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**City Council Minutes**  
**October 8, 2003 ~ 5:00PM**

**Regular Meeting**  
**City Hall, Delta Junction, Alaska**

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The regular meeting of the Delta Junction City Council was held on October 8, 2003 in the conference room at City Hall in Delta Junction, Alaska. Mayor Gilbertson called the meeting to order at 5:00PM.

Council members present: Roy Gilbertson, Mary Leith-Dowling, Lou Heinbockel, Henry Summers,  
Judy Dewar (arrived at 5:10PM)

Council member excused: Susie Kemp (requested 10-5-03), Mark Weller (10-8-03)

City employees present: Dave Zimmerman, Pete Hallgren, Pat White

Additionally there were four members from the community present at the beginning of the meeting. Also present were a City architect, City engineer and City Attorney Aisha Tinker Bray.

**AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA**

White identified an error made under New Business. The Friends of NRA requested rental fees be waived for tables and chairs, not for the use of the Community Center (as identified on the agenda).

White reported two fee waiver requests from Alpha Omega be added to the agenda and discussed under *New Business*. She also asked to include Judy Dewar as a speaker under *Request to Speak*.

Leith-Dowling moved to approve the agenda to include the changes as presented; Heinbockel seconded. Motion carried.

**APPROVAL OF MINUTES OF THE PREVIOUS MEETING**

Leith-Dowling asked for clarification regarding the topic of communication towers. The FAA approval was pending for which tower, the ACS or the one at Donnelly Dome?

Mayor Gilbertson said it refers to a totally different tower.

Leith-Dowling moved to approve minutes from the September 16, 2003 meeting with the clarification as discussed; Summers seconded. Motion carried.

**ELECTION RESULTS AND CERTIFICATION**

White reported results from the October 7, 2003 City Council Election. She stated 56 voters cast ballots.

Results were as follows:

Seat A - Mary Leith-Dowling	53 with one write-in
Seat D - Mark Weller	45 with two write-ins
Seat E - William Pecchia, Jr.	40 with four write-ins
Seat F - Robert J. Miller	42 with three write-ins

**Heinbockel moved** to certify the October 7, 2003 election results as presented; Summers seconded.

**Motion passed** unanimously on a roll call with four (Heinbockel, Summers, Leith-Dowling and Gilbertson) voting and constituting a quorum.

White reported length of terms for each seat: Seat A expires in 2006, Seat D in 2004, Seat E in 2006 and Seat F in 2005.

Newly elected officials, Mary Leith-Dowling, Will Pecchia and Robert J. Miller, were sworn in with the Oath of Office. Mark Weller was not present to be sworn into office.

Hallgren stated, pursuant to City Code, Mayor Gilbertson is to serve as mayor until his term ends in 2004. However, election of the Mayor Pro tem was necessary.

**Heinbockel moved** to open the floor and to nominate Leith-Dowling for Mayor Pro tem for the duration of her term; Miller seconded the nomination.

**Motion passed** unanimously on a roll call vote with five (Heinbockel, Miller, Pecchia, Leith-Dowling and Gilbertson) voting.

Gilbertson asked to discuss positions new Council members wished to represent.

Pecchia stated he would accept School Liaison and the Park.

Miller agreed to take Public Health & Safety and to represent the City as LEPC Chairman.

Hallgren reminded Council of the Alaska Municipal League (AML) Local Government Conference scheduled November 12-14 in Nome, Alaska. Hallgren recommended the training for newly elected officials, November 11 and 12.

Discussion followed regarding Council and City staff attendance.

## **PUBLIC COMMENTS ON NON-AGENDA ITEMS COUNCIL COMMENTS ON NON-AGENDA ITEMS**

Mayor Gilbertson called for public and Council comments on non-agenda items with none being offered.

## **REQUEST TO SPEAK**

**Judy Dewar** addressed both new and former Council members, reading a personal letter she wrote. She asked that her issues not "die and go away." The ordinance that was passed to clean up the city was one of her major concerns. Presently trash is visible, especially now that the leaves are gone. She asked to just clean it up. The city has the equipment necessary to get the job done. At this point the unsanitary conditions are at a point of affecting the community. Dewar stated she is concerned with the location of the new landfill. She foresees trash being scattered throughout town during the process of transporting it through the center of town and also because of windy conditions. Rates are due to increase partly because of the transportation costs to get to the proposed landfill site. She reported there are over nine gravel pits within city limits. She suggested placing liners, filling the gravel pits and correcting several eyesores. She asked for consideration in cleaning up the gravel pits and not to think the idea is "too outlandish." Dewar asked Will Pecchia, new Park representative, to continue work on the new playground equipment. She asked that he work with the contact from Healy, where they successfully established a playground.

Hallgren reported he visited the lot where the garbage has accumulated. It appears to have been abandoned for most of the summer. Evidence is old garbage, a TV and freezer, brush and a notice posted on the door regarding unpaid electricity. He said the City may need to take the responsibility for cleaning it.

Gilbertson said he has been approached regarding the same. He asked to send a letter to the owner of the property.

Discussion followed regarding ownership and possible repercussions of cleaning it.

Heinbockel said if the property is in litigation, there is probable reason to get sued.

Hallgren said a registered letter will be mailed and a copy will be posted on the door.

Discussion followed regarding the ordinance and the ability to enforce the ordinance.

**Al Edgren** presented Summers with a gift for his efforts as LEPC Chairman. He said he is looking forward to working with Summers' replacement and warned that it can sometimes be a thankless job. The

goal is to streamline the long and drawn-out bureaucratic process to guide the community in organizing its emergency response.

Edgren reported the City spent \$25,000 in 1999 for the "blue book," plans for the hockey rink. He stated he and others recently reviewed the plan and could find no flaws or need to make any major adjustments. He said they prioritized their list to phase the whole project into areas of importance. This breakdown of priorities put restrooms and the Zamboni room at the top of the list. Edgren said it would end 15 years of paying for "rent-a-can" facilities. He asked that the City allocate some funds to inch forward.

Gilbertson said he agreed 100% and appreciated the work Edgren put forth. Once the City understands where funds are allocated, it can be determined what projects can be accomplished.

Edgren said Willy Blais has offered to be of service by being the contract foreman to ensure the project stays on track.

Hallgren reported over \$1 million would be available for this project in February or March. Once other projects are completed and the leftover can be used on the Hockey Rink/Recreation Center the amount will be in the \$3-5 million range. Presently there is no impact money available because it has been used for the library. Hallgren stated he would contact PDC & Bettisworth and direct them to move forward with the hockey rink plans.

Edgren asked that projects be broken into pieces so that improvements are more likely to be completed.

Hallgren stated there would not be enough funds to complete all of the hockey rink improvements until other projects are completed. Even then there will not be enough money to cover everything.

**Merle Jantz**, Jantz Associates, Inc. architect, presented drawings of the 50 X 100' library floor plan, which was broken into two parts to show both construction design and an interior layout with furniture. The library will be located between the park and the Community Center and has potential for expansion in two different locations.

Leith-Dowling stated the library personnel and volunteers are comfortable with the plan as it is laid out. She stated that minor points were discussed during their meeting with MACTEC.

Hallgren said it would be ready to be put out for bid in January along with the Fire Hall and the landfill. The cost of the library facility, its furnishings and renovation of the current library space into larger meeting rooms will be between \$1.2 and \$1.7 million. It will cost more than what is presently on hand.

