

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, December 11th, 2014

I. Call to Order.

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

II. Roll Call.

The following members were present: John Bush(arrived at 5:36 pm), Greg Busch, Tom Donek, Mike Peterson (via Telephone), Budd Simpson, and Scott Spickler.

Absent: Dave Logan, David Summers and Bob Janes.

Also present were the following: Carl Uchytel – Port Director, David Borg-Harbormaster, Gary Gillette – Port Engineer, and Jerry Nankervis–Assembly Liaison.

III. Approval of Agenda.

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

Motion was approved with no objection.

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the November 20th, 2014 Regular Board Meeting Minutes were approved as presented.

V. Public Participation on Non-Agenda Items - None

VI. Consent Agenda

- A. Public Requests for consent Agenda Changes – none
- B. Board Members Requests for Consent Agenda Changes – none
- C. Items for Action – none

1. ADF&G Cooperative Agreement-Amalga Harbor Fish Cleaning Float

MOTION By MR. BUSCH: TO ADOPT THE ADF&G COOPERATIVE AGREEMENT AND REQUEST THE ASSEMBLY APPROVE AN APPROPRIATIONS ORDINANCE OF \$50,000 FOR THE FEASIBILITY DESIGN AND PERMITTING OF A FISH CLEANING FLOAT AT AMALGA HARBOR.

Motion passed with no objection

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VII. Unfinished Business - None

VIII. New Business

1. Waterfront Vendor Booths

Mr. Uchytel said at the Tuesday Finance Meeting the proposed regulation changes in the packet, affecting the vendor booth permits were approved with the exception of one addition. Mr. Uchytel said he added a number four under 05 CBJAC 10.040;

(4) Permit by Lottery. The port director is not limited to the issuance of permits as described in 05 CBJAC 10.040 (a)(3) and may employ assignment of permits by lottery when demand exceeds supply, with the prior approval of the Docks & Harbors board.

This was added because the fee review committee decided a lottery would determine if there are more interested parties than permits. The language crafted acknowledges a lottery may be used and doesn't direct that it has to be.

Mr. Uchytel said at the Finance Meeting there was representation from the Vendor Booth Permit holders and Mr. Fanning with Liquid Alaska Tours is here tonight. There were no comments on the proposed changes at the Finance Meeting. If there are no additional changes, this proposed regulation change would be able to move forward to the Assembly for final approval.

Board Questions - None

Public Comment –

Jeff Fanning, Liquid Alaska Tours Owner

He asked if the new addition to the proposed regulation change from the last Finance Committee meeting would mean he could be in business for 10 years and then he could be in a lottery from year to year?

Mr. Uchytel said that is correct.

Mr. Fanning said he is opposed to the new change, and it would be detrimental to all the proposed regulation changes being presented. This goes against the forecasting process that has been planned in the rest of the changes. This change wouldn't make it any different than where we are currently.

Board Discussion/Action

Mr. Simpson said he was sympathetic to Mr. Fanning's concern. The problem he sees is limiting the permits to 10 and there being more demand for the permits than 10 spaces will allow. The only alternative

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besides a lottery is to probably grandfather current businesses in which would keep new participants out. He can see Mr. Fanning's point but he is not sure of a good solution.

Mr. Peterson said he agrees with Mr. Simpson. He suggested to table this tonight and take it back to the Port Fee Review Committee for more work.

Mr. Simpson said he would support sending it back to the Port Fee Review Committee for more work also.

Mr. Busch said one of the things the Committee was trying to do was to get away from the variable outcry auction and get into a fixed fee. We also wanted to provide the opportunity for new businesses to obtain a permit, this being the reason for the 10th and 11th permits. If there are new businesses, without a lottery, the new businesses would never have an opportunity for long term with the 10th and 11 permits only being a one year option. Mr. Busch asked Mr. Uchytel if the proposed regulation changes were brought back to the Committee in January, would this still be able to be implemented before the 2015 Cruise Ship season?

Mr. Uchytel said if this is tabled tonight, he recommended to have a meeting early January.

Mr. Peterson said he supports the early January meeting and asked Mr. Fanning to be a part of that meeting so that all the details could be worked out before coming to the full Board.

Mr. Busch said Mr. Fanning did attend the working session for the proposed regulation change along with five other members. This lottery was discussed, it just needs to be determined what is the best way to move forward with protecting the existing businesses plus provide the opportunity for new businesses.

Mr. Busch said he would work with Mr. Uchytel to get a date in early January that the Port Fee Review Committee members could meet and also provide public notice to the vendor booth permit holders.

No Action- This will go back to the Port Fee Review Committee for more work.

2. CBJ Marine Passenger Fee Project Proposal List

Mr. Uchytel said every year the CBJ Manager asks agencies, individuals and businesses to submit for her approval a list of marine passenger fee projects. We are successful on some of our requests, and others are just

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moved forward each year. Mr. Uchytel said he will submit the list in the packet with the Boards approval. This list is not prioritized but the projects are chosen by the CBJ manager.

