



City Council Minutes
May 15, 2007 ~ 5:00PM

Regular Meeting
City Hall, Delta Junction, Alaska

The regular meeting of the Delta Junction City Council was held on Tuesday, May 15, 2007 at City Hall in Delta Junction, Alaska. Mayor Mary Leith-Dowling called the meeting to order at 5:02pm.

Council members present: Mayor Mary Leith-Dowling, Mayor Pro tem Lou Heinbockel, Mike Tvenge
Mike Jenkins (telephonically), Leslie Feilner, JW Musgrove, Pablo Martinez
City employees present: Dave Zimmerman, Butch Ellis, Pat White
Five members from the community and one out of town guest were present.

AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA

Mayor Leith-Dowling reported two purchase orders (011744 and 011745) to add to *New Business* and one item (Re-plat of Fred Cook Estates Subdivision) to move from *New Business* to *Request to Speak*. Tvenge moved to approve the May 15, 2007 agenda as amended; Feilner seconded. Motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Feilner moved to approve the May 1, 2007 minutes as presented; Martinez seconded. Motion carried.

PUBLIC AND COUNCIL COMMENTS ON NON-AGENDA ITEMS

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

CORRESPONDENCE

Leith-Dowling referenced May 11, 2007 e.mail correspondence from the State Department of Transportation (DOT) asking for public comments and/or recommendations regarding the Richardson Highway Shaw Creek Bridge project. Comments would be accepted through June 10, 2007.

REQUEST TO SPEAK

Viktor Linnik asked Council to review the current policy for Over the Counter City Land Sale Rules. He questioned how long the lots had been for sale and more specifically how many lots had sold between 2001 and now. He was interested in properties near the new elementary school.

Heinbockel said some parcels have been for sale since the mid-1980s.

Linnik asked if it would not be easier to drop the prices and sell all of the lots that are currently available. He said the lots are broken down into square footage so one parