

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, January 27th, 2022
via Zoom

I. Call to Order: Mr. Etheridge called the meeting to order at 5:00 p.m. on January 27th, 2022 via Zoom.

II. Roll Call: The following members were present in the Port Director's conference room or via Zoom; Lacey Derr, Paul Grant, David Larkin, Matthew Leither, Mark Ridgway, Bob Westmann, James Becker and Don Etheridge

Absent: Annette Smith

Also in attendance: Carl Uchtyl – Port Director, Matthew Creswell – Harbor Master, Erich Schaal – Port Engineer, Teena Larson – Administrative Officer, Nichole Benedict – Administrative Assistant I.

III. Approval of Agenda

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

Motion passed with no objection.

I. Approval of December 16th, 2021 Regular Board minutes; and, Approval of January 19th, 2022 Special Board minutes.

Hearing no objection the minutes were approved as presented.

V. Special Order of Business

Mr. Uchtyl read a letter to Mr. Stephen Haggitt praising his assistance during the sinking of the F/V ANGELA K on January 1st, 2022.

Mr. Uchtyl read an appreciation letter to Mr. Patrick Davis, Harbor Officer. He was received Employee of the Quarter for October – December 2021. He was given an award and cash gift in the amount of \$100.

VI. Public Participation on Non-Agenda Items - None

VII. Consent Agenda

- A. Public Requests for Consent Agenda Changes
- B. Board Members Requests for Consent Agenda Changes
- C. Items for Action

- 1. Execution of Harbor Rate Study with HDR-Alaska, Inc.

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RECOMMENDATION: TO DIRECT MR. UCHYTIL TO HAVE A REPRESENTATIVE OF HDR-ALASKA TO MAKE A PROGRESS REPORT AND ANSWER BOARD QUESTIONS AT ALL DOCKS & HARBORS BOARD MEETINGS.

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

Motion passed with no objection.

VIII. Unfinished Business

1. Dockage Charge Increase (05 CBJAC 15.030)

Mr. Uchytel said this item is a result of the CBJ Assembly Committee of the Whole meeting on Monday, January 24th, 2022. The Assembly took action at the May 24th, 2021 meeting requesting the City Manager consider reasons to review the regulations again. They discussed appropriate fees and how the cruise lines already pay a head tax. The result was the City Attorney prepared the document on page 17 of the agenda packet. This will increase the linear foot price for vessels under 65' on the Intermediate Vessel Float (IVF), Port Field Office Lightering Float (PFO), Inside Cruise Ship Terminal and the Statter Breakwater from \$1.50 to \$3.00 per foot. Vessels over 65' will go from \$2.50 to \$5.00 per foot. The commercial fishing vessels that use the IVF and PFO will go from \$0.75 to \$1.50. The intention was these changes would not affect cruise ships over 200 feet or the smaller cruise ships if they already pay a head tax. He wants to work on the wording to show this in the regulation.

Board Questions

Mr. Becker asked if commercial fishing vessels moored at the IVF waiting to offload at Taku Smokeries create problems for reserved stalls.

Mr. Uchytel said the commercial fishing vessels do not get charged unless they are moored for over four hours. They usually move to the downtown harbors for overnights.

Mr. Creswell said we only offer moorage on the IVF to the fishing vessels if there is availability.

Mr. Larkin said it makes sense to exempt the smaller cruise ships from the increase. He inquired about item (i) and noted it said we can only make changes after a public hearing. He would like to see if we can exempt them under item (e)(2).

Mr. Uchytel said that is certainly an option and he will work with Law to get it resolved. He is hopeful this regulation will only be in effect for one year while we wait on the rate study. He was also thinking of an exemption that includes any cruise vessel that pays passenger fees (head tax).

Mr. Etheridge asked if we get something back before it goes to a public hearing can we amend this.

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Mr. Uchytel said once we know what we want to change it needs to be posted for 21 days. He suggested bringing it to a Special Board Meeting during the next Operations/Planning Committee meeting.

