

Session 20-08, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Steve Zimmerman at 6:15 p.m. on August 26, 2020 in the Cowles Council Chambers, City Hall located at 491 E Pioneer Avenue, Homer, Alaska via Zoom Meeting.

PRESENT: COMMISSIONERS ZIMMERMAN, DONICH, CARROLL, ERICKSON, ULMER, ZEISET, STOCKBURGER, AND STUDENT REPRESENTATIVE ENGBRETSEN

STAFF: PORT DIRECTOR/HARBORMASTER HAWKINS
DEPUTY CITY CLERK TUSSEY
CITY MANAGER DUMOUCHEL

There was a delay in starting the meeting due to technical difficulties.

Chair Zimmerman introduced Katelyn Engebretsen, the new Student Representative for the Port and Harbor Advisory Commission.

AGENDA APPROVAL

Chair Zimmerman asked for a motion to approve the agenda.

ULMER/CARROLL MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Malcom Milne, non-resident, provided written testimony that was read into the record by Deputy City Clerk Tussey. Mr. Milne voiced his opposition to the proposal to change the Homer Harbor/EMS inbound patient transfer location to the JJ Float. He requested that an alternative location be considered, or not take action at this time.

RECONSIDERATION

APPROVAL OF MINUTES

A. July 22, 2020 Regular Meeting Minutes

Chair Zimmerman asked for a motion to approve the minutes.

ULMER/STOCKBURGER MOVED TO APPROVE THE MINUTES.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS/PRESENTATIONS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

A. Port & Harbor Staff Report for August 2020

Port Director Hawkins spoke to his staff report noting the following topics:

- July 21st Tsunami warning event leading to the evacuation of the Homer Spit during peak summer time use.
- Scrap steel load-out; about 4,000 tons went out.
- Inbound patient incident due to a vessel capsizing in China Poot Bay. Post-meetings were held with USCG, City responders/police, and first-response fishing vessels. Much of the discussion addressed the issue of recurring accidents surrounding the dipnet fishery and inexperienced boaters, and what kind of educational campaigns can be done to mitigate tragedies like this.
- Port Maintenance disposed of about 10,000 gallons of used oil collected.
- Ice Plant updates regarding the change to pots for black cod.

B. Homer Marine Trades Association Report

Commissioner Zeiset gave a verbal report for the HMTA. The association met and on August 28th they will be having their Annual Membership Drive; if that doesn't happen they'll still be having their Annual Meeting on September 2nd, held at Nomar, and is open to the public and whoever is interested in learning more about the association. Food and drink is provided along with opportunities to catch up with local businesses and fishermen.

The Seattle Fish Expo still hasn't cancelled but many HMTA members are not interested in traveling down there, so they will not be attending as an organization.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- #### **A. Sport Shed Lease Transfer from AKSnowGrls to Homer Enterprises, LLC**
- i. Homer Enterprises, LLC (Sport Shed) Lease Application
 - ii. 2019 Land Appraisal – Sport Shed
 - iii. HCC 18.08.100 Appraisal
 - iv. DRAFT Homer Enterprises, LLC (Sport Shed) Lease Agreement

Chair Zimmerman introduced the item by reading the title and opened the floor for discussion.

ULMER/DONICH MOVE TO RECOMMEND TO CITY COUNCIL TO APPROVE A LEASE RE-ASSIGNMENT FROM AKSNOWGRLS DBA "SPORT SHED" TO HOMER ENTERPRISES, LLC.

Commissioner Zeiset commented on Homer Enterprise's request for a lesser lease payment, and requested Port Director Hawkins to speak to that subject. Mr. Hawkins explained how there had been a decrease in the fair market lot value, based on a recent appraisal, due to erosion damage. He further explained lessees are able to request a different lease rate per Homer City Code. Mr. Zeiset felt that they should do something for the lessee since there has been a significant amount of storm damage done to the property. There was discussion on the motion's verbiage and if it needed to be amended to include the commission's recommendation to approve of the lower lease rate. Staff clarified that the recommendation listed in the application cover page is from the City Manager's Office, which the commission would be agreeing to with their motion.

