CBJ DOCKS & HARBORS BOARD
SUB-COMMITTEE MEETING MINUTES
Friday, November 7th, 2014

I. Call to Order.
Mike Peterson called the meeting to order at 12:30 pm in CBJ Room 224.

II. Roll.

The following members were in attendance: Tom Donek, Mike Peterson, and Scott Spickler.

Also in attendance were: Carl Uchytil - Port Director, and Amy Mead - CBJ Law.

III. Approval of Agenda.

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

The motion passed without objection.

IV. Public Participation on Non-Agenda Items – None

V. Items for Action.

1. Mt. Roberts Tram Update
Mr. Uchytil said this Sub-Committee was established almost a year ago. He said himself and Mr. Peterson have met with Goldbelt approximately 20 times to resolve several issues in an outstanding lease. There was a compromise met on several points in the lease with Goldbelt and he said he worked with CBJ Law and came up with a draft lease amendment as well as a settlement agreement. Goldbelt has been given a copy of the draft lease amendment and settlement agreement. This will go to the Finance Committee and then on to the Regular Board for approval. The Lease amendment and settlement agreement will then go through the CBJ Law Department, to the Lands Committee, and to the Assembly for final approval.

Mr. Bob Loiselle (Goldbelt Representative) said he appreciated the efforts of the sub-committee and the spirit of which an agreement has been met.

Mr. Derek Duncan (Goldbelt Representative) said this process has been going on for the last three years and have met with the sub-committee many times in the last year. He said Goldbelt and Docks & Harbors are in agreement on key terms. He said he looked through the settlement agreement and amendment and he noticed in the settlement agreement it amends the adjustment period from three to five years, but in the amendment, the adjustment period is not listed to be changed from three to five years. There will need to be more work making sure all the changes are made.

Mr. Peterson asked Mr. Duncan when he and Mr. Loiselle would be available to meet and work out the final details of the lease, or could this be worked out in an e-mail?

Mr. Loiselle said he didn't see a need to meet again, but this would just be making sure all the language is consistent.

Mr. Duncan said he couldn't hear what Mr. Loiselle said but he would be back in the office the week of November 17th.

Mr. Peterson asked Ms. Mead if CBJ Law would have any concerns or issues with the amendment to the Mt. Robert Lease amendment, or settlement agreement?

Ms. Mead said she has not talked to the attorney who drafted this amendment and settlement agreement at this time, and she is not sure what the settlement agreement is for. She said using a settlement agreement is an unusual process. Because this lease amendment would be amending an ordinance, the process moving forward would be to go to the Lands Committee and then the Assembly for final approval.

Mr. Peterson asked Ms. Mead if she would have time to review the settlement agreement?

Ms. Mead said she hasn't spoken with the attorney that has been assisting with this matter, but there are provisions in the settlement agreement that CBJ doesn't normally recommend. She said a settlement agreement is not necessarily needed because everything should all be in the amendment which is a contractual agreement.

Mr. Peterson asked Ms. Mead if she could look at the settlement agreement before the Finance Committee meeting on November 18th so that any concerns could be addressed before the meeting.

Mr. Uchytil said this meeting is basically closing the direction given to this sub-committee by the Board Chair. This lease amendment and settlement agreement will go to the Finance Committee and on to the Full Board for review and approval before going to the Lands Committee and the Assembly for final approval.

Mr. Peterson recommended this go to the Finance Committee and Regular Board in draft form so there can still be changes made.

Public Comments – None

Board Discussion

MOTION By MR. SPICKLER: TO APPROVE THE GOLDBELT LEASE AGREEMENT AND FORWARD TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT

Motion passed without objection.

VI. Adjournment.

The meeting was adjourned at 12:46 p.m.