

PORT COMMISSION MEETING

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PORT COMMISSION MINUTES
JANUARY 17, 1994

CALL TO ORDER Allen Desousa called the regular Port Commission meeting of December 6, 1993, to order at 7:36 p.m.

ROLL CALL Present: Allen DeSousa, Dr. William Bergen Buster Richardson, Norm Silta, Manny Konig Allen Wintersteen, Grant Fairbanks, Manny Konig. Also present were: Port Director - Stuart Greydanus, Jim Parsons and William Hunter.

APPROVAL/MINUTES M/M by Konig, 2nd by Wintersteen to approve minutes of December 6 meeting. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Konig, 2nd by Bergen to accept agenda. Voice vote. Motion carried unanimously

PORT DIRECTOR RPT Port Director gave oral report to Commission.
Port Director elaborated on issues regarding:

Status of Project Cooperation Agreement between the Corps and City of Bethel.

Status of dredging in Brown's slough.
Maintenance dredging in small boat harbor.

Commission will need to review the Fuel-Thru-put fee with Bethel fuel sales at the next regular scheduled meeting.

Commission will need to hold a public hearing on the Stevedoring increase. This needs to be done before Council can approve it.

**COMMENTS OF
COMMISSIONERS**

Fairbanks commented about the lights on the Lucky Buck Barge.

Richardson commented on the number of users utilizing stevedore permits.

Wintersteen commented his appreciation for the lights on the barge.

Konig commented on the need for more maintenance of the harbor facility.

COUNCIL REPRESENTATIVE REPORT

Wintersteen reported on the Fuel thru-put-fee. Port Newsletter and Stevedoring increase.

COMMITTEE REPORT

DeSousa gave an update of the takeover of the Dock from the State. Greydanus, Silta and Desousa are gathering information. Meeting scheduled for January 24, 7:00 p.m at dock office.

PEOPLE TO BE HEARD None

OLD BUSINESS

ITEM A: Port Development Study

Port Commission reviewed the Port Development Plan. No action was taken.

NEW BUSINESS

ITEM A: Election of Officers. 1994
Buster Ricahrdson nominated Norm Silta for Chairman. Manny Konig nominated Allen Desousa for Chairman. Vice chair Richardson took over the chair seat since Desousa was running. Voting for Silta to be chair were Wintersteen, Silta, Fairbanks and Richardson. Those voting for Desousa were Desousa and Konig.
Bergen abstained for personal reasons.

job. Silta received majority and took over chair

Wintersteen nominated Richardson to Vice-chair.
Fairbanks nominated Desousa as Vice-chair.
Konig, Wintersteen and Silta voted for
Richardson.

Richardson, Fairbanks Bergen voted for Desousa.

M/M by Fairbanks 2nd by Bergen to vote again
for vice-chair. Voice Vote motion carried.

Silta, Konig, Bergen and Wintersteen voted for
Richardson to be vice-chair. Majority vote.

Fairbanks and Richardson voted for Desousa as
Vice-Chair. Desousa abstained.

Fairbanks nominated Bergen for Secretary.
Richardson, Bergen, Konig, Wintersteen and
Silta voted for Bergen.
Desousa and Fairbanks abstained.

Adjournment

M/M by Richardson 2nd by Konig to adjourn
meeting at 10:26. Voice vote. motion carried.

Passed and approved this 28th. day of February 1994.

Norm Silta, Chairman

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March 21, 1994

CALL TO ORDER Norm Silta called the regular Port Commission meeting of March 21, 1994 to order at 7:35 p.m.

ROLL CALL Present: Allen DeSousa, Allen Wintersteen, Buster Richardson Norm Silta Bill Bergen
Absent: (excused) Grant Fairbanks
(not excused) Manny Konig

APPROVAL/MINUTES There were no minutes available for the last meetings due to damaged tapes of the February 28, 1994 meeting.

APPROVAL/AGENDA M/M Richardson to add City ordinance 94-08 to Item B under new business and to approve agenda as amended 2nd by Wintersteen. Voice Vote. Motion passed unanimously.

PORT DIRECTOR REPORT Port Director report submitted to commission in writing. Port Director also reported on the Stevedoring Permit Fee increase. Administration has put proposal together for Commission review.

COMMENTS OF COMMISSIONERS Richardson was interested in moving the billing from the dock to finance.
Desousa was interested in setting up another committee meeting on the dock takeover. A meeting was scheduled for March 28 7:00 p.m at the dock.

COUNCIL REPRESENTATIVE Wintersteen reported on the Coast Guard Letter regarding derelict vessels. He also reported on the proposal to use the docks' split of the fish tax money to fund Police officer positions.