Commissioner Stockburger inquired to Mr. Hawkins on the policy on what happens when land goes away due to erosion, if it's the lessee's responsibility to replace it or the City's. Mr. Hawkins explained how there isn't a policy; the City has been using our dredged materials to rebuild up that area. If a storm came through and destroyed that area, there is no policy or money to rebuild it. He referenced how the same concern came up two years ago at the previous lease re-assignment. The lessee and the City are taking on that risk when entering that lease. Mr. Hawkins provided a background of improvements Mr. Ashment made to the property. He noted how the City was fortunate to have someone actually able to step in and take the business back over, versus having a vacant lot and building with no lessee and no revenue.

Commissioner Donich questioned on what happens to the building when someone wants to buy it, what's going to happen when the storms come in and keep damaging the property. He opined that we're just going to keep going down this path and there is a need to come up with a future plan to prevent the damage such as rip-rap or other significant improvements. Mr. Hawkins concurred, noting that the Alaska Department of Transportation's Right-of-Way is about halfway through that parking lot and if they decided to, they would make improvements to their ROW (raising the property to highway level, adding in rip-rap, etc.). That would then cause the issue of how to use that lot with it being split by improvement/height differences. He pointed out that its big questions like this that are not just for this business but all of them down that side of the Spit.

Chair Zimmerman noted that we're just holding Mr. Ashment to the current assessed value. If the appraised value happens to go back up in the future then the lease payment will go back up.

Commissioner Zeiset inquired if a section could be built into new leases for that area that they have to be aware of and agree to the storm damages/responsibilities before signing; they're aware of the washout that happens. Discussion ensued with the commissioners agreeing with that suggestion.

VOTE: YES: ERICKSON, DONICH, ULMER, CARROLL, ZEISET, STOCKBURGER, ZIMMERMAN

Motion carried.

In response to Commissioner Carroll's offer to make a second motion to support the lower lease rate, Chair Zimmerman and Deputy City Clerk Tussey reiterated the City Manager's recommendation is to approve the lower rate and if the commission supports that then a second motion is not needed.

Commissioner Stockburger opined that they should send a message to Mr. Ashment that the land is worth less and not have to wait until a formal appraisal is done, and recommend to City Council that they consider dropping the lease rate as laid out in the proposal.

STOCKBURGER/ZEISET MOVED TO RECOMMEND TO CITY COUNCIL THAT THEY CONSIDER DROPPING THE LEASE RATE AS LAID OUT IN THE PROPOSAL.

There was discussion on supporting the idea of lowering the rent to help incentivize the lessee due to the lot's erosion damage.

Mr. Hawkins spoke to the allowances listed in Homer City Code that allow the lessee to officially request the City Manager reduce the annual rent to the appraised value. It was City Staff that aided Mr. Ashment in submitting that request. Mr. Hawkins noted that the commission's motion, plus their comments, will show their support in that recommendation.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Proposed KBNERR Plan & MOU Review
 - i. DRAFT MOU between KBNERR, UAA, & City of Homer
 - ii. DRAFT KBNERR 2021-2026 Management Plan
 - iii. City of Homer Resolution 96-106

Chair Zimmerman introduced the item by reading the title and opened the floor for discussion.

Commissioner Carroll spoke to the proposal and voiced his concerns with organizations like this that are not government but work with governments through memorandum of agreements that can be transferred. He shared an instance where a non-government agency's focus and purpose had changed over time, their sway in local politics increased, and it adversely affected the local commercial fishing industry. Mr. Carroll commented that he did not feel they had enough time to really review what this organization is doing and how they're rewriting their plan.

In response to questions, Port Director Hawkins talked about the Kachemak Bay National Estuarine Research Reserve (KBNERR). He explained how the organization is now managed by the University of Alaska Anchorage and they had reached out to the City in 2019 to update our Memorandum of Understanding to reflect the change. He described the positive relationship they have had with the City over the years with numerous other projects.

Mr. Carroll noted in their proposal where they state how they're redefining their role, and how he would like to have more time to understand that before agreeing to a new MOU.

ULMER/CARROLL MOVED TO POSTPONE THIS PROPOSAL TO THE NEXT MEETING FOR MORE TIME TO EDUCATE THEMSELVES ON THE TOPIC.

Commissioner Stockburger inquired to Mr. Hawkins if there is a timeframe. Mr. Hawkins noted that it is advisable to take time to review the information and there isn't a deadline.

Commissioner Ulmer asked if there should be a worksession. Commissioner Zeiset commented how the large amount of information felt a bit overwhelming, and if maybe someone from the organization wanted to come to a meeting to speak to it. There was further discussion on needing more time and seeking further clarification from KBNERR.

Mr. Hawkins confirmed that there is a point of contact with the organization and staff would reach out to them to see if they would be available to attend the next meeting.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Proposed Change to Homer Harbor/EMS Inbound Patient Transfer Location

Chair Zimmerman introduced the item by reading the title, noted the earlier public testimony they heard on the subject, and deferred to Mr. Hawkins for comments.

Port Director Hawkins spoke to the history of Harbor Staff and EMS's discussions on the matter, and how they decided last year to keep it at the Load and Launch Ramp. Due to recent events involving dangerous wakes from vessels bringing in inbound patients, the subject came up again. He voiced his experiences with the safety issue and reiterated his concerns, noting the damage it causes to the floats, nearby vessels, and safety hazard it causes to people. Mr. Hawkins stated he does not believe they can get these people to slow down; they have tried numerous ways.

Commissioner Donich voiced his agreement with Mr. Hawkins and the severity of the issue. He offered to bring the subject up at his association meetings with captains and spoke to the safety concerns about people speeding through the harbor.

Commissioner Stockburger spoke to other options, if EMS could meet the patient out on the water, or if Port and Harbor staff could be out there to escort the boat down the fairway to the Load and Launch Ramp.

Commissioner Carroll suggested if the stop point could be at the secondary Petro Marine fuel dock that isn't used as often.

Chair Zimmerman commented that losing moorage on JJ Float would be a loss in revenue, but they do need more loading zone in that area. He opined if that could be a way to justify the relocation until a better spot was established.

Mr. Hawkins responded. When staff sees a severe safety issue (such as cars parking on the road and camping in the grass), Port and Harbor staff addressed the issue before somebody got hurt. With this issue, they see a safety hazard and they need to do something. If he had his way, he wouldn't have put the Load and Launch Ramp at the very end of a busy harbor. They've tried slowing boaters down with citations and warnings, they've tried escorting them (they passed the harbor skiff), and none of it worked. He hates to see the loss of moorage, but given the severity of this safety concern, he feels it warrants it.

Commissioner Carroll if the other ramp on the outside of the harbor could be used when a landing craft is doing the transport. Mr. Hawkins stated that they need to select a set place to avoid confusion with the ambulance and not have different locations. In response to how often does this type of situation come up, Mr. Hawkins noted it happens about 4-5 times a season.

Commissioner Zeiset spoke to the image/map provided and felt the proposed site is a good middle solution with the emphasis on it being a temporary solution until a better location is found.

Discussion ensued on alternative options of using the Barge Ramp (not always accessible if a large landing craft is there) or the other Petro Marine Fuel Dock (privately owned, couldn't be used without an agreement on hand, and improvements would be required since the ramp is too narrow and steep).

Commissioner Stockburger asked Mr. Hawkins if he sees the proposal of using JJ Float as the best solution for the time being. Mr. Hawkins stated he does.

STOCKBURGER/ULMER MOVED TO DEDICATE A PORTION OF JJ FLOAT AS THE EMERGENCY LOCATION.

