

DOCKS AND HARBORS BOARD MEETING MINUTES

September 26, 2024, at 5:00 PM

Port Director's Conference Room/Zoom Webinar



<https://juneau.zoom.us/j/88664613887> or (253)215-8782 Webinar ID: 886 6461 3887 Passcode: 517371

- A. **CALL TO ORDER** By Mr. Etheridge at 5:00pm in Port Director's Conference Room & via Zoom.
- B. **ROLL CALL:** James Becker, Tyler Emerson, Clayton Hamilton, Debbie Hart, Nick Orr, Annette Smith, Shem Sooter, and Don Etheridge.

Absent: Matthew Leither

Also in attendance: Carl Uchtyl – Port Director, Matthew Sill – Port Engineer, Matthew Creswell – Harbormaster, Scott Hinton- Port Operations Supervisor, Trenton English- Seasonal Harbor Officer, Heather Marlow, Steve Sahlender- Goldbelt, Tom Dawson- Pioneers of Alaska, and Melody Musick— Administrative Officer.

C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES

MOTION BY MR. SOOTER TO APPROVE THE AGENDA AS PRESENTED OR AMENDED

- D. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – none.
- E. **SPECIAL ORDER OF BUSINESS**

Mr. Uchtyl recognized Trenton English as Employee of the Quarter. Trenton English is a seasonal member of the Port staff and has completed his third season with Docks and Harbors. Trenton's ability to manage the port schedule and natural leadership has inspired staff and leadership.

F. APPROVAL OF MINUTES

- 1. August 29th, 2024, Board Minutes

The minutes were approved unanimously.

G. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes
- B. Board Members Requests for Consent Agenda Changes
- C. Items for Action
- 2. Direct Lease Negotiation with Franklin Dock Enterprises
Presentation by Port Director: Mr. Uchtyl referenced pages 11-17 of the agenda packet which contain a letter from the Tourism Manager and Port Director to the Assembly to engage in direct negotiations with Franklin Dock Enterprises for a lease of the National Guard Dock in exchange for an easement to continue the development of the Sea Walk.

RECOMMENDATION BY MS. HART THAT THE ASSEMBLY ALLOW DIRECT NEGOTIATIONS WITH FRANKLIN DOCK ENTERPRISES FOR A LEASE FOR THE NATIONAL GUARD DOCK AND TIDELANDS.
- 3. Direct Lease Negotiation with Goldbelt, Inc
Presentation by Port Director: Mr. Uchtyl referenced page 18 of the agenda packet which contains a letter to the Assembly, requesting the ability to engage in direct negotiations with Goldbelt for the sale of land associated with the Seadrome Building.

RECOMMENDATION BY MS. HART THAT THE ASSEMBLY ALLOW DIRECT NEGOTIATIONS WITH GOLDBELT TO EXECUTE A LEASE OR PURCHASE & SALES AGREEMENT FOR PROPERTY ASSOCIATED WITH SEADROME BUILDING AND DOCK.

MOTION BY MR. SOOTER TO APPROVE THE CONSENT AGENDA AS PRESENTED.

H. UNFINISHED BUSINESS

4. Proposed Regulations Change - 05 CBJAC 10.040 (Tour Sales Permit)

Presentation by Harbormaster: Mr. Creswell referenced page 24 of the agenda packet which contains all the proposed regulation changes. 05 CBJAC 10.040 pertains to the waterfront vendor sales permit, to increase the minimum bid by \$5,000 for a total of \$35,000. Notice has gone out to waterfront vendor to make them aware that regulation changes are being discussed by the Board.

Board Questions

Mr. Hamilton asked if the minimum bid was tied to the CPI adjustment that impact other Docks and Harbors rates. Mr. Hamilton asked if tying the rates to CPI would establish a ceiling for the vendor booth rates?

Mr. Uchytel said that the regulation establishes a minimum bid for an outcry auction. The last 10 years there has not been an outcry auction.

Public Comment- none.

Board Discussion/Action

Mr. Hamilton said that he would like to amend the proposed regulation changes to tie the rate to the consumer price index (CPI).

No objection, amendment passes unanimously.

MOTION BY MS. HART THAT THE BOARD APPROVE PROPOSED REGULATION CHANGE TO 05 CBJAC 10.040 (TOUR SALES PERMIT) PURSUANT TO THE AMMENDMENT TO TIE THE RATE TO THE CPI, AND TO SCHEDULE PUBLIC NOTICE AHEAD OF A PUBLIC HEARING.

Motion passed unanimously.

5. Proposed Regulations Changes: 05 CBJAC 20.010 (Small boat harbor fee policy; 05 CBJAC 35.060 (Fees); 05 CBJAC 40.010 (General moorage management policy); and 05 CBJAC 45.050 (Auke Bay Loading Facility).

Presentation by Harbormaster: Mr. Creswell said that the next proposed regulation changes relate to the Harbor Enterprise Fund. 05 CBJAC 20.010, there are two additions to the proposed regulation change, if a patron has an account in collections, then they are required to settle their account before being authorized use of the harbors. Section F pertains to those habitual offenders, any individual that has been subject to impoundment proceeding or has been sent to collections in the previous 24 months shall be required to pre-pay for moorage. 05 CBJAC 05.35.060 which is formerly known as the Vessel Disposal Surcharge (VDS) the name of the fee has been changed to the Uninsured Vessel Surcharge. The purpose of this charge is to cover the cost assumed by Docks and Harbors with the raising and disposal of vessel within the small boat harbors. Currently the VDS only applies to uninsured assigned stall holders at \$0.31 per foot, this regulation change to the Uninsured Vessel Surcharge would apply to all uninsured vessels, expect those who are paying the daily moorage rate. This regulation change will hopefully encourage boat owners to ensure their vessel and will be \$1.50 per foot per month. As of January 1, of each year, should the actual vessel disposal costs vary more than 20% from the annual amount collected, Docks and Harbors will adjust the rate to no less than \$1.00 per foot per month and no more than \$3.00 per month to make up for the difference. The new rate must be approved by the Board no less than 30 days prior to implementation. The proposed regulation change is written in this

manner to give the Board the ability to reevaluate each calendar year without having to change the regulation via the Assembly. The language for the Uninsured Vessel Surcharge is the same in 05 CBJAC 40.010. Mr. Creswell said that the final regulation change applies to the Auke Bay Loading Facility (ABLF), a Docks and Harbors facility that experiences high user demand. This proposed regulation change would codify the existing management policy. The policy provides free moorage for two hours at the ABLF with a reservation. If a patron does not make a reservation or exceeds the two hours, then they are charged a full day of moorage. This policy came into effect due to patrons pulling into the ABLF without a reservation and preventing those who had made a reservation from using the facility. This policy has been highly effective and has high compliance. Leaving a voice mail to the Statter Harbor Office counts as a reservation.

Board Questions

Mr. Hamilton asked when the proposed Uninsured Vessel Surcharge rate changed from \$1.00 to \$1.50? Was the Board involved in the increase of the proposed rate within the regulation.

Mr. Creswell said that the \$1.00 amount was a starting point, forecasting for the cost of disposal for this year has increased the initial value to \$1.50.

Mr. Orr asked if the Uninsured Vessel Surcharge would apply to all harbor patrons.

Mr. Creswell said that this would apply vessels without insurance and not on daily moorage fees.

Public Comment- none.

Board Discussion/Action

MOTION BY Mr. Hamilton to table the Uninsured Vessel Surcharge regulation changes to have more time to consider and receive community feedback.

Mr. Orr objected.

Roll Call Vote:

Those in favor: James Becker, Tyler Emerson, and Clayton Hamilton.

Those opposed: Debbie Hart, Nick Orr, Annette Smith, Shem Sooter, and Don Etheridge.

Motion failed 3-5.

MOTION BY MS. HART THAT THE BOARD APPROVE PROPOSED REGULATION CHANGES PURSUANT TO 05 CBJAC 20.010/35.060/40.010/45.050 AND TO SCHEDULE PUBLIC NOTICE AHEAD OF A PUBLIC HEARING.

Mr. Hamilton objected.

Roll Call Vote:

Those in favor: James Becker, Tyler Emerson, Debbie Hart, Nick Orr, Annette Smith, Shem Sooter, and Don Etheridge.

Those opposed: Clayton Hamilton.

Motion passed 7-1.

6. Seadrome Building Development Property Request

Presentation by Goldbelt, Inc: Mr. Sahlender referenced the slides beginning on page 29 of the agenda packet. Goldbelt is proposing to purchase the tidelands associated with the Seadrome Building from Docks and Harbors for future development. A new appraisal would have to be conducted for the tidelands owned by Docks and Harbors. The goal would be for Goldbelt to use the land to build a new mixed-use facility. The new development would incorporate the Sea Walk, Alaskan Native cultural elements, and abiding by all the sea front plans. Goldbelt is proposing to purchase the Docks and Harbors tidelands for \$630,000. The orientation of the current tideland plots is not conducive to build a new Seadrome building without the additional tidelands from Docks and Harbors. The proposed project would create a prominent building in the downtown area, still supporting the small cruise ship industry, while providing additional business opportunities. The benefit would be to use the downtown space most efficiently. Goldbelt would like Alaska Native art to be incorporated in the design of the new space.

Board Questions

Mr. Emerson asked if Uncruise would still be able to dock at the facility.

Mr. Sahlender said that the dock would still be there, but it might be push outwards.

Mr. Sooter asked about the general condition of the Seadrome Building currently.

Mr. Sahlender said that it is nearing its end of its life due to age of the building.

Mr. Becker asked how long construction would take.

Mr. Sahlender said that planning would have to be solidified before building begins. Construction would begin in three years.

Mr. Hamilton asked if this the only way to move forward.

Mr. Sahlender said that the Board asked for a single proposal, however; multiple options were presented initially.

Mr. Hamilton asked if Goldbelt would work with Docks and Harbors to if the decision is made to retain the parking lot.

Mr. Sahlender said that Goldbelt currently and actively works with Docks and Harbors.

Mr. Hamilton addressed the Chair and stated that he did not believe that the Board was given ample time to consider the other options presented by Goldbelt.

Mr. Emerson asked who owns the Seadrome pier.

Mr. Uchytel said that the tidelands are owned by Docks and Harbors and Goldbelt owns the infrastructure on the tidelands, paying rent to Docks and Harbors.

Mr. Emerson asked if the pier tidelands would also be sold.

Mr. Uchytel said that Goldbelt is not requesting to purchase those tidelands.

Public Comment- none.

Board Discussion/Action

Ms. Hart said, for the context of the newer Board members, the Board has been considering many options for the Seadrome Building for an extended period of time. The previous collective Board had directed Goldbelt to pursue a single proposal.

Mr. Etheridge said that this project has been in progress for years. Many options of sale and trading tidelands have been considered. Leasing the requested tidelands is not an option because according to

CBJ ordinances they would not be able to develop across property lines. Mr. Etheridge said that the current proposal is the best option.

Mr. Hamilton said that he understands the thought process of the old Board, however, almost half of the Board is new.

Mr. Uchtyl said that this is still early in the process that the proposal will have to go through for final approval. It will have to be presented before the Assembly Lands, Housing & Economic Development Committee, and Law will have to draft the appropriate resolutions and sale documents. Mr. Uchtyl has spoken with the Docks and Harbors lawyer, Nicole Lynch. This approval is a step in the direction of approving CBJ land sales.

Mr. Sahlender said that Docks and Harbors and Goldbelt have a positive stewardship, the proposal may change how Docks and Harbors conduct business with one another however the positive stewardship would remain.

Mr. Hamilton asked if zoning exemptions and property setbacks have been considered to accommodate Goldbelt's proposal.

Mr. Etheridge said that the exemptions available would not work for the purposes of the proposed project.

Mr. Uchtyl provided an anecdote on the sale of the tidelands associated with the Juneau Electronics Building to express the difficulties in receiving exemptions.

Public Comment

Heather Marlow, Juneau AK

Ms. Marlow said that the reason for the Board's frustration is due to the building code not necessarily the land use code. The building code often prevents exemptions. Ms. Marlow asked if the Board had considered this project as a use in the 16B area. 16B is up for consideration for full payment in the new fiscal year. Ms. Marlow asked if it Merchants Wharf and Seawalk are being considered for mitigation. When looking at paying off 16B, it appears that corner is ready for final treatment and considerations should be taken as a whole.

Mr. Etheridge said that 16B considerations are larger than what the Board is looking to address at this time.

MOTION BY MS. HART TO PURSUE A PURCHASE & SALES AGREEMENT WITH GOLDBELT SELLING CBJ OWNED SEADROME PROPERTY AT FAIR MARKET VALUE IN ACCORDANCE WITH CBJ CODE.

Ms. Smith objected.

Roll Call Vote:

Those in favor: James Becker, Tyler Emerson, Debbie Hart, Nick Orr, Shem Sooter, and Don Etheridge.

Those opposed: Clayton Hamilton and Annette Smith.

Motion passed 6-2.

I. ITEMS FOR INFORMATION/DISCUSSION

7. Proposed Lone Sailor Statue

Presentation by Pioneers of Alaska: Mr. Dawson said the one of the mission statements of the Pioneers is to preserve the artifacts and history of Alaska. The information regarding the proposed project is on page 40 of the agenda packet. Dorene Lorenz, President of Igloo 6 of the Women's Pioneers of Alaska, will present on the proposed project.

Ms. Lorenz said that the 250th anniversary of the signing of the Declaration of Independence is approaching in 2026. One of the three projects associated with this anniversary is the Lone Sailor Statue. The Pioneers have met with the City Manager and Mayor, committing \$50,000 to execute the project. Mr. Uchytel will be the point of contact for the Pioneers project moving forward.

Mr. Uchytel said that the Lone Sailor Statue is in approximately 18 different locations across the world. This statue is cast by the Navy Memorial Association. The City Manager directed Mr. Uchytel to be the point of contact. Part of the process is that the Pioneers must fund raise \$350,000, the 250-anniversary project allows them to be recipients of national funders. An appropriate place along the waterfront must be selected for the statue as there are specific guidelines associated with the location of the statue. The Pioneers of Alaska have applied for public art from the Engineering department. Mr. Uchytel has facilitated the request of \$100,000 of Marine Passenger Fees to support the project, which was not approved. There is an opening in front of People's Wharf that may be an appropriate location. The Board is being asked for approval and feedback on the project. This will have to go through the approval process of going before Public Works and Facilities Committee and the Assembly for final approval.

Board Discussion/Public Comment

Mr. Etheridge asked what the next step is for action on behalf of the Board.

Mr. Uchytel said that the Pioneers need some form of commitment from the city to guarantee a location for the statue on public property. Mr. Uchytel said that he would like to have a recommendation from the Board by the end of this calendar year. Mr. Uchytel said that he is unsure of an appropriate location at this time, possibly there could be a location near where the USCG icebreaker will be located. The US Navy Memorial has many specifications where the statue may be located, primarily being on the waterfront.

Mr. Becker said that he believes that Mayflower Island would be a perfect location for the statue.

Mr. Sooter asked if some sort of directive can be made to support the statue?

Mr. Uchytel said that this can come back to the Board with a specific location so that the Board can issue approval for proceeding with the project.

8. Next Steps: Replacement of Aurora G Float - Boat Shelter
Presentation by Port Director: Mr. Uchytel referenced page 54 of the agenda packet. A request for interest in building a new boat shelter is being posted until October 1st, there are currently two interested parties. Mr. Uchytel asked how the Board would like to move forward with creating a manner for interested parties in competing for the new boat shelter? Potential options could be a public auction, sealed bid auction, or request for bid. The Board still can decide whether a finger placement in the vacated space or move forward with a new boat shelter. The Chief of CCFR said that there are not specific requirements to have a fire suppression system in the new boat shelter. CDD said that a building permit would have to be acquired.

Board Discussion/Public Comment

Mr. Becker said that if there are interested parties the Board should pursue the boat shelter option and make sure that they fit in with the existing boat shelters.

Mr. Sooter said that he also believes it should be replaced in kind through a sealed bid auction.

Mr. Orr said that provisions should be made to ensure that whoever builds the boat shelter follows through in completing the project.

Mr. Uchytel said he will work on a document for a sealed bid auction for approval from the Board and CDD. Mr. Uchytel said that to ensure that the project is completed a date would be established as part of the sealed bid process to have the boat shelter constructed.

Mr. Orr asked if the code requires a certain amount of floatation?

Mr. Etheridge said that floatation is part of the maintenance process for boat shelters and that it is not necessarily in regulation.

9. Planning for Docks & Harbor Board Retreat

Presentation by Port Director: Mr. Uchytel referenced page 55 of the agenda packet which contains an outline of retreat concepts from the Planning and Operations (Ops) Committee. Mr. Uchytel said that establishing a good relationship with the public and community is something important for Docks and Harbors to maintain. Mr. Uchytel said that since four of the current Board members have not been through a retreat planning process this can provide the opportunity to educate and review on Docks and Harbors projects and priorities. Nicole Lynch has offered to provide training to the Board on Robert's Rules of Order and the Open Meetings Act. The discussion of commercial use and facilities and economic opportunities for commercial fishermen was expressed during the previous Ops meeting. Mr. Uchytel said that it is important the Docks and Harbors and the Board be deliberate in the actions taken and project for the future of the industry and department. Surveys and studies can be used to help inform future action and educate the new Board members. Projects seem to be the major focus of the Board currently; however, maintenance is a large part of the project process. Mr. Uchytel said that a deliverable that can be expected from the retreat may be a list of capital improvement project for fiscal year 2026.

Committee Discussion/Public Comment

Mr. Etheridge said that the security reports from Harris Harbor gate have been impressive as there have been no reports from JPD.

Mr. Hamilton asked about what dates are being considered for the retreat.

Mr. Uchytel said that he wanted to present potential retreat topics to understand how much time should be allocated to the retreat. Mr. Uchytel asked if the Board would like to hire a facilitator or do the retreat in house.

Mr. Etheridge said that a time frame should be established soon and send out options for dates.

Mr. Uchytel asked how much time the Board would like to dedicate to the retreat.

Mr. Etheridge said that he believes it should be split up across a couple of evenings or on a weekend.

Mr. Uchytel said that he will send out a poll for retreat dates.

Mr. Etheridge said that if specific dates are off limits, email Mr. Uchytel.

Mr. Uchytel said that the time frame he is currently looking at is the first two weeks of November.

Mr. Orr said that he would be okay with Mr. Uchytel facilitating the retreat.

Mr. Uchytel asked how long the Board would like the retreat to last.

Mr. Orr said a weekend would be difficult.

Mr. Sooter recommended two weekends.

Mr. Hart said two evenings would work.

Mr. Etheridge said that the retreat should be over two evenings after Veterans Day.

10. Docks & Harbors Board - CY 2025 Calendar

Presentation by Port Director: Mr. Uchytel said that the last Thursday at 5pm and the second to last Wednesday have traditionally been the meeting times. Those days and times are not concrete and can be changed to accommodate the Board's schedule. Next Board meeting the 2025 Calendar will be presented for approval.

Board Discussion/Public Comment

Mr. Hamilton said that Wednesdays are difficult during the fishing season and asked if the Wednesday meetings could be moved to Thursday during the fishing season.

Mr. Sooter said that he will be missing both September 2025 meetings.

Mr. Uchytel asked if June, July, August moving the Wednesday meeting dates to Thursday would accommodate Mr. Hamilton's schedule.

Mr. Hamilton said any accommodation would be helpful.

J. COMMITTEE AND MEMBER REPORTS

1. Operations Committee Meeting Report

Ms. Hart said that much of the Ops content was covered in the current meeting.