COMMITTEE REPORT DeSousa gave a brief report on the take-over of the dock from the state.

PEOPLE TO BE HEARD None

OLD BUSINESS Item A: Stevedoring Permit Fee Increase Proposal was submitted to Commission from Administration. Concerns were focused on maintenance, improvements, safety and liability on the dock. It was talked about limiting the number of permits issued to users.

After much discussion, M/M by Richardson 2nd. by Bergen to recommend to Council to increase the stevedoring permit fee from \$500.00 to \$3,000.00 and to look later on how to charge a daily fee. Roll Call Vote. 4 yes 1 no. Wintersteen voted against proposal because he would like to see only one operator on the dock.

NEW BUSINESS

Item A: Responsibility for collection and guarantee for charge.

Greydanus reported his concern about fishing companies accruing charges and taking all winter to pay them. The dock does receive interest on unpaid debt but Greydanus is worried that one of the fishing companies could go bankrupt in 94 with the projected weak run of fish. The City Council had to write off over \$30,000.00 in uncollectible debt from Kemp-Paulucci a few years ago. Greydanus proposed that fishing companies estimate what they will owe the Port for the Month or Season and pay a 125% deposit of that amount up front before they can proceed with operations. Greydanus felt these companies could borrow money from their respective banks rather than the Port bank of Bethel. We could refund these companies at the end of the year if they had money due back from us. This would ensure that the City of Bethel does not get burned again like with the Kemp case. After much discussion on the Pros and cons of this issue, M/M by Bergen 2nd by Wintersteen to find a legal determination on whether you can put a lien on assets in advance of using facilities prior to operating each year. Voice Vote. Motion Carried unanimously.

Item B: Funding Police positions Partly with the docks split of the fish tax.

Desousa reported that he made a motion at the Chamber of Commerce Meeting to support increasing the number of Police officer positions. He said that at no time was he aware that funding for these positions would come partly from the raw fish tax. Allen indicated that had he

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known this, he would not have supported it. Greydanus reported that his concern was that this item was not on the posted Finance Committee agenda. It was added at the meeting. Therefore no one from the Public was afforded the opportunity to comment at the finance level because no one knew about it. Greydanus felt that it wouldn't be a bad idea to fund these positions using the fish tax money if a portion of the policemen's time was dedicated to patrolling the Port. This was not presented in the proposal. Greydanus felt that if any commission or committee votes on a monetary issue that will affect any one department, that this item should be publicly noticed and not added to the agenda at the time of the meeting. After further discussion, M/M by Silta 2nd by Silta to recommend to City Council to table Ordinance 94-08 until a joint Finance and Port commission meeting take place to discuss the taking of the raw fish tax from the Dock fund and depositing it in the General Fund. Voice Vote. Motion Carried unanimously.

M/M by Bergen, 2nd by Richardson to adjourn meeting.
Voice vote. Motion carried unanimously.

ADJOURNMENT

9:55 P.M.

PORT COMMISSION MINUTES
May 23, 1994

CALL TO ORDER

Norm Silta called the regular Port Commission meeting of May 23, 1994 to order at 7:35 p.m.

ROLL CALL

Present: Norm Silta, Allen DeSousa, Allen Wintersteen, Buster Richardson, and Grant Fairbanks.

Absent: (not excused) Manny Konig. (Excused) Dr. Bergen.

Also Present: Port Director - Stuart Greydanus, City Manager - William Hunter, Crowley Marine Services - Jerry Galiart and Port Admin Assistant - Suzanna Maloy.

Enter at 8:00 p.m. - Ray and Kimo Thomas.

APPROVAL/MINUTES

M/M by Richardson, 2nd by Desousa to approve the minutes of the meeting of March 21, 1994 meeting. (Desousa did add that the minutes did appear to be incomplete and acknowledged as per Suzanna Maloy that the tapes were not complete in themselves.) Motion passed by acclamation.

APPROVAL/AGENDA

Desousa noted to delete the typo of old business which was on the agenda twice.

Motion

M/M by Wintersteen, 2nd by Richardson to add item A: "Port Staffing" under old business. Voice vote. Motion carried.

PORT DIRECTOR REPORT

Greydanus reported that the Port collected \$29,000 from Coastal Villages Fisheries. (They still owe \$3,000).

Wintersteen inquired as to who was person spoken to at CVF.

Greydanus reported that he has been speaking to John Acre and the accountant at CVF. Greydanus also reported that the moorage for the 1994 season would be paid at the beginning of the season.

Motion

M/M by Desousa, 2nd by Richardson to accept Port Director's report. Voice vote. Motion carried.

