



# DOCKS AND HARBORS OPERATIONS MEETING MINUTES

November 15, 2023 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

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- A. CALL TO ORDER:** Mr. Ridgway called the meeting to order at 5:00pm in CBJ Room 224 & Via Zoom.
- B. ROLL CALL:** James Becker, Don Etheridge, Paul Grant, Debbie Hart, Matthew Leither, Annette Smith, Shem Sooter, and Mark Ridgway

**Absent:** Albert Wall

**Also in Attendance:** Carl Uchytel – Port Director, Matthew Creswell – Harbormaster, and Teena Larson – Administrative Officer.

**C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES**

Mr. Uchytel said no changes to tonight's agenda. Items nine and ten have been added and resent to the packet today. Mr. Uchytel stated Items five, six, and seven were put in that order because they segue better together.

**MOTION By MR. ETHERIDGE:** TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

**D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**E. APPROVAL OF MINUTES**

1. October 18th, 2023, Minutes – Hearing no objection the minutes were approved as presented.

**F. UNFINISHED BUSINESS**

2. Docks & Harbors By Laws Amendment

Mr. Uchytel said on page 15 in the packet is the start of the By Laws and he went over the changes from CBJ Law.

Committee Questions

Mr. Ridgway questioned the meaning of 50% plus one for a quorum. He said 50% of three is one and a half, and half of five is two and a half.

Mr. Uchytel said if there was a special Committee of three, two would be required for a quorum.

Mr. Ridgway commented that he would have liked clearer language.

Mr. Ridgway questioned the striking of additional provisions on page 22 in the packet.

Mr. Uchytel said this was intended for additional indemnification. There already is City indemnification for Board members. If a Board member has a lawsuit for City duties, the City will support you. If a member has a lawsuit outside City duties, members are on their own. CBJ Law was looking for consistency and this was not in all of the By Laws.

Mr. Ridgway questioned the strike through on the top of page 17, "Unless otherwise directed by the Chair, all special committees will function at the direction of the appointed committee Chair". He asked for a better understanding of what this was and why it was removed.

Mr. Grant said the committee will not function without the Chair.

Mr. Ridgway commented that it was probably removed because it was a duplication of the first paragraph.

Mr. Uchytel said this will be added to the Board Consent Agenda for the November 30<sup>th</sup> meeting.

Public Comment - None

Committee Discussion/Action

**MOTION By MR. ETHERIDGE: TO RECOMMEND THE FULL BOARD APPROVE THE AMENDED BYLAWS AS PRESENTED.**

Motion passed with no objection.

3. Legislative Priority List

Mr. Uchytel said in the packet is the list of the Legislative Capital Priority list starting on page 29. Docks & Harbors can submit two projects for consideration which helps the Assembly prioritize their wishes.

Committee Questions

Mr. Grant commented on the draft current list there are three Docks & Harbors projects. To stay with the ones we have, do we need to remove one?

Mr. Uchytel said yes we would need to only choose two. He said his recommendation would be Aurora Harbor phase IV, and Auke Bay New Breakwater.

Mr. Ridgway commented that he has heard from the North Douglas users that they have been paying ramp fees like everyone else and North Douglas is the only ramp that has not been improved. Can the Board put on a to-do list something for North Douglas without completely redeveloping it.

Mr. Uchytel said the improvements that have been made in North Douglas is a new fish cleaning float completed with inhouse resources. We received an estimate for \$50,000 from AELP to bring power to light the facility. In order to expand the facility, that will be a rock fill type situation so there is not an easy answer to make it better. We have done a lot of launch ramp improvements at the Statter Harbor and added a light at Douglas launch ramp, but all the other launch ramps have no new improvements.

Mr. Grant questioned if the Aurora Harbor Phase IV project amount should be increased to \$5M.

