

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, May 27th, 2021

Zoom Meeting

I. Call to Order (5:00 p.m. via Zoom)

II. Roll – The following members were present via zoom or in person: Lacey Derr, James Houck, Mark Ridgway, Annette Smith, David Larkin, Jim Becker and Don Etheridge.

Absent – Chris Dimond, and Bob Wostmann

Also Present - Carl Uchytel – Port Director, Jeremy Norbryhn – Deputy Harbormaster, and Teena Larson – Administrative Officer.

III. Approval of Agenda

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

The motion passed with no objection.

IV. Approval of May 3rd, 2021 Board minutes and May 19th, 2021 Special Board minutes.

Hearing no objection, the Regular Board minutes of May 3rd, 2021 and the Special Board minutes of May 19th, 2021 were approved as presented.

V. Public Participation on Non-Agenda Items-

Matthew Leither, Juneau AK

Mr. Leither thanked staff for the minutes being posted faster than in the past.

VI. New Business

1. CY2021 Dockage Special for Cruise Ship Fees in accordance with 05 CBJAC 15.030(i)
Mr. Uchytel said this was left on the agenda, but with this not being approved by the Assembly there is no need for this now. If the Assembly would have adopted this fee increase, this would have reset the dockage fees for this calendar year back to what was proposed in a memo in January. He said this will be a good opportunity to talk about the meeting on Monday with the Assembly and try to craft another direction. He played the video from the Assembly meeting on May 24th where they discussed the Dockage Fees. The link for the Assembly meeting is vimeo.com/cbjuneau. This is an appropriate time for the Board to discuss where we are at and where we want to go at this time. There is a Finance Sub-Committee meeting on Monday June 7th and it has been publically noticed.

Committee Questions

Mr. Ridgway recounted what he heard from the Assembly meeting that they want to know the specifics of the rate increase which the Board does not have at this point, the overall Board approach on a rate increase, and the implication that Docks & Harbors public process was not demonstrated. Before going back to discuss the rate increase, each one of the items recounted needs to be addressed. What does the Assembly mean

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by public outreach versus what the Board believes has been done. Our meeting were public meetings and noticed. There was many people that got to speak on the regulation changes through letters, emails, and discussion which had an impact on this Board's thinking. This was also posted on Docks & Harbors facebook page. He believes staff advertised more than what he believes is required for the Board's intent to raise these fees. He really would like to hear from the Assembly what they believe the Board is not doing. It may come down to whether the Board provided the Assembly with the corrollogical chain of events regarding how many public meetings were held, how much advertisement, and how much public testimony.

Mr. Uchytal said the role of an enterprise Board is to carry out and execute on behalf of the Juneau community. In the past, Assembly members have given deference to the Board to ensure the work and staff action meets what is required in ordinance regarding the public process. If there is a higher standard that the Assembly is looking for, he just needs to know what that standard is.

Mr. Ridgway said he believes staff did go above and beyond in some instances but the Board may not have communicated to the Assembly that was done.

Mr. Etheridge said he knows staff sent out emails to all known live-aboard patrons on the fee increase also.

Mr. Ridgway commented there was a lot of public input on the live-aboard rate increase and he believes that is an indicator of public process.

Ms. Smith said this seems like there is a failure to communicate. She did not like the Assembly acusation that the public process was not followed. The Assembly should have looked into this more before they spoke. However, since they have spoken, she would like to know where the failure was. The documentation the Board has read from the Port Director has been outstanding and thorough and the Board even held a Special Board meeting for people to speak on the fee increases. Is the issue that the information transferred to the City Manager was not transferred to the Assembly? Where is the breakdown in communication?

Mr. Etheridge said that is the communication we need to have with Assembly members and the Mayor to find out what happened.

Mr. Becker said he believes the Board should have had the message out that we were looking at all the rates because some of the rates have been in place for a long time. The rates should be looked at in a timely manner. The fee increase proposals were legitimate in his mind. There are people falling through the cracks but there are agencies that help with that and living in Juneau is expensive. He does not believe the Board failed in the fee increase process and would like to hear from the City Manager after he reviews this.

Mr. Houck asked if the Assembly Liaison spoke up at the Assembly meeting to let them know our public process, and is there any preliminary direction from the City Manager to act upon today?

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Mr. Etheridge said the Assembly Liaison did not speak on our public process.

Mr. Uchtyl said the City Manager is currently on leave and he has not heard from him.

Mr. Larkin said his take away from the Assembly discussion was not that they questioned the public outreach but they had no evidence they could look at on our public outreach. He believes there needs to be a better description to them on what the Board has gone through. Moving forward, he suggests to do a better job getting the word out for meetings. He is wondering if a notice for future meetings could go in with the monthly bills?

Mr. Ridgway said in terms of the overall communication with the Assembly, do they understand the potential impact for sending this back which means we are not getting additional funds for the Harris gate and other harbor needs?

Mr. Uchtyl said he does not believe the Assembly knows the gates are a high priority for Docks & Harbors.

Mr. Ridgway asked if they know where Docks & Harbors is financially and without a rate increase things will not get done?

Mr. Uchtyl said they were briefed on our financial budget and asked for an update which was provided. They know Docks will be taking approximately \$800,000 from the fund balance and they were also told there is a very slim margin for our Harbor Enterprise to operate in the black this fiscal year. There is no reason to assume the Assembly does not know Docks & Harbors financial situation.

Public Comment –

Matthew Leither – Juneau, AK

He said having a sign at the top of the gangway going down to the harbor everyone would see. There are other signs there, but not for these meetings.

Committee Discussion/Action - None

No Action taken on this topic

VII. Items for Information/Discussion

1. Professional Consultanting Support for potential Harbor Rate Study

Mr. Uchtyl said he was encouraged by Board Members to look into hiring a consultant to conduct a rate study. This is something that is done quite frequently throughout Alaska harbors and done due to necessity where it is difficult for the port authority or an advisory board to come to some consensus with the harbor rates. He has online from Northern Economics, Mike Fisher from Anchorage. Mr. Uchtyl said Mr. Fisher is a long time colleague through AAHPA and he has known him for ten years. He is here to speak to what a rate study could look like and answer questions. If the Board decided on a rate study, Northern Economics would not just be given the job but this would need to be a competitive procurement action.

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Mike Fischer, Northern Economics, Anchorage, AK

Mr. Fischer said his company has done rate studies all over the state. He talked about his company doing a rate study in Sitka. The engineers did an extensive study of Sitka's facilities and developed the capital plan in terms of what was needed and Mr. Fischer then took that information and developed a set of rates and plan to increase the rates over time for different user groups that would accomplish their goals to pay for the improvements or harbor needed maintenance. We also did studies for smaller communities that they applied for a grant and they needed to demonstrate that they had a sustainable operation and they used the study to apply for a grant. This presentation is to provide information for this Board. There are two kinds of rate studies. A simple approach is a market base rate study which is focused on making sure your competitive against other facilities in your region. It is popular but does not necessarily meet financial goals. A market study is not always the solution when you are having financial needs. The second kind of market study is the cost based study. This would be deciding on a fee to make sure the facilities will be operational and sustainable from a financial perspective. The other approach is to do with cost allocation and equity issues. This study would look at what activities or users are driving costs. This would be to have a good understanding on how to allocate the costs to all the different parties. In doing these studies, there can be a lot of different choices to get to your goals. Rate studies can take a look at the bigger picture.

Committee Discussion/Public Comment

Mr. Etheridge asked for a range in cost for a study.

Mr. Fisher said in the lowest range for Docks & Harbors would be \$10,000 to \$15,000 but in most cases it will be more in the \$20,000 to \$30,000 range. A really detailed study would be a little over \$30,000. The high end would be \$30,000 to \$35,000.

Mr. Becker asked if he did a rate study for the Sitka Harbor?

Mr. Fisher said they did a study that was part of the master plan which included a lot of work from the engineers. When the engineers were complete, that is when he did a lifecycle cost. There was an immediate cost increase for transient users and a five year step increase for other users so there was decisions on how to divide that up.

Mr. Becker asked if his company would start with an initial rate increase and then make recommendations for periodic rate increases.

Mr. Fisher said this would be up to the Board on what they wanted to pursue either a large increase or step increase but there are a lot of options. There are recommendations for adjusting for inflation. Sitka's City Council has to vote on increases every year but it is understood that they will make adjustments according to the price index so it is an easy process because everyone has agreed to that.

Mr. Ridgway asked what the timeline for a study would be? Do the rates have the operational costs built into them?

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Mr. Fisher said market based study is relatively quick and could be completed in a month or two. For a cost based study and using our engineering staff the development of the models can be done in maybe a month or two and with completing the analysis could be completed in about three to four months. In terms of separating out the cost per item, that can be done, and there are several ways to do it.

Ms. Smith asked why we are looking into a harbor rate study because we do not trust our own staff for this information or there is not enough experience. As she listens to the presentation she sees the harbor gate going out the window and if we decide to do this study, what message is it going to send to our Harris Harbor patrons. She does not think it is a good message.

Mr. Etheridge said he does not believe whatever staff comes up with that people are going to believe it. If we go to a third party, there is a better chance for justification for a rate increase, and there are several rate increases needed. This may be easier to have public buy in on it and to get through the Assembly.

Ms. Smith said spending the money on this, over \$25,000, what are we telling our Harris Harbor patrons when we tell them we can not put the gate in because we are paying for this expensive study.

Mr. Ridgway said staff spends a lot of time putting together a package and the Board did not move forward the recommendation from staff. Those funds would have gone to the new gate. We need to raise the money first and he believes this is a significant path forward. This will raise money not just for the Harris gate but for additional gates as well.

Mr. Etheridge said there is more than just the gate to worry about, there are ladders, lights in Douglas, there are a lot of issues. We need to increase the rates to be able to do the needed projects. He said this will give Harbors an opportunity to increase the rates and have back up with the numbers and to get the rate increases through the process without a lot of fight.

Ms. Smith said she understands what the Chair is saying but there can be a lot of money spent on this study and there is no guarantee the Assembly will accept it. She does not think this will do any good but just throwing money away. Unless we can get some assurance from the Assembly, she can not support a rate study.

Mr. Houck asked if the Board would have approved the rate increase, how much money would that have generated per year?

Mr. Uchytal said the \$69.00 live-aboard increase would have generated approximately \$115,000 per year. The increase to the dockage fees would have had a increase of about \$150,000 per year. The increase to the dockage fee would not have raised the fee for any Juneauites.

Mr. Houck said given these increases would have raised \$265,000 and we are looking at paying at least \$30,000 for a survey to back up our fee increases, his intent is to call every Assembly member this week to explain to them how much time and effort the Board

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members put into this and their submissiveness is disappointing to him as a Board member who is up for continuation, or not. It does not make sense to spend another \$30,000 on something that he sees is a no brainer. It is worth restating the fact that no one with 99801 or 99802 zip code is going to be affected by the dockage increases. He said it is worth the Board members time to spend some one-on-one time with the Assembly members and he will start at the Manager's office and work his way down.

Mr. Etheridge said it is not just the Dockage fee but all the fees that have not been increased in many years.

Mr. Ridgway said he is hearing from some of the Board members tonight that the Assembly indicated this Board was incompetent and he is only aware of this video that was shown tonight. He said the Assembly did not pass the Dockage fee increase and there was possibly a communication issue, but if someone has said this Board is incompetent, he would like to be aware of that.

Ms. Derr said not moving the live-aboard fees forward showed the Board did not do all their homework. Seeking an outside source is valuable because we are talking about increasing all our fees. One of the biggest complaint is that only two user groups are targeted. Working with a group that will build in a rate system moving forward will mean that we can be sustainable and have money for projects. It will cost money that we really do not have, but this will show the Assembly that we have done our homework. She is looking forward to having the fees spread out over all the fees and not just one user base.

Public Comment-

Mr. Russell Peterson, Juneau, AK

Mr. Peterson said it seems a little odd for something that is going to go out to bid. There is only one person here tonight that has been a long time colleague of Mr. Uchytel's. The first thing he heard him say in a joke-like was: "what number do you want". He did not hear anything about working with patrons to hear their side of no lights in the parking lots and the value that we do not have. He thought it was interesting to meet the person that caused Sitka to have the highest live-aboard fees in the entire state of almost \$200 or more. In regards to the sustainability part, lets just stop spending money. This study is \$35,000 plus the cost of engineering, which he said would be double, good if we can use our own but the price is up to approximately \$100,000. That is the entire next years live-aboard fees that has not even been collected yet. He recommended to work together to win hearts and minds and have bake sales and get people to donate money if it is needed that bad. He hopes that more people are inspired to get involved and trusting in the process. He did not hear that Mr. Fisher worked with the patrons because that is what this should all be about. A fee increase for anyone not in 99801 he likes. Everyone likes gouging the tourists, so lets do that and not feed off ourselves.

Mr. Etheridge verified that Mr. Fisher was here on invitation to give the Board information on what can be done, and how it looks when it is done. He is not here to bid on anything or set rates.

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Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said he is comfortable with a cost based analysis but not with a market based analysis. Will the base moorage be evaluated. There is a formula currently that kind of works, would this study re-evaluate the moorage formula that is defensible or are we just going to pay someone else to do our homework. As a public enterprise, is there concern with spending this money this year? If this does move forward, he would like this to be a cost based analysis and limited to an assessment of our current spending and not projected spending that includes all kinds of pipe dreams.

Mr. Etheridge said Mr. Fisher is providing the Board with what is available and how the Board can use it.

Mr. Dennis Watson, Juneau, AK

Mr. Watson said he can not remember how many studies the City and Borough of Juneau has done and no action was taken after completion. If we do studies and nothing, the only person happy is the person doing the study. We are in this current situation because there was not a simple process of how all the fees are evaluated. We let the live-aboards go on and on and no increase but everything else has increased. The water rates for the cruise ships which finally got fixed but he is not totally sure how that fee is. There are a lot of fees that have not changed for many years. It is imparitive that we do some kind of program to get there. He does not have fault with an increase and the credibility of the Harbor Board is at stake if you keep trying to do it on your own. He heard dissatisfaction from the Assembly members and it was very pointed and a tad bit on the nasty side.

Mr. Matthew Leither, Juneau, AK

Mr. Leither said he is wondering if a study like this has been completed previously and if it has to do an update or gain some information from a previous set of studies. He wanted to address the discussion about the live-aboard fees not going up and being behind the eight ball on increasing those fees and that is why the Harbor is in the hole we are now. He looked back to as far back as he could find on the moorage rates and from 2007 to current, all the other rates have increased 22%. If you are thinking about increasing rates to be commensurate with the other fees you should raise 22% and not 100%.

Mr. Etheridge said his years on the Board he has not seen a rate study.

2. Dock Electrification Study Briefing

Mr. Ben Haight with Haight & Associates provided a briefing on the Dock Electrification study for the new cruise ships. Brandon Ivanowicz with PND Engineers will talk about the configuration of facility for cruise ship connections, Jim Calvin with McKinley Research group will discuss the economics of the installation, and Jim Rehfeld has been assisting with the energy analysis.

Committee Discussion/Public Comment

Ms. Smith commented that it looked like the Engineering design was based on how ships are configured now, but has anyone looked at planned configuration for future ships, and does the design meet those needs as well?

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Mr. Haight said the information collected from the cruise line agencies indicated that several of the new ships were considered in this study. There are some that have connection on both sides and some that have connections on the port side. This study is based on the most recent information received, and there is no indication it will vary that much.

Mr. Houck said he is curious with the FERC [Federal Energy Regulatory Commission] ready to begin license for construction at Sweetheart Creek, why was that not mentioned in the presentation? When they are estimating an increase in power of 25% over what is currently produced?

Mr. Haight said he did not mention it but it will be addressed in the report. We do acknowledge that the construction of Sweetheart Lake as well as Sheep Creek and possibly Lake Dorothy phase II can add capacity to the system. These are considerations that need to be worked through AEL&P and how does that affect their tariffs as well. There is the potential for more capacity to address our needs.

Mr. Houck said in his experience increasing the number of supply from five hydroelectric to possibly eight, would not only increase the capacity but also the reliability of the power. He asked if he was incorrect in that assumption and how so?

Mr. Haight said it would increase the capacity and when something is increased of that size, you have to be able to sell an adequate amount of energy to make your return on your investment.

Mr. Ridgway asked if there is any other avoidance beside 12% of emissions? What does 12% come down to in terms of emissions and what other benefit might there be?

Mr. Haight said the benefit is that it is a reduction of smoke in the Port which is gas emissions. Basing this on a high level perspective is with the assumption that all the ships are operating the same and that is not always true. Some of the ships are converting from heavy oil to natural gas or propane type engine and this changes the emissions content. It is an estimate to decrease the amount of emissions by 12%. The other advantages are less engine noise while in Port and economics.

Mr. Houck said in 2016 the Assembly charged the Juneau Commission on Sustainability with figuring out how to increase our hydroelectric production in Juneau to 80% with it being currently between 40% and 50%. We sell our energy to our non-interruptible sources and homes between \$.11 and \$.14 cents per KW hour. Princess on their own, built their own, and decided to buy power on a interruptible basis, they are doing it at 25%. Even the ships that run on propane are still producing CO₂ which is the gas we are all trying to reduce. Producing with propane or diesel are second only to nuclear in cost per KW hour. He believes if given the opportunity, these ships would not only hook up to our system and pay \$.20 to \$.25 cents per KW hour for the energy, they would make all future ships capable of connecting to these docks on either side. If the State of Alaska and Juneau requested them to hook up, and if they do not, there would be fiscal penalties to recapture the harm that is being done to our community. We can not make them do it because we are not federal, but we could incentivize this economically to make

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that happen. He believes 12% is too low of a number given the behavior that has been shown by Princess over the last ten years.

Mr. Russell Peterson, Juneau, AK

Mr. Peterson asked what the failure rate is on power supplied. He asked if the power on the new docks would be more stable than the power in Aurora Harbor where, if certain things are plugged in, the entire Harbor shuts off? He said this is unrelated but he would like Mr. Haight to come back and address the harbor issue, and he would come back to listen. He appreciates trying to lower the emissions downtown.

Mr. Haight said the cruise ships are required to maintain certain protecting relay that is more sophisticated than we see in the smaller harbors. There are some challenges with connecting ships to shore and synchronizing them without creating chaos on the utility. This is something that is continued to be studied to make it easier for the utility and the cruise lines. A lot of this will involve synchronizing software. The cruise ships systems are pretty stable.

Mr. Duff Mitchell, Juneau, AK

Mr. Mitchell asked if there was a cost for each of the 30'X 66' power floats?

Brandon Ivanowicz with PND said the float shells are roughly \$300 per square foot which equates to \$831,000.

Mr. Mitchell asked what the total cost would be.

Mr. Ivanowicz said roughly \$1.1M.

Mr. Mitchell said was there consideration given to a rail tram system on the catwalk over the floating dock cost that would eliminate the electrical equipment being at the water level and longshoreman and other factors of safety.

Mr. Ivanowicz said he had not seen that system supported on rails from a catwalk.

Ms. Derr asked for point of order. This is going out of the bounds of public comment and into a question and answer time.

Mr. Mitchell commented that analysis needs to be done for firm rate payers.