COUNCIL REPRESENTATIVE REPORT

Wintersteen reported that the following items would be heard at the next council meeting on May 24, 1994: The budget and the Howard Elliott issue. He also reported on a proclamation of safe boating. There was a big decrease in boating accidents from 1991 to 1992.

Wintersteen also commented on a letter that was in the Council packet from Bruce Perry regarding City Manager's comments that the dock was a "dump." Wintersteen's response to that remark was that he always thought the Port was good.

Wintersteen also addressed the remark that the City Manager made at a previous meeting stating that Stuart (the Port Director) was unprofessional. He questioned whether the City Manager (William Hunter) considered someone professional if they had a Ph.D, master's degree, years of experience or some other type of academia. He was unsure as to what Mr. Hunter considered professional.

Silta was unaware of what letter Wintersteen was referring to. Wintersteen read the letter in from Bruce Perry in its entirety.

Wintersteen stated that in the future statements by the City Manager regarding City employees should be substantiated.

Wintersteen also reported to the commission that Hal Jones, another City Councilman thinks the City should hire two police officers instead of two Port Attendants. Wintersteen said he would convey to Council that he thinks we should hire two Port Attendants. He agreed with Port Director in that attendants pay for themselves - dockage brings in about \$19,000 and the salary of two attendants is only \$18,000.

The general consensus of the commission was that we need more than a police officer in order to support the Port's interest. The small boat harbor services more than 300 boats and a lot more people.

Richardson stated that this entire issue is upsetting because we as the Port Commission make decisions, but the Council does not take them into account.

COMMENTS OF COMMISSIONERS

Desousa - stated that he was disappointed by Hunter's comments regarding the dock. He reiterated the point that Hunter has never been down to the dock during the unloading of a mainline barge. Also reiterated that the money from the Port is part of an enterprise fund not the general fund, therefore, the money should stay at the Port. The Port of Bethel is the best asset Bethel has. The comment that was made that Stuart was unprofessional is totally incorrect. "Stuart has done an excellent job, he gets the job done and everyone gets along with him."

As far as to the comment about the Port being a dump, "I think you owe everyone sitting here an apology. You are degrading us - which is a great disservice." Desousa stated that all these comments are very discouraging to all people associated with the dock.

In regards to the Port Director's term of service: He stated that the job used to be only 10 months, but then it was always brought before Council to extend it to 11 months; and on the twelfth month the Director took a vacation. It was always such a hassle getting it extended that they made it into a 12 month job.

The last item Desousa commented about was regarding the launching ramp in Anchorage Alaska. Said we should look into using the same material in order to help keep our dredging to a minimum.

Richardson - He commended Wintersteen on his report to Council regarding the stevedoring permits.

He also mentioned the fact that he has been a member of the Bethel community for more than 30 years and if he ever saw someone not working or doing something wrong, he would ask them directly - he found that this usually worked good. (This might be a possible suggestion for future policy)

Fairbanks - Stated we need to start looking at other resource storage areas. We need an area about the size of the dock in order to store lumber or gravel.

Silta - He had questions to ask the City Manager regarding

comments he had made recently concerning the Port. 1) "What exactly makes the dock a dump and a atrocity?" 2) What constitutes Stuart's being unprofessional? 3) 6 positions were proposed to City Council to be cut from the dock. How can all the different things be done at the Port, such as issuing stickers, dockages, etc. with only 2 employees?

He also informed the commission that after tonight he was regretfully resigning from the commission due to the fact that he was moving out of Bethel.

Wintersteen- He commented that the City Manager had been to Port Commission meetings about 3 - 4 times. Also stated that while Stuart went out of town William was acting Port Director.

He stated that 2 people had asked him what the Port Director does during the months of October and November. He suggested that for one week Stuart keep a record of what he does all day.

-Silta commented that it was almost analogous to when people questioned what firemen and EMTs do when they are not responding to a call; they have to justify their position which is unfortunate and inefficient.

- Fairbanks stated that with correspondence, working with the Coast Guard and Port Commission work (not to mention other things) the Port Director's job could in no way be done in 10 months.

COMMITTEE REPORT

Desousa reported on Take over of the dock from the State. The State plans to renew its contract with the City of Bethel. He recommended not to proceed with taking over the dock. There is really not a benefit to it. Also recommended that it be added to the next agenda.

-Greydanus stated he would add it to the next agenda.

PEOPLE TO BE HEARD

- **Jerry Galiart (Crowley Marine)** Wanted to say thanks for the work that was done on the dock. He wanted to at a later date make a proposal about pulling out boats and putting them on the dock. His 2nd concern was safety on the dock and liability if someone got hurt. He said he saw kids running around the equipment on the dock. It should be a hard hat area.