Commissioner Carroll inquired on using the Seldovia Vilage Tribe loading area so they're not losing the needed moorage space. Mr. Hawkins said that they could use that space, but is concerned with the ferry being in when they need the space. There was clarification on what size of vessels use that space.

Commissioner Zeiset questioned how much space would be required. Mr. Hawkins stated that there would still be a large amount of transient moorage in front of it. Zeiset commented that they and staff should consider this issue be a part of the Harbor Expansion Project design, and to keep looking for better emergency transfer locations.

ZEISET/DONICH MOVED TO CONSIDER OTHER TRANSFER LOCATION OPTIONS AS THEY PRESENT THEMSELVES, AND BUILDING INTO THE EXPANSION DESIGN AN EMERGENCY LOCATION.

There was no discussion.

VOTE (amendment): NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (main motion): YES: DONICH, ULMER, ERICKSON, STOCKBURGER, ZIMMERMAN, ZEISET
NO: CARROLL

Motion carried.

INFORMATIONAL MATERIALS

- A. Port & Harbor Monthly Statistical Report for July 2020
- B. 2019 & 2020 Load & Launch Statistical Report
- C. Water/Sewer Bills Report for July 2020
- D. Crane & Ice Report
- E. Dock Activity Reports
- F. PHC 2020 Meeting Calendar
- G. Commissioner Attendance at 2020 City Council Meetings

There was discussion on informational materials, reported accidents that have occurred this year, parking issues, and application of fees.

COMMENTS OF THE AUDIENCE

Mako Haggerty, resident and user of the harbor, voiced his concerns regarding congestion issues at the bottom of Ramp 2. He suggested the harbor reduce the amount they charge the water taxis for the use of the Load and Launch Ramp that they would be more likely to use the Load and Launch or Barge Ramps and take pressure off the Ramp 2 float and parking areas. He also spoke to issues with the crane and lack of accessibility to people like himself who load multiple boats over there due to issues with high insurance costs. Mr. Haggerty commented on the commission's action to approve the Homer Enterprise lease transfer, the dangerous China Poot area, and wished them luck with the EMS/patient transfer location issue.

James Lack, non-resident, provided written testimony concerning moorage fees that was read into the record by Deputy City Clerk Tussey. He thanked the commission and Port and Harbor staff for educating him on the moorage fees. He understands that the harbor is expensive to run, but voiced the financial challenges he faces to have a boat in the Homer Harbor. He thanked them for their service.

COMMENTS OF THE CITY STAFF

Deputy City Clerk Tussey asked the commission to let her know now if they'd prefer to have a paper packet or not. Commissioners Zeiset, Donich, and Student Representative Engebretsen requested an e-packet.

Port Director Hawkins thanked the commission.

COMMENTS OF THE CITY COUNCILMEMBER

COMMENTS OF THE CHAIR

Chair Zimmerman thanked everyone for a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Donich spoke to the public input he received from harbor users and their concerns with moorage rates.

Commissioner Zeiset noted it was a good meeting and hopes they can meet in person.

Commissioner Ulmer welcomed new Student Representative Engebretsen. She noted the conversation she also had with harbor users regarding moorage and thanked everyone for their work.

Commissioner Carroll spoke to the public input he received from harbor users and appreciates it when public participates in the meetings and contacts him.

Commissioner Erickson commented on the Kachemak Bay National Estuarine Research Reserve (KBNERR) proposal and how he is glad they will have more time to read the information provided.

Commissioner Stockburger echoed everyone's comments, thanking staff, and voiced his appreciation for the Homer Harbor as compared to other harbors. He welcomed the new student representative.

Student Representative Engebretsen had no comment.

ADJOURNMENT

There being no further business to come before the Commission the meeting adjourned at 8:04 p.m. The next regular meeting is scheduled for Wednesday, September 23, 2020 at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom webinar.

RACHEL TUSSEY, DEPUTY CITY CLERK I

Approved: _____