**Mike Schmetzer**, a principal MACTEC engineer, presented the most recent conceptual design for the new landfill facility. He also gave a summary of the work completed in the past year - a geotechnical investigation, topographical map of the new landfill site, delineation of all wetlands on the site, Environmental Assessment (EA) and 2003 Addendum to the Solid Waste Management Plan, which was submitted to the Alaska Department of Environmental Conservation (ADEC) in September. The EA was published and distributed for public review and comment on September 7. Schmetzer stated that yesterday, October 7, was the end of the 30-day public comment period for the EA. Only one public comment was received, and it was in favor of the project. The Finding Of No Significant Impact (FONSI) statement will be written tomorrow. An ADEC Solid Waste Landfill Permit Application and a U.S. Army Corps of Engineers (USACE) Section 404 Permit Application (for construction over wetlands) were prepared and submitted to the appropriate agencies on October 6. All preliminary work for the new landfill facility is complete with the exception of issuing the FONSI. MACTEC is now ready to prepare bid documents for January.

Hallgren said money (\$4 million) is available to begin construction.

Heinbockel confirmed that there would be no solid waste incinerator and no burning.

Jantz stated it was advisable to publicize the upcoming bids for the library, fire station and landfill projects.

There is no reason why they could not be completed during the next construction season.

## **EXECUTIVE SESSION**

**Heinbockel moved** to go into Executive Session at 5:40PM to discuss the Eddy Drop Zone lawsuit; Miller seconded.

**Motion passed** by unanimous consent.

Present during the session were five Council members (Gilbertson, Heinbockel, Leith-Dowling, Miller and Pecchia), City employees (Hallgren and White) and City Attorney Aisha Tinker Bray, acting on behalf of Attorney Jim DeWitt.

**Heinbockel moved** to end the Executive Session at 6:02PM; Leith-Dowling seconded.

**Motion passed** by unanimous consent.

Miller moved to reconvene the regular meeting; Pecchia seconded.

Motion passed by unanimous consent.

**Leith-Dowling moved** to approve Resolution 2004-04, A Resolution Approving Settlement of City of Delta Junction vs. United States Army Alaska (USARAK) as presented; Heinbockel seconded.

Hallgren stated a negotiated settlement has been resolved with the US Army lawsuit over various new ranges in the Eddy Drop Zone area. He said he believes the draft settlement agreement will be approved by the military. Resolution 2004-04 authorizes the mayor to sign the settlement agreement to dismiss the suit. The main interest in the lawsuit was to require the military to communicate with the public about concerns over fire, ice and water problems caused by use of the Eddy Drop Zone. He wished there had been more time for public discussions thereby eliminating the need to go to court. The settlement requires the Environmental Assessment to be rescinded. The FONSI has also been rescinded. The military will take a hard look at items brought up by the City. They will then issue their findings and there would be another public process. The same appeal rights can then be exercised again if necessary.

Janet Boyer, Delta Wind reporter, asked which of the two items, "the math error or by not following the NEPA regulations, was the most persuasive argument?"

Hallgren said the City pointed out several other scientific studies regarding fire, aufeis and technology problems to USARAK. They required consideration in addition to the potential math errors.

Boyer asked when the military would be expected to sign the agreement.

Hallgren said by the end of the week but it will also depend on when the attorneys are authorized to execute the agreement. He reported this fight with the military has cost the City approximately \$50,000 in attorney fees. About \$4,000 was collected from community contributions.

**Motion passed** unanimously on a roll call vote with five (Leith-Dowling, Heinbockel, Miller, Pecchia, Gilbertson) voting.

Hallgren stated the information given to the military would assist them in making better decisions in building their training facility for the Stryker brigade. He also said the community reaffirmed its support for the training range to be built as long as it wasn't at the Eddy Drop Zone site.

## **CORRESPONDENCE**

### **Department of Transportation correspondence regarding unauthorized encroachment**

Discussion followed regarding blocking access to the landfill site and other party areas.

### **Magistrate letter regarding transfer of Passport Agency**

Discussion followed regarding getting passports at City Hall and pictures from Alpha Omega or through businesses in Fairbanks.

### **AML invite for Community Awards of Excellence recognition**

Discussion followed regarding nominations having probability of receiving the award.