Mr. Etheridge suggested sticking with what we have for now. After the rate study we can decide to make changes as needed.

Mr. Ridgway confirmed if the City Attorney comes up with changed language later, we will still have time for the 21 day notice without slowing anything down.

Mr. Uchytel thinks we will have everything completed and posted by Monday. He hopes the timing lines up with the Juneau Empire Ad Department. He suggested the motion be something that will be flexible with small changes by the City Attorney.

Mr. Grant asked Mr. Uchytel if there was a definition of a cruise ship in our regulations.

Mr. Uchytel said the large cruise ships have overnight accommodations for 250+ berths and the smaller ships have overnight accommodations for twenty people.

Mr. Grant would like this to get corrected before the season. He can see it being an equitable issue.

Public Comment – None

Board Discussion/Action

Mr. Ridgway said he would like to see the motion stay as it is. He thinks we can revisit the two ships that wouldn't qualify for the exemption at a later time. He asked if anyone had any input on a motion change.

MOTION By MR. RIDGWAY: TO DIRECT STAFF TO COMMENCE PUBLIC NOTICE OF PROPOSED CHANGES TO THE DOCKAGE CHARGES AS PRESENTED AND ESTABLISH A PUBLIC HEARING DATE AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. Docks Enterprise Full Time Equivalent (FTE) Increase Due to New Security Regulations

Mr. Uchytel said he would like a vote to move forward with the added FTE's. On page 20 of the agenda packet is the same presentation that has been seen in November and December of 2021. He asked if anyone would like to review the presentation again or if anyone had any questions.

Mr. Etheridge said the Finance Department also needs to see this Board discussion and a vote to move forward adding the positions.

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Board Questions

Mr. Ridgway asked if they approve these FTE's and there is a change to the cruise ship calendar and the added employees are not needed can we decide not to hire them.

Mr. Creswell confirmed that is correct. We have lots of flexibility with these positions and can hire by demand.

Public Comment – None

Board Discussion/Action

MOTION By MR. RIDGWAY: TO APPROVE AN INCREASE OF 4.96 FTE IN THE DOCKS ENTERPRISE DUE TO INCREASED USCG SECURITY REGULATIONS AND ASKS UNANIMOUS CONSENT.

Motion passed with no objection.

IX. New Business

1. FY2022 Projected Budget and FY2023/FY2024 Biennial Budget

Mr. Uchytel said members have seen and gone over this budget at the Finance Committee and Operations/Planning Committee. The budget information starts on page 41 in the agenda packet. Mr. Uchytel went over credit card fees, Launch Ramp Permits and discounts for prepaying moorage.

Board Questions – None

Public Comment – None

Board Discussion/Action

MOTION By MR. RIDGWAY: TO APPROVE THE FY2022 AMENDED BUDGET AND THE FY2023/FY2024 BIENNIAL BUDGET AS PRESENTED AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

2. Docks & Harbors - Justification Criteria for Consumer Price Index (CPI) Fee Linkage

Mr. Uchytel said the Finance Sub-Committee took some time and did some wordsmithing on the document. Mr. Larkin had suggested an opening paragraph that was added. We also adjusted criteria seven per Mr. Wostmann's request. This document shows how to move forward with linking CPI adjustments to most of our fees.

Mr. Wostmann said one of the reasons the Finance Committee has been working on this document is for it to be used as a template any time rates are adjusted. He feels this

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document will go far to show the Assembly how much thought and need goes into a rate increase.

Board Questions

Mr. Ridgway said he greatly appreciated the work on this document and did not realize it would be like a worksheet, requiring an answer to each criteria. He inquired if the intent was to use this document and complete it each time a rate change is introduced.

Mr. Wostmann said that is exactly his intent. He would like it as a matter of practice to provide substantial evidence as to why an increase is needed.