Mr. Uchytel said he is undecided if we should ask for more, we have \$5M from 1% Sales Tax and we've applied for the ADOT matching grant. Placing this project on the Legislative Priority List simply communicates our strong support.

Mr. Ridgway asked if the amount needs to be included in the motion?

Mr. Uchytel said he can just communicate that with the Public Works Director.

Mr. Ridgway said he would be in favor of increasing the Aurora Harbor Project to \$5M.

Public Comment

Committee Discussion/Action

**MOTION By MR. ETHERIDGE: TO RECOMMEND PROJECTS AUKE BAY NEW BREAKWATER AND AURORA HARBOR PHASE IV BE FORWARDED AS THE TWO PROJECTS TO BE CONSIDERED AS LEGISLATIVE PRIORITIES FROM DOCKS & HARBORS AN ASK UNANIMOUS CONSENT.**

Motion passed with no objection.

4. Proposed Action Items from Salmon Derby Weekend Survey

Mr. Creswell said at the September Operations Meeting he was asked to bring back potential action items from the results of the Survey taken at the Salmon Derby weekend. On page 53 in the packet is

the list he came up with as actionable items for the next 12 to 18 months. The red is the action being taken.

- Better Identify tie down and make ready lanes -  
**Mr. Norbryhn is looking into better signage.**
- Develop a rack card or tri-fold pamphlet with launch rules, etiquette, and bathymetry -  
**Staff will work on this.**
- Develop a quick tutorial video on launch ramp use -  
**Mr. Creswell is currently looking into making a video on procedure and etiquette.**
- Continue to designate lanes at Statter ramp for put-in and take-out on busy days. Consider installing permanent signage or electronic signage. Have staff on-site during peak use periods -  
**Mr. Norbryhn is working on getting some type of electronic signage and has several options to choose from.**
- Work more closely with tour providers at North Douglas to ensure their operations don't interfere with launch ramp operations -  
**Mr. Creswell said staff does not make it to N. Douglas everyday but plans to work more closely with those tour operators to make sure they are following their permit better.**
- Install life rings and safety ladders on boarding floats -  
**Staff ordered life rings and safety ladders that will be installed on the boarding floats.**
- Modernize the parking management system at Statter Harbor ramp -  
**Mr. Creswell is working with Parks & Rec who currently has a CIP to modernize the parking in the parking garages downtown using a much better system. Parks & Rec has agreed to include Docks & Harbors with that parking system. If this is not installed before the beginning of the next season we will hold off until the end of the season.**
- Collaborate with TSI to explore options for public outreach on the possibility of extending the Amalga Harbor boarding float -
- Consider improvements to Echo Cove, including installation of boarding float -  
**Mr. Creswell said in regards to the last two items we have been in discussion with TSI and the belief is that TSI will support both of these projects. Staff thinks Echo Cove would be a better place to start. There could be ADF&G funding. The Amalga project was shot down in the past but this is also a good project and he would like to bring this back.**

#### Committee Questions

Mr. Orr, from TSI said TSI is strongly supportive of the boarding float at Echo Cove and Amalga Harbor expansion.

Mr. Etheridge asked if we are using Echo Cove for the mine boat?

Mr. Creswell said yes, Goldbelt uses that in the winter and they pay passenger for hire fees. They have a rolling gangway that they use. He believes it would be better for them if there was a boarding float.

Mr. Ridgway asked if the raw data from the survey is going to be put on our website as well as the plan to address the survey results.

Mr. Creswell said it is not uncommon to have survey results available to the public.

Mr. Ridgway commented that he would like the survey results available for the public in addition to the actionable items.

#### Public Comment

Mr. Orr, Juneau, AK

Mr. Orr commented on the actionable items from the survey. Some comments received in the survey are not easy to fix or change.

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said he is shocked that North Douglas did not make the list. He said amongst his peers and he being a big user of North Douglas, there is a lot of frustration with the thought that the only thing that can be done at North Douglas is a big and expensive project. Why can't a small breakwater be put in and a light? They would like to see the smaller projects completed. Redesigning the whole place is a waste and distraction. The North Douglas ramp is a very important ramp especially during the King Crab opening that is in the winter.

Committee Discussion/Action

Mr. Ridgway asked Mr. Creswell if he knew how many comments were related to North Douglas?

Mr. Creswell said the majority of the comments related back to the two years ago survey on the North Douglas redesign and people again stated they were supportive of that project.

**MOTION By MR. ETHERIDGE: TO APPROVE THE ACTION ITEMS LIST FROM THE HARBORMASTER AND ASK UNANIMOUS CONSENT.**

Motion passed with no objection.

Mr. Uchytel asked if this should come back to the Board and put on Consent?

Mr. Ridgway said he recommended to bring this back to the full Board with the idea this action list gets approved and published. There is no definition for the list and the list does not indicate if they are funded projects or not.

Mr. Uchytel said he does not want members of the public to look at the list and say that at the November 15<sup>th</sup> meeting these things were promised to be finished.

Mr. Ridgway suggested when this is brought back to the full Board to add additional clarity.

5. Title 85 Changes

Mr. Uchytel said on page 54 in the packet was the memo brought to the Board meeting last month. Since this was drafted, he has met with the new City Manager and we now have a confirmed date for a Joint meeting with the Assembly.

The two recommendations noted from the Board –

1. Lead with Docks & Harbor Respectfully request a joint meeting with the Assembly. - Changed
2. Remove paragraph three – When Mr. Uchytel talked with the new City Manager, she recommended to leave paragraph three in the memo so he left it in. Part of the discussion with Ms. Koester, is that she is sympathetic to how the Board perceives the changes. There is no action going to be taken on this soon so they decided to wait until after the Joint meeting to move ahead on this memo. The Assembly has only allocated one hour for this joint meeting and he is unsure how effective this meeting will be.

Committee Questions

Mr. Ridgway asked, with the changes to title 85, should the main discussion with the Assembly at the December 18<sup>th</sup> joint meeting be that when they are giving direction to the Tourism Manager is that direction to the Board?

Mr. Uchytel said the Assembly is going to have a retreat on December 2<sup>nd</sup>. The topics of discussion are: housing, budget direction, tourism, and Assembly goals. Tourism is front and center with the Assembly right now. He said he does not know if tourism will be discussed at the Assembly joint meeting with Docks & Harbors. The joint meeting is an Assembly meeting and topics of discussion will be decided by the Assembly and the Board is invited to attend.

Ms. Hart said the one-hour time is not enough time. Given what is getting set up for us, is it worthwhile to create a sight visit for the Assembly ahead of the December 18<sup>th</sup> meeting. It would be an excursion where Docks & Harbors Board members could help the Assembly members know what we currently do under the currently written title 85. This could be a couple hours of their volunteer time.

Ms. Adkinson commented that it would need to be more than one site visit because no more than three Assembly members can meet at a time.

Mr. Uchtyl said we always have a standing invitation to our Assembly members. This may not be a good time of year for that and the Assembly members have a lot of meetings they need to attend.

Public Comment - None

Committee Discussion/Action

Mr. Ridgway suggested doing an outreach to Assembly members to invite them to a site visit and provide a couple dates that would be done. One agenda item on our Joint meeting could be, "Does the Assembly envision an extension of this direction given to the Tourism Manager impacting how we operate individual facilities for a tour operator. We need to know if the Assembly is going to tell us how to manage tour boats?"

Mr. Uchtyl said they will not give directions on how to manage tour boats. They would indicate there are community concerns on too many tour boats and fix it.