### **Agreement between City and Fairbanks Neighborhood Housing Services**

Hallgren stated the Memorandum of Agreement between the City of Delta Junction and Fairbanks Neighborhood Housing Services allows a low-income housing program, which is funded through the

Alaska Housing Finance Corporation, to operate in the Delta area. There is no commitment on the city's part and therefore he suggested making a motion in favor of the agreement.

**Heinbockel moved** to authorize the mayor to sign and execute the agreement between the City and Fairbanks Neighborhood Housing Services as presented; Pecchia seconded.

**Motion passed** unanimously on a roll call vote.

## REPORTS

**Airport** – Pete Hallgren reported three lots that were sold in November are under development. There appears to be a question about the electrical power. Initially Golden Valley was to put in four poles and two transformers. However, one transformer and five poles is what have been erected. Power has been extended beyond the lots that were approved to receive the electrical poles. He will investigate the situation.

Gilbertson said the transfer pole would have no cost.

**City Clerk** – Pat White requested registration forms for the AML Conference in Nome be turned in by October 15 when the fees increase.

White reported Council members were called for a phone poll regarding renting a facility for the heavy equipment. RFP (request for proposals) was put out to the public in July and last discussed during the September 2 meeting. The need for warm storage became urgent upon receiving cold weather in mid-September. Mayor Gilbertson offered storage space, to include heat and electricity, for \$1,500/month. Gilbertson abstained from voting but otherwise, voting was unanimous in favor of accepting the rental offer. It was agreed that rent fees would not begin until October 1 and would continue through the winter months until April.

White reported Teck-Pogo plans to meet at 11:00AM on the second Wednesday of each month at the Community Center. Their meetings will be informational. Karl Hanneman, Teck-Pogo Alaska Regional Manager, has requested a representative from the City join reps from other agencies (Chamber, Deltana, Pogo, LEPC, DREDC, DGSD and DMTC). The first meeting is planned for November 12.

Leith-Dowling and Heinbockel volunteered to represent the City during the Teck-Pogo Roundtable meetings.

White reported City Hall would be closed on Friday, October 17, in honor of Alaska Day.

**Department of Economic Development** – Pete Hallgren reported winter upgrade on TV stations was in process today. Recent work was not enough. A windless day is needed to install new cables from the receiving antennas to local translators. Signal boosters will also be installed.

Hallgren reported the State is organizing a municipal advisory board to advise them on the divisions of the Alaska Stranded Gas Development Act. Mayor Gilbertson has appointed Hallgren as a representative. The first meeting is scheduled for October 27. The State Statutes declare if there is a gas pipeline, part of the revenue will be shared with municipalities affected by the presence of the pipeline. It will probably not be taxable and the City would be given PILT (payment in lieu of taxes) instead. Part of the advisory discussion will cover what type of payment and how it will be proportioned. Hallgren stated it ties into potential regional government in Delta as well as Tok. The model borough boundary extends to the Canadian border, which includes 220 miles. Probability of a gasline being completed is not likely until 2010. The Delta area is likely to change in the meantime and he will push for our area of influence to be the size of the school district, which is approximately 35 miles in diameter.

Hallgren reported the City was granted an extension on the Economic Development Administration (EDA) grant that will end in September 2004. Approximately \$150,000 is remaining of the \$1,100,000 grant total. \$80,000+ will be used toward closing the existing landfill. \$30,000+ is needed to renovate (roof and floor) the Community Center.

**Hockey Rink** – Lou Heinbockel stated he agrees with Edgren’s presentation about the need to complete projects at the hockey rink.

**Landfill** – Lou Heinbockel stated the report for the landfill inspection by ADEC on July 7 was received. It shows we failed even though he feels the landfill was in better condition this year than it was last year. He has a problem with the grading that indicated birds, flies and bear tracks were present at the landfill. To pass the inspection a minimum of 80 points was required. We scored 76. One item is to keep records and it is the responsibility of the local contractor. That would have allowed better scoring. The City is not threatened by any penalties. We were simply given a poor score. Heinbockel said it would all be corrected next year when this landfill closes. The new landfill must be operated successfully.