Public Comment – None

Board Discussion/Action

MOTION By MR. RIDGWAY: TO APPROVE JUSTIFICATION CRITERIA FOR CPI FEE LINKAGE AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

3. Regulation Changes – Consumer Price Index (CPI) Update

Mr. Uchytel said this was approved at the Operations/Planning Committee and was also looked at by the Finance Sub-Committee. The language changes have been done by the City Attorney. This is now ready to go forward through the public process as soon as the Board gives approval.

Board Questions

Mr. Grant asked about the language in the last sentence of each regulation. He is worried the Board can vote to not apply the CPI to individual rates. If we adopt this policy why would we change that for an individual rate and not all of them?

Mr. Wostmann said he does not think we will use this clause at all. It is there as an option in case of unusual or severe circumstances. This way we will not need to do a rate setting approval for a one year change.

Mr. Grant said he is not particularly comfortable with that language. Putting this type of discretion in our language stops rigorous examination like we get when setting the rates in the first place.

Mr. Ridgway said he can understand Mr. Grant's concern but this would go through a Board vote before it could be waived. He thinks in the past fund balances have had some windfalls and with the future unknown this clause is acceptable.

Mr. Etheridge said in the past the increase has been waived due to our coffers being full and the enterprises did not need the added income. We decided to pass that benefit along to our patrons.

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Mr. Grant said he thinks what makes him uncomfortable is that possibly it becomes a fight between user groups. If the CPI is justified for one rate, it should be justified for all. He would like a justification for why voting down the adjustment would not be across the board but for individual rates.

Mr. Wostmann said this has not been up to any serious discussion within the committees. He is inclined to agree. If there is a basis to stop the adjustment it should be applied across the board. He said he is not sure it is important enough to go back through Law to get it changed.

Mr. Grant said he does not want to hold up the process either. If this comes up for a vote while he is a Board member he would be very skeptical if we went fee by fee to vote against adding the CPI.

Mr. Ridgway said he thinks the last time there was a vote against adding the CPI it was due to it being in the negative. Adding it would actually lower the rates we charge. He also believes this language could come in handy and will definitely not hurt us.

Mr. Wostmann said he would also need serious convincing to ever vote against CPI adjustment for individual rates.

Public Comment – None

Board Discussion/Action

MOTION by MR. RIDGWAY: TO DIRECT STAFF TO COMMENCE THE REQUIRED PUBLIC NOTICE FOR AN OMNIBUS REGULATION CHANGE PROCESS LINKING APPROPRIATE DOCKS & HARBOR FEES TO THE URBAN ALASKA CPI AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

X. Items for Information/Discussion

1. Federal Grant Opportunities/Update

Mr. Uchytel shared a PowerPoint presentation listing the different grant opportunities Docks and Harbors is applying for. [The entire PowerPoint presentation is appended to these meeting minutes.]

Economic Development Administration Grant (EDA)

- \$13M Small Cruise Ship Infrastructure
- Includes \$3M of locally offered match
- Scaled back version of RAISE Grant
- One time grant opportunity
- Due January 31st, 2022

Port Infrastructure Development Program Grant (PIDP)

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Docks & Harbors applied for \$10M Juneau Fisheries Terminal

- Crane Dock Expansion
- Maximum ask without local match

FY22 PIDP

- NOFO anticipated mid-February
- Speculation NOFO will announce \$450M
- Anticipating Cruise Ship Port eligibility for dock electrification for FY22 only

US DOT Rebuilding America Infrastructure with Sustainability & Equity Grant (RAISE) FY2021

Docks & Harbors unsuccessfully applied for

- Dock Electrification (\$25M w/\$5M local match)
- Small Cruise Ship Infrastructure (\$25M)
- Design funding for Fisherman's Terminal (\$3M)
- US DOT to provide debrief on Tuesday

Board Discussion

Mr. Ridgway asked how we come to the decision to put specific projects up for grant money.

Mr. Uchytel said when we go through CPI projects we communicate with the Board to make sure we are pursuing the projects they support. We have been pursuing the Fisherman's Terminal for many years now. Cruise ship dock electrification was encouraged by members of the public and as a priority of the Assembly.

Mr. Ridgway asked if there was a documented process for selecting projects.

Mr. Uchytel asked if the Board would like to take a vote on which projects we submit for grant money in the future.

Mr. Grant asked how the decision is made to continue submitting the same projects over and over. He is not asking for a Board roll in selecting the projects, just an understanding how that works.

Mr. Uchytel said the City of Haines was submitting grants for the Lutak Dock since 2009. A lot of these grants have a 10:1 chance to be selected. There was over 900 grant applications submitting for a RAISE Grant last year. He said they have been applying for grants for the Fisherman's Terminal since 2015. Docks & Harbors continues to be persistent. Once you make the effort to put forward a package for a grant the refinements going forward are relatively small for the next year. We work with lobbyist which have grant writers on their staff to help improve the submissions.

Mr. Schaal said he is of the position if we are not building we are planning. We are always listening to the public and looking for opportunities for funding. We look through our projects and try to see which ones would qualify for a particular grant. We review the grants each year with the departments to give us feedback.

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Mr. Leither said he respects staff expertise. He was curious about the Fisherman's Terminal and if we win a grant but do not own the property how would that work. Mr. Uchytel said even when you lease property you can make improvements. One of the reasons we want to buy that property is to have better credibility with the federal Government when requesting funds.

Mr. Becker said the funding package for the Fisherman's Terminal design portion was more desirable at the time.

Mr. Schaal said next week we will be meeting with DOT representatives with the RAISE Grant program. We will go over our submission and bring the next NOFO and have them review it to see if changes are needed for the next submission. The deadline was January 17th, 2022 for receiving public comments on dock electrification. He said we received about twenty-two comments in 60 days. In total there was 157 pages of public comments. We have extended an invitation to several parties in the community to join us at the meeting with DOT next week. We invited members from the Juneau Commission on Sustainability (JCOS), the City Manager and a representative from the Office of the Mayor.

Public Comment

Mr. Steve Behnke - Juneau, Alaska

Mr. Behnke said he was a member of JCOS. He said JCOS has made offers to help review the comments on dock electrification. JCOS is standing by for an invitation to assist Docks & Harbors.

3. Letters of Support for Statter Wave Attenuator

Mr. Uchytel said Docks & Harbors has been pursuing this project for many years. We have been working with our lobbyists and collecting letters of support to encourage the U.S. Army Corps of Engineers to conduct a feasibility study. The U.S. Army Corps of Engineers tells us it is a great project and they would like to do it.

Committee Discussion

Mr. Ridgway said he reviewed the letters and there is a broad base of support.

Mr. Leither said staff did a great job organizing this and gained a lot of written support.

Mr. Becker asked if the weather has been getting worse lately. In the past we might see one westerly wind event a year. Now we are seeing more ferocious weather and multiple events.

Mr. Uchytel said we are still working to get a weather station out at Statter Harbor.

Public Comment – None

XI. Committee and Member Reports

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1. Finance Sub-Committee Meetings - December 22nd, January 12th & 26th

Mr. Wostmann said the Finance Sub-Committee has decided on a shorter meeting model and meeting more frequently. They have been spending quite a bit of time deciding which rates will have a CPI adjustment added to them by regulation change. They also put together a justification document for adding the CPI. The committee has been working with Mr. Uchytel to discuss the rate study and its progress. Recently the committee also reviewed the revised FY22 and the FY23/FY24 biennial budgets. Mr. Leither submitted a proposal for a 25% surcharge for permanent moorage holders in Statter Harbor. This led to some lively discussion and public comments.

2. Operations/Planning Committee Meeting - January 19th, 2022

Mr. Ridgway said they discussed and moved forward a motion regarding the rate study. There was some differing opinions and it came to a roll call vote. The committee also reviewed the FY22 and FY23/FY24 budgets and the CPI adjustment regulation change.

3. Member Reports – None

4. Assembly Lands Committee Liaison Report

Ms. Derr said they spoke about some delinquent properties that were up for not paying property tax. These were forwarded to the Assembly for disposal, neither would affect nor be useful for Docks & Harbors. There is also some ramping up for Title 49 going forward.

