

City Plots Legal Steps Against Designers Of Dock Extension

By BOB MILLER, Times Staff Writer

City attorneys reportedly were drawing up plans for a lawsuit against Lounsbury, Sleavin and Kelly today in the aftermath of Tuesday night's council meeting when councilmen voted 8-1 to fire the firm that designed the ice damaged north extension to the city dock.

Councilman Bill Besser, who was a member of the Port Commission when LSK was hired in 1965, cast the only dissenting ballot.

Engineers and attorneys were scattered throughout the audience as the councilmen moved with determination toward a solution to the problem that already has cost the city \$1.9 million.

Karl Walter Jr., city attorney, and special counsel Ken Short, of Paul Cressman and Associates of Seattle, were to get together today to lay the groundwork for a suit against LSK, according to City Manager Ben Marsh.

Marsh notified LSK today that the contract would be terminated within 90 days, a notice period required under the provisions of the contract. The council's action also, in effect, dismisses LSK as the port's consulting engineers, a job for which the firm was paid \$3,500 a year. The contract was to expire Dec. 31, 1968.

The new engineering firm almost certainly will be either Swan-Wooster of Portland, Ore., or Tippets-Abbott-McCarthy-Stratton of New York and Seattle. Both firms have served as special consultants to the city on the dock damage and Marsh met with representatives of the firms today to invite proposals for both the consulting and design job.

The new design, when it is finished, will not include prestressed concrete piles, a feature both TAMS and Swan-Wooster have described as not satisfactory for Cook Inlet ice conditions.

Orville Kofoid of Swan-Wooster earlier had recommended the pilings might be used since the city has some on hand. Tuesday night, however, he said further examination of the dock had convinced him they should not be used under any circumstances.

According to Russ Painter, port director, the city has 196 concrete piles in addition to some prestressed deck panels for a total of nearly \$500,000 tied up in supplies on hand but not used. What to do with the concrete piles is a question that still must be answered.

Engineers were careful not to be drawn into any of the legal controversies that may develop as the city tries to recover some of its losses. Neither TAMS nor Swan-Wooster engineers would venture an opinion as to whether LSK was guilty of a design error.

"What did you think of the splices?" Councilman Joe Yesenski asked TAMS' George Treadwell at one point.

"Well, they came apart," Treadwell replied.

"Was it a poor design?" Yesenski pressed.

"We wouldn't do it that way," Treadwell countered.

"The public has a right to know about the design," Yesenski said.

"The public is well aware of what has happened,"

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LSK FIGHTS A LOSING BATTLE

Representatives of Lounsbury, Sleavin and Kelly, designers of the ice damaged dock extension, fought a losing battle Tuesday night as they struggled to show councilmen reasons for retaining the firm instead of firing it as dock designers and port consultants. Engineers from the firm of Tippets-Abbott-McCarthy-Stratton appeared to give a report on their study of the damaged facility. Char-

acters in the municipal drama are shown here as they appeared before the council. From left, Zsusse Levinton, George T. Treadwell, both of TAMS; David G. Fritz (arms folded), Al Kelly, LSK engineer, and Lauren Studebaker, LSK's attorney. Councilmen voted to fire LSK and start looking around for another design engineering firm.

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CITY ATTORNEYS NOT LAUGHING OVER ROCK

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Treadwell said, "The public is generally well ahead of us." Mayor Elmer Rasmussen termed as "shocking" a Swallow-General estimate that it would take \$250,000 to completely remove the damaged 140 feet of the dock extension. He told W. H. Epping of the contracting firm to "sharpen his pencils" and go back to the drawing boards.

Both the mayor and several councilmen gave indications that the city may not be in a mood to pay anything for the damaged portion's removal to make way for a newly designed facility. The city has taken the stand that Swallow-General owns the dock until the city accepts it when it is returned and discharge its remaining cargo of jet fuel.

The steel batter piles probably will be cut off at the mud line and the concrete piles stand likely will be pulled out so they won't pose a problem when steel piles have to be driven for the new design.

LSK's Al Kelly and the firm's attorney Lauren Studebaker requested permission to question both TAMS and Swan-Wooster, whose reports have conflicted with LSK's opinions.

Permitting was granted hesitantly but both the mayor and Councilman Cliff Grob objected to having the attorney ask the questions.

"It's a good idea to have somebody we're about to discharge's here and explain our arguments," Grob said. Mayor Rasmussen apparently agreed. He himself was questioning engineers' technicalities.

Both firms stuck to their opinions, however, and Kelly was unable to drum up any eleventh hour support for concrete piles, a feature he said was included because of "economics."

Damaged Oil Tanker Not Welcome Back

In a letter to Puget Sound Alaska Van Lines, the director of the Port of Anchorage, Russell Painter, yesterday refused permission for a damaged Norwegian tanker to return and discharge its remaining cargo of jet fuel.

