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**City Council Minutes**  
**December 2, 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 December 2, 2003 in the conference room at City Hall in Delta Junction, Alaska. Mayor Gilbertson called the meeting to order at 5:07PM.

Council members present: Roy Gilbertson, Mary Leith-Dowling, Mark Weller, Robert J. Miller, Will Pecchia  
Susan Kemp-Sandy (available telephonically), Lou Heinbockel (arrived at 5:14PM)

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

Additionally there were nine members from the community present at the beginning of the meeting.

#### **AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA**

White reported two topics under *Unfinished Business* will not be discussed until December 16th:

- ✓ MACTEC - Final Fire Hall Plans
- ✓ Borough Commission Proposal

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

#### **APPROVAL OF MINUTES OF THE PREVIOUS MEETING**

Leith-Dowling moved to approve the minutes from the November 18, 2003 meeting as presented; Pecchia seconded. Motion carried.

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

Tana Wood asked to consider timing of the Executive Session to coincide with the zoning issue unless Council required public comments on the topic.

Hallgren stated the Executive Session would be when City Attorney Ken Jacobus is available, at 6:00PM.

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

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

#### **REQUEST TO SPEAK**

Ken Farrow, introduced himself and distributed *Service Menu* printouts of Alpha Omega Life Care, Inc., listing what services they provide in this community. He stated Alpha Omega would begin recruiting for a senior advisory group. He welcomes anyone with expertise on issues that affect senior citizens.

#### **CORRESPONDENCE**

##### **Rural Deltana Fire Department - 2004 Gaming Permit Application**

Leith-Dowling moved to show no objection to Rural Deltana's gaming permit application; Miller seconded

**Motion passed** unanimously on a roll call vote with six voting.

## REPORTS

**Airport** – Mark Weller reported the Delta Pilot’s Association has paid their half of the insurance.

**Department of Economic Development** – Pete Hallgren reported Richard Bonwell, MACTEC principal engineer, is working with Joe Peters, local landfill operator, in regards to the City taking over the operation. An agreement appears to be close. Meanwhile the landfill will continue to operate as before.

Hallgren reported he, Cotten and Council member, Leith-Dowling, would attend the Association of the United States Army (AUSA) missile defense symposium in El Paso, Texas next week. The Activation Ceremony for the Missile Defense Space Battalion, scheduled for December 6, will be postponed until early January.

Hallgren reported the Economic Development Administration (EDA) mistakenly over-paid the City for the equipment reimbursement on Report #5 (August 2003). Their mistake however, matched a City request for reimbursement, for the September 30 quarter, so it balanced out. The State of Alaska also advanced \$200,000 in impact funds over what the City had requested. \$417,000 was requested and \$617,000 was received. However, the Delta-Greely School District (DGSD) has requested reimbursement for the job training/building construction project. The excess advance will be used to fund the \$216,000 requested by DGSD. Thus, payment to DGSD will not be delayed by an additional disbursement of impact funds.

Hallgren stated ambulance bids are still in review and he will be seeking answers from the City Attorney before presenting his recommendation.

**School Liaison** – Will Pecchia reported a work session is scheduled at 6:00PM on December 3 at the district office to discuss the elementary school. He will be given an update on the construction trades building next Tuesday.

**Hockey Rink** – Lou Heinbockel reported the outside lights at the hockey rink are pending, waiting on parts for the timer device.

Gilbertson reported mats have arrived and will be temporarily used for floor covering.

**Library** – Mary Leith-Dowling reported a grant of \$1,500 was received from the Alaska Library Association to send Librarian Joyce McCombs to the Pacific-Northwest Library Association Conference.

Leith-Dowling reported an engineering firm was researching information on the nuclear power plant. They had looked throughout state and military records without success. However, they were able to locate a full report here at the Delta Community Library. It was the only one found.

**Park** – Will Pecchia reminded Council that Steve Millea, AML/JIA Risk Manager, would speak at the December 16 meeting. He will give recommendations on how to improve our park and make it a safe place.

