

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Thursday, September 18th, 2014

I. Call to Order

Mr. Simpson called the meeting to order at 5:02 p.m. in the Assembly Chambers.

II. Roll Call

The following members were in attendance: Roberts Janes, David Logan, and Budd Simpson.

Also in attendance were: Carl Uchytel – Port Director, Dave Borg – Harbormaster, Gary Gillette – Port Engineer, David Summers – Board Member, and Tom Donek – Board Member.

III. Approval of Agenda

MOTION By MR. LOGAN TO APPROVE THE AGENDA WITH ONE CONSIDERATION; TO MOVE THE MEMORANDUM OF AGREEMENT – STATTER HARBOR LAUNCH RAMP FROM THE CONSENT AGENDA TO THE NEW BUSINESS SECTION AND ASK FOR UNANIMOUS CONSENT.

The motion passed with unanimous consent.

IV. Public Participation on Non-Agenda Items

None.

V. Approval of August 21st, 2014 Operations-Planning Meeting Minutes

MOTION By MR LOGAN: TO APPROVE THE August 21st, 2014 Operations-Planning Meeting Minutes AS PRESENTED AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

VI. Consent Agenda

A. Public Request for Consent Agenda Changes

None.

B. Board Members Requests for consent Agenda Changes

MOTION By MR. LOGAN: TO ACCEPT THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

The motion passed with unanimous consent.

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C. Items for Action

1. Salmon Creek Development – Lease Renewal

Recommendation: That the Docks & Harbors Operation-Planning Committee, under CBJ 85.02.060(a)(5), directs the Port Director to commence a lease agreement with Salmon Creek Development for Alaska Tidelands Survey No. 1277 consistent with CBJ 53.20.

VII. Unfinished Business

None.

VIII. New Business

1. Douglas Harbor Re-build Options

Mr. Gillette gave a PowerPoint presentation and provided packets with information. See attached packets containing multiple options and pricing for the Douglas Harbor Re-build. Docks and Harbors currently have \$5.6 million available for this project, which includes grant money. What size vessels do we want to accommodate? If we dredge beyond 12 feet we will need to dispose of contaminated soil.

Committee Questions

Mr. Logan asked are any permits required to use Fish Creek Quarry as a containment site for the contaminated soil.

Mr. Gillette said there are some unanswered questions and that is one of them.

Mr. Logan asked what funding sources do we have available.

Mr. Uchytel said we have \$3 million in our Harbor Fund and \$2 million from a matching grant. This is unencumbered money.

Mr. Donek said the cap for the contaminated material is estimated to be \$1 million and the estimated cost to build Douglas Harbor was originally between \$2 and \$3 million. Why is the new estimated cost higher than \$4 million?

Mr. Gillette said inflation is part of the higher cost. There is a 10% contingency costs, the cap is larger than we originally thought, and the barge needs a Global Positioning System (GPS) because we need to monitor exactly where it is when dealing with the contaminated soil. I will compare the original estimate with the current estimate to see other areas where the estimates differ.

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Mr. Summers asked what size slips are currently in demand.

Mr. Gillette said the demand for skiff sized slips has decreased significantly. There is still a demand for small slips in the summer. We are talking about replacing Douglas Harbor with the same number and size of slips. The larger boats currently in Douglas Harbor are wintering in Aurora. That leaves many slips empty over the winter months. We should look at building larger slips in Aurora Harbor and take that into consideration when designing the Douglas Harbor.

Mr. Donek asked if we dredge to 13 feet then put a 1.5 foot cap on would that then leave us with 11.5 feet of depth.

Mr. Gillette said I need to find out. Typically with dredging it is difficult to get an exact depth.

Mr. Donek asked what the glacial rebound rate in Douglas Harbor is. If we dredge to a depth of 12 feet how long will we have until we need to dredge again?

Mr. Gillette said I am not sure what the glacial rebound rate is in Douglas Harbor. Propellers help to keep some of the harbor floor at the dredged depth by pushing the soil under the floats.