- Area Wide Port Operations
- Port Customs and Visitor Center Buildings Maintenance Support
- Statter Harbor Passenger for Hire Facility
- Downtown Restrooms
- Future Cruise Terminal Staging
- Downtown Pay Phones
- Visitor Information Kiosk Replacement
- CBJ Parks & Recreation Landscaping Services
- Lightering Float Ramp Canvas Cover Replacement
- Marine Park Bus Parking Lot Brick Repair
- Flags & Banners

Board Questions-

Mr. Spickler said he does not agree with the \$150,000 request amount for the Visitor Information Kiosk replacement. He recommended only asking for \$60,000. He said he researched the cost for a 400 sq/ft timber cabin which was only \$35,000, and with adding utilities, it would be closer to \$60,000.

Mr. Uchytel said if a project is completed under the amount requested, the remaining funds will go back to the Marine Passenger Fee funds. Monies left over from Marine Passenger fees goes into an account to purchase waterfront property.

Public Comment - None

Board Discussion/Action

Mr. Busch said he recommended leaving the Visitor Information Kiosk Replacement funding request at \$150,000, and to submit the Marine Passenger Fee request as presented.

Mr. Simpson said he shares Mr. Spickler's concern on the expense to build the Kiosk, but he is okay with submitting the request as presented.

Mr. Peterson said he also recommends submitting the request as presented.

Mr. Donek asked Mr. Uchytel if Docks & Harbors submitted a smaller dollar request for the Kiosk replacement if it would have a better chance of being selected?

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Mr. Uchytel said probably.

Mr. Gillette said this dollar amount was not based on purchasing a small cabin, but on hiring an architect to do a design to fit a specific space. The Kiosk would also need heat, electrical, and meet ADA compliant requirements. This estimate was based on other Docks & Harbors building costs.

MOTION BY MR. BUSCH: TO FORWARD THE CBJ MARINE PASSENGER FEE PROJECT LIST AS PRESENTED BY THE PORT DIRECTOR TO THE CBJ MANAGER RECOMMENDING APPROVAL AND ASK UNANIMOUS CONSENT.

Mr. Spickler asked for a vote.

Motion passed 5 to 1.

3. AAHPA Resolutions to Assembly

Mr. Uchytel said the Alaska Association of Harbormaster's and Port Administrators (AAHPA) are proposing two resolutions that were approved and are being sent on to the upcoming Legislature and Governor for support.

The first resolution recommends full funding for the State Harbor Grant program which is a 50/50 match. In the past, Docks & Harbor has secured \$9 Million dollars for three projects here in town. Staff believes this is a good program and necessary program for not only CBJ harbors but other programs as well.

The second resolution would place municipal harbor employees under the same state criminal statute providing additional protection to peace officers and first responders when subjected to "assault in the fourth degree or harassment in the first degree". Specifically, it recommends the Legislature include municipal harbor employees under Alaska Statute 12.55.135(d)(1). Staff recommends to endorse this resolution as greater protection for our harbor employees.

Board Questions-

Mr. Peterson asked if this resolution is a state wide effort?

Mr. Uchytel said these resolutions will go through the Assembly for approval and then submitted to the Legislature for our delegation to support. The state needs to take action for the resolutions to be adopted.

Public Comment – None

Board Discussion/Action

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- (A) MOTION By MR. SPICKLER: TO RECOMMEND TO THE CBJ ASSEMBLY APPROVAL OF THE ATTACHED RESOLUTION SUPPORTING FULL FUNDING OF THE STATE OF ALASKA HARBOR FACILITY GRANT PROGRAM IN THE FY 2016 STATE CAPITAL BUDGET AND ASK UNANIMOUS CONSENT.
- (B) MOTION By MR. SPICKLER: TO RECOMMEND TO THE CBJ ASSEMBLY APPROVAL OF THE ATTACHED RESOLUTION SUPPORTING THE ADDITION OF DOCKS AND HARBORS EMPLOYEES TO THE LIST OF EMPLOYEES COVERED BY AS 12.55.135 AND ASK UNANIMOUS CONSENT.

Motions passed with no objection.

IX. Items for Information/Discussion.

1. New Cruise Ship Berths 1% for Art

Mr. Gillette said Docks & Harbors went out for a Call for Artists and proposals were received on October 14th. Packets were put together and distributed to the selection panel which will be meeting next week to review submittals. There is \$452,000 dollars available for art. Mr. Gillette showed a power point presentation of the proposals submitted for the 1% for Art16B project.