PAINTER, IN a letter to the local agents of the shipping company that operates the Evie IV, denied permission to dock on the grounds "such docking and discharge of cargo may constitute a hazard to the safety" of the port and harbor area.

Last week the vessel raked a reef just outside the harbor and opened her bottom. It continued on to the petroleum dock and discharged most of the cargo.

On Sunday it moved out to make way for another tanker to unload and dropped down to the lower inlet, accompanied by a Coast Guard vessel. There

it planned to transfer the remaining cargo of jet fuel to more accessible tanks and return here yesterday to discharge the remaining fuel in what was to have been a brief visit of a few hours.

THE NOTIFICATION of refusal by Painter forestalled that; however.

Painter said the decision to refuse permission for the vessel to return to Anchorage was made by himself after a meeting with all concerned, including insurers, failed to find anyone willing to accept full liability for any damage to the port or harbor area.

Following a thorough study of the legal responsibilities of the port, the Anchorage City attorney advised him against permitting the vessel to return, Painter said.

ACCORDING TO a representative of the insurance companies covering the vessel's hull, they have authorized only such travel as necessary to get the vessel into a repair yard on the west coast above the Columbia River.

The Coast Guard also refused to take responsibility for protecting the harbor area against contamination during discharge of cargo, Painter said.

Although the kerosene-like fuel is not highly inflammable, the Coast Guard imposed strict regulations against any open flames in the port area during the week-long unloading of the bulk of the vessel's cargo.

Council Fills Board Slots

Arne Michaelsen, a civilian employee of the transportation division of U.S. Army Alaska, was named Tuesday night to the Port Commission succeeding Virgil Deane.

The action came as the City Council finally got around to filling city board vacancies that have made it difficult for some of the boards to get a quorum together for meetings.

Five men were named to the Board of Examiners and Appeals. New members are Jack Stewart, Arthur Jacobs, Allen Ford Jr., Richard Lytle and Leo Obermiller.

Charles S. Szybnski, Merrill Mael and Joe Walsh were named to the Civil Defense and Disaster Advisory Commission. Elvest Hawkins was named to the Telephone Commission.

On the Library Board two vacancies are to be filled by Mrs. George M. Hedia and Mrs. Robert Dunaway.

Mrs. James Canfield was re-appointed to the Parks and Recreation Advisory Board and three other vacancies are to be filled by John Grames, Dr. Dick Sutherland and Ken Maynard.

Michaelsen Mulled For Port Position

By BOB MILLER
Times Staff Writer

A civilian employee in the transportation division of U.S. Army Alaska seems to be the leading possibility for appointment to the Port Commission as councilmen ponder the various commission appointments to be made at next Tuesday's regular meeting. At least three other men are also being considered for the port position.

Arne Michaelsen, who has been involved for a number of years with Army transportation and cargo handling, may be named to fill the seat vacated by the resignation of Virgil Deane who left the state after his retirement from Standard Oil.

Deane's resignation came after the April 17 meeting where Wal-

lace E. Martens was reelected chairman of the commission in a secret vote held after the press and public had been asked to leave so the commission could consider a personnel matter.

Other members of the commission are Robert Baum, William O'Neill and Bob Logan. Logan did not attend the April 17 meeting and O'Neill abstained from voting because he felt the action was improper.

In addition to Michaelsen, consideration reportedly is also being given R. C. McClure, a civil engineer with J. Ray McDermott and Co. Inc., Richard J. Kukowski, a Union Oil Co. executive and Joseph Rudd, local attorney. Others also may be in the running.

The Port Commission vacancy will probably be filled Tuesday night along with 17 other vacancies in five city commissions. At the last meeting councilmen reappointed five persons to three boards to get started on filling the vacancies that have been bothering some city boards for the past three or four months.

Some boards have reported problems in holding regular meetings because the vacancies have made it difficult to get a quorum together.

Reappointed to the Transportation Commission were Francis Bowden and Gene Smith with William McClure being renamed to the Electric Utility Commission. On the Construction Advisory Committee Gus Johnson and Rodney R. Robertson were reappointed.

Five vacancies exist on the nine-member Board of Examiners and Appeals and four vacancies must be filled on the nine-member Parks and Recreation Advisory Board.

ANCHORAGE MGR.

H. Russell Painter has been appointed as the Port Director of the Port of Anchorage. Painter, who has been the Assistant Port Director for the past year, replaces A. E. Harned who resigned in January. Reared in Seward, the native Alaskan has some 25 years of transportation experience in the state. Prior to coming to the Port of Anchorage, the new Director was Alaskan Operations Manager for the Alaskan Division of Consolidated Freightways. Painter was owner-operator of a small trucking company in Seward for many years and served in the Army at the Port of Whittier during World War II.