Ms. Anjuli Grantham, West Juneau, AK

Ms. Grantham said one of the Visitor Industry Task Force recommendations to CBJ is to maximize shorepower by all cruise lines by requiring CLAA to assign shorepower configured ships to electrified docks once additional shorepower infrastructure is in place. The presumption by most members of the community of Juneau and especially the task force, that there will be additional shorepower infrastructure in Juneau. This is a community value represented both here and in many documents which is a benefit. Proceeding with dock electrification is meeting the values of the community.

3. ADNR Tideland Conveyance - ADL 10905 (in vicinity of Franklin Dock)

Mr. Uchtyl said this is the final finding decision for the additional tidelands for the Franklin Dock expansion project. Staff will petition DNR for survey instructions and

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then we need to hire a survey company to complete a plat. This will then go through CDD to get a subdivision accomplished and at a future date we will enter negotiations with Franklin Dock to lease this property for their proposed dock expansion.

Committee Discussion - None

Public Comment - None

4. CY2021 Cruise Ship Update

Mr. Uchytel said the latest news, President Biden did sign the bill that found the work around for the Passenger Vessel Services Act. The Industry has figured out a way to navigate that. There is nothing now stopping the cruise lines from selling tickets and sailing to Alaska this summer. He said he believes Holland America/Princess and Norwegian Cruise Lines will be going down the path of 95% of crew members and passengers will be required to be vaccinated. Royal Caribbean Cruise Lines is going to follow the other CDC guidelines that requires simulated voyages and he believes that is primarily to accomodate under 12 year of age passengers. Late July and August we may be seeing 10 to 15% of what we saw in 2019. Docks staff is working with CLAA to make sure we have the up to date schedule and we have enough personnel to support this Industry in Juneau.

Committee Discussion-

Mr. Kirby Day, Juneau, AK

Mr. Day said the Industry through CLIA is working on a Port Community Agreement in terms of COVID protocols in order to operate. The next meeting will be June 2nd and a draft schedule will go out.

Public Comment - None

5. Docks & Harbors Board Applications

Mr. Uchytel said in the packet he included the selection criteria to the Assembly for Docks & Harbors Board members. He changed the make up of the Docks & Harbors Board as he knows it. If a Board members sees an error in this document send him an email and he will adjust the document accordingly.

Committee Discussion - None

Public Comment - None

VIII. Committee and Member Reports

1. Operations/Planning Committee Meeting- Thursday, May 19th, 2021

Mr. Ridgway reported the Committee discussed;

- The Harris Harbor security gate and how to move this forward given the impact of not raising the rates.
- Discussed the Docks & Harbors security detail. The Deputy Harbormaster provided a run down of the new security position.
- Mr. Uchytel provided a white paper of the general projects this community needs in terms of Docks & Harbors.

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2. Member Reports – None
3. Assembly Lands Committee Liaison Report - None
4. Auke Bay Neighborhood Association Liaison Report - None
5. South Douglas/West Juneau Liaison Report - None

IX. Port Engineer's Report

Mr. Uchtyl said substantial completion of Statter Harbor phase III(b) will be next Tuesday.

X. Harbormaster's Report

Mr. Norbryhn reported;

- The passenger for hire floats will be open on Tuesday
- The evening security will start on June 8th
- We brought back two more seasonal employees getting ready for the cruise ships.

Ms. Smith asked if the large pot hole at the N. Douglas Launch ramp that is impossible to get around has been fixed.

Mr. Norbryhn said he did not know of it but he will put it on his to do list.

Mr. Etheridge requested to move the handicapped parking from the top of the hill at Statter Harbor to the spot beside the port a potties.

Mr. Norbryhn said he would look into that.

XI. Port Director's Report -

Mr. Uchtyl said the IVF is full and it is looking good for this season.

XII. Assembly Liaison Report - None

XIII. Board Administrative Matters

- a. Finance Sub-Committee Meeting – Monday, June 7th, 2021
- b. Ops/Planning Committee Meeting – Wednesday, June 16th, 2021
- c. Board Meeting – Thursday, June 24th, 2021

Mr. Etheridge appointed Mr. Ridgway to the Finance Sub-Committee Meeting.

XIV. Adjournment – The meeting adjourned at 7:45pm.