



DOCKS AND HARBORS OPERATIONS MEETING MINUTES

April 17, 2024 at 5:00 PM

Port Directors Conference Room/Zoom Meeting

A. CALL TO ORDER: Mr. Ridgway called the meeting to order at 5:00pm in the Port Director's Conference Room and via Zoom.

B. ROLL CALL: Don Etheridge, Paul Grant, Debbie Hart, Matthew Leither, Annette Smith, Shem Sooter, and Mark Ridgway

Absent: Jim Becker

Also in attendance: Carl Uchtyl – Port Director, Matthew Creswell - Harbormaster, Emily Wright – CBJ Law, and Leah Narum – Administrative Assistant.

C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES - None

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

Mr. Uchtyl introduced the AELP contractor that is here doing a site survey for the cruise ship dock electrification.

E. APPROVAL OF MINUTES

1. Hearing no objection, the March 20th, 2024 Operations Meeting Minutes were approved as presented.

F. UNFINISHED BUSINESS

2. Vessel Disposal Surcharge (VDS) – Next Steps

Mr. Creswell said this starts on page eight in the packet. We have talked about this over the winter and the surcharge regulation which is the charge assessed to uninsured vessels. Currently that surcharge is only applied to assigned stall holders that are uninsured. Approximately 19% of the vessels of assigned moorage are uninsured. From April 1 last year to April 1 this year there was approximately \$20K collected for vessel surcharge. Discussion from previous meetings was along the lines that we should be assessing vessel surcharge to certain transient vessels including non-stall holders. They may be here all year but are non-stall holders. His direction from the Board was to figure out how to assess the VDS to transient vessels wanting to pay the monthly, semi-monthly, and annual rate. If we applied the VDS to these transient vessels, we would be collecting just over \$30K. If vessels are paying the daily rate, it is a much higher rate and the VDS would not be applied. We spent over \$100K for disposal of vessels in the last year and there will probably be another \$50K before the fiscal year end. If we were to collect more VDS revenue to get closer to our current disposable costs, it would be a \$.97 VDS fee. We would need to charge about \$1.50 to recover all our disposals costs expected to the end of the fiscal year. An average uninsured vessel would pay about \$51 per month. If the VDS was raised to \$1.50, it would be about \$75 per month.

Committee Questions

Mr. Ridgway asked how the personnel time spent on these vessels is handled?

Mr. Creswell said it is in our Lucity software program.

Mr. Ridgway asked if staff is proposing the \$.97 per foot or the \$1.50 per foot?

Mr. Creswell said the \$.97 per foot would get us to our current disposal expense, but the \$1.50 would be to recover the anticipated disposal expense to the end of the fiscal year. He said he will take direction from the Board on what fee the Board would like to charge. It could be \$.97, \$1.00, \$1.25, or \$1.50 per foot.

Ms. Smith asked if Wrangell increased their VDS fee to \$3.00 per foot?

Mr. Creswell said they were proposing that fee, but he does not know if that was implemented.

Mr. Leither commented that this was an exceptionally bad year for vessel disposal and wanted to know if past years there was as high disposal costs?

Mr. Creswell said winter was bad this year, but those boats were not the expensive ones to dispose of. The big expense vessels were the 55' ferro cement (Halana), 43' power troller (Norther Star), 56' (Silver Lady) which were all transient vessels paying monthly rates and not assessed the VDS fee. With the annual sea trial notifications, there could be a potential for more vessel disposals if the vessels do not meet the sea trials and are impounded. He is not sure if this is the normal disposal costs for a bit until all the vessels meet their sea trials or if it will get better now.

Mr. Etheridge asked where this year compares to the last couple of years?

Mr. Creswell said this year was worse due to not selling the impounded vessels and having to dispose of larger vessels. He does not have a number to compare this year to.

Mr. Grant asked if staff could look back ten years to see the trends or have our procedures changed so looking back is not a good comparable number?

Mr. Creswell said pre COVID, we had a way to track vessels. During COVID we took a pause on impounding vessels, and we are paying the price for that now. We could be in for a couple of tough years.