City Manager, Ben Marsh, in announcing the appointment, indicated that under the new Director he was sure that the Port will continue to program and develop and become an even more economic asset to the community.

What Do You Do With A Useless Dock?

By CAMERON EDMONSON
Daily News Staff Writers

Following the city council's midnight "hour of decision" the administration yesterday tackled the difficult job of disposing of hundreds of tons of concrete souvenirs. Also, it eyed the simpler task of seeking new design proposals for a boat wharf.

TWO engineering firms that reviewed the problems consequent to the spring break-up of a partially completed wharf addition to the city port facility have agreed to submit design proposals — by next Tuesday's council meeting, if possible, according to City Manager Bernard Marsh. The firms are Swan-Wooster,

of Portland and Tippets-Abbott-McCarthy-Stratton of New York.

On the problem of the damaged 140-foot section of prestressed concrete dock that must be removed to make way for a steel piling structure, Marsh conferred with the contractor, Swallow-General.

In the Tuesday meeting, the council indicated a preliminary removal cost estimate of \$350,000 as too high. Marsh said engineers for the contractor agreed to make some experiments on removal techniques and try to revise downward their price for a change order.

ONE experiment was made yesterday using a special gas-

mixture cutting torch that would cut through both concrete and steel to remove the deck of the structure.

Engineers for Lounsbury-Sleavin-Kelly, designers of the structure, have previously indicated deck removal would be both difficult and expensive.

On removal of the concrete piles supporting the deck, two alternatives are possible. Simplest and cheapest would be to snap off the piles at the mud line. The other is to dig out the bell-bottomed posts.

The former method of removal could greatly complicate the job of driving steel piles for a new dock.

Coast Guard permission has

been requested to load the debris on barges and dump it in a deep part of the inlet, Marsh said. Little, if any, of the existing structure can be salvaged.

ALTERNATE change order prices have been requested for next Tuesday also.

The city is still left with the question of what to do with nearly 200 concrete piles and 460 feet of decking already fabricated for the planned concrete dock.

Marsh said the city plans to approach the state on the possibility of using the piling in a proposed viaduct across Ship Creek basin from Fourth Avenue to Government Hill bluff.

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As for the decking, engineers said it is possible it could be incorporated into a steel pile dock design.

Burton Bomhoff, a state Highway Department engineer here, said last night his office has not been contacted. But he conceded it is conceivable that a deal could be worked out.

AT LEAST, he said, the designing of the project has not yet begun so that the idea could be considered. But, since no solid study of the basin has been made yet, there's no way of knowing whether the bell-bottomed piling can be used as is.

Recognizing the problem of the tailor-made piling which have to be driven into a water-jetting system, Marsh said it is also possible the bottoms can be removed so the piling can be driven.

Council to Ponder Next City Dock Repair Move

The Anchorage City Council for design and construction will consider the next step to be taken in regard to the Antriminal to replace a partially damaged facility damaged by Cook Inlet ice the past winter.

TWO ENGINEERING firms — Tippets-Abbott-McCarthy-Stratton and Swan-Wooster — have submitted proposals to will come to the council. This

firm is general contractor for the terminal construction project.

Anchorage's City Manager Ben Marsh has recommended to the council that it approve TAMS' redesign and consulting proposal.

THIS FIRM designed the city's terminal and its petroleum dock and served as port consulting engineer for five years.

Although both firms have broad experience in the field of marine construction and dock facilities, TAMS' experience appears more specifically applicable to the city's situation, Marsh told the councilmen.

Closest dock facility constructed by Swan-Wooster is the Rig Tender's dock at Niski — a coffer dam and fill project.

TAMS' fee for design work is \$100,000 with Swan-Wooster setting a ceiling of \$120,000 for the same work.

TAMS proposes to supervise construction of the facility, which could begin by mid or late July, at a cost of \$3,200 a month with Swan-Wooster offering to do this work for a monthly fee of \$3,000.

Local Leaders Talk Dock Aid With U. S. Commerce Official

Borough and city officials will meet Wednesday morning with Ross D. Davis, assistant secretary of commerce for economic development, to discuss the possibility of federal grants to aid in the construction of a new dock extension at the Port of Anchorage.

Mayor Elmer Rasmussen, Borough Chairman John Asplund and City Manager Ben Marsh will discuss the dock and possibly other grants to aid local development.

City officials have said they intend to apply for federal funds

to help build a new extension to the city dock since ice severely damaged the partially completed extension.

Davis, who arrived Monday to participate in A-67 opening ceremonies at Fairbanks this weekend, is head of the Economic Development Administration, the agency responsible for granting the funds.

The assistant secretary will visit Bethel, Hooper Bay, Nome and Kotzebue while in the state "in an effort to determine what is going on in the economic sense."