Ms. Hart said pertaining to the draft on page 54 and regarding the general powers under number three. Ms. Hart explained that this is a huge issue for the Assembly trying to figure out how to satisfy a divided community. The Docks & Harbors Board is caught in the mix because the members oversee the Docks and Harbors. She believes the Assembly does not fully understand what they are potentially getting into. She does not have a solution but wanted to caution that the Assembly may be going the wrong way and they need to backtrack. The Board needs to encourage the Assembly to rethink this and maybe look at different possibilities. She said Docks and Harbors Board strength is that we are a sounding board for what happens at both the Harbors and the Docks because we have staff that knows our Docks and Harbors. If the Assembly choses to hinder us, they could find themselves in deeper trouble.

Mr. Ridgway asked to clarify what she means when she said the Assembly is going in the wrong direction.

Ms. Hart said the way she read the general powers is that they are removing the Docks Enterprise from the oversight of the Docks & Harbors Board and Port Director. We would only be advising them and not engaged as much. She believes they are asking the Board to take a step back and that is a mistake.

Mr. Ridgway asked Mr. Uchtyl if his interpretation is the same as Ms. Hart's?

Mr. Uchtyl said this is a draft proposal from the outgoing City Manager. This can be interpreted in different ways. He does not know the whole expectations of the Board. This can be discussed at the future Joint meeting with the Assembly.

Mr. Ridgway asked if the Assembly passed this tomorrow, what would we not do that we currently do?

Mr. Uchtyl said he does not believe anything will change.

Mr. Ridgway asked Ms. Adkinson the Assembly priority on this topic?

Ms. Adkinson said she talked to the City Manager and knows this is on her top ten list but does not know her view on this topic.

Mr. Etheridge recommended to wait on further discussion on this topic until after the Joint meeting with the Assembly on December 18<sup>th</sup>. The norm for the joint meetings is the Assembly will decide the agenda topics and then we receive the agenda and can request additional items to discuss.

NO MOTION

Mr. Uchytel confirmed the next time this will be discussed is at the joint meeting with the Assembly.

**G. ITEMS FOR INFORMATION/DISCUSSION**

**6. Annual Report to the Assembly**

Mr. Uchytel said on page 62 in the packet is the draft annual report. This is the format he follows every year. We do not have the end of FY23 numbers yet so that is why this is in draft. This is due November 30<sup>th</sup> each year. If any Board members wants something included reach out to staff to make those changes.

Committee Discussion – None

Public Comment - None

**7. Preparation for Joint Meeting with Assembly on December 18th**

Mr. Uchytel said this is a joint meeting that the Board is invited to. He asked the Board if they wanted a specific item discussed and he can submit the request.

Committee Discussion

Ms. Hart asked if we can extend the meeting? She asked if the Assembly has a plan to take over the Docks budget?

Mr. Uchytel said we can ask, but he is not sure how far it will go because the joint meeting is before their Committee of the Whole meeting.

Mr. Ridgway recommended to maybe ask for ½ hour more time.

Mr. Becker commented that there is not enough time so the Board needs to make sure we are well prepared.

Mr. Leither asked if the Board requested this meeting?

Mr. Uchytel said we have not had a meeting since 2019. We do request every year because they typically like to have annual meetings with empowered boards.

Mr. Leither asked if we requested an hour is that what they told us we get.

Mr. Uchytel said they told us we get an hour.

Mr. Grant commented that if we want a ½ hour we should ask for an hour extra time.

Mr. Leither commented that he does not believe we will get more than an hour. If we happen to be in good discussion at the end of that hour we could schedule more time at a later time.

Mr. Ridgway asked Board members if we should ask for more time. It was decided to leave it as is but ask for more time if needed.

Ms. Hart said her understanding of being an Enterprise Board is very different from being an advisory Board. An Enterprise Board has a fiduciary responsibility and responsible for making the checks balance at the end of the day. She would like CBJ Law to provide a better definition on Advisory and Enterprise Boards.

Mr. Uchytel said we are an Enterprise Board that needs to raise fees to operate, but every decision goes through the Assembly and that is why Mr. Becker called our Board an Advisory Board.

