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**City Council Minutes**  
**December 16, 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 16, 2003 in the conference room at City Hall in Delta Junction, Alaska. Mayor Pro tem Leith-Dowling called the meeting to order at 5:00PM.

Council members present: Mary Leith-Dowling, Will Pecchia, Lou Heinbockel
Robert Miller, Mark Weller (arrived at 5:05PM)

Council member excused: Mayor Roy Gilbertson, Susan Kemp-Sandy

City employees present: Dave Zimmerman, Lamar Cotten, Pat White

Additionally there were five members from the community, one out-of-town guest speaker and two MACTEC engineers present.

AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA

Leith-Dowling reported five purchase orders to add to New Business:

- ✓ PO #08463 through 08467

Pecchia moved to approve the agenda as amended; Heinbockel seconded. Motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Miller moved to approve the minutes from the December 2, 2003 meeting as presented; Pecchia seconded. Motion carried.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

COUNCIL COMMENTS ON NON-AGENDA ITEMS

Mayor Pro tem Leith-Dowling called for public and Council comments on non-agenda items with none being offered.

REQUEST TO SPEAK

Steve Millea, Risk Manager for Alaska Municipal League/Joint Insurance Association, Inc. (AML/JIA), introduced himself. He explained that AML/JIA manages an insurance pool and it was created in 1986. It makes property, liability and law enforcement insurance affordable to its members (school districts, boroughs and municipalities across the State of Alaska). Millea presented possible liabilities and offered suggestions for loss prevention at both the playground and the hockey rink. He invited comments, questions and observations.

Millea stated he had made recommendations upon his visit to Delta two years ago. Bob Morley had followed through with those recommendations, indicating that Delta is very pro-active in regards to safety measures. He said nine out of ten communities have a problem with surfacing material. Delta does not. Delta's problem is out-dated playground equipment.

Millea discussed examples and statistics of accidents in Alaska. He reported one community that dismantled and removed playground equipment because they were unable to afford upkeep and liability. They had no means or resources for adequate surfacing materials (pea gravel, wood mulch or rubber matting).

Discussion followed regarding inherent unsafe actions associated with playground equipment, skateboarding, rollerblading and other activities. Appropriate signs were also discussed.

Millea reported the Alaska State Legislature passed ruling that alleviates municipalities from liability in inherently dangerous activities related to use of playground equipment, BMX bikes, skateboards and roller blades. However, the City will not be held harmless in a court of law if playground equipment does not meet the guidelines of the Consumer Product Safety Commission. Adequate surfacing material and safe, maintained equipment must be a priority. He provided information about equipment and adequate fall protection. He discussed an equipment part that is not commonly considered dangerous but has caused several child fatalities. Millea presented a minimal list of recommendations for park improvements. Handouts were distributed to Councilman Pecchia.

CORRESPONDENCE

Renewal of Liquor License for Alaskan Steakhouse & Motel #3999

Heinbockel moved to show no opposition to the beverage license renewal requested by the Alaskan Steakhouse & Motel #3999; Miller seconded.

Motion passed unanimously on a roll call vote with five voting.

REPORTS

Rescue Squad – Roger Harris reported ambulance runs have broken over 200, more than any previous year. Harris also stated he met with Hallgren and Dooley three weeks ago regarding the postponement of bid proposal decisions for the new ambulance. He stated the discrepancies between bids are too extreme. He distributed handouts explaining his input, should he not be present when a decision is made. He asked Council to make an informed decision. He said Medic II was purchased two years ago. It is their primary vehicle and they have never experienced one fault with it. Specifications for the new ambulance were based off of Medic II.

Fire Department – Miller stated Fire Chief Jim Eden-Kilgour submitted a letter requesting a surplus ambulance, which is being disposed of by the Fairbanks North Star Borough (FNSB). Eden-Kilgour suggested it be used as an equipment-carrying vehicle for extrication equipment and extra air tanks. It would have to be housed in the rescue building.

Discussion followed regarding possession of another used vehicle.

Miller said the request must be made from the City Mayor.