Heinbockel stated we have yet to get a signed agreement to continue operating the landfill although we anticipate it. Local contractor, Peters, stated he was blindsided at the last meeting when asked to increase the annual rental fees by \$1,500. Heinbockel said, to his knowledge, there has not been an increase in 20 years even though garbage pickup rates have increased. By increasing lease fees by \$1,500, the residential customer rate should increase only 41 ½cents. Recent bills to customers indicate a significant increase of \$2.00 per residence. The City is NOT the cause of the rate increase. Heinbockel added that if the lease agreement were not signed in a timely fashion he would propose that the City take over the landfill operation.

**Library** – Mary Leith-Dowling reported several topics: Librarian Joyce McCombs applied for the Prime Time Family Ready Time grant and notice of its award should be received by the end of next week. McCombs is also working on another grant titled We the People. \$772 remains from the Gates Foundation funds and will be used for an office computer. The library board meets October 14 at 4:30 in the conference room. One seat needs filled.

**Public Health & Safety** – Robert Miller said he would look into an agreement with the Ft. Greely firefighters.

Hallgren said the City would be happy to have a mutual aide agreement.

**Public Works** – Lou Heinbockel reported he has received numerous compliments regarding improvements at the park and on the roads. Two areas that needed grade reduction on intersection approaches have been completed. Heinbockel said overall the street work is exceptional.

Hallgren stated the EDA grant made it possible to hire the temporary operators for the summer months.

## UNFINISHED BUSINESS

### **Library and Fire Station Designs**

*See Request to Speak*

### **Power Line Easement for Recent Land Sale**

(Application for new electrical service was requested for newly purchased Lots 4 & 5 of Block 4. Golden Valley Electric Association requested to extend power into Block 12 at the same time. It requires an easement between Lots 12 and 13 of Block 12.)

**Heinbockel moved** to approve the GVEA power line easement agreement as requested; Leith-Dowling seconded.

**Motion passed** unanimously on a roll call vote.

## NEW BUSINESS

### **Resolution 2004-04, A Resolution Approving Settlement of City vs. USARAK**

*See Executive Session prior to Correspondence*

**Request from Delta Youth Court to Waive Community Center Fees**

**Request from Friends of NRA to Waive Fees Associated with Renting Tables & Chairs**

**Heinbockel moved** to approve waiving fees as requested by Delta Youth Court to rent the Community Center for a Halloween dance on October 31 and to waive fees for Friends of NRA to use the Community Center tables, chairs and PA system for their banquet on October 18 as long as there is no conflict with other requests; Leith-Dowling seconded.

**Motion passed** unanimously on a roll call vote.

**Two Requests from Alpha Omega Life Care, Inc. to Waive Fees for Use of the Community Center**

**Heinbockel moved** to approve waiving rental fees as requested by Alpha Omega Life Care, Inc. to use the Community Center for a Golden Fall Senior Celebration on November 1 and for the children's Christmas party on December 13; Miller seconded.

**Motion passed** unanimously on a roll call vote.

**Purchase Orders**

PO#08250 to Aetna WHO-AAS in the amount of \$4,883.00 for Oct '03 group health insurance

PO#08251 to Airport Equipment Rentals, Inc. in the amount of \$2,477.01 for (man lift and compactor) equipment used at TV site and on streets and runway

PO#08252 to Alaska Communications Systems in the amount of \$767.85 for phone service

PO#08253 to Delta Skating Association in the amount of \$1,590.50 for caprail, net and glass replacement at hockey rink

PO#08254 to Delta Building Supply in the amount of \$1,500.00 for Oct '03 warm storage rental for heavy equipment

PO#08255 to Delta Youth Court in the amount of \$15,705.25 for Social Service Impact Grant Award (Youth Court Director)

PO#08256 to Exclusive Landscaping & Paving, Inc. in the amount of \$5,930.00 for final payment on paving of Mill-Tan Road

