

**CBJ Docks and Harbors Board**  
**REGULAR BOARD MEETING MINUTES**  
**For Thursday, March 26th, 2015**

I. Call to Order.

Mr. Donek called the Regular Board Meeting to order at 5:30 p.m. in CBJ Assembly Chambers.

II. Roll Call.

The following members were present: John Bush, Greg Busch, Tom Donek, Robert Janes, Mike Peterson, Budd Simpson, Scott Spickler, and David Summers.

Absent: David Logan

Also present were the following: Carl Uchytel – Port Director, Dave Borg – Harbormaster, Jerry Nankervis – Assembly Liaison, Rorie Watt –Engineering Director, and Jonathan Lange–Community Development.

III. Approval of Agenda.

Mr. Uchytel asked to add a Special Order of business before Public Participation.

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

*Motion was approved with no objection.*

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the February 26th, 2015 Regular Board Meeting Minutes, the March 7th, 2015 Strategic Retreat Minutes and the March 7th, 2015 Special Board Meeting minutes were approved. Mr. Busch had a minor correction on the Strategic Retreat Minutes.

**Special Order Of Business**

Mr. Uchytel said Docks & Harbors received an award from ASCE for the 2014 outstanding project of the year in recognition of excellence and innovation and project management for the cruise ship terminal staging area improvements.

V. Public Participation on Non-Agenda Items –

Howard Lockwood, Juneau, AK

He said he is here as the Manager of Juneau Port Development LLC. He said he was going to bring a power point presentation for the Board to review and ask the Board for a conceptual approval for that plan, but he was called to a zone change meeting for his lease property from Waterfront Industrial to Industrial which was initiated by Public Works. He said his concern is how it will affect the users of the Mega Yacht Industry. He is working with Hal Hart and Beth McKibben. The Zone change might affect use of that area as a Harbor.

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Russell Peterson, Juneau, AK

He said he has a problem that the Aurora Harbor is not going to be wired for phone. He said he checked other Harbors and they provide phone and cable. He recommended a solution to run the wire along the main float with one cable and require each customer to pay \$100 connection fee.

Mr. Simpson asked Mr. Uchytel if it was still good timing to run cable and phone on the head float and what the cost would be?

Mr. Peterson said he received a quote of \$1,000 to run the cable.

Mr. Uchytel said Docks & Harbors has had three to four public meetings on what the public wanted in the Harbor, and no one came forward to say they wanted phone or cable. He said he will look into it.

Renaee Reece, Juneau, AK

She said she is a liveaboard at Douglas Harbor and she said there is no special expertise needed to lay out the cable or phone lines, the expertise is in the hookup. She wants Douglas Harbor to continue to have phone service.

VI. Consent Agenda -

A. Public Requests for consent Agenda Changes – Paula Terrel requested to move this to unfinished business.

B. Board Members Request for Consent Agenda changes

C. Items for Action

1. Harbor Code of Conduct--**moved to unfinished business**

2. Old Douglas Harbor Rebuild (Phase I) Bid Award

*RECOMMENDATION: THAT THE ASSEMBLY APPROVE THE BID AWARD TO TRUCANO CONSTRUCTION IN THE AMOUNT OF \$329,870 FOR DOUGLAS HARBOR – PHASE I.*

*MOTION By MR. BUSCH: TO APPROVE THE OLD DOUGLAS HARBOR REBUILD (Phase I) BID AWARD ON THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.*

Motion passed with no objection

VII. Unfinished Business

1. Harbor Code of Conduct –

Mr. Uchytel said staff has been working on this for six months and this is not intended to be a regulation. The CBJ Law Department suggested this because of patrons acting improper toward staff and other Harbor patrons. The Harbor

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Code of Conduct was developed and has been through various committees. The final draft of the Code of Conduct is in the packet which was decided at the last OPS/Planning Committee meeting.

Board Questions –

Mr. Borg said there were a few changes at the last OPS/Planning meeting based on working with Grateful Dogs going line by line.

Mr. Busch asked if the unlicensed dogs not being allowed was struck out because the CBJ regulation requires dogs to be licensed?

Mr. Borg said the current CBJ regulation covers dogs requirement to be licensed. The part in the Code of Conduct pertaining to the requirement for dogs to be licensed was reading erroneously so it was struck out.

Public Comment

Paula Terrel, Juneau, AK

She said she is a Board Member for the Grateful Dogs. She suggested to add under licensing requirements what the CBJ licensing requirements state. The licensing requirements in the Harbor Code of Conduct needs clarification.

