

**CBJ DOCKS & HARBORS BOARD**  
**OPERATIONS/PLANNING COMMITTEE MEETING MINUTES**  
**Wednesday, June 22<sup>nd</sup>, 2016**

I. Call to Order

Mr. Simpson called the meeting to order at 5:00 p.m. in room 224 of City Hall.

II. Roll Call

The following members were in attendance: Tom Donek, Bob Janes, Budd Simpson, and David Summers.

Also in attendance were: David Borg – Harbormaster, Gary Gillette – Port Engineer, and Carl Uchytel – Port Director.

Absent: John Bush.

III. Approval of Agenda

**MOTION by MR. DONEK: MOVE ITEM FOUR, NOTICE OF INTENDED SALE OF BOAT SHELTER AG-29, UNDER NEW BUSINESS TO THE CONSENT AGENDA AND ASK FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

**MOTION by MR. DONEK: APPROVE THE AGENDA AS AMENDED AND ASK FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

IV. Public Participation on Non-Agenda Items – None.

V. Approval of Wednesday, May 18<sup>th</sup>, 2016 Operations-Planning Meeting Minutes

**MOTION by MR. DONEK TO APPROVE THE MAY 18<sup>TH</sup>, 2016 OPERATIONS-PLANNING MEETING MINUTES AND ASKED FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

VI. Consent Agenda

A. Public Request for Consent Agenda Changes – None.

B. Board Members Requests for consent Agenda Changes – None.

C. Items for Action

1. Notice of Intended Sale of Boat Shelter AG-29 by Mr. Louis Bandirola

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**MOTION by MR. DONEK: APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

VII. Unfinished Business – None.

VIII. New Business

1. Aurora Harbor Phase 2 – Design Fee

Mr. Gillette said in your packets you will find the PND report for the Aurora Harbor Phase 2 Project. The fee summary shows a total estimate of \$598,485.00.

Committee Questions

Mr. Donek asked how does this compare with our estimate.

Mr. Gillette said it is down 11%. They are trying to streamline it by cutting the design to the basics. This results in some savings for us.

Mr. Simpson said we used PND for the first phase so it makes sense to have them for the second phase. Has this gone out for a request for proposal (RFP)?

Mr. Gillette said we did an RFP for the entire Aurora Harbor rebuild. We were clear and said the services rendered in phase one can be expanded to future phases. It saves us time as we do not need to advertise for 30 days.

Mr. Simpson said be sure to go out for a RFP with future projects.

Mr. Janes asked can we negotiate the design fee. A lot of the design work is the same as in phase one.

Mr. Gillette said currently the boat shelters are three different lengths. That would require three different designs. If we make them all one size then it would make the design easier.

Mr. Janes said I would like to discuss the design fees with future projects to see if we can negotiate for less.

Public Discussion – None.

Committee Discussion/Action

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**MOTION by MR. DONEK: APPROVE THE AURORA HARBOR PHASE 2 FEE OF \$598,485.00 AND ASK FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

2. Andrew's Marina Lease

Mr. Uchytel said this is a preferential lease for Andrew's Marina. The old lease expired in April 2016. This is a tideland lease and the State transferred the lease to Harbors in 2001. The lease is for 35 years at \$5,549.50 annually, which comes to \$0.15 per square foot. It is subject to reevaluation every five years. I told their lawyer the Harbor Board has concerns about the condition of the floats. Their lawyer said she will pass on the information.

Committee Questions

Mr. Janes asked if the floats reach a point of disrepair, unable to operate, does our lease state Andrew's Marina is responsible for removal of the floats.

Mr. Uchytel said on page 33 of your packets you will find the lease provisions. Section O, Removal or Reversion of improvement upon Termination of Lease, will answer your question.

Mr. Janes said we don't have anything in our lease that allows us to terminate the lease if the property is not safe. I want to make sure we have some protection so we are not liable to remove the floats.

Mr. Simpson said we do not have a guarantee, even if we write it into the lease, that they will remove the floats.

Mr. Janes said if there is a time to encourage them to maintain the floats, now would be the time. We should do so before we sign a lease.

Mr. Simpson asked to what extent do we have the ability to change this lease to encourage them to maintain a safe harbor.

Mr. Uchytel said we could give them a time frame to repair the floats.

Mr. Simpson said we own the tidelands the lease covers, so we should have some say over how safe the docks are.

Mr. Summers said there was some discussion about trying to adjust Andrew's Marina's other lease to have the same renewal date as this lease. That way they would run concurrently. Is the language in this lease the same as the previous lease?