5. Auke Bay Neighborhood Association Liaison Report – None

6. South Douglas/West Juneau Liaison Report – None

XII. Port Engineer's Report

Mr. Schaal reported;

- The Taku Seawalk Releveling Project is very close to being completed, to include the added work in front of Taku Smokeries.
- The Statter Harbor “D” Float repair is coming along. They are already fabricating the new dock sections to replace the damaged ones. They will go out to bid for the contractual work on February 1st, 2022. He anticipates the work to start mid-March and be completed by April 18th, 2022.

XIII. Harbormaster's Report

Mr. Creswell reported;

- Twenty-five safety ladders were installed in Harris Harbor today. The second order of safety ladders should be here in the next week or two.
- We are entering the hiring season and have posted job openings for four Harbor Officers, four Harbor Technicians and two Administrative Assistants. Interviews will begin in March 2022. With the Board's approval tonight we will start posting for the Part-Time Limited positions soon.
- Mr. Hinton is getting the security booths set up and ready for a busy 2022 season.

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- Today the new LED lights for navigation were replaced on the Statter Harbor speed buoy. They also added some lights at Aurora Harbor around both storage yards.
- The Sealift sold at public surplus recently and was planning to be shipped on the ferry system. That has now changed and it will be taken to Alaska Marine Lines. Docks & Harbors is not responsible for its transport that responsibility is on the new owner.
- Mr. Creswell said it had been awhile since he received an update on the estimated 2022 cruise ship passenger counts. There seems to be a great deal of optimism for the numbers expected. The ships will all still come it is only a matter of if they will be full or not.
- The F/V ANGELA K sank at Statter Harbor in about 100 feet of water. He has been working with the Alaska Department of Environmental Conservation and the U.S. Coast Guard and they are not interested in raising the vessel. He drafted and sent a letter last week to the vessel owner reminding him he is responsible for any cost incurred from the sinking and possible raising of the vessel. He is working with someone to bring in a remotely operated submersible to get visual footage of where the vessel is located on the bottom. He wants to confirm it is not resting on dock anchoring lines or anything else that would be a cause for concern.

XIV. Port Director's Report

Mr. Uchytel reported;

- The U.S. Coast Guard cutter Liberty will be leaving Juneau this summer. An 87 foot vessel has been promised to replace it. They are a tenant of ours at Statter Harbor.
- There is an upcoming Assembly meeting on February 7th, 2022. They will speak about a handful of Docks & Harbors related items.

XV. Assembly Liaison Report – None

XVI. Board Administrative Matters

- a. Missing or anticipated motions for upcoming Board meeting agendas
- b. Finance Sub-Committee Meeting – Wednesday, February 9th and 23rd, 2022
- c. Ops/Planning Committee Meeting – Wednesday, February 16th, 2022
- d. Board Meeting – Thursday, February 24th, 2022

XVII. Adjournment – The meeting adjourned at 6:51 p.m.

EDA (Economic Development Administration) Travel, Tourism & Outdoor Recreation Grant

- EDA received \$3B under ARPA (American Rescue Plan Act)
- Nationally providing \$750M under Travel, Tourism & Outdoor Recreation
- Geographically the Pacific NW will receive \$52M in competitive grants
- Docks & Harbors is applying:
 - \$13M Small Cruise Ship Infrastructure
 - Includes \$3M of locally offered match
 - Scaled back version of RAISE Grant
 - One time grant opportunity
 - Due January 31th, 2022

Infrastructure Investment & Jobs Act (IIJA)

- Sometime referred to as the Bipartisan Infrastructure Legislation (BIL)
- Signed into Law in November by President Biden
- \$1,200,000,000 Total Package
- \$550 billion in New funding for :
 - Roads and Bridges
 - Rail & Transit
 - Ports & Airports
 - Electric grid
 - Water systems
 - Broadband infrastructure
- 25 Competitive Grants Available to Municipalities