Ms. Smith asked if the Board approved an increase, and our vessel disposal expense goes down in a couple years, can we reduce the rate at that time?

Mr. Ridgway said yes, and this fee could be adjusted year to year.

Mr. Etheridge commented that we would still need to go through the Assembly for all rate increases.

Mr. Ridgway said the Board should take all our expenses for the previous year or two years to determine the VDS fee so we would need to go back to the Assembly.

Mr. Grant asked why this is not an insurable event. If someone leaves a junk car in my yard, he believes he could call his insurance and tell them to take it away. He asked if getting rid of boats could be covered by our insurance.

Mr. Creswell said he does not believe any of these boats would be insurable unless they sank. Claiming this on our insurance may increase our insurance even more.

Mr. Etheridge commented that being public property is the difference from being able to use our insurance.

Ms. Smith asked if we collected more VDS than our expense, could we refund the excess money evenly to the people we collected it from?

Mr. Uchytal commented that he would be cautious about having a fund balance for vessel disposal. That may send a message to the boating community that Docks & Harbors has money to dispose of vessels and anyone wanting to get rid of their vessel would leave for us to dispose of. We want people to be responsible for their own property.

Mr. Ridgway said the Board has two questions to answer, what is a good rate for the VDS, and what do we do with the money if we charge more than our disposal costs?

Mr. Creswell said over the years of FY20 and FY21 we were just over \$100K for those two years and we were not even very active with impounds and disposal.

Mr. Hart said this is a statewide issue. Often these vessels are sold to people who do not have the means. Are current patrons who have the vessels in question of future impound having trouble paying their moorage and paying the current VDS fee?

Mr. Creswell said most of the vessels we sell are transient vessels and per regulation do not pay the VDS fee. He does not see the VDS fee as a problem for the boaters.

Mr. Grant asked if the proposed \$.97 rate total revenue includes the transient vessels also.

Mr. Creswell said if we include the transient vessels over the April 2023 to April 2024 and raised it to \$.97 it will cover our current cost of disposal.

Mr. Grant commented that we will never be current with the recovering our costs but always a year behind. Even if we adjust the rate every year.

Mr. Creswell said that is the way he sees it.

Mr. Ridgway commented that staff provided all the information needed to determine a rate to make use whole. If we want to move something to the full Board, we should determine a rate. We cannot go forward as an enterprise without these costs addressed.

Mr. Leither said this seems like a lot for some people, especially with the rate increase that just happened. He wants to know how the Assembly might feel about this fee being increased. One of the ways to have a variable rate is the wording could be the same as the CPI wording that it will be adjusted unless the Board decides not to and that way we would not need to go to the Assembly every time. If we keep track of things, and have collected over what our costs are, we could reduce the fee.

Mr. Ridgway recommended updating our rate setting policy and have a formula this Board wants to apply to the VDS fee. Look at this fee every couple of years and raise or lower it to what makes Harbors whole.

Mr. Leither commented it is a lot of time and work to raise the fee with advertisement timeline, public hearing meetings, Assembly meetings, and if that does not have to happen each time it would be better.

Mr. Ridgway recommended staff come back to the next Operations meeting with a cost-setting proposal.

Mr. Etheridge wanted to check with CBJ Law to see if we could have a fee set at a rate, but if our costs are "x" it would be one rate and if they are "x" it would be a different rate. Could it be based on our expense?

Mr. Ridgway asked Ms. Wright if the Board could have some flexibility in our rates so we would not have to come back to the Assembly to have the VDS fee adjusted.

Ms. Wright said yes, we can do this any way you want. We can have the wording like the CPI and have this fee adjusted annually or you could go to the Assembly every time.

Mr. Ridgway commented that he would like to see a proposed rate/formula from staff before moving this to the full Board and would not need a motion tonight.

Ms. Smith commented that the Boards responsibility is to Harbors and to make sure we have the funding to take care of any issues. Owning a boat is expensive. It is cheap housing for people, but we do not get City assistance.