2. Proposed Harbor Patron Code of Conduct Update

Mr. Uchytel said this is an ongoing effort initiated by the Harbormaster. This was presented at the Finance Meeting and there were some recommended changes that were added to the draft in the packet. The recommended changes so far;

- ✓ Remove - (5) The use of recreational marijuana except aboard a vessel and out of view of the public
- ✓ Change - patron to customer.

Mr. Simpson said he would like the proposed Harbor Patron Code of Conduct to come to the next OPS/Planning meeting as an action item.

Mr. Donek said he prefers using "Patron" to "Customer".

Mr. Bush recommended to change "may likely" in the last sentence.

3. Electric Vessel Charging Station Update

Mr. Borg said he met with an electrician in the horseshoe area at Statter Harbor and they have determined there are no needed changes or upgrades to the electrical pedestals to be able to charge an electric vessel, which are currently 50A/208V. This power will satisfy what the customer is asking for and still provide power to vessels downstream from the charging station. The charging station area in the horseshoe

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will need to be a 60' area and would be used from 7pm to 8am. This would not be designated for one person but as a vessel charging area, and an estimate per vessel charge would be \$42.00. If a patron was charged a daily rate plus a daily 50A/208V power rate, the cost would be \$55.20 per day. Should this be a designated area or as a first come first serve basis?

Mr. Simpson recommended bringing this to the OPS/Planning Committee meeting. He said he likes the idea of an electric boat operation, but he has a concern with designating a specific area.

Mr. Peterson said he supports Docks & Harbors staff working with the electric boat operators.

X. Committee and Board Member Reports

1. OPS/Planning Committee Meeting – December 4th, 2014 – Cancelled
2. Harbor Fee Review Committee Meeting – Cancelled
3. CBJ Lands Committee Meeting – December 8th, 2014
Mr. Uchytel said there was one Docks & Harbors related action item which was the Mt. Roberts Tram lease amendment. The members in general were happy with the process and that a final amended lease was moving forward.
4. Finance Committee Meeting – December 9th, 2014 –
Mr. Spickler said most of the items discussed at the Finance Meeting were discussed here tonight.
5. Docks Fee Review Committee Meeting – December 9th, Cancelled
6. Member Reports – None

XI. Port Engineers Report –

Mr. Gillette said he handed out his written report.

He said Trucano Construction is putting pilings in at the Aurora Harbor.

The head walk floats for Aurora Harbor are at AML.

Next week will be the pre-construction meeting with Miller Construction for Statter Harbor launch ramp project.

XII. Harbormaster's Report -

Mr. Borg reported:

- The IVF water leak has been repaired.
- The Marine Park walk down ramp cover was destroyed in a wind storm.
- Trucano will demolish two impounded boats that didn't sell in auction.
- Another boat will be impounded tomorrow.

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- The boat the Lady J sank in Statter Harbor. It is now day five trying to get it to the surface. There was no fuel on board and not a lot of petroleum, but staff put a boom around it.
- Marine park is open for extra parking downtown.

XIII. Port Director's Report

Mr. Uchytel said there will be a public meeting on January 20th at the Yacht Club at 5:00 pm for Aurora Harbor patrons displaced by the construction project briefing them on the National Electrical Code(NEC) which requires Docks & Harbors to install ground fault interrupters at every pedestal. This is a new change to the code that Petersburg and Sitka have recently went through. Boats will be required to invest in a better electrical system isolation transformer, or just making sure they don't have stray currents coming from their vessel. At this meeting, electrical engineers Ben Haight and Bill Shattenburg will explain what this new code is. The majority of the boats will be unaffected, but there will be a handful of boats that will trip the GFI every time they plug in and not have power.

Mr. Donek said January 20th is the Yacht Club meeting.

Mr. Uchytel said he will work on a date and time.

He also noted that the 2015 meeting calendar added to the packet has updated meeting locations.

XIV. Assembly Liaison Report

Mr. Nankervis said this was his first time speaking as the Liaison to Docks & Harbors and wanted to thank the Board members for their service. He said Statter Harbor launch ramp project, the money transfer for the Corrosion project, and the Tram lease have been approved and moved forward.

XV. Board Administrative Matters

- a. Operations/Planning Committee Meeting – Next meeting is Wednesday January 21st, 2015 in the Assembly Chambers at 5:00 p.m.
- b. Harbor Fee Review Meeting – Wednesday January 14th, at 12:00 pm
- c. Finance Committee Meeting – Next meeting is Thursday January 22nd, 2015 in CBJ Room 224 at 5:00 p.m.
- d. Docks Fee Review Meeting – Next meeting January 22nd, 2015 immediately following the Finance Committee Meeting.
- e. Board Meeting – Next meeting is January 29th, 2015 in the Assembly Chambers at 5:30 p.m.
- f. Strategic Planning Retreat – Saturday February 21, 2015.

XVI. Adjournment - The regular Board Meeting adjourned at 6:37 pm.