He also commented on the nice work Howard Elliott had done 2 years ago keeping the dock clean and graded.

- Greydanus asked him that the stevedoring companies only paid \$500 to operate on the dock - what % of that should be used for maintenance.

- Galiart responded that wharfage and dockage rates should be used to maintain the dock. One example of current needs for the dock would be more gravel to fill in the holes.

- Fairbanks suggested that Galiart draw a map of the dock with suggestions for improvements on the dock and send it to the Port Commission.

- Galiart also inquired as to what the status was about fenders on the dock because he said the concrete fenders will not be good for the small barges.

Greydanus stated that he would like to make a comment.

- (Hunter, Bethel City Manager interjected and stated that he didn't think Stuart should just "come in and out" of the meeting because there are customers waiting to be heard.)

- Desousa and Richardson stated that they were interested in what Greydanus had to say. They requested that he continue with his comment.

-Greydanus finally commented on the fact that there is a \$680,000 designated for the seawall matching funds; there is a + \$800,000 fund with undesignated monies. We would like to use this surplus money for major projects.

*Next meeting will add to the agenda: Port security, safety and improvements for the dock.

*COMMENTS BY
CITY MANAGER*

- "Words that I allegedly used on management operations; I have been here for 4 meetings. Have I been here? Yes, I have been here. I'm sensitive; threatened by lawsuits. I can't do everything, but I'm responsible." My remarks about the Port was that I have concerns over certain areas of the Port, but that is a personnel matter with Stuart.

- Silta asked if Hunter could clarify his remarks about the dock being a "dump."

Hunter's Reply: When you have an asset, must invest in the asset. "There are holes in the area. Must focus on capital improvements by City Council. Fuel Port - what have we invested?"

- Richardson - (to Hunter) "Did you say it was a dump? We don't want to hear what you meant; what did you say?"

Hunter's Reply: "Sometimes refer to Stuart as the Port" (to Richardson) "I heard your radio show - You are trying to tar and feather me."

- Richardson (to Hunter) "All we have asked you for the last 10 minutes is did you say the Dock was a dump?"

- Silta asked how Public Works would service the Port? What would we do about security? Also commented that the Port Attendants are not considered "protection", they are considered "presence."

- Fairbanks asked Hunter if he had ever been on a tour of the Port with Stuart. (Hunter directed the question to Greydanus).

- Greydanus answered that the City Manager had seen the boat harbor when he first arrived in Bethel.

OLD BUSINESS

- Desousa stated that during the December 1993 meeting, the Port staffing was decided (based on public comments) that the Port keep the attendants. The Port Commission actually wanted to increase the number of Port attendants. Last year was the first year that we did not have any reports of theft.

- Fairbanks suggested that the Port Commission attend the next Council meeting under "People To Be Heard" and inform them of how important it is to have Port attendants.

Motion

M/M by Desousa and 2nd by Fairbanks to reconfirm decision for Port staffing for 1995 budget; consisting of Port Director, Administrative assistant, Port Coordinator, and 3 Port Attendants. Voice Vote. Motion carried unanimously.

NEW BUSINESS

Kimo and Ray Thomas propose putting a lunch wagon at the Small Boat Harbor and would like to set up a lease agreement with a temporary hook up and a phone hook up. It was agreed that it would be a good idea because it would constitute a "presence" at the Small Boat Harbor.

- Greydanus suggested to ask Council for conditional use permit until bid came open. Also stated that there is room on the South side - next to the utility pole.

- Wintersteen inquired as to what a lease would cost. Desousa suggested allowing them to set up and pay a storage fee.

- Desousa asked whether they were set up for water and sewer. Kimo responded that it was self contained.

It was agreed that Wintersteen should go to Council and ask them to set up temporarily.

Motion

M/M by Richardson, 2nd by Fairbanks to inform Council that the Port Commission approves of allowing the lunch wagon to have a temporary permit until a lease can be issued. Voice vote. Motion carried unanimously.

ADJOURNMENT

9:45 P.M.

PORT COMMISSION MINUTES - JUNE 20, 1994

CALL TO ORDER Buster Richardson called the regular Port Commission meeting of June 20, 1994 to order at 7:35 p.m.

ROLL CALL Present: Allen DeSousa, Allen Wintersteen, Buster Richardson, and Bill Bergen.

Absent: (not excused) Manny Konig and Grant Fairbanks.

Also Present: Port Director - Stuart Greydanus, City Manager - William Hunter, Crowley Marine Services - Jerry Galiart and Port Admin Assistant - Suzanna Maloy.