Mr. Creswell clarified that he would come back to the next Operations Committee with a formalized formula that he used as an example tonight, and work through CBJ Law to come up with language for regulation change. After the Operations Committee approves the formula and regulation wording, it will be forwarded to the full Board for approval.

Mr. Etheridge recommended coming up with a top number to give to CBJ Law to work with.

Mr. Ridgway commented that if it is a formula number it will not be rounded. It will be a representation of what is owed.

Mr. Etheridge said that is the final number, but if the Committee recommends a top number not to go over or not to exceed, they could work with that.

Mr. Leither recommended leaving the formula out of the motion but say this is our current needs for boat disposal. He does not want to be bound to a specific formula but have the wording more like the CPI. We can adjust up to a certain fee or we do not have to and decide based on what needs to happen.

Ms. Hart recommended for staff to also show a timeline. If this is approved at the next meeting, what does that mean when it would be implemented if it was approved by the Board and Assembly.

Mr. Creswell said Ms. Wright will work on different languages for the Committee to review and decide on. He said rate changes are best at the beginning of the new fiscal year (July 1st) or January 1st.

Mr. Uchytel said staff is also working on several other regulation changes and this would be added to those changes.

Ms. Smith asked, including assessing this to transient vessels, do we need to start public notice now?

Mr. Creswell said no, this would go through our standard process.

Public Comment - None

Committee Discussion/Action

NO MOTION

3. PIDP Grant Update – Local Matching Grant Amount

Mr. Uchytel said the question here is, how much do we want to commit for the local match. Like last year, we are going to pursue a small project, small port, which limits our ask to \$11.25M. Brandon Ivanowicz with PND Engineers is working on the Grant application with his team. Part of our scope of work is for PND to come and provide an overview of what efforts have been provided. Last month, the Committee discussed providing a local match of up to 20%. Last year, the Committee decided on \$500K which was closer to 5%. No match is required for this grant but during our debrief in January, one of the suggestions was that we would be more competitive with 20% match money. Harbors will have approximately \$4M at the end of June in our Harbor fund balance.

Brandon Ivanowicz (PND Engineers)

He said PND was contracted by Docks & Harbors to provide concept development and grant writing assistance for the Aurora Harbor drive down float. The grant being pursued is the Maritime Administration Port Infrastructure Development Program Grant (PIDP). Our team is working on the concept drawings, cost estimates, and technical project descriptions that will go into the grant narrative. We have graphic designers that are working on providing an eye-catching application document. We have a sub-consultant, Marine Coast Data, who will prepare the BCA, or cost analysis for the application. That will be the overall cost of the project and the long-term benefits the project will create over its lifespan. We met with MARAD to get an idea where the application needs to be approved from last years. Our application was strong, but just not to the level of being selected. The team is focusing on the areas that need to be improved from last year's application. The grant is due May 10th. We will

submit a draft on May 2nd for review. On May 4th Docks & Harbors will provide comments. May 6th, the final draft will be submitted to Docks & Harbors for their submission to Grants.gov by May 10th. He went over the location and what the drive down float would look like. The total construction cost is estimated to be \$12.6M.

Mr. Uchytel said the only way we would do this is with a federal grant so this would be buy American and hopefully that has been considered in the estimate. The other thing about this grant, small project, small port, is the most the governments will give us is \$11.25M. Anything over that will be on us to pay. PND does have great experience building drive down floats, but none have been post pandemic numbers.

Committee Questions –

Mr. Grant commented that the location for the drive down float could alter the traffic pattern for boats coming into Aurora and will that create any problems that will need to be thought about?

Mr. Ivanowicz said he does not see any issues. This is located at the best place to still have usable space on that inside edge.

Mr. Grant asked if there would need to be a red marker on the end of the float?

Mr. Ivanowicz said PND would submit the project to the Coast Guard, and they would provide the requirements for markers and lights.

Mr. Creswell said going around the breakwater in Douglas is much tighter than this opening. We currently have 100 plus feet boats in Douglas.

Mr. Uchytel said we did have a good turnout at the Infrastructure fair. There was commercial fisherman that saw this layout and thought it looked good.