Airport – Heinbockel asked to discuss the December 11, 2003 letter from the Department of Natural Resources, notification of a petition to vacate a section line and 100-foot section-line easement. He said DNR has already granted the vacation. (The letter was received on December 15 and placed in Council boxes.)

Discussion followed regarding the area in question.

Leith-Dowling stated the subject needs more investigation. The topic would be on the January 6, 2004 agenda.

City Clerk – Pat White reported the installation of the fire alarm system is complete at the Community Center as required by the Fire Marshal for the Senior Center.

Department of Economic Development – Cotten reported he and Leith-Dowling met with Catholic Social Services, representatives from the State and Karen Cedzo, DGSD Public Relations Advisor, to discuss career advancement and how to best coordinate different entities who can provide (education and employment opportunity) services to the Slavic community.

Cotten reported he and Mayor Gilbertson had contact with Senator Lincoln's office regarding Senate Committee Resolution (SCR) 12, which is promoted by Senator Gary Wilken. It would force four areas to be put before the Local Boundary Commission (LBC) to determine borough formation. Delta is included in the

Upper Tanana Model Borough. Senator Wilken is currently gaining support for the resolution from other communities and will possibly push the issue during the next legislative session.

Cotten reported there is more general military construction work at Ft. Greely beyond the initial 20 missile sites.

It appears construction will expand over a number of years.

Heinbockel reported he met with Karl Hanneman, Teck-Pogo Regional Manager, on December 10. Hanneman anticipates receipt of permits for the overland ice road by late December. There are some glitches on other permits needed for the actual mining operation. There may not be much development beyond getting the man camp delivered this winter. He discussed road construction and electricity. Hanneman estimated Pogo would produce 2% of the world's gold, which equates to 400,000 ounces annually. As long as gold prices stay above \$325/ounce the project will remain feasible.

School Liaison – Will Pecchia reported electricity and heating systems are under construction in the trade's construction building. PO#08454 (under New Business) will release funds needed for that progress.

Landfill – Richard Bonwell presented and explained an updated layout of the new landfill and septage facility site. He explained that private citizens and commercial vehicles would have access to specific areas. He also explained the positioning of the equipment maintenance facility and the scale house so that both buildings could utilize one well, septic and heating system. Bonwell explained a change was made in filling cells with consideration of which way the wind blows.

Heinbockel said 75% of the time, once one travels beyond Pump 9, there is no wind. It shears off by the Granite Mountains. It is a known fact that the wind can blow at 60mph in Delta and be only 20mph at the landfill location. The predominant east wind will not affect spreading garbage at the landfill as will a south wind.

Heinbockel asked to understand the process of dumping his own garbage at the new site.

Bonwell stated customers would be able to back up to a retaining wall to dispose of their garbage. The wall will be such that it cannot be backed over, with the bins positioned just below the retaining wall. Garbage can be shoveled out of the back of a pickup or bags of garbage dropped down into the (three) bins. These bins, estimated to be 5' high by 8' wide by 15-20' long, will be emptied by use of the front-end loader.

Bonwell said the best solution to handling hazardous waste is to contract a firm once or twice a year to collect and dispose of it in the proper manner. He suggested cutting costs by recycling some items, such as paints. Lead acid batteries are shipped out of Fairbanks to be recycled.

Discussion followed regarding disposal and recycling of batteries and oil.

Bonwell reported the first day of advertisement for bids on the fire station will be January 11, the library will be January 20 and the landfill will be February 1.

Discussion followed regarding fencing and the presence of bears near landfills.

Bonwell said there is not enough bear problem to warrant the need for electric fencing as long as the landfill operation is well done.

Library – Mary Leith-Dowling reported good attendance on Fridays and Sundays, proving worthwhile the extended hours in which the library is open.

Public Health & Safety – Robert J. Miller reported the letter of agreement with Ft. Greely Police might be incorporated with an agreement between them and Alaska State Troopers (AST). The agreement with the Fire Department is pending also.

UNFINISHED BUSINESS

Regional Government Charter Commission

Cotten explained a commission would represent a cross-section of our community. The commission would create a charter, needed if a first class city becomes home-rule. The commission would conduct structured meetings that would create resolution on issues of public process, public meetings and public input. Cotten proposed reviewing four or five different charters, understanding the pros and cons of each. He said the Local Boundary Commission (LBC) and State Department of Education recently completed an extensive study on

consolidation of school districts. There is interest to push more responsibility onto local community governmental bodies, thereby shrinking state government. LBC concluded that there are seven areas in Alaska that meet the standards of corporation.