Mr. Uchytel explained that when the old City Manager was proposing the changes for title 85, he made it clear that the Board would remain responsible for the operations and maintenance of the cruise ship docks.

Ms. Hart asked how the revenue side worked for Docks?

Mr. Uchytel said the budget would go through the City Manager by February 1<sup>st</sup>.

Ms. Hart left the meeting at 6:33pm.

Public Comment - None

8. Dive Inspection Report of Wayside Float & Ketchikan Breakwater

Mr. Sill said we did get the 1% sales tax allocation to make repairs and dredging for Wayside park. We received \$750K and brought in our term contractor PND Engineers to provide inspection services and also Global Diving under a separate contract to provide the underwater inspection. PND did their inspection on September 1<sup>st</sup> and Global did their inspection on September 27<sup>th</sup>.

**Concrete breakwater float** – Mr. Sill said as a cost saving measure, we asked Global Diving to look at both of the floats at the same time. They were very close to each other and we were able to get both dive inspections completed in the same day. The report was that the float appears to be in excellent condition and no damage. There is light marine growth, has typical rust staining, and the float is in as built condition. Next step is PND will provide an evaluation with a value for the float. We will bring that back to the Board to see if that is something the Board is interested in purchasing.

**Wayside Park Float** - Mr. Sill said this float grounds at low tide. The report states at the time of this inspection there is no apparent signs of structural failure. The inspector said the underside looks good and the floatation does not have any damage. This was a successful dive inspection. Where we stand now is waiting for the full report to come back from PND. This will let us know all the recommended repairs which will get us moving toward next steps of permitting and putting out bid documents.

Committee Discussion

Mr. Becker asked when the work at Wayside Park Float would happen.

Mr. Sill said he met with DIPAC and there is a small window when the work could be completed as it related to DIPAC's fish pens and salmon rearing. We are looking at the fall of 2024 to be able to do this work.

Mr. Leither said in testimony tonight there was a gentleman that asked for a breakwater at the North Douglas Ramp, would this breakwater hold up to the conditions at North Douglas?

Mr. Sill said North Douglas is a rough spot. It would be dependent on the anchoring system. It was designed for a water depth of 40 to 50 feet and it is very deep at North Douglas. We would need to change the anchoring system to be able to use at that location so it could potentially work.

Mr. Becker asked how deep is it at the North Douglas launch ramp?

Mr. Sill said he remembers in front of the launch ramp to be 100' to 150' and he believes it drops off even more out a little further where the breakwater would need to be located.

Mr. Uchytel asked Mr. Sill to estimate what a concrete breakwater like this would cost new?

Mr. Sill said he would guess \$1M to \$2M. He is unsure.

Mr. Uchytel said he thought about \$3M.

Mr. Ridgway asked what staff envision the use for this breakwater?

Mr. Sill commented the first question was what condition the breakwater was in. We are still waiting for the report but it is in good condition and they will give a range of what this breakwater is worth.

Mr. Creswell commented that Harbors has two needs for a float and both needs could be satisfied with this breakwater. The Auke Bay Loading Facility is subject to wave action from wake and wind. The water depth is similar to where the breakwater was designed to be located in Ketchikan so this would be the ideal location and staff believes it could also be used for a net float.

Mr. Uchytel said another location could be to locate it off the Aurora Harbor breakwater.

Mr. Ridgway asked how is staff going to determine the best location?

Mr. Uchytel commented that the Board will decide.

Mr. Sill commented that he should be getting the report from the Wayside Park Float in the next two weeks and the breakwater report by mid-December.

Public Comment - None

**9. Proposed Rate Policy Amendment**

Mr. Ridgway commented that we have a rate setting policy. This Board could be in a position that people will seek relief if they find themselves in financial woes. The rates are attached to operational expenses. He asked the Board to look at different ways to provide relief if someone requests it. He wants a defensible and repeatable process moving forward and to not change the rates.