PO#08257 to Guess & Rudd in the amount of \$12,979.02 for legal services (Eddy Drop Zone injunction, research Davis-Bacon wages and review equipment security funded by the EDA grant)

PO#08258 to MACTEC Engineering & Consulting, Inc. in the amount of \$956.38 for new landfill topographical mapping

PO#08259 to MACTEC Engineering & Consulting, Inc. in the amount of \$43,450.98 for NEPA permit for new landfill

PO#08260 to MACTEC Engineering & Consulting, Inc. in the amount of \$13,242.15 for TV repeater repairs

PO#08261 to MACTEC Engineering & Consulting, Inc. in the amount of \$2,669.82 for existing landfill grading plan

PO#08262 to MACTEC Engineering & Consulting, Inc. in the amount of \$4,496.82 for final payment on airport runway resurfacing

PO#08263 to SimplexGrinnell in the amount of \$4,236.00 for partial payment of fire alarm replacement at Community Center

PO#08265 to Lamar Cotten in the amount of \$6,625.01 for Sept '03 consulting service

PO#08266 to Delta Texaco in the amount of \$1,404.78 for Sept 03 fuel

PO#08268 to Seagrave Fire Apparatus Company in the amount of \$38,147.40 for 15% deposit on fire truck

Leith-Dowling stated she would vote against purchase order #08256 for the same reason she voted against the initial award last May. She felt their bid was over the amount of grant funds available for the project.

Heinbockel said in order to finish the project Council authorized the expenditure of up to \$60,000 from the city's coffers. Leith-Dowling did not agree that it should be done that way. This money would be coming

out of our pocket, not the grant's pocket. This project ran considerably over what the estimates were. He said the bottom line is that there is no prerogative; the bill needs to be paid.

Heinbockel said he has hardship with the attorney bills.

**Heinbockel moved** to approve purchase orders #08250, 51, 52, 53, 54, 55 and 08258, 59, 60, 61, 62, 63, 65, 66 and 68; Leith-Dowling seconded.

**Motion passed** unanimously on a roll call vote.

Heinbockel moved to approve purchase order #08256.

Hallgren said he authorized the extra work to be completed toward the end of the project (paving the final two miles of Mill-Tan). There were more linear feet of crack sealing than what was originally estimated. Crack sealing was not over the bid packet. Bid was per foot and that was estimated. It was a bid, which the Council accepted as an additive alternate.

Heinbockel said the difference was that there was more footage than what was anticipated.

Discussion followed regarding the bid being binding or being an open contract.

Gilbertson asked to bring #08256 back for approval upon getting more information.

Motion failed for lack of a second.

**Leith-Dowling moved** to approve purchase order #08257; Miller seconded.

**Motion passed** on a roll call vote with four (Leith-Dowling, Miller, Pecchia, Gilbertson) voting in favor and one (Heinbockel) voting against.

Hallgren reported two projects (Mill-Tan paving and USARAK lawsuit) ran City reserves down over \$100,000. It proves that a considerable amount of money is needed for cash flow.

Discussion followed regarding asphalt paving prices and increases since the Mill-Tan project.

#### **ADDITIONAL COUNCIL COMMENT**

Mayor Gilbertson called for additional Council comments with none being offered.

#### **ADDITIONAL PUBLIC COMMENT**

Al Edgren reported there is a large accumulation of brush and waste wood near the dike across from the end of the airstrip. It is a bit of an eyesore and should it become too unsightly or unruly it can be burned. Forestry would prefer to let it dry and to burn it after a heavy rain next summer. It is strictly for wood debris, not for garbage or any landfill material. Fire response has been cut in half since this service has been provided to the community.

Heinbockel said it might resurrect the winter carnival.

Edgren said there have been periodic woodcutters but they are appreciated.

#### **ADJOURNMENT**

Leith-Dowling moved to adjourn at 6:55PM; Pecchia seconded. Motion carried.

Respectfully Submitted,

Pat White  
City Clerk