Greydanus reported that Manny Konig requested to be excused for the Summer. Discussion on how many months this would be. Richardson stated that he would discuss with Konig whether he wanted to resign or exactly what he had planned.

APPROVAL/MINUTES Richardson wanted to amend the minutes from last meeting: (Page 6 under "Richardson") - wanted minutes to read: **"I have asked you three times whether you called the dock a dump. And three times you did not answer."**

Motion M/M by Desousa, 2nd by Wintersteen to approve the amended minutes of the meeting of May 23, meeting. Voice vote. Motion carried.

APPROVAL/AGENDA Desousa suggested adding under "Old Business" Item A: Take over of the Dock from the State and under "New Business" Item D: Elections.

Motion M/M by Wintersteen, 2nd by Desousa to amend agenda as suggested. Voice vote. Motion carried.

PORT DIRECTOR REPORT Stuart Greydanus reported that Crowley Marine Services is now working with the Sealand Company to unload and store freezer vans. When they are full they will be transported to Dutch and

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then out of the United States. This will hurt the dock as far as dockage revenue goes, but we will still get monies from wharfage and storage. Greydanus reported that he checked with the Port at Naknek and verified that freezer containers get charged storage fees and therefore the Port of Bethel will do the same.

The Port Director also reported that the Port has had complaints regarding the ramps at the Small Boat Harbor due to the fact that there is erosion taking place and a lot of boat trailers are falling in and getting damaged. We need emergency gravel put in place, but we have been waiting on the bid process. The bid expired last year, and now we have been waiting to go through the process again. He stated that he was going to work with the Public Works Director and the City Manager in order to get some loads of gravel put in as soon as possible.

It was suggested that signs be put up: "Use Ramps at Your Own Risk" and "No Wake" .

Wintersteen commented that he had taken the tour of the Port and he had enjoyed it very much. *

COUNCIL REPRESENTATIVE REPORT

Wintersteen reported on:

1. The Lunch Wagon in Lousetown - said there was a "for sale" sign. He discussed that the City Council had decided to begin the lease process for the lunch wagon, but now that it is not in business.
2. Ramifications of new budget - Port attendants have been reinstated and extended to 5 months. The administrative assistant has been reinstated. The Port Coordinator did not get reinstated.
3. Bruce Crow issue (Lot 4, block A, USS 3790). City Manager met with J.B. and Lucy Crow. City Council voted to give the land free to the Crows because they said there was evidence that they had submitted a claim to Bureau of Land Management.

COMMENTS OF

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COMMISSIONERS

Bergen - No comment.

Desousa - Warren Tarren at the Chamber of Commerce meeting stated that there will be men coming in from the Coast Guard to possibly set up a river patrol. He will keep the commission apprised of the details as he is made aware of them.

Wintersteen- Commented on the safety of people drinking and driving in Brown Slough. Also reported that something had to be done about parts of derelict boats in the slough. Greydanus reported that he has made attempts to take out the parts, but was unsuccessful. Greydanus also suggested that maybe the Public Works engineer could assess the situation.

Richardson - He commended the Port Attendants in the harbor; said he was glad to see it was working. He was concerned about the lunch wagon. Also wanted to report that the street light over the South Ramp in the Small Boat Harbor was out and it should be checked. One last item was that may be the Port Commission could suggest buying an aerial photograph of the Port from the Moravian Bookstore. Suggested that this would be a great reference during the Port Commission meetings.

Another suggestion was to use a comprehensive land use map. Whatever map is decided to use, the Port Commission all agreed that they would like it to be put up on the wall.

COMMITTEE REPORT Desousa stated that he would report on this under Old Business.

PEOPLE TO BE HEARD - City Manager, William Hunter. He commented on the DNR negotiations meeting that was held, and directed the Port Director to report on it.

Greydanus explained that the negotiation committee consisted of the Rick Thompson and Dick Lefeubre of DNR, the Planning Manager, the City Manager and himself (the Port Director). The negotiations consisted of appraisal of reclaimed lands and what would be fair market value based on the submerged land before the fill was put in. This would be approximately \$2,000/acre for

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approximately 8 acres. Greydanus expounded on the fact that this would be a lease and that negotiations resulted in DNR receiving 10% of revenues from wharfage, moorage and sublease of the land. The Port Director believes that once the land is secure, the Port can sublease it and therefore break even. Another result was that the agreement would provide access to all upland owners, but the easement did not necessarily have to be in front of their property. This would benefit the City because the fishing industry would not be adversely affected.

- Jerry Galliert, Crowley Marine Services. He appreciated the effort by the Port lately in watering the dock. He continued by stating that the dock still needed gravel to fill in the holes where the water remains. The Public Works engineer should be able to tell what should be filled in. He also said that he had seen the port attendants patrolling at night and that he appreciated the additional security.