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Mr. Uchytel said the previous lease was through the State, but this lease should be similar.

Public Discussion

Chris Crowe of Juneau, AK

Mr. Crowe said Andrew's Marina has been here a long time. Their facilities have never been to the same standards as the ones paid for by the city. If the city does not have any liability, then they should take the lease money and let Andrew's Marina run their business as they see fit. Is there another plan without Andrew's Marina that generates more revenue? I suggest you approve their lease and let them operate. The liability is on them and not the City and Borough of Juneau.

Russell Joshua Peterson of Juneau, AK

Mr. Peterson said I second what Mr. Crowe said.

Committee Discussion/Action

Mr. Donek said we lease out multiple properties and people do things on those properties that we have no control over. We do not need to tell people how to run their businesses. I recommend we go forward with our standard lease.

Mr. Summers said we need to consider what the highest and best use is for our lease properties. Auke Bay is the busiest harbor in Juneau. With the condition Andrew's Marina is in now, I do not believe it is the highest and best use of the property. I suggest we find out what other lease we have with Andrew's Marina and see when that lease expires. Then we can have a positive discussion with them and get the leases to run concurrent.

Mr. Simpson said Andrew's Marina might want to have their leases run concurrent for their convenience. Is there a need to get this done now?

Mr. Uchytel said no.

Mr. Janes said this is valuable city land. We have a duty to encourage a safe environment. I would like to have someone from Andrew's Marina come to a meeting and tell us what their plans are for the facility. I would like to know their deferred maintenance schedule.

Mr. Gillette said we do not have criteria to define what's safe and what's not safe. Someone could go to N float in Aurora and argue that area is unsafe. We would need to define the word "safe". It does have to meet local codes, so you might find something in the local codes.

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Mr. Simpson said when Harbors have an area that needs work we develop a plan to replace or update the facility.

**MOTION by Mr. Janes: ASK ANREW'S MARINA REPRESENTATIVES TO GIVE A PRESENTATION AS TO WHAT THEIR FUTURE PLANS ARE FOR THE MARINA AND WE CONSIDER A NEW 35 YEAR LEASE FOR ATS 33 FOR \$5,549.50 AND ASKED FOR UNANIMOUS CONSENT.**

**The motion passed with no objection.**

3. Prohibition of Tarps in the Harbor from May 15<sup>th</sup> through September 15<sup>th</sup>

Mr. Uchtyl said this is a proposal to prohibit the use of tarps on vessels in the harbors from May 15<sup>th</sup> through September 15<sup>th</sup> annually. Tarps might be used to mask derelict vessels. If this proposal gets approved, patrons could still use tarps in the summer months if they receive prior approval from the Harbormaster. I did research to find if other harbors in Alaska were prohibiting tarps. None of the harbors in Alaska have a prohibition on the use of tarps. This past week there was a vessel with a tarp and the bilge pump was pumping diesel into the harbor.

Committee Questions

Mr. Summers asked how often vessels need to be moved annually.

Mr. Uchtyl said vessels need to be move under their own motor power three times per year, and no less than 60 days apart. There are vessels in the harbors that do not meet that requirement.

Mr. Summers asked do we require patrons apply for a permit to work on their vessels.

Mr. Borg replied yes, there is a regulation that states patrons need to supply a scope of work and get approval from the Harbormaster to work on their vessels in the harbor. It has never been enforced. I do speak with patrons on the docks and find out what work they are doing on their vessels.

Mr. Simpson asked when you are speaking to patrons who are working on their vessels, what information are you gathering.

Mr. Borg replied my main focus is to verify they are not harming our infrastructure.

Public Discussion

Chris Crowe of Juneau, AK

Mr. Crowe said based on the limited information we have been given today, I am not in favor of a prohibition of tarps. It does not say "unless you need a tarp". I agree there are vessels that have tarps on them year round, but there are other ways to deal

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with those vessels. If I am painting my deck and it starts to rain, I need to quickly put a tarp up to finish my work. I do not have time to ask the Harbor Office for permission to use a tarp. Plus, the harbor staff has plenty to do rather than walk down and see if I need a tarp. Who is the decider on when someone needs a tarp? If you suspect a patron is using a tarp to hide nefarious activities on their vessel, then get a warrant and deal with it that way. There are boats in the harbors that will probably sink if they remove their tarps. This is an over reach.