2. Assembly Lands Committee Liaison Report

Mr. Becker reported that a couple parcels of land in Auke Bay are going to be combined.

3. South Douglas/West Juneau Liaison Report

Ms. Smith said there was nothing to report.

4. Member Reports

Mr. Hamilton reported that he will be meeting with Mr. Harmon regarding his request for building a floating coffee shop in Statter Harbor.

K. PORT ENGINEER'S REPORT

Mr. Sill Reported:

- Harris Harbor Gate- Went live on the 17th of September. It is functioning mechanically, and patrons are adjusting to it being locked at night.
- Wayside Park Dredging Project- Has been out to bid for a couple of weeks. Divers are going to be conducting a survey for sunflower sea stars as part of the dredge permit requirements.
- Aurora Phase IV- PND Engineers are working on the approach dock, water system, and fire suppression system.

L. HARBORMASTER'S REPORT

Mr. Creswell Reported:

- End of Season- Cruise ship season and passenger for hire season is wrapping up. End of season meeting occurred for the waterfront vendors, the downtown transportation user groups, and the Statter Harbor commercial users. Good feedback was received from the user group meetings. Improvements will be worked on for next season over the winter.
- North Douglas Floats- Removal of the floats will occur the 16th of October.
- Sea Trails- Almost finished in Aurora and Harris Harbor, a few extensions have been granted. Next spring sea trails will occur for Douglas Harbor.
- Staff Update- Staff will be going on seasonal leave starting at the end of September and throughout October. Lots of the full-time staff has leave planned for October. Staff will still be mostly available during leave.
- Auke Bay Loading Facility- The crane on the AGS side is still broken and has not been fixed due to a parts procurement issue.

Mr. Hamilton asked if annual parking enforcement is underway? Mr. Hamilton noted that in Douglas Harbor there are some derelict vehicles.

Mr. Creswell said is something that has been occurring all summer long and are now focusing on derelict vehicles which is a 55-day process. The security team during the summer is focused on parking passes and now is more focused on the derelict vehicles as the busy summer season is wrapping up.

Mr. Etheridge said that it has been a long process working with Law and JPD to impound vehicles. In the past it would take approximately a year to remove a vehicle from Docks and Harbors property.

M. PORT DIRECTOR'S REPORT

Mr. Uchytel Reported:

- Army Corps of Engineers Planning Charette: Docks and Harbors staff gave a tour of the Statter Harbor facilities and existing breakwater. The planning process must follow very specific guidelines. Mr. Uchytel said that he believes it went well and they understand the desires of Docks and Harbors plans. Currently Docks and Harbors owes the Army Corps data surrounding the facility. Docks and Harbors can expect to hear back from them in 180 days. Natural and cultural resources must be considered for the project.
- Request for Bids: A request for bids has been posted for a hydraulic trailer for Auke Bay Loading Facility. This would be the replacement for the old sea lift. \$225,000 from a 2009 TIGER grant can be used for the purchase of a new trailer. There is currently only one company that has a design that can meet the 15-degree slope at the Auke Bay Loading Facility. A waiver may need to be requested from MARAD for the buy American requirement because the only known company that can build boat trailer is Canadian. Bids will be received in October.
- Special Board Meeting: A Special Board Meeting may be required in the second week of October for the Wayside Park project to be able to go before the October Assembly meeting.
- Taku Harbor: Money from the 1% sales tax is secured for the Taku Harbor project. Alaska Department of Fish and Game said it will take another two months before the cooperative agreement. Docks and Harbors will move forward with the project design.
- The Assembly is going to be pulling back \$2 million dollars for the purchase of the UAS property, which occurred in 2020. That money may be used to address the Mendenhall flooding relief or the hospital.

N. ASSEMBLY LIAISON REPORT- none.

O. BOARD ADMINISTRATIVE MATTERS

- a. Ops/Planning Committee Meeting - Wednesday October 23rd, 2024.
- b. Board Meeting - Thursday October 31st, 2024.

P. ADJOURNMENT at 7:23pm.

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.