OLD BUSINESS

A. Take Over of the Dock:

Desousa stated for the record that the attendance at the last committee was: Norm Silta, Stuart Greydanus, Allen Desousa (City Manager was expected, but did not attend.) Desousa's recommendation is that we sit tight until it is determined whether the lease is to be continued. At this point there is not an advantage to take over the dock - right now all the liability is on the State.

It was reported that it is typical for DOT to take a long time deciding whether they will re-new a lease or take some type of action.

Greydanus recommended that we go to DOT and request a lease. If we choose this direction then we will have a little more control and time in taking some type of action.

The recommendation was that the Port Director work with DOT instead of City Manager because the Port Director has more of a working relationship instead of a position of too much authority.

The commission requested that the Port Director keep them apprised of what the status is.

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NEW BUSINESS

A. Security on Port properties -

Greydanus reported that \$25,000 was allocated for security cameras for boat harbor and City Dock in an effort to offset theft and vandalism. O'Shea at the police department will forward literature and recommend what is best for the dock.

Direction from the Commission is that the Port Director determine several options and present them to the Port Commission.

Moneys allocated for the new fiscal year is as follows:

\$100,000 for dredging, fencing and cameras

\$5,000 for new sliding gate for City Dock

\$80,000 for gravel

\$8,000 for lighting at the Petro Port

\$20,000 in a contingency fund (damage to seawall, etc.)

Lighting at the Petro Port was discussed - there should be 3 lights and 1 pole quoted (from BUC) at \$8,000. It was suggested that maybe Bethel Fuel Sales should pay 1/2. However, it was decided that since we earn a lot of money from their company, it is time to invest some into the facility.

B. Dock Safety

The general consensus was that there should no longer be fisherman at the face of the dock. It is dangerous and a big liability to the City if someone were to fall in. Any decision will have to wait until the gate gets put in and then we must give adequate notice over KYUK to inform the public.

It was also recommended that there should be warning signs on the seawall to inform fisherman that fishing on the seawall is dangerous. Another suggestion was to create an ordinance that required people to wear life jackets if they were fishing on the seawall. We will need an opinion from the attorney to determine whether this is enforceable.

Wintersteen informed the commission that he would be out of town for the next two City Council meetings.

C. Improvements for Port Properties

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- Galliert commented that the City should consider purchasing a Travel All to move boats. It is becoming too much trouble for Crowley to move these boats (in the water, out of the water and around the dock). They are charging a minimal amount to use the crane, but he is not sure who is going to pay if the crane breaks while lifting a boat. All issued were discussed regarding the Travel All: price of equipment, dredging, storage, etc. Another issue involved in pulling boats is that these boat owners do not have an account with Crowley - therefore it is against company policy. **The final recommendation was that the City manage the pulling out of boats and Crowley would bill the City. There should also be a change in the tariff regarding storage of boats on the dock.**

D. Elections of Chairman and Vice Chairman for Port Commission

Motion

M/M by Bergen, 2nd by Wintersteen to elect Richardson as chairman. Roll Call: Bergen: Yes, DeSousa: Yes, Richardson: Yes, Wintersteen: yes. Motion carried unanimously.

M/M by Bergen, 2nd by Wintersteen to elect Desousa as Vice Chairman. Voice vote. Motion carried unanimously.

ADJOURNMENT

9:25 P.M.

APPROVED BY:

DATE

SPECIAL PORT COMMISSION MEETING - AUGUST 26, 1994

CALL TO ORDER Buster Richardson called the Special Port Commission meeting of August 26, 1994 to order at 8:00 p.m.

ROLL CALL Present: Allen DeSousa, Claire Grifka, Buster Richardson, and Bill Bergen.

Absent: Manny Konig, Grant Fairbanks and Allen Wintersteen. (Fairbanks was out of town and Wintersteen was not available)

Also Present: Port Director - Stuart Greydanus, Crowley Marine Services - Jerry Galiart and Port Admin Assistant - Suzanna Maloy.

APPROVAL/MINUTES

Motion M/M by Desousa, 2nd by Bergen to approve the minutes for the meeting of June 20, 1994 meeting. Voice vote. **Motion carried.**

APPROVAL/AGENDA Bergen and Grifka suggested to change item A with Item E under New Business.

Motion M/M by DeSousa, 2nd by Bergen to amend agenda as suggested. Voice vote. **Motion carried.**

PORT DIRECTOR REPORT

Motion M/M by DeSousa to table Port Director's Report until next regularly scheduled meeting - **There was not a second.**

Greydanus commented on the moorage of the Lucky Buck for the winter season. He recommended tying it up in the same place that it moored last winter season.