Dave Kester of Juneau, AK

Mr. Kester said I have a 40 foot sailboat in Harris Harbor and a power boat. There are better ways to solve this problem and I encourage you to find them. You will need to define what a tarp is to proceed. Is it just the blue plastic tarp, or the canvas tarp? I see enforcement problems and I wonder if this is the best use of harbor resources. I think about the people in the harbors who are struggling. The Harbor Department has liveaboard policies. You want to make sure your liveboards are dry and warm.

Paul Swanson of Juneau, AK

Mr. Swanson asked would patrons still be able to use tarps for maintenance use.

Mr. Uchytel replied the tarp prohibition is an idea we are discussion right now. We do not know any specifics as we are currently discussing how we want to proceed.

Russell Joshua Peterson of Juneau, AK

Mr. Peterson said I oppose this for a number of reasons. I question the motives. If someone questions what work is being done on my boat, you are more than welcome to come to my boat to see the work I am diligently pursuing. This discussion has happened before a long time ago. Blue tarps were outlawed. I hear words like encourage, promote, facilitate, and become a destination. I have shown by receipt in the past year \$128,000 for my boat. I have a security bond of \$18,000 for lumber I have purchased, which I pay storage for at the harbors. I am working on my boat and have been for 12 years. I am proud of it. If you want to come and have coffee and see my work you are always welcome. I think a person has a right to work on their property and a right to protect their property. If someone is not working on their boat and they have a tarp on it, then you can pursue it that way. It is stated in the regulations that they must be working diligently on their boat. Also, I object to the due process of this discussion because not many people are able to be here at 5:00 p.m. to discuss this.

Mr. Peterson provided a drawing for moving the breakwater at Aurora Harbor to provide more moorage space.

Committee Discussion/Action

Mr. Summers said there are patrons who have permanent tarps. We want to get away from patrons living under tarps year round that should be a temporary item. Patrons invest in their vessels and it is problematic to have a derelict vessel next to another

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vessel that has been maintained. We can put some language in the regulation that allows patrons to have tarps if they are working on the vessel and get approval from the Harbormaster. We have limited the time to just the summer months. This allows for liveaboards to have tarps on their vessels for warmth in the winter months. Also, it is not appealing to people visiting Alaska to see tarps on the boats. We want to attract fishing vessels and yachts to Juneau.

Mr. Donek asked what problem are we trying to solve. The primary purpose of a boat is for commuting. If you have a boat with a tarp on it year round and the boat is not moving, then the boat is no longer serving its primary purpose.

Mr. Simpson said we need to define what problem we want to solve and then come up with the best solution to that problem. No one here wants to ban all tarps. Tarps are permitted for work projects and emergencies.

Mr. Janes said we want clean and safe harbors. Tarps should help protect the boats, but are not needed permanently.

Mr. Simpson said I want the Committee Members to return next month with a short list of information. Number one on the list should be to define the problem. What is it we are trying to solve? Numbers two, three, and four on the list should be answers to question one. What are the minimal things we can do to address the problem? The aesthetics of having blue tarps in our harbors needs to be addressed. However, people do need to protect their boat while they are working on the boat. Also, let's avoid using the word "prohibit" when addressing this issue, and come up with another way of wording the topic of limiting tarps.

IX. Items for Information

1. Norway Point to Bridge Park Land Use Master Plan (Results of Public Meeting)

Mr. Gillette said on page 43 of your pamphlets you will find an overview of the questions and concerns there are regarding the Bridge Park to Norway Point project. This is the result of a recent meeting that covered the concerns about the plan. There will be a presentation at the next board meeting regarding the Bridge Park to Norway Point project. The project team will be asking the Harbor Board for direction.

Committee Discussion/Public Comment – None.

2. Moored Vessels on Docks & Harbors Submerged Lands

Mr. Uchtyl gave a PowerPoint presentation indicating from an aerial perspective the locations of the vessel Lumberman and Manson's equipment.

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Mr. Uchtyl said according to the survey data we received, the Lumberman is 73 feet inside the Docks and Harbors submerged land. In the past the owner of the Lumberman has stated he is on the Department of Natural Recourse's (DNR) land. Now we know that is not true. How do we want to proceed?

Committee Discussion/Public Comment

Mr. Donek said I am concerned about raising another sunken boat. If the Lumberman sinks and the owners can't raise the boat, we're stuck raising the boat. Also, they have not been paying to use our tidelands.

Mr. Summers asked have we provided the owners of the Lumberman with this latest information.

Mr. Borg replied no.

Mr. Summers said provide the survey results to the owners of the Lumberman and we can charge them the same way we charge other users who lease our tidelands.

Mr. Borg said there is a difference between anchoring a vessel temporarily and mooring a vessel. The Lumberman is moored. The vessel has two large chunks of concrete or steel holding the vessel in place. The vessel does not have a propeller and is there to stay.

Mr. Simpson said many harbors have designated mooring areas. Some have installed mooring cables. I do not think we want to be in that business. It might be appropriate to have a designated mooring area where we can charge a fee.

Mr. Donek said if a patron wants to moor temporarily in Harbors submerged tidelands, it should be free. However, if a patron wants to moor in the same area for a long period of time, then I think there should be a fee.

Mr. Janes said the owners of the Lumberman can move the boat outside of Harbor tidelands. We can ask them to move the boat so it is out of Harbors land. We should establish policy for managing the area for the future.

Mr. Borg said when dealing with vessels that don't run in the harbors, we inform the owners they cannot moor the vessel in the harbor until the vessel runs. Some patrons leave the harbor only to anchor their derelict vessels in the Harbors submerged tidelands. So far I have had to remove three derelict vessels from our submerged tidelands. We need a policy to deter this from happening.

Mr. Simpson asked, with regards to the Lumberman, if the boat moves out of our tidelands and onto DNR land, are they permitted to be on DNR land.

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Mr. Uchytel said the owners have informed me they approached DNR, and DNR is not willing to give them a tideland lease. They informed me DNR does not want them north of the bridge either. I can send the owners of the Lumberman a letter containing the survey showing they are on Harbors land and ask them what their intentions are.

Mr. Simpson said send them the letter and we will go from there.

3. ABLF Boatyard Improvements Update

Mr. Gillette gave a PowerPoint presentation showing progress on the Boatyard at the Auke Bay Loading Facility (ABLF).

Mr. Gillette said everything left of the blue line is part of Harri's lease. We agreed to build an office building and a boat repair building. We are going to advertise for the fabric structure this week, and it should cost about \$250,000.

Mr. Uchytel said this project is being funded with the ABLF funding money, which is from a legislative grant.

Committee Discussion/Public Comment

Mr. Janes said, with regards to the tall fabric building for the boats, that is two stories tall. Have you considered the neighbors across the road and verified it won't block their view?

Mr. Gillette said yes. In fact we were originally going to put the building in a different location, but moved the location because it would have blocked one of the neighbor's views.

Mr. Janes asked, with regards to the wash-down pad, where will it be located.

Mr. Gillette said it will be located in the boatyard, but they don't have water over there yet.

4. Fourth of July Yacht Club Event

Mr. Uchytel said there is an event scheduled at the Yacht Club on July 3<sup>rd</sup>, 2016. The event planners requested to have the entire parking lot blocked off for their use. The Yacht Club does not have any parking rights. The lease permit is for the footprint of the Yacht Club building and some of the grass. I informed the event planners they cannot have the entire lot, but they can have a reasonable amount of parking spaces.

Committee Discussion/Public Comment

Mr. Simpson asked how are they managing the event.

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Mr. Uchytel said they are selling tickets and are checking for tickets when guests arrive.

X. Staff, Committee and Member Reports

Mr. Janes said I own ten vessels at Statter Harbor. The congestion is getting worse. One of my captains drove around for two hours looking for a place to moor. We need to do all we can to solve the congestion issues. I am going to monitor the hours of the Horseshoe area in the morning and evening. I will record the number of spaces that are open. I hope if it is not being utilized during those hours we can come up with a better policy. It is different every day and to have a blanket policy may not be best option. Perhaps we can have something posted each day to say what hours the Horseshoe can be used for moorage.

Mr. Uchytel said I have been working to find a way to use the Passenger-for-Hire fees to build the passenger loading float at Statter Harbor. Also, we are working on an application for the Auke Bay Marine Station. Regarding the new launch ramp and parking at Statter Harbor, staff has spoken with Millers about who will work on the asphalt. There is a dispute as to who has the right to complete the asphalt portion of the project. We have contacted the parties involved, both verbally and written. Millers has received a conditional use permit as of June 14<sup>th</sup> and they are continuing to self-perform. We retain the right to assess a 10% fee on the subcontracted work. With regards to the Thane Ore House, we have a disagreement with CCTHITA. We have a lease document that is in Docks and Harbors interests. I have a meeting scheduled for Monday to sort this out.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting – Wednesday, July 20<sup>th</sup>, 2016

XII. Adjournment

The Operations-Planning Committee Meeting adjourned at 7:11 p.m.