Cotten recommended Council seek community members from different interest groups who would be willing to participate in charter research. The Council would not control the commission. Cotten presented examples of different communities and how they deal with their situations, as organized and unorganized areas.

Weller said he is against the concept of researching borough formation.

Heinbockel asked if a charter was created and LBC allowed the community to vote on it, would that vote be binding? If the people accepted a charter that was established by the commission could the LBC still thwart it?

Cotten said the charter and the question of incorporating would be put to a yes/no vote for local residents. That final decision by the local people could not be appealed to the legislature. He said it is his guess that if the legislature passes Wilken's resolution it will force the LBC staff to present the areas to incorporate. The fact that Delta has progressed and researched does help our argument to separate ourselves from the formation suggested (including Delta with Tok and the area to the Canadian border).

Weller said the whole premise is to make everything fair and even. He said, "If that is true, according to the Department of Labor website, Delta pays almost \$1 billion in seasonal and transient wages in this state each year (excluding oil workers, fishermen, consultants and contractors) and \$25-30 million in out-of-state unemployment. In order for the state to recoup costs of supporting the fishing industry, such as the hatcheries, they increase the cost of limited entry permits. Then an Oregon resident sues and \$30 million is paid out of the state's coffers." Weller said it would be fair if everyone paid some form of income tax. There is public support for it. He said it should be part of the study. He asked, "Why create government bureaucracy when the population does not want it?"

Heinbockel said no matter what is presented the people of this area will reject a borough. Many people move to Delta to escape taxes. An example is the letter in the recent Delta Wind that attacks effort made to this point. He said he would accept Cotten's recommendation to advertise for participation in a charter commission.

Miller asked if the state has the right to force a borough even if the majority of the people were against it.

Cotten said there is more risk by not taking any action. There is "handwriting on the wall", a decided effort to demonstrate that those that are capable of paying their own way, should. He said to at least have a say in what the boundaries are. It will be a critical part of borough formation. The gas line complicates everything. It is no longer a question of if, but more of when it becomes reality. The gas line, which will pass through Pogo and the pipeline, deflates the idea that this area cannot support itself.

NEW BUSINESS

Public Hearing and Second Reading of Ordinance 2004-01, An Ordinance Amending Chapter 1.75, Section 1.75.070(a), Community Center

Miller moved to open the public hearing and second reading of Ordinance 2004-01, an ordinance amending Chapter 1.75, Section 1.75.070(a); Pecchia seconded. Motion passed by unanimous consent.

Leith-Dowling called for public comment with none being offered.

White explained the fire alarm system. She asked Council to approve Bob Morley's suggestion of charging a \$100 fee for the deliberate act of setting off the fire alarm. A protocol would be arranged to deal with the situation because it would require a city personnel to reset the fire alarm. Morley said he would accept responsibility to be the first responder. If he is not available two other alternates should be accessible.

Heinbockel said to add the fee to the *City Clean Up Check List* and not alter the ordinance.

Janet Boyer asked how payment would be recovered for setting off the fire alarm, especially if the cleaning deposit is not returned.

Weller said the small claims process would be used.

Heinbockel said it would likely be forgiven for one reason or another.

Heinbockel moved to close the public hearing on Ordinance 2004-01; Miller seconded. Motion passed by unanimous consent.

Heinbockel moved to adopt Ordinance 2004-01; Pecchia seconded.

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

MACTEC – Final Plans for Fire Hall

Dave Halverson reported that two sets of the final drawings and specifications were delivered to City Hall last week, available for review. Halverson explained changes since the 35% design. The cost savings by deleting the underground storage tank would be put toward purchase of a tanker truck. Two alternates, added to the project for bidding purposes, are an ambulance bay addition for Delta Rescue Squad and to complete the upstairs living quarters above the office area. Bids will include the base bid and additive alternates for the two additional projects. Halverson said he needs to submit an application to the Department of Environmental Conservation (DEC) for changes in wastewater and the septic system and also have the plans reviewed by the State Fire Marshal. The project is scheduled for advertisement on January 11 and bid opening will be February 10.