## UNFINISHED BUSINESS

### Limiting Mobile Homes in Residential Areas

Hallgren, referring to a memo that was distributed, asked Council to edit and provide input on details of the memo. Main issues were addressed as changes to the current zoning code. He is interested in what Council wants him to document.

Discussion followed regarding business/residential homes and decreasing or expanding the residential area.

Heinbockel said if the ordinance were ever enforced there would not be hangars along the airstrip, a dentist and several other businesses that have come and gone in the area. Because of that he would just as soon have the zoning ordinance disappear.

Leith-Dowling said at some point it must be decided to enforce rules.

Gilbertson said there are many lots available for sale and it would be nice to have homes built in the area.

Hallgren said he has dealt with residents living within the residential zone. He said it might be easiest to place an ordinance on the existing zone boundaries.

Heinbockel explained the history behind the current residential zone.

Weller asked if the memo should be publicized for public comment.

Discussion followed regarding a planning commission and its responsibilities and what it would take for (re)enforcement of the ordinance.

Hallgren said the issue of mobile homes in the area must be well defined.

Weller suggested making a grandfather clause that states any mobile home that is hooked to a well and a septic system be allowed to remain.

Gilbertson asked each Council member to prepare and submit comments to Hallgren.

Heinbockel said if this Council acts the same as in the past, there will be no enforcement. Violators will simply ask to be excused.

Pecchia moved to begin enforcement of the residential zoning code on January 15; Leith-Dowling seconded.

Miller said it would draw new homebuilders and improve property values.

Pat Schlichting asked that grandfather rights be included in the ordinance.

Heinbockel asked to take a hard look at increasing the size of the residential area. It should be reserved for residences. The Delta School and South Clearwater are within residential property.

Discussion followed regarding enforcement.

Tana Wood said she thought there was nothing to enforce. It is good to have planning but there are many items that need cleaned up in the actual ordinance before it is opened for a public hearing.

Heinbockel reported the ordinance dates back to 1977 and City Attorney Jim DeWitt re-codified all City ordinances since that time.

Discussion followed regarding segments of the written ordinance.

Hallgren stated that enforcement allows lawbreakers to appeal to a borough assembly and then the court. If they do not respond, they are charged under civil penalty. He agrees that the City does not have a good structure for enforcement. However, if a date is chosen to enforce current ordinances, it sets a framework for changes and upgrading current code.

Gilbertson asked to schedule a work session.

Discussion followed regarding a work session date prior to the January 15 enforcement date.

Pecchia moved to amend his previous motion to include a work session and move the enforcement date to March 15; Leith-Dowling seconded.

Motion passed on a roll call vote with five (Pecchia, Leith-Dowling, Kemp-Sandy, Miller, Gilbertson) voting in favor and two (Weller, Heinbockel) voting against.

## **NEW BUSINESS**

### **Deltana Fire Truck Bids**

Hallgren, referring to memo provided by Planner Dennis Dooley, reported impact funds from Missile Defense allowed purchase of two pumper trucks for the Deltana Fire Department. The City is in a position to award the bid as they are within the range of allotted money for these vehicles. The two lowest bidders were W.S. Darley (\$430,000) and Central States Fire Apparatus, LLC (\$430,695).

Miller moved to authorize City Administrator Pete Hallgren to announce an "Intent To Award" to W. S. Darley & Company for \$430,000, to authorize the City Administrator to enter into a contract with W.S. Darley provided there are no protests filed within 5 days of transmittal by a qualified bidder and to authorize City Administration to purchase the truck equipment as outlined in the November 24 memorandum from Dennis Dooley; Pecchia seconded.

Motion passed unanimously on a roll call vote.

### **Introduction and First Reading of Ordinance 2004-01, An Ordinance Amending Chapter 1.75,**

#### **Section 1.75.070(a), Community Center Fees**

Hallgren reported usage fees for the Community Center (CC) are changed through ordinance, not by simple ruling. The current changes are to increase the cleaning deposit from \$125 to \$300, requested in the form of cash or money order, and charge a fee to replace keys if they are lost or not returned. To make changes the

current ordinance must be amended. The key fee is documented on the instruction sheet and is issued at the same time the key(s) are picked up.