Motion M/M by Bergen, 2nd by Grifka to tie up Lucky Buck in same spot as last year; also wanted to table the other portions of the Port Director's report until next regularly scheduled meeting. Voice

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vote. **Motion carried.**

COUNCIL REPRESENTATIVE REPORT

Wintersteen absent

COMMENTS OF COMMISSIONERS

None

COMMITTEE REPORT

Motion

M/M by DeSousa, 2nd by Bergen to table committee reports until next regularly scheduled meeting. Voice vote. **Motion carried.**

**PEOPLE TO BE HEARD
OLD BUSINESS**

Everyone present wanted to comment on Ordinance 94-19

A. Title 14, #94-19 Fishing Prohibited from Dock

Motion

M/M by DeSousa, 2nd by Bergen to add the word "floats" next to the word "docks" throughout the ordinance.

Discussion on the matter was that floats were the things that were attached to the seawall that people used to tie up their boats. This would come directly under Ordinance #94-20 (which was not being discussed at this meeting.)

Voice Vote. Three (3) - yes; One (1) - no. **Motion fails.**

Motion

M/M by Bergen to add "and/or floats" - **There was no second.**

Everyone agreed that the seawall adds money to the citizens of Bethel.

Bergen commented that there are portions of the facilities that are dangerous.

Greydanus stated that people should be off the dock during freight season. City must take control over the dock because we have a lease with the State. Such examples consist of people smoking while their are fuel barges tied up. Suggestion was that maybe we

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could prohibit people on the dock when activity is taking place.

DeSousa stated that there are two main issues - 1) Security on the Port and 2) Safety on the Port. It is a hazardous place to be fishing during stevedoring activity. This is the only dock that anyone and everyone is allowed.

Jerry Galiart stated that Crowley Marine Services pays for moorage and dockage on barge and tugs and should not have people on the dock during the months of April through October. City should provide security for all companies that are paying to use the dock.

Greydanus recommended that specify what "docks" we are concerned about; in place of the word dock/docks use the words "cargo dock and petroleum dock."

Motion

M/M by DeSousa, 2nd by Grifka to present to City Council the recommendation that Ordinance # 94-19 should read "Cargo Dock and Petroleum Dock" anywhere that the word "dock" is shown and adopt the ordinance with these changes. Voice Vote . **Motion carried.**

Motion

M/M by Bergen, 2nd by Grifka to table the remainder of the agenda. (DeSousa did not vote).
M/M by Bergen, 2nd by Grifka to adjourn.

ADJOURNMENT

9:10 P.M.

APPROVED BY:

DATE

PORT COMMISSION MEETING - SEPTEMBER 19, 1994

CALL TO ORDER

Allen DeSousa called the regularly scheduled Port Commission meeting of September 19, 1994 to order at 7:32 p.m.

ROLL CALL

Present: Allen DeSousa, Manny Konig, Claire Grifka, Allen Wintersteen, and Bill Bergen.

Absent: Grant Fairbanks and Buster Richardson.

Also Present: Port Director - Stuart Greydanus and Port Admin Assistant - Suzanna Maloy.

APPROVAL/MINUTES

For the Record: Wintersteen stated that he was never informed of the last meeting.

Motion

M/M by Wintersteen, 2nd by Konig to approve the minutes for the meeting of August 26, 1994 meeting. Voice vote. **Motion carried.**

APPROVAL/AGENDA

Motion

M/M by Wintersteen, 2nd by Konig to approve agenda as posted. Voice vote. **Motion carried.**

PORT DIRECTOR REPORT

Greydanus commented on the following:

a. Floats at the small boat harbor will be pulled by the Public Works Department.

b. The hospital had a drill that the Port participated in. One complaint was that Search and Rescue volunteers were not involved in event. The people involved intend to ask City Council to fund some type of River Patrol. Search and Rescue usually operate in the winter with snow machines.

c. Quotes for a new fence: The Port made a recommendation to the City Manager and he has put the request on hold. We missed out on the last barge,

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therefore, the gate will have to be flown in.

d. The Port is in the process of obtaining quotes from electrical contractors to bury the line that runs across the dock. GTE will dig a trench in order to bury the telephone line and at the same time the Port will bury the electrical line.

e. Lights for the Petro Port: These have been ordered and we are just waiting on the lights to arrive.

COUNCIL REPRESENTATIVE REPORT

There was not a quorum for the last City Council meeting.