Climate, Energy & Environment

1. Building Resilient Infrastructure and Communities Program – FEMA program will distribute \$1 billion to support communities undertaking hazard mitigation projects to reduce the risks they face from disasters and other natural hazards
2. Flood Mitigation Assistance – \$3.5 billion from this existing FEMA program can be used for projects that reduce or eliminate the risk of repetitive flood
3. Brownfields Remediation Program – This existing EPA program will provide \$1.2 billion in grants and technical assistants to communities to assess and safely clean-up contaminated properties and offer job training programs.
4. Energy Efficiency and Conservation Block Grants – This Department of Energy block grant program will provide \$550 million to states, local governments, and tribes for projects that reduce energy use, increase energy efficiency, and cut pollution. The first funding opportunity is expected for release in the Fall of 2022.
5. Grants for Energy Efficiency and Renewable Energy Improvements in Schools – This new Department of Energy Program will provide \$500 million for local government education agencies and nonprofit partners to make energy efficiency, renewable energy, and clean vehicle upgrades and improvements at public schools.
6. Energy Improvement in Rural or Remote Areas – This new Department of Energy program will provide \$1 billion to entities in rural or remote areas (defined as cities, towns, or unincorporated areas with fewer than 10,000 inhabitants) to increase environmental protection from the impacts of energy use and improve resilience, reliability, safety, and availability of energy.
7. Grants for Energy Efficiency and Resilience Code Adoption – This Department of Energy program will provide \$225 million to state energy agencies to enable sustained, cost-effective implementation of updated building energy codes.
8. Regional Clean Hydrogen Hubs – This new Department of Energy program will provide \$8 billion to support the development of at least four regional clean hydrogen hubs to improve clean hydrogen production, processing, delivery, storage, and end use. Applications for funding will open in the Summer of 2022.
9. Community Wildfire Defense Grant Program. This new \$1 billion program for Department of Agriculture.

PIDP (Port Infrastructure Development Program) Grant

- US DOT Maritime Administration (MARAD)
- \$2B over 5 years
- For modernization and expansion of U.S. ports:
 - Remove supply chain bottlenecks,
 - Ensure long-term competitiveness, resilience, and sustainability;
 - Reduce impacts to the environment and neighboring communities.
- Expanded the program's eligibilities to include projects that improve goods movement, as well as port electrification projects, idling reduction solutions, equipment charging infrastructure and related worker training initiatives

PIDP

- FY21 PIDP awarded \$241M to 25 projects in 19 states
 - Port of Whittier received \$1.2M for planning study
- Docks & Harbors applied for \$10M Juneau Fisheries Terminal
 - Crane Dock Expansion
 - Maximum ask without local match
- FY22 PIDP
 - NOFO anticipated mid February
 - Speculation NOFO will announce \$450M
 - Anticipating Cruise Ship Port eligibility for dock electrification for FY22 only

US DOT RAISE(REBUILDING AMERICA INFRASTRUCTURE WITH SUSTAINABILITY & EQUITY)

- Provides \$7.5 billion over 5 years; and,
- An additional \$7.5 billion, subject to Congressional appropriation
- Funding for road, rail, transit, and other surface transportation of local and/or regional significance.
- Selection criteria:
 - Safety
 - Sustainability
 - Equity
 - Economic competitiveness
 - Mobility and community connectivity

RAISE

- US DOT GRANT
- FY21 GRANTS ANNOUNCED
 - \$1B to 90 communities in 47 states, DC & Guam
 - Only 3 Ports selected (Haines, Cordova & Guam)
 - Docks & Harbor unsuccessfully applied for
 - Dock Electrification (\$25M w/\$5M local match)
 - Small Cruise Ship Infrastructure (\$25M)
 - Design funding for Fisherman's Terminal (\$3M)
 - US DOT to provide debrief on Tuesday
- FY22 GRANT NOFO (Notice of Funding Opportunity)
 - NOFO Expected prior to January 30, 2022
 - Applications Due April 14, 2022