Ms. Smith asked if this is on Docks & Harbors property?

Mr. Ridgway said yes.

Ms. Smith asked if there are concerns for cost overrun with these numbers or does PND believe the contingency is a good number?

Mr. Ivanowicz said it is tough estimating, but we have a good level of confidence with this estimate for 2024 numbers. It would not hurt to redo the estimate with 2027 numbers.

Ms. Hart asked if height restrictions have been considered for house boats to leave the area they are located in?

Mr. Ivanowicz said if the houseboat got into the area where they are, they will be able to get out.

Mr. Leither asked how often the anodes need to be replaced.

Mr. Ivanowicz said 15 to 20 years of service life. That is the same for the galvanized coating.

Mr. Leither asked if the Auke Bay Facility supports itself?

Mr. Creswell said the Auke Bay Loading facility does bring in a substantial amount of money but has not been compared to cost. He does not believe it pays for itself but does pay for the operations.

Mr. Uchytel said none of our facilities pay for themselves. We have to subsidize everything.

Mr. Ridgway questioned if the turn has been looked at to see what size trailers can make the turn.

Mr. Uchytel said in final design the turn calculations can be looked at but not at this level.

Mr. Ridgway how wide is the elevated approach dock?

Mr. Ivanowicz said about 20' and it is rated for a slightly smaller semi-truck. If it needs to hold more weight, we could modify the existing structure.

Ms. Smith asked how much more that would cost?

Mr. Ivanowicz said it would probably increase by about five or ten percent.

Public Comment - None

Committee Discussion/Action

MOTION By MR. ETHERIDGE: TO COMMIT FROM HARBOR FUND BALANCE - 20% OF PROJECT COST TOWARDS THE LOCAL MATCH FOR THE PIPD GRANT APPLICATION AND MOVE TO THE NEXT FULL BOARD AND ASK UNANIMOUS CONSENT.

Mr. Leither objected for the purpose of discussion.

He asked if the contingency can be added in, or do we need to say exactly what it costs?

Mr. Uchytel said for grant purposes, we need to tell MARAD what we are committed to.

Mr. Ivanowicz said based on the projects estimate, the federal match would be \$10.12M, the 20% local match would be \$2.53M and if they gave us the \$11.25M without the match, we would be responsible for \$1.4M which is the project cost over the \$11.25M.

Mr. Leither clarified that we are going to pay 20% on the entire proposed budget for the drive down float project. Mr. Leither withdrew his objection.

Motion passed.

G. NEW BUSINESS

4. Angoon Trading Company Lease Assignment

Mr. Uchytel said on page 14 in the packet is a simple lease with Angoon Trading Company. Back in the October time frame, we were aware of Angoon advertising to sell their warehouse building. They own the building, and we own the lease property. Marine Exchange of Alaska wants to purchase the Angoon trading building and they need the approval by CBJ to make the assignment of Angoon Trading to Marine Exchange of Alaska. The lease allows them to assign, but it shall be approved by CBJ.

Committee Questions

Mr. Grant asked if this is the lot next to the CBJ lot?

Mr. Uchytel said we own the parcel but not the building. The next couple parcels are leased to DJG (Hugh Grant) and owned by CBJ. The area south of Angoon Trading needs a lot of fill to be useable. The two lots after that are owned by Mr. Doug Trucano.

Mr. Ridgway asked what is paid in lease rent.

Mr. Uchytel said he was unsure.

Mr. Grant asked what is Marine Exchange going to use this area for?

Mr. Coutu, Marine Exchange representative, said this will be for our Marine safety site, light industrial, and light welding.

Mr. Grant commented that the Board has an obligation to ensure the operations are marine or water related.

Mr. Coutu said Marine Exchange of Alaska builds and places marine safety sites all over the state of Alaska. We are in the automated identification system process for vessels. Our marine safety sites are equipped with weather sensing data which is available to ships across Alaska.

Mr. Ridgway asked Mr. Uchtyl if there is any reason this Board should not approve the assignment of this lease?

Mr. Uchtyl said only if the Board had a better use.

Public Comment - None

Committee Discussion/Action

MOTION By MR. ETHERIDGE: TO APPROVE ANGOON TRADING COMPANY LEASE PROPERTY TRANSFER TO MARINE EXCHANGE OF ALASKA AND ASK UNANIMOUS CONSENT.

Mr. Grant objected for a brief comment.

He wanted the Board to remember that this may be giving up one of our location options for a boatyard.

Mr. Grant withdrew his objection.

Motion passed.

5. Boat Shelter Sale of AF-019

Mr. Uchtyl said on page 16 in the packet, the Harbors Admin supervisor received a notification from a boat shelter owner that he sold his boat shelter. He did not go through the requirements of Board approval. The boat shelter is already sold, and this has happened before.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

MOTION By MR. ETHERIDGE: THAT THE BOARD WAIVE ITS RIGHT OF FIRST REFUSAL TO PURCHASE BOAT SHELTER AF-019 AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

6. US Army Corps of Engineers - Feasibility Cost Sharing Agreement for Auke Bay Wave Attenuator

Mr. Uchtyl said on page 19 in the packet is a template for the feasibility cost sharing agreement. Ever since the senate passed the budget for water and energy, Senator Murkowski has \$500,000 earmarked for the Statter Harbor Breakwater feasibility study. Since then, the Alaska Army Corps District in Anchorage has been moving forward with documents back and forth to consummate the agreement. This commits us to half of a \$3M study as a local sponsor. This needs to be approved by the Board. He

also said it could be more than \$3M so we could end up paying more. These are big projects and big decisions that will impact our fund balance.

Committee Questions –

Mr. Etheridge asked if we could use our Docks funds because of all the whale watching boats that moored at Statter Harbor?

Mr. Uchytel said we currently have \$1.6M in the Statter Harbor improvements phase III. We could legitimately pull from that for the Breakwater and continue to ask for Marine Passenger fees for the curb/gutter/paving project for the Statter Harbor uplands. However, Docks fund balance is going to be close to \$3M. Instead of asking for marine passenger fees to support the breakwater, that would need to go through the Tourism Manager and the Assembly, we could just pay for the breakwater with our Docks fund balance.

Mr. Ridgway asked if there has ever been a small cruise ship tied to the Breakwater?

Mr. Creswell said no.

Mr. Ridgway asked how critical it is to move this to the full Board next week?

Mr. Uchytel said he would like to get this moving as quickly as possible to let the Corps of Engineers know we want to do this. This agreement really says we are committed to working with the Army Corps and we know we have costs.

Mr. Ridgway asked what is this agreement buying us?

Mr. Uchytel said with our local share, we will get a full design from the Army Corps. It goes from feasibility study to construction, and we will have to come up with a 20% local match. With the feasibility study, they say three years, and \$3M cost. Half of the cost is shared with the local sponsor. This buys us that process. We have applied for congressionally directed spending that Senator Murkowski earmarked and our lobbyist in DC has already asked for the rest of the \$2M. The study has to say that it makes sense to replace the breakwater to protect a private marina, Statter Harbor, and all the revenue generated from whale watching.

Ms. Smith commented that we are committed to a local match of \$2M, if this goes through, we are committed to another 20% match for the construction which will be substantially more than \$2M. She wanted to know where that money would come from?

Mr. Uchytel said the way he would structure it is the ADOT Harbors facility grant does allow for grant match for floating breakwaters. They have been working to increase the cap of \$5M to a cap of \$7.5M and if we could get the \$7.5M we would be at \$15M. We would still need to come up with \$7.5M for local match. But that would be \$15M of the \$20M project.

Mr. Etheridge said getting this raised to \$7.5M is looking good. Getting it funded is something different.

Mr. Uchytel suggested not ask for marine passenger fees for the feasibility study, but if we need to for the floating breakwater construction, to ask at that time.

Public Comment - None

Committee Discussion/Action

MOTION By MR. ETHERIDGE: TO RECOMMEND THAT THE BOARD ACCEPT THE US ARMY CORPS OF ENGINEERS AGREEMENT FOR A FEASIBILITY COST SHARING AGREEMENT FOR THE AUKE BAY WAVE ATTENUATOR AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

H. ITEMS FOR INFORMATION/DISCUSSION

7. Goldbelt Seadrome Property Swap

Mr. Uchytel said on page 38 is a letter from Goldbelt saying they want to start the discussion again on the proposed property swap. On page 45, there are alternative property relocations. It will be best for Steve Sahlender to come and talk and explain what he wants.

Committee Discussion

Mr. Leither asked if the Title 85 changes, will this be something we can do?

Mr. Uchytel said Title 85 changes are in front of the Assembly on the 28th.

Public Comment - None

8. Title 85 Changes

Mr. Uchytel said this is on page 51 in the packet. On the 28th, this will go in front of the Assembly. He said it is an excellent point to ask, "what does the Assembly want the Board to do". It has been stated before that they are not able to put everything in ordinance as far as expectations. The management of this property is one of the questions. By taking out the limitations of authority, what is the Assembly signaling to this body. Are they saying they do not want the Board's input? This was brought up as an information item just to keep on our radar.

Committee Discussion

Mr. Etheridge commented that he thought the downtown waterfront property was already taken away from us.

Mr. Uchytel said his recollection was only for the Norwegian Cruise Line dock. The Title 85 changes cause confusion on what this body should be doing.

Mr. Etheridge said his understanding from the Mayor was they were taking over all the downtown waterfront property.

Mr. Grant said considering the Title 85 changes, maybe we should tell Goldbelt to go talk to the Assembly.

Ms. Hart commented that the Board is good to work with the Tourism Manager and work for the greater good of the community, but the Title 85 changes hinders the Docks & Harbors Board and the Port Director. It does not give any guidance to the new Tourism Manager. Now the changes throw Goldbelt into chaos because who do they go to now. The Assembly does not even know what these changes will cause.

Mr. Grant commented that these changes are taking away our ability to answer the question that we are being asked by Goldbelt. Why would Goldbelt come to us when Docks & Harbors Board no longer can comment on these projects. Does the Assembly want us to do anything on this topic?

Ms. Smith commented that this is either our responsibility or it isn't. If this is not ours to deal with, then they should get it all and not just the good stuff.

Mr. Uchytel said he has tried to work with the Tourism Manager very closely. He sends tourism related requests to her, and she decides what she will work on what he will work on.

Mr. Ridgway commented that this is a very frustrated Board and the language in the changes does not make anything clear on our roles.

Public Comment - None

9. Proposed Camping Resolution

Mr. Uchytel said on page 58 is the most recent version that the Committee of the Whole adopted on Monday. No decision is being made in the short term. They have punted to the City Manager Robert Barr to come up with a new proposed location.

Committee Discussion

Mr. Ridgway asked if they were still talking about moving it to the little rock dump?

Mr. Etheridge said he heard that was not going to happen.

Ms. Smith said she is not in favor of letting the Assembly use any of our property for a homeless camp.

Mr. Uchytel said the dispersed camp idea will probably mean we have a lot of dispersed camping along the seawalk. He can see Docks & Harbors dealing with it in one way or another.

Public Comment - None

I. STAFF REPORTS -

Mr. Creswell reported –

- At all locations, Staff is deep into summer preparations. Everything is looking great.
- Doug Liermann is retiring on April 30th. There will be a gathering at the Buoy Deck at 4:45 to wish him well.

MEMBER REPORTS -

Mr. Etheridge reported –

- He attended the Assembly Finance Meeting with Mr. Creswell on Saturday where he presented the budget. The Assembly was very pleased with our budget.

Mr. Leither said he will not be attending the Board meeting next week.

Mr. Ridgway said he will resign from the Board after the next Board meeting. He wants to take a year off.

J. COMMITTEE ADMINISTRATIVE MATTERS

Next Operations/Planning Committee Meeting - Wednesday, May 22nd, 2024

K. ADJOURNMENT - The meeting adjourned at 7:40pm.