Committee Discussion

Mr. Becker said he does not see Docks & Harbors helping out but there are agencies that help people with financial struggles, and they know how to figure out if someone is truly having a financial hardship.

Mr. Ridgway said he will be writing up a draft internal rate setting policy addition.

Mr. Etheridge said he was approached by the Mayor to look at a relief for low income seniors. He would like this added to our agenda to look at.

Mr. Leither said the rate study we received put our financial house in order, but he wants to entertain a request when someone is experiencing a hardship.

Ms. Smith commented that if we start helping separate groups we are getting into slippery slopes. She agrees to not mess with the rates. We did do some help by spreading the monthly moorage rates over three years.

Mr. Grant said he thinks it is a slippery slope and we could open ourselves up to individual pleading. We may spend an incredible amount of time adjudicating these requests. Nobody likes to pay more money but cost of living has increased.

Mr. Uchytel reminded the Board that in 2020 we were sympathetic to financial struggles. We returned the money for the Vendor Booth Permits. We allowed tideland lease owners to defer their payments. We lowered passenger for hire and loading zone permits during COVID for the industries impacted by the loss of tourism.

Public Comment - None

**10. Angoon Trading Company - Lease Language: Assignment**

Mr. Uchytel said on page 89 is a page from this lease. Angoon Trading Company is for sale and there was a question from a Board member on what is required for an assignment. He read the assignment requirements, "Lessee has a right to assignment as long as it is approved by CBJ prior to assignment".

Committee Discussion



Mr. Ridgway asked if the Board has ever declined an assignment of a lease?

Mr. Uchytel said no.

Public Comment - None

#### **H. STAFF AND MEMBER REPORTS**

Mr. Creswell said he will give a full report next week. We hired an administrative Supervisor that started yesterday replacing Cierra Kendrick.

Ms. Smith asked at our last meeting there was mention that Parks and Rec is doing a complete redesign of Marine Park and asked if staff could ask someone to attend our next Operations meeting to provide a presentation of their plans. She believes Docks & Harbors should be part of that redesign. The redesign could also fit in with the reinstall of the lightering dock and Ms. Hart's committee. One of the things Ms. Hart wanted was providing access to the water for the citizens of Juneau and that may be able to fit in the Marine Park redesign.

Mr. Ridgway said he was given the 30% design and so that could be forwarded. He asked Mr. Sill if he would invite Parks & Rec to the next Operations Meeting.

Mr. Sill said he has been included in their planning process. He will be happy to send out the 30% design and they are looking to start construction in the fall of 2024.

Ms. Smith asked if part of the discussion was the reinstall of the lightering dock, which is on our priority list.

Mr. Sill said his role has been largely a coordination role. They are proposing a number of changes to Marine Park but they sit on top of structures that Docks & Harbors designed and had built and installed. Parks and Recreation focus is changing the location of where the triangular shelter is currently located. He was not interjecting suggestions from Docks & Harbors but observing and providing technical expertise.

Ms. Smith said she would like a copy of the 30% design.

Mr. Uchytel reported -

- Our next Board meeting is on November 30<sup>th</sup>. He will be on leave through November 29<sup>th</sup> and between the 27<sup>th</sup> and 29<sup>th</sup> he will be in the DC area and meeting with congressional delegation, Army Corps, and AAPA during that time.
- The 11<sup>th</sup> of December is the Assembly meeting that will discuss the \$500,000 transfer for the railing. It may be good for Board member to attend that meeting.
- Our new Assembly Liaison was given our Docks & Harbors 101 and provided a walk through the Harbors.
- Mr. Kelly will be given the Docks & Harbors 101 on Friday.

#### **I. COMMITTEE ADMINISTRATIVE MATTERS**

Next Operations Committee Meeting - Wednesday, December 20th, 2023

#### **J. ADJOURNMENT** – The Meeting adjourned at 7:16pm.