COMMENTS OF COMMISSIONERS

a. Wintersteen: Commented on float next to the North ramp and stated that two boats are usually tied on the same space - when the wind blows it blocks access to the ramp.

b. Bergen - Pass

c. Grifka - Pass

d. Konig - Bottom of the South ramp appears like the end is coming up. Cables are snapped on the South ramp.

COMMITTEE REPORT

No committees currently going.

PEOPLE TO BE HEARD No one was present

OLD BUSINESS None

NEW BUSINESS A. Ordinance #94-20 Harbors and Ports, Personal Floatation Device Required

1. Enclosure regarding attorney's response for comparative

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negligence. Wintersteen commented that according to this document there is never 100% of any fault and that neither provision will keep the City away from liability. Wintersteen stated that he was very supportive of ordinance #94-20 and he wanted input from the other commissioners.

2. Desousa: Stated that this ordinance will not keep us out of litigation - but he will support it.

3. Bergen: Stated that the ordinance is only as good as enforcement and if it saves a life - then it is good. He supports it.

4. Konig: He commented that the majority of drowning victims are drunks and can't tell them to wear personal floatation devices, but he will support the ordinance.

5. Grifka: Stated that he would like to see as much safety as possible, but he doesn't believe there are resources available to enforce. One option would be to post warning signs. He would enforce the ordinance.

Motion

M/M by Wintersteen, 2nd by Bergen to recommend to council support of ordinance #94-20. Voice vote. Motion carried.

B. Seawall Pipe Disposal: Greydanus reported that many people have approached him requesting to buy some of the seawall pipe that is not going to be used in the future. There is approximately 400 pipe available and people want to buy only 3 or 4 at the most. He suggested being allowed 100 pipe to sell to anyone at a predetermined price.

Some questions raised were whether or not we could sell them to scrap dealers; donate a couple to the Civil Air Patrol to make a floating dock for float planes.

Wintersteen requested that Stuart Greydanus write up a proposal and present to Port Commission at next meeting.

C. Enforcement Fines of Port Ordinances: Greydanus reported that Chris Liu wanted us to enforce our own fines. DeSousa stated

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that fines should not be set - it should be up to the judge in the event there are extenuating circumstances. DeSousa stated that the fines should go to the Port fund.

Motion M/M by Wintersteen, 2nd by Bergen to table the issue indefinitely (Enforcement of Port Ordinances). Voice Vote. (DeSousa opposed stating that tabling it does not settle the issue). **Motion carried.**

Motion M/M by Bergen, 2nd by Wintersteen to Adjourn meeting at 8:50 p.m. Voice vote. **Motion carried.**

ADJOURNMENT 8:50 P.M.

APPROVED BY:

DATE

City of Bethel
Port Commission

Regular Meeting of October 17, 1994

I. CALL TO ORDER

The meeting was convened at 7:40 PM, at the City Dock Offices, Bethel, Alaska, by Chairman Richardson.

II. ROLL CALL

Present: DeSousa, Fairbanks, Grifka, Richardson, Wintersteen

Absent: Konig, excused; Bergen, not excused

III. APPROVAL OF MINUTES

motion M/M by Wintersteen, 2nd by Desousa, to approve the minutes of the September 19, 1994, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

motion M/M by Wintersteen, 2nd by Desousa to approve the agenda. Voice vote. Motion carried unanimously.

V. PORT DIRECTOR'S REPORT

Port Director submitted written report.

VI. COUNCIL REPRESENTATIVE REPORT

Wintersteen reported that ordinance 94-19 was shot down. Ordinance 94-20 modified to state that only fishing from the dock from June, July and August is prohibited.

VII. COMMISSIONER'S COMMENTS

Desousa- Status of boats left in harbor; What took so long for phone installation in harbor.

Grant- None

Grifka- None

Wintersteen- None

Richardson- Questioned tender boat stored at harbor over winter.

VIII. Committee Report

None

IX. PEOPLE TO BE HEARD

William Hunter informed commission of OSHA violations. City is implementing policies and procedures City wide.

X. OLD BUSINESS

None

XI. NEW BUSINESS

ITEM A: Seawall Pipe disposal

There was discussion on disposing the Seawall Pipe at \$20.00 ft. with the stipulations that Public Works would get first chance at pipe. It was general consensus that \$20.00 ft was not enough. M/M Fairbanks 2nd. by Desousa to add this to next agenda with more information.

XII. ADJOURNMENT

motion M/M by Desousa, 2nd by Grifka to adjourn the meeting at 9:27. Voice vote.
Motion carried unanimously.

PASSED AND APPROVED THIS 21st DAY OF November, 1994.

Buster Richardson, Chairman

ATTEST:

Stuart Greydanus, Port Director