Mr. Peterson commented in keeping this as simple as possible, he suggested to have office staff provide information to the person staying in the Harbor and registering their pet with the licensing requirements, and eliminate adding more words.

Ms. Terrel said the office staff could say something, but she would like it to be clear that they can stay in the Harbor if they meet CBJ regulations.

Board Discussion/Action

Mr. Simpson said this concern was already covered in an earlier meeting with Grateful Dogs Members. The reason the line was struck from the Code of Conduct was an individual could show up at the office and can be informed of the licensing requirements. The Code of Conduct wording is sufficient and can be used at this point.

MOTION By MR. BUSCH: TO ADOPT THE PROPOSED HARBOR CODE OF CONDUCT AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

VIII. New Business –

1. New Auke Bay Loading Facility Rate Changes.

Mr. Uchytel said this rate change, which addresses the fees at the Auke Bay Loading Facility, has gone through several Committee meetings and will go to

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CBJ Law Department next. The overall intent for these changes is to provide greater access to our Harbor Patrons and Commercial Fisherman. Management of this facility has struggled with turnover on the drive down float. During peak times, there is insufficient moorage and what is happening is more and more vessels are gaming the drive down float to be used as moorage as opposed to the intended purpose of a quick turn around for loading of supplies and quick repairs. Many of the changes try to address that issue with monetary turnover. Other rates added are for the self propelled boat lift which currently has no rates in place. In the packet is the memo with the changes. If the Board approves the changes, this will go to the CBJ Law Department for their review, provide a public notice for 21 days, come back to the Board for a public hearing, and then go to the Assembly for adoption.

Board Questions

Mr. Peterson said originally he asked if additional wording was needed after Harbormaster “or his representative” so the Harbormaster didn’t need to be present at every issue. However, another Committee member commented with adding that extra “or his representative” would add confusion in other regulations that don’t use that language. He suggested to ask CBJ law to add one sentence that applies to all the Docks & Harbors regulations, Harbormaster or his representative.

Mr. Simpson said that would be a good solution to add this in a definition area of the regulation. Every time it says Harbormaster it includes “or his designee or representative”.

Mr. Busch asked if the citations that carry over to parking lot fees and storage fees been reviewed yet, or will these regulations need to be changed multiple times?

Mr. Uchytel said he did not have a good answer to that.

Public Comment –

Dennis Watson, Juneau, AK

He asked what the electricity rate was for storage? Is each storage area metered?

Mr. Borg said this would be covered under the monthly power rate, which is covered somewhere else in regulation. This is not metered, but there is a summer and winter flat rate.

Board Discussion/Action

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Mr. Donek also agreed having the “or his representative” after Harbormaster in a definition section would be better.

*MOTION By MR.BUSCH: TO APPROVE THE PROPOSED NEW ABLF RATES AND BEGIN PUBLIC NOTIFICATION AS REQUIRED UNDER CBJ CODE AND ASK UNANIMOUS CONSENT.*

*Motion passed with no objection*

IX. Items for Information/Discussion

1. Whale Update Project

Mr. Watt showed a power point presentation and gave an update on the 28’ whale sculpture with pool and water feature. This whale sculpture was originally proposed from Bill Overstreet to honor the 50<sup>th</sup> anniversary of statehood. A non-profit group (who is organizing all the fund raising) will buy the whale sculpture with CBJ agreeing to prepare the site for the whale. A lot of sites were looked at on the waterfront, and in 2007 Marine Park was to be the site for the whale. Docks & Harbors has the funding vehicle established for the 16B project which was approved by the Assembly with an additional \$50M for the seawalk project. The funding package became 16B and Seawalk funding linkage. This caused re-examination of the site and it was decided too much activity was happening at the north end of the waterfront and again CBJ needed to find another location for the whale. The site was changed to the location by the bridge, which is formerly named bridge park. He said his staff is working on a concept for the seawalk and whale in that area. An island idea for the seawalk was designed, approved, and permitted through the Corps of Engineers with no mitigation effort required. The permit allows fill in two areas, the area for the island and the area for the whale sculpture. The reason for the fill for the whale was to push the whale out into the tidelands to make ample room for circulation around the whale and a building. The building was going to be the Marine Exchange Building, however, the Marine Exchange has found a new location for their building and no longer part of this plan. The environmental lift for the island mitigated is the fill for the whale site. The whale being pushed out still preserves the land for another use. Docks & Harbors Board may have other ideas for the use of that land. There are still a lot of details to be worked out, and which entity (Docks & Harbors and Parks & Rec) will maintain this area with the whale sculpture, seawalk, and restrooms. The whale is currently taking shape in Eastern Oregon, and should be completed late summer or early fall. Because of the funding package, the Assembly has approved sufficient funding to build the seawalk project with passenger fees. Over a couple of fiscal years, \$675 thousand of sales tax has been appropriated by the Assembly for local pieces that don’t qualify for

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passenger fees. Passenger fees are eligible for the seawalk. This should be out to bid by early summer with design drawings and be in construction for approximately one year.