**Leith-Dowling moved** to introduce Ordinance 2004-01, hold the first reading and set the public hearing for December 16, 2003; Miller seconded.

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

Kemp-Sandy stated she feels many will be denied use of the CC because of the large cleaning deposit.

Heinbockel said he agreed but also knows that the Council will waive fees when asked for forgiveness.

Gilbertson stated he feels all renters need to understand the responsibility of caring for the facility. It is easier to walk away from a hundred dollar deposit rather than spend the time to clean.

Weller asked to discuss Bob Morley's 11-14-03 letter addressing Community Center concerns (1. Limiting the duration of organizations to use the CC on a regular basis. 2. Allow Bingo to be at the new fire hall after it is constructed. 3. Limit activities to 5:00PM prior to Election Day so that the election officials can set up at a decent hour in order to open the polls at 7:00AM the following day.)

Pecchia suggested the State pay for the day prior as well as the day of Elections.

Hallgren said Rural Deltana rents it every Monday night for Bingo.

Gilbertson said it should be a public service to the election officials. The Community Center needs to be reserved for Elections.

Heinbockel said if the cleaning deposit is to be increased, the City should look at what the State Board of Elections pays. \$30 is insignificant for a 12-hour day.

Heinbockel said Deltana would no doubt agree to forego one night a year in the interest of elections.

Matt Creager, Deltana VFD Captain, said Bingo could be rescheduled for a Wednesday.

Hallgren said the new fire hall facility would not have enough room to handle Bingo. He said one of Morley's concerns is based on tying up the Community Center. Once a congregation grows it should be able to find their own location, making the CC available to others.

White stated two church groups book the CC in advance for every Sunday.

Gilbertson said there should be a limit of possibly 90 days, time enough for a congregation to form and find other accommodations. He said the Fire Department should be able to eliminate one day a year. The community should have access to the building as it is intended and it should not be tied up with long-standing regulars.

### **Purchase Orders**

PO#08383 to ACS in the amount of \$843.63 for Nov '03 phone service

PO#08384 to Bound Tree Medical LLC in the amount of \$545.85 for Rescue Squad medical supplies

PO#08385 to Delta Building Supply in the amount of \$1,500.00 for Dec '03 warm storage

PO#08386 to Delta Chamber of Commerce in the amount of \$750.00 for city maps

PO#08387 to Delta Fuel Company in the amount of \$646.71 for Oct/Nov '03 heating fuel oil

PO#08388 to Guess & Rudd in the amount of \$1,961.46 for Oct '03 legal fees (Allvest prison issue)

PO#08389 to Peter Hallgren in the amount of \$870.84 for reimbursement of travel (Alaska Resource

Development Council, Alaska Municipal League Conference, meeting in Fairbanks over legal matters)

PO#08390 to Interior Building Supplies, Inc. in the amount of \$563.19 for supplies used in

maintenance/repair at the Community Center, Fire Department, city streets, hockey rink

PO#08391 to Lamar Cotten in the amount of \$5,217.88 for Nov '03 consulting service

PO#08392 to MACTEC Engineering & Consulting, Inc. in the amount of \$10,119.37 for Oct '03 library design progress

PO#08393 to MACTEC Engineering & Consulting, Inc. in the amount of \$13,698.77 for Oct '03 landfill engineering progress

PO#08394 to MACTEC Engineering & Consulting, Inc. in the amount of \$43,187.68 for Oct/Nov '03 Fire Station design progress

PO#08395 to MACTEC Engineering & Consulting, Inc. in the amount of \$838.15 for existing landfill grading plan

PO#08396 to Mikunda, Cottrell & Company in the amount of \$3,750.00 audit billing (#2)

PO#08397 to Aetna WHO-AAS in the amount of \$4,883.00 for Dec '03 group health insurance

**Heinbockel moved** to approve purchase orders #08383 through 08397; Kemp-Sandy seconded.

Miller asked about PO#08391.