Mr. Simpson asked if we dredge to a minus 12 how much soil will be removed.

Mr. Gillette said 12,500 cubic feet would be removed to dredge to minus 12 feet and up to 40,000 cubic feet to dredge to minus 14 feet.

Mr. Logan asked what the current depth at the North end of Aurora Harbor is.

Mr. Gillette said 15 feet at N Float.

Mr. Janes asked what amount of money expires if we don't proceed with rebuilding Douglas Harbor.

Mr. Uchytel said nothing expires. The Department of Transportation (DOT) has informed me Docks and Harbors has had the grant for 7 years and we need to use the money or lose it. They said we have a year to spend the money.

Public Discussion

Dennis Watson of Juneau, AK said I don't like the "build it and they will come" mentality. There are other areas that need to be addressed more than Douglas Harbor. One area is the Commercial Loading Dock at Auke Bay. That area is well beyond its capacity to serve the public. Here we are talking about spending almost \$10 million

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on a harbor that most people move out of in the winter because it is too windy. Build it as it is now, or give the money back to the state. If you use all of the Harbor funds how long will it be until you can address the needs of the Commercial Loading Dock at Auke Bay?

Committee Discussion/Action

Mr. Donek said I want to see Douglas Harbor dredged and use the Corp permit. If we don't use the Corp permit before it expires we may not get another permit or we may face more challenges. We spent a lot of money to get the permit so we need to use the permit. I want to see something in place out there. If we can only build one head float with no fingers, that's fine. If we don't dredge it we might lose Douglas Harbor.

Mr. Gillette said the grant money cannot be used to dredge. That means we have to use some or all of the \$3.6 million that is in Harbor Funds.

Mr. Janes said I have reservations about moving ahead just because we have some money. We don't know what our needs are in Douglas Harbor and it may take time to figure out what those needs are. It might take surveys and more attention to what type of vessels patrons are requesting moorage for. If we lose the permit, and that need is there in a few years, I am confident that we can get the permit again. With the concerns over city finances, I think we need to be conservative and find out our needs before we break ground.

Mr. Logan said we need to dredge before we lose the ability and the money. If we move forward to dredge to a certain depth will we have time to redesign the configuration as we proceed?

Mr. Gillette said yes, it will take time to demolish the old floats before dredging. We can start designing when we know what we want. It might be a while before we can install the harbor because we have to build it. Also, there's still potential that the Corp of Engineers can come up with some money. They are required to maintain this harbor that they built to a minus 12 feet. The decision to move forward in 2007 was because the Board did not think the Corp of Engineers would come up with the funds. Since I have been working with the Corp of Engineers they have indicated that there are some programs that might help us. There's no guarantee that money will be available, but it is a possibility.

Mr. Logan asked if we dredge to minus 12 feet instead of the original depth, would we be required to modify the permit.

Mr. Gillette said yes, but since we would be scaling it back and not dumping contaminated soil into the ocean it should get approved. We still might have to cap it.

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Mr. Uchytel said we will need to ask The Environment Protection Agency (E.P.A.) how far we can dredge before needing to cap the material. We have a letter from The E.P.A. stating that we can dredge 12 feet without needing to cap it, but the letter is from 2012 and now The E.P.A. might say something different. If we dredge and then we do not replace the docks, we would be displacing 80 boats.

Mr. Donek responded yes, we will be displacing boats if we dredge and do not replace the docks. However, if we do nothing Douglas Harbor will be unusable and we will still be displacing boats.

Mr. Uchytel said I am in favor of rebuilding Douglas Harbor in-kind. What type of survey or information do we need to proceed?

Mr. Donek replied waitlists, hot-berth lists, and noting what size vessels patrons are requesting slips for.

Mr. Borg said floats A, B, and C were at full capacity by June 2014. As of today, there are 2 slips available on those floats. We do not have a waitlist for Douglas Harbor. If we do not rebuild the 24 foot slips then patrons who have smaller vessels will not be able to moor in the summer like they currently do. I moor my boat in the summer so I can go out in the evenings. I think we should replace Douglas Harbor in-kind.

