this project.

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Board Questions

Mr. Kueffner asked what else PND will be doing on the Cruise Ship Terminal Staging Area? Is PND going to do all of it?

Mr. Gillette said the contract for the design of the cruise ship terminal staging area had a provision to allow Docks and Harbors to amend it for these services. At the time the Cruise Ship Design project the contract was for a conditional assessment of the dock for planning, permitting, and design of the docks, but it did not include an amendment for construction services. An RFP will go out for construction services for the big project.

Mr. Williams said it is nice that PND has an office in Seattle that they will be able to do some inspections.

Public Comments - None

Board Discussion/Action

MOTION By MR. KUEFFNER: TO APPROVE PND CONTRACT FOR PHASE I PROJECT AND MOVE TO THE ASSEMBLY AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

6. Appropriation of \$2M for Aurora Harbor Re-build. Funding provided by ADOT Municipal Harbor Grant program.

Mr. Gillette said Docks and Harbors received the letter of award of the \$2M for the ADOT matching grant for the construction of the Aurora Harbor. This will be introduced at the Assembly meeting on July 16th.

Board Questions- None

Public Comments - None

Board Discussion/Action

MOTION By MR. SIMPSON: THE DOCKS AND HARBOR BOARD RECOMMENDS THAT THE ASSEMBLY APPROVE AN APPROPRIATION ORDINANCE TO ACCEPT \$2M FROM THE ADOT MUNICIPAL HARBOR GRANT PROGRAM FOR THE AURORA HARBOR RE-BUILD PROJECT AND ASK UNANIMOUS CONSENT.

Motion Passed with no objection

7. Appropriation of \$1.5M for Statter Harbor Master Plan development. Funding provided by FY13 State of Alaska Designated Legislative Grant.

Mr. Gillette said this was the \$1.5M budgeted by legislature and approved by the Governor. This is for Statter Harbor development boat launch portion.

Board Questions - None

Public Comments - None

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Board Discussion/Action

MOTION By MR. BUSCH: THE DOCKS AND HARBORS BOARD RECOMMENDS THAT THE ASSEMBLY APPROVE AN APPROPRIATION ORDINANCE TO ACCEPT \$1.5M FROM FY13 DESIGNATED LEGISLATIVE GRANT PROGRAM FOR STATTER HARBOR MASTER PLAN DEVELOPMENT AND ASK UNANIMOUS CONSENT.

Motion passed without objection.

VII. Items for Information/Discussion.

1. Douglas Harbor Dredging Update.

Mr. Uchytel said the Tier IV study conducted by the US Army Corp of Engineers recommends open water disposal without a cap. EPA and DEC have challenged the input parameters of that report and it is doubtful that the report would be acknowledged as written. He said he attended meetings at the NOAA facility on June 5th, 6th and part of the 7th with the Corp of Engineers Regulators, EPA, DEC, Fish & Wildlife, NIMPS, and Civil Works. Mr. Uchytel said the Tier IV Report could take months or years. The fastest way and best solution would be to cap the in water dredge spoils. To facilitate that, the Corp of Engineers Civil Works has a low use navigation pilot program that helps fund smaller dredge projects. There is approximately \$120,000 that the Civil Work will proceed with an environmental assessment, and have hopes to secure the permit by December 1st to allow for dredging and a cap. Mr. Uchytel said he has been in contact with the Smith Brothers that are doing a dredge project with clean sand that could cap the dredge spoils.

Mr. Gillette said the Corp of Engineers will only cover the costs in relation to the design of the dredging portion of the project. The cost of the design of the float portion will be Docks and Harbors expense. PND's design from five years ago will be revisited just to make sure nothing has changed.

Mr. Uchytel said the project couldn't start until September of 2013.

VIII. Committee and Board Member Reports.

1. Operations Committee Meeting- June 19th, 2012

Mr. Wilson reported that the following items were discussed

1. Alaska Department of Fish & Game parking - motion to allow them to park in the Douglas Harbor Parking area was approved to move forward.
2. DeHart's Parking – Motion for a parking pass with the purchase of annual moorage was approved to move forward.
3. No ordinance changes were needed for the DeHart's vessels that would be grandfathered in at the new Statter Harbor.

2. CIP/Planning Committee Meeting – Cancelled

3. Finance Committee Meeting- June 26th, 2012

Mr. Donek reported the Committee discussed the Auke Bay Fuel Dock. The Port Director was directed to get this finalized through CBJ Law Department and bring back to the Finance Committee in a final draft form. The Committee also discussed the Alaska Department of Fish & Game parking rent.

4. Member Reports - none

IX. PRAC Representative Report – Ms. Hood was absent

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- X. Port Engineer's Report.
Mr. Gillette's report was in the packet.
- XI. Harbormaster's Report.
Mr. Tajon said the bearing on the electric hoists at the ABLF have been failing ever since installation and need to be changed.
Docks and Harbors had the Coast Guard annual inspection on the security site plan and had seven citations. All have to be corrected by July 26th.
One of the boats that was sold at auction was paid by check and the check bounced. The boat has been re-impounded.
The hearing officer for Chris Paces impound vessel determined Docks and Harbors has acted properly.

Mr. Williams asked what is the cost to replace the bearings?
Mr. Tajon said under \$2,000 for both.
- XII. Port Director's Report.
Mr. Uchytel said the hydraulic boat lift will be arriving on July 11th. He said Mr. Gillette is actively pursuing a wash down rack or facility that will meet the DEC requirements to pull a boat and pressure wash it. There should be enough of the Tiger Grant monies to pay for the wash down.
Mr. Uchytel said he is working with CBJ Risk Management on the Juneau Fisheries Terminal Dock that collapsed from the boat running into it.
The ribbon cutting ceremony for the New Visitor Center was last Friday. Lisa Richey's art work should be in place in about 30 days, and Arnie Weymer's mural mounted in about two weeks.
Docks and Harbors has received the conditional use permit for the 16B project on Tuesday.
Two items were presented for the 1% sales tax,
 \$7 Million for Aurora Harbor
 \$2.3 Million for Statter Harbor haul out facility.
The Cruise ship terminal parking area has been delayed a year because with the removal of a side walk, Alaska Department of Transportation didn't approve the plan. The plan has been approved now with a Memorandum of Agreement, that a sidewalk would be re-installed if it was needed.
Mr. Uchytel said he will be meeting with the Department of Fish & Game people to work on a parking plan.
- XIII. Assembly Liaison Report
Ms. Becker was absent
- XIV. Committee Administrative Matters.
1. Operations Committee Meeting – July 17th, 2012
5:00 p.m. at the Aurora Harbor Office
 2. CIP/Planning Committee Meeting – July 19th, 2012
5:00 p.m. in the CBJ Assembly Chambers
 3. Finance Committee Meeting – July 24th, 2012
5:00 p.m. in CBJ room 224.
 4. Regular Board Meeting – July 26th, 2012
7.00 p.m. in the CBJ Assembly Chambers

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Mr. Gillette said Docks and Harbors needs to have a Special Board Meeting on July 12th to recommend to the Assembly approval of our bid for the cruise ship terminal staging area that is bid on July 3rd and scheduled to go before the Assembly on July 16th.

Mr. Uchytel said Mr. Jardell would like to also add a sub-committee meeting to go over the by-laws.

XV. Adjournment.

The Regular Board Meeting adjourned at 8:38 p.m.