Cotten asked for details on the library building because of his work with the Rasmuson Foundation.

Bonwell said work would be completed before January 20.

Cotten asked if any work has been done on the existing landfill closure.

Bonwell said the site was surveyed last fall. They have developed a plan on how the area will be sloped. It is that plan that will be the basis of closure.

Discussion followed regarding the cost estimated to close the landfill.

Purchase Orders

PO#08450 to ATT Alascom in the amount of \$573.64 for Dec '03 E911 service

PO#08451 to Bank of America in the amount of \$5,945.69 for Nov '03 business travel, supplies and parts

PO#08452 to Buffalo Center Auto Parts in the amount of \$619.07 for parts and supplies for the Rescue Squad, Fire Department and City equipment

PO#08453 to Delta Fuel Company in the amount of \$879.24 for Nov '03 fuel

PO#08454 to Delta-Greely School District in the amount of \$357,812.44 for Social Service Grant Award (Construction Trades and Job Training Project - #2 payment)

PO#08455 to Delta Skating Association in the amount of \$4,028.81 for hockey rink floor mats

PO#08456 to Emergency Medical Products, Inc. in the amount of \$655.52 for Rescue Squad medical supplies

PO#08457 to Hope Counseling Center in the amount of \$2,340.00 for Social Service Grant Award (therapist fees)

PO#08458 to Hope Counseling Center in the amount of \$12,264.00 for Social Services Grant Award (#3 payment)

PO#08459 to Tom Ferri Company in the amount of \$2,386.50 for TV translator parts/repair

PO#08460 to Chief Supply in the amount of \$1,017.74 for Fire Department supplies (batteries and gloves)

PO#08461 to Guess & Rudd in the amount of \$583.71 for legal services (Eddy Drop Zone)

PO#08462 to Joyce McCombs in the amount of \$825.75 for reimbursement (travel, postage and books)

PO#08463 to ACS in the amount of \$769.90 for Dec '03 phone services

PO#08464 to Delta Fuel Company in the amount of \$810.66 for Dec '03 fuel oil

PO#08465 to Dennis Dooley in the amount of \$534.60 for per diem from Public Works Conference

PO#08466 to MACTEC Engineering & Consulting, Inc. in the amount of \$1,346.40 for services related to City's take-over of existing landfill operation

PO#08467 to MACTEC Engineering & Consulting, Inc. in the amount of \$31,482.81 for Nov '03 progress billing of new landfill

Heinbockel moved to approve purchase orders #08450 through 08467 as presented; Weller seconded.

Cotten reported the Rasmuson Foundation has presented a challenge grant for the construction trades building (identified now as the Delta Career Advancement Center). They will award \$300,000 if it is matched by private funding. Karen Cedzo, Coordinator for Partners for Progress in Delta Consortium, will approach businesses and companies seeking matching funds.

Discussion followed regarding similar circumstances with Homer and their ice rink.

Motion passed unanimously on a roll call vote.

ADDITIONAL PUBLIC COMMENT

ADDITIONAL COUNCIL COMMENTS

Mayor Pro tem Leith-Dowling asked for additional public and Council comments with none being offered.

EXECUTIVE SESSION

MACTEC - Final plans and cost estimate for Fire Hall

Heinbockel moved to enter into Executive Session at 7:36PM after a five-minute break for the purpose of discussing cost estimates for the new fire station and addition onto the rescue squad building; Miller seconded.

Motion passed by unanimous consent.

Present during the Executive Session were Council members (Leith-Dowling, Heinbockel, Weller, Miller, Pecchia), MACTEC engineers (Richard Bonwell and Dave Halverson) and City Clerk Pat White.

Weller moved to end the Executive Session at 8:03PM and reconvene the regular meeting; Pecchia seconded.

Motion passed by unanimous consent.

ADJOURNMENT

Pecchia moved to adjourn the regular Council meeting; Weller seconded. Motion carried.

Respectfully Submitted,

Pat White
City Clerk