Mr. Janes asked if we replace in-kind will we need to dredge.

Mr. Borg replied yes, currently some areas need to be dredged. Dredging to 12 feet would suffice.

Mr. Uchytel said the grid and the old boat launch will be removed when we rebuild Douglas Harbor.

Mr. Simpson said I have used the Douglas Harbor for 30 years and I usually leave my boat there for the winter without incident. There have been improvements made in Douglas Harbor like the new launch ramp, the parking area near the new launch ramp, and the breakwater. All of these improvements help to seal off Douglas Harbor and many patrons use this harbor so they can go to the South end. I am opposed to doing nothing because we would lose the funds that have been allocated to the project. We are not getting much more out of the harbor with the 14 foot dredge yet it costs significantly more. I support dredging to a depth of 12 feet.

MOTION By MR. LOGAN TO REFER THE DREDGING OF DOUGLAS HARBOR TO THE FINANCE COMMITTEE WITH RECOMMENDATION THAT DOUGLAS HARBOR BE DREDGED TO A DEPTH OF 12 FEET AND TO BEGIN THE DESIGN PROCESS CONCURRENTLY TO REBUILD THE HARBOR AS CURRENTLY CONFIGURED ASKING FOR PUBLIC INPUT.

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The motion passed 2 to 1 and will proceed to the Finance Committee.

2. Harbor Rules (Nuisance/Aggressive Canines)

Mr. Uchytel said there is concern regarding aggressive and nuisance dogs on our docks. We are looking into how best to address the issue.

Mr. Summers said there are existing ordinances that address this issue. These ordinances are aimed at dogs in neighborhoods. On a dock there is no area to retreat. I would like Harbor Staff to have the ability to evict a dog from the Harbor.

Mr. Uchytel said we have regulations but we don't have Harbor Rules. Perhaps we could implement some Harbor Rules to hold people more accountable for their actions. This could be a list of standards that we have for harbor patrons.

Ben Peyerck, Director of Juneau Animal Patrol and Protection, said it is up to the Harbor Officers discretion as to how they handle a situation. If they feel the person who is in violation of the law is receptive to education and will follow through with what they are told, then the Harbor Officer can issue a verbal or written warning. The Harbor Officer does have the option to issue a written citation that carries a fine. It is a case-by-case scenario. If there are recurring problems then citations are usually written. If the animal is up to date on licensing, vaccinations, and they haven't had any other violations, we usually issue a written warning and educate the owner on what needs to be done.

Committee Questions

Mr. Summers said in a neighborhood there are more opportunities to retreat, but not in a harbor. Would you agree Mr. Peyerck?

Mr. Peyerck responded yes, there are no fences to hide behind or areas to get away from a dog on the docks. Aggressive dogs are something we take very seriously. If an aggressive dog frightens an individual we can issue a citation; the dog does not need to physically attack an individual for a citation to be issued.

Mr. Summers asked Mr. Peyerck, do you think it would be beneficial for the Harbormaster to be able to evict a problematic dog from the Harbors.

Mr. Peyerck said that would be up to the Harbors to enforce. Animal Patrol would not be able to enforce evicting a dog from the Harbors since it is not a Title 8 Ordinance. That would be one way to eliminate your problems.

Mr. Simpson asked Mr. Summers, have you found aggressive dogs to be a consistent problem in the Harbors.

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Mr. Summers said I live aboard a boat in Aurora Harbor. I often come across dog waste, and dogs that are not on a leash.

Mr. Janes asked do we currently have a set of rules. Could we add more rules and if so, would we have the authority to enforce those rules?

Mr. Borg replied we have the authority to write a ticket to enforce the leash law and cleaning up after the dog. We have to see the violation.

Mr. Uchytel said we have signs that state dogs must remain on a leash. Patrons are required to sign an agreement stating they will abide by all Harbor regulations.