Hallgren said Cotten is paid from the borough study grant and impact funds, not the general fund. His wages stem from whichever project his time is applied. He said he plans to retain Cotten as a consultant until the end of 2004 when construction is completed and the missile field is operational. Additionally \$40,000 of administrative costs from the school consortium was used toward Cotten's wages because he worked heavily on the job-training project. At the next meeting Cotten will present a proposal to form a commission to look at potential establishment of a borough. If Council agrees to establish the committee Hallgren will approach MD for approval of using impact funds to pay Cotten. Hallgren said Cotten would attend the AUSA in El Paso. He will also join Hallgren on the Municipal Advisory Gas Line Committee. Cotten's position is tied heavily into MD when he chairs the monthly roundtable meetings, keeping up on housing and school needs.

Leith-Dowling stated Cotten resides in Anchorage and is available to state agencies on behalf of the City.

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

#### **ADDITIONAL PUBLIC COMMENT**

White asked for Council approval regarding renting the Community Center from 9:00PM, December 31 to 9:00AM, January 1. It will be a New Year's party and 35-40 people will be in attendance. She said the person inquiring accepted the fact that Council was presently considering increasing the cleaning deposit to \$300.

Hallgren said use of alcohol should not be permitted unless a private party or caterer has a liquor license to handle the alcohol and the liability. He will review current ordinance. He said his recommendation would be to outlaw alcohol unless proof of Alaska Beverage Control (ABC) licensing is provided.

Pat Schlichting asked how the borough study was processed and viewed.

Heinbockel said the study was used to identify what step to take. It was decided to form a commission, write a charter and present it to the people of Deltana who would be encompassed by the charter.

Hallgren reported Cotten will present a proposal for Council to approve at the December 16 meeting. The plan is to select 10-12 representatives from various interest groups, as was the Regional Government Options Study Committee.

Heinbockel said the charter attempt will get community input. Cotten's expertise has provided information on what will happen without unfairly burdening the residents a borough will affect. Because the local residents are not demanding services, Heinbockel said he feels the charter should be written accordingly. Their interests must be protected.

Schlichting asked if the formation of a committee has been made known to the legislature.

Hallgren affirmed and said that it is also clear that the Council will only consider a Delta area borough and not one that extends to the Canadian border as suggested as the model borough boundary.

Schlichting said he is interested in being part of the commission.

#### **ADDITIONAL COUNCIL COMMENTS**

Weller asked about the recent power outage. He wanted to know what would happen if electricity is out for periods longer than 12 or 24 hours.

Heinbockel said some suffered broken pipes and monetary damage with just the 6-hour outage.

Weller asked if grant funds from Homeland Security could be used to purchase generators for such an event. He also asked if Homeland Security should coordinate a centrally located place to house people in need.

Miller reported certain centrally located facilities will be identified as a power source and it will be written into LEPC emergency planning.

Hallgren said he would address a letter to GVEA. He has been informed of buildings in the area that were damaged because of the power outage.

Discussion followed regarding City facilities with generator capabilities.

Gilbertson said the school would be the most logical facility for emergency power.

Pecchia said he would discuss the issue with School Superintendent, Dan Beck.

## **EXECUTIVE SESSION**

### **City Attorney Ken Jacobus – Prison Lawsuit**

Council recessed at 6:38 PM.

Weller moved to enter into Executive Session at 6:45PM for the purpose of discussing matters concerning the prison lawsuit; Heinbockel seconded.

Motion passed by unanimous consent.

Present during the Executive Session were Council members (all physically present except Kemp-Sandy, via telephone), City Attorney Ken Jacobus (telephonically), City Administrator Pete Hallgren and City Clerk Pat White.

Weller moved to end the Executive Session at 7:14PM and reconvene the regular meeting; Pecchia seconded.

Motion passed by unanimous consent.

## **ADJOURNMENT**

Kemp-Sandy moved to adjourn the meeting at 7:16PM; Weller seconded. Motion carried.

Respectfully Submitted,

Pat White  
City Clerk