

I. City of Bethel Port Commission Meeting Minutes

December 21, 2009

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

Meeting called to order by Chairman Murphy at 7 p.m.

II. SPECIAL ORDER OF BUSINESS

None

III. ROLL CALL

PRESENT Harry Faulkner
Brandon Leary
Alan Murphy
Greg Roczicka
Heather Pike
Tundy Rogers
EXCUSED Michael Meeks

IV. PEOPLE TO BE HEARD

None

V. APPROVAL OF AGENDA

Comm. Rogers motion to approve agenda
Comm. Roczicka seconded
Passed 6-0

VI. APPROVAL OF MINUTES

Comm. Leary motion to approve minutes of the October 20, 2009 meeting
Comm. Roczicka seconded
Passed 6-0

VII. PORT DIRECTOR'S REPORT

Discussed overflow, discussed permits for dredging, ownership of the Boat Harbor (deed and survey were obtained) Scope of work for the East side of the SBH embankment

VIII. UNFINISHED BUSINESS

A. Revisions to the BMC code 12.10.045 Log and Log Rafts on the Port Facilities. And will be brought up again on the 18th of January 2009 port commission meeting.

IX. NEW BUSINESS

Budget modification/gravel – to transfer \$200,000 from 52-50-773 to 52-50-775.
Comm. Leary – buy two hundred thousand dollars worth of gravel in FY2010 and hold fifty percent of the gravel in reserve for FY2011(2010)
Motion by Comm. Pike to bring recommendation to City Council, Comm. Rogers seconds motion. current contract due to expire June 30, 2010
Discussion – Comm. Leary wanted insurances that the gravel will be used at the Port and not elsewhere within the City of Bethel

I. City of Bethel Port Commission Meeting Minutes

December 21, 2009

Regular Meeting 7 p.m.

Bethel, Alaska

Port Director gives insurances that we can secure the gravel in a separate area from the Public Works Dept.

Comm. Rogers – voices concerns that in the past gravel obtained by the port was used elsewhere other than Port facilities.

Motion for recommendation to council approved 6-0

Hector Lopez' outstanding invoice – Port Director explains that he was using an old rate. Adjustments to invoice were made and billed accordingly.

Comm. Pike discusses the charges and voiced concerns about adjusting the sales tax and late penalty fees, and asked if the Port is using the three percent late fee brought to the attention of Revenue Supervisor that the late fees were three percent of outstanding bill, and asked if any other errors in billing had happened if the Port had gone back and adjusted their rates concerning any discrepancies.

Port Director – a has gone over the billing and made the necessary adjustments.

Comm. Pike believes there needs to be clarification on free time

Port Director – free time is applied when whatever freight first arrives at port facilities and doesn't start July first.

Comm. Leary reads the definition of free time to commission. And Port Commission discusses free time.

Port Director – discrepancy on how boats are charged when in storage during winter. Port Director has been working with Revenue Supervisor concerning Mr. Lopez' charges.

Comm. Pike – motioned to suspend the rules to hear from a member of the public. Seconded by Comm. Faulkner, approved 6-0.

Member of the public states that he has no comments.

X. COUNCIL REPRESENTATIVES COMMENTS

Comm. Pike – voices concerns about some of the verbiage in terminal tariff #004 and asked port commission to hold some special meetings to clear it up as soon as possible to clarify the storage fees for boats and barges that are on the city dock and beach #1

Comm. Leary – mentions that in section 2 item 201 conflicts with section 2 item 202 in the terminal tariff in use and because there is such a big discrepancy that the port commission needs to resolve this issue as soon as possible.

Comm. Faulkner – states that the difference between the old tariff and the new tariff is that there is a 438% increase and he doesn't think that this is fair.

Port Director – doesn't understand where he gets the 438%, the port went from 10 cents to 30 cents per square foot for storage fees.

Comm. Faulkner – states that its sixty cents a month for storage fees.

Port Director – terminal tariff states that there is two weeks free for storage then its thirty cents per square foot for the next two weeks, for the first month is thirty cents per

I. City of Bethel Port Commission Meeting Minutes

December 21, 2009

Regular Meeting 7 p.m.

Bethel, Alaska

square foot. There after thirty cents per square foot every two weeks until Oct. 31st then its thirty cents per square foot from Nov.1 to May 31.

Port Director – explains that the reason its thirty cents a square foot every two weeks is that the port of bethel with the port commissions blessings has set the rates in such a manner to encourage users of the city dock and beach #1 to remove their freight off the dock in a timely manner. And the port director expresses his concern that even at thirty cents per square foot that in some cases that this seems that even at current rates it might not provide even enough incentive.

Comm. Pike – asked the commission to hold a few special meetings to go over the tariff a few pages at a time.

Comm. Leary asked if he could participate

Port Director – states that he asked the city clerk about Comm. Leary and Comm. Faulkner participating in any language changes in the terminal tariff and the answer was that they could not. And further asked Comm. Pike to ask city clerk to clarify it.

Comm. Pike – states that commissioners Leary and Faulkner wouldn't be kept in the dark about changes to the tariff but cold not vote on changes made to the tariff.

Chairman Murphy – states that even there was a change of language in the tariff that this could affect the rates also.

Comm. Pike – asked for meetings in January and will ask the city clerk about commissioners Leary and Faulkner participation in any changers that concern the tariff.

Comm. Roczicka – states that state board and commissions that when a participant declares a conflict of interest that they are still allowed to participate in the process.

Comm. Pike – states her feeling about any conflict of interest concerning the port commission and what she has heard in the public about what goes on in the port commission.

The Port Commission as a whole discusses conflict of interest and there concern that the general public thinks that we work behind closed doors when in fact we have never worked behind closed doors and have encouraged the public to attend any port commission meeting that is held.

Comm. Pike – states that she will bring up the issue of "conflict of interest" to the bethel city council.

Comm. Rogers – point of order

Comm. Roczicka – states that he already had made his comments.

Comm. Rogers – states that the port commission has always been open to the public.

Comm. Leary – states that is Comm. Faulkner is not appointed to the Port commission that Comm. Leary will resign

Comm. Faulkner – no comment.

Comm. Rogers – states that if you sit on a board that commissioners have to let any negative comments from the public run off their shoulders. And he wishes everyone a merry Christmas and a happy new year.

Chairman Murphy – states that we can always pick a tariff apart and find contradictions but the issue in section 2 is a big discrepancy and needs to be resolved. On the issue of conflict of interest within the port commission he feels that there hasn't been any and Comm. Leary had not had a conflict of interest. And hopes that we can have the meetings in January and hopes that we can resolve the issue.

Port Commission decides to meet 12/29/09 at 7:30 and meet January 4th, 5th, and 6th at 7:30.

I. **City of Bethel Port Commission Meeting Minutes**

December 21, 2009

Regular Meeting 7 p.m.

Bethel, Alaska

- XII. ADJOURNMENT
Comm. Pike motion to adjourn.
Comm. Rogers seconded
Passed 6-0

MOVED:		To adjourn the Regular Port Commission meeting on 6-15-09
SECONDED:		
VOTE ON MAIN MOTION	Passed	

With no further business before the Port Commission, the meeting adjourned at 8:27 p.m.

Respectfully Submitted:


Alan Murphy, Chairman

APPROVED THIS 6 day of January ~~2009~~ 2010

ATTEST: Peter Sullivan