Mr. Borg said live aboard patrons are required to sign a Live Aboard Registration. Patrons are not required to read our regulations before signing the agreement that states they will abide by all Harbor regulations. We are working on creating a document that has the basic regulations and requiring patrons to read them before signing an agreement that states they will abide by Harbor Rules and Regulations. Only after signing the agreement will patrons be granted moorage.

Mr. Summers said I recommend a pet fee for patrons who live aboard and own a pet. The pet should also be registered with the Harbor Office.

Mr. Uchytel said there was an aggressive patron at the Aurora Harbor Office recently. I asked the Law Department if we could issue a no trespassing charge. I was told we needed a Harbor Rule that the Board approves to enforce a no trespassing charge. These rules would not merit an ordinance change. I recommend implementing a rule against aggressive dogs.

Public Discussion

None.

Committee Discussion/Action

Mr. Summers said I support implementing a rule against aggressive dogs in the Harbors. I would like to see a rule that includes the eviction of an aggressive animal.

Mr. Uchytel said there are ordinances that require dogs to be on leashes or under voice control and owners must clean up their dogs waste.

Mr. Peyerk said dogs must be leashed when on the docks; voice control is not an option. When I see a dog off a leash on the docks, by the time I turn my car around and get to the docks, the owner and the dog are gone before I can get to them. It is difficult to enforce these ordinances. After a certain number of violations an animal can be deemed dangerous; then the animal is required to wear a muzzle, a collar

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stating the dog is dangerous, a license stating the dog is dangerous, and a leash held by someone who can control the dog when the dog is out of its house or kennel. The owner is also required to obtain animal liability insurance in the sum of \$100,000. That would take serious aggressive issues to reach that point.

Mr. Janes said we need to take the leash law seriously. I was almost knocked off the docks by a friendly dog recently.

Mr. Simpson said I want to refer this to the Harbormaster who is working on Harbor Rules which will include rules for dog owners controlling their dogs. We will consider implementing an ordinance that allows us to remove a problematic dog from the Harbors in the future.

3. Memorandum of Agreement – Statter Harbor Launch Ramp

Mr. Uchytel said we have an agreement prepared.

Committee Questions

None.

Public Discussion

None.

Committee Discussion/Action

MOTION By MR. LOGAN TO REFER THE MEMORANDUM OF AGREEMENT FOR THE STATTER HARBOR LAUNCH RAMP AGREEMENT TO THE FULL BOARD AND ASK FOR UNANIMOUS CONSENT.

The motion passed with unanimous consent.

IX. Items for Information

1. Juneau Port Development, LLC – Project Name and Modified Plan Review

Howard Lockwood of Juneau, AK handed out pamphlets with design ideas for a proposed harbor south of Downtown Juneau. Mr. Lockwood will provide the permit status at the next board meeting.

2. Capital Improvement Plan Scoring Matrix

Item deferred to the next Operations/Planning Committee meeting.

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X. Long Range Planning Discussion

Item deferred to the next Operations/Planning Committee meeting.

XI. Staff, Committee and Member Reports

Mr. Gillette said the Statter Harbor Launch Ramp Bids will be opened on October 8th, 2014. The Community Development Department will inform us if Harbor Staff or patrons need a Conditional Use Permit to do repairs in the Auke Bay Boatyard.

Mr. Uchytel said Harbor Staff and patrons have utilized the Auke Bay Boatyard by hauling boats, changing fluids, and pressure washing. The owner of a private boat hauling company has voiced his concern that the hauling of boats by Harbor Staff is infringing on his business. We have refrained from hauling any boats that are not affected by the Aurora Harbor Rebuild until we investigate the issue. Also, at 9:00 a.m. tomorrow we will have an end of season debriefing regarding how to make downtown safer for next year.

XII. Committee Administrative Matters

Next Meeting Operations/Planning Committee meeting is scheduled for Thursday, October 23rd, 2014.

XIII. Adjournment

The Operations/Planning Committee meeting adjourned at 6:44 p.m.