Mr. Spickler asked who was going to maintain the whale?

Mr. Watt said it hasn't been totally decided yet.

Mr. Spickler asked what was the estimated annual maintenance cost?

Mr. Watt said it is not detailed yet. He estimated restroom maintenance \$25 thousand over the summer and the sculpture will have electricity and pump maintenance roughly \$20 or \$25 thousand also. He suggested one way to fund the maintenance is to collect the coins that people will toss into the water below the whale.

Mr. Peterson asked where the whale sculpture will be stored if the site is not ready when it arrives?

Mr. Watt said that has not been decided yet. He believes the site will be ready for the whale. The whale is so large it can't be totally put together in Oregon. It will be shipped in sections and assembled here.

Mr. Janes asked if the money to prepare the site for the whale was independent from the seawalk funding?

Mr. Watt said the elevated island and seawalk is funded by passenger fees, and if that was delayed, we could still proceed with the area for the whale.

Mr. Janes asked if the site for the whale is final.

Mr. Watt said he thinks so, but until it is actually built it is not totally final.

2. Proposed Zoning Changes to Waterfront Area in vicinity of the Rock Dump  
Mr. Lange showed a power point presentation and described the rezoning process that goes through CDD and he said they also work with the Planning Commission. He said they have received two rezoning requests in the area of the little rock dump (Mr. Lockwoods lease area). One request was from Arrow Champion for 5.13 acres in the Big Rock Dump area to be rezoned from Industrial to Mixed Use. The other request was for 4.5 acres from Waterfront Industrial to Industrial from CBJ Engineering Department at the CBJ owned lot where the Juneau/Douglas waste water treatment plant is located. When someone wants an area rezoned, they can submit an application either January or July, or CDD could issue a rezone at any time.

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Both of the applications were received in January. The restrictions for rezoning are as follows;

- a requirement to be greater than two acres, or
- an expansion of an existing zone.
- A similar application rejected within the last 12 months, that rezone will not be considered.
- The rezone must substantially conform to the land use maps of the comprehensive plan.

Both application requests met the requirements above. He went on to describe the difference between Waterfront Industrial, Industrial and Mixed Use zones. The one applicant's explanation for the requested change from Waterfront Industrial to Industrial was for the capabilities to have more uses on that land. The other applicants reason for going from Industrial to Mixed use was to also provide housing units with shops below. Staff is still reviewing both of these applications. These rezone requests will be presented to the Planning Commission separately, the Planning Commission sends a rezone recommendation to the Assembly, and the Assembly has the final decision for the rezone.

Mr. Peterson asked if the rezoning changes will affect Mr. Lockwoods project.

Mr. Lange said he does not believe so. It will only affect the lots requesting the rezone.

**X. Committee and Member Reports**

**1. Harbor Fee Review Committee Meeting – March 4th, 2015**

Mr. Simpson said the Committee reviewed the Auke Bay Loading Facility fees. The Committee will be moving on to Parking Lot fees and Staff Labor fees.

**2. Operations/Planning Committee Meeting – March 18<sup>th</sup>, 2015**

Mr. Simpson said the Committee discussed the Harbor Code of Conduct which was acted on tonight, and the Douglas Harbor reconfiguration for the floats that are going to be replaced. The Committee decided that the reconfiguration would be very similar to the existing configuration with the exception of removing the little skiff size slips that are along the main float now.

**3. Finance Committee Meeting – March 19<sup>th</sup>, 2015**

Mr. Busch said everything that the Committee discussed was covered tonight.

**4. Docks Fee Review Committee Meeting – March 19<sup>th</sup>, 2015**

Mr. Busch said the Committee discussed Loading Zone fees and this will continue at the next meeting. There was not good attendance from Industry to move forward with anything. Mr. Busch said the Committee is looking at ways

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to effectively assign administrative fees based on the number of vehicles. He said currently there is a \$300 fee that is applied to all companies operating with one vehicle up to 100 vehicles. The staff time for the companies with more vehicles is more time consuming. He said he hopes to have more participation at the April's meeting.

5. Member Reports –

Mr. Peterson recommended to have the Finance Committee look into Mr. Russell Peterson's request with installing the phone cable in Aurora Harbor.

Mr. Donek said this would be more an Operations/Planning Committee topic.

Mr. Peterson said he agreed, but the Operations/Planning Committee has a lot to work on and this topic will have a cost involved.

Mr. Uchytel said there has been several public meetings on this topic and no one commented they wanted phone lines. Mr. Peterson knew about this at least five months ago and he is just bringing it up now. Mr. Uchytel said he doesn't see the need to run cable to 110 slips when no one is using telephones anymore. He said he will ask what it will take to run the cable.

Mr. Donek said this will need to be addressed now before it's too late.

Mr. Uchytel said he would accommodate patrons wanting cable if they contact us and staff be given the opportunity to approve the installation. Mr. Peterson is currently on the IVF. He contacted ACS and ran phone lines on the IVF stapled to the outside of the dock without staff permission. These are our facilities and people treat them as their own house. We need to maintain as built to be able to maintain the docks for the next 50 years. He said he will figure out an answer for Mr. Peterson tomorrow.

Mr. Donek said just let the Board members know if they need to do anything.

Mr. Simpson said he is willing to take this topic up in Operations/Planning if it was needed.

XI. Port Engineers Report – Mr. Gillette was absent

XII. Harbormaster's Report –  
Mr. Borg reported

- North Douglas boat launch ramp floats are in and culvert work was completed with DOT. The culvert work should now divert the water from undermining under the road and going into the parking lot, which during freezing temperatures was causing an ice skating rink.



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- He said he has moved forward with processing eight impounds. Two patrons paid so far so it could be six that are impounded.
- The fish net barge agreement has been signed with North Pacific Erectors for the barge by the ABLF.
- He said he is also going through the Harbors and tagging boats that look bad in an attempt to clean up the Harbor.

Mr. Peterson asked how many derelict vessels he has dealt with in the year he has been Harbormaster?

Mr. Borg said 14 boats have been crushed.

Mr. Peterson asked if that number included the eight intended for impound above.

Mr. Borg said no.

XIII. Port Director's Report –  
Mr. Uchytel reported

- Mr. Borg is leaving tomorrow for the birth of his first grandchild.
- He said the Assembly approved the Passenger for Hire Regulations change and the Waterfront Vendor Booth Regulation changes. One major change in the Waterfront Vendor Booth Regulation was going from a \$5,000 minimum bid to \$30,000 minimum bid. There happened to be seven applicants for seven permits so there was no outcry this year. All seven permits went for \$30,000 each.
- The Assembly also approved the Auke Bay Plan and bond type issues that will save Docks & Harbors \$500,000 over the next 15 years.
- Docks & Harbors seasonal staff will return on April 6<sup>th</sup>. Mr. Dwight Tajon will be back working as a seasonal Harbor Officer at Auke Bay this year.
- Staff will have meetings with Industry explaining the rules for Vendor Booths, Loading Zone Permit users, and Statter Harbor users.
- Douglas Harbor redesign will need to have meetings for public outreach to socialize what people want the Harbor to look like. Mr. Uchytel said Mr. Peterson volunteered to reach out to the Douglas Advisory Committee.
- Docks & Harbors has the Corps of Engineers permit for the dredging that required a 30 day public notice period that closed last Friday. The Corps of Engineers created a FONSI (Finding Of No Significant Impact), the document they will use to assume our permit.
- DNR has the submerged lands that Docks & Harbors needs for the dredging material from Douglas Harbor and they went out with a public notice. The area that we need bisects a GCI fiber optic cable. Docks & Harbors will need to work through that issue.

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- The Harbormaster and the Port Director will have coffee and doughnuts at the Yacht Club tomorrow from 7:30 to 9:00 am.
- The Parking tri-fold is completed for the Statter Harbor parking mitigation. He said it is still a draft because he does not have all the signed MOA's from UAS, School District, and First Student.

Mr. Peterson wanted it on the record that Dolly Raster has been working very hard to clean up the derelict vessels also.

XIV. Assembly Liaison Report –

Mr. Nankervis said Mr. Uchytel updated the Assembly on all things Docks & Harbors.

XV. Board Administrative Matters

- a. Harbor Fee Review Meeting – Next meeting is Tuesday, March 31st, 2015.
- b. Operations/Planning Committee Meeting – Wednesday, April 22nd, 2015
- d. Finance Committee Meeting – Next meeting is Thursday April 23rd, 2015.
- e. Docks Fee Review Meeting – Next meeting is Thursday April 23rd, 2015
- f. Board Meeting Thursday April 30th, 2015

XVI. Adjournment - The regular Board Meeting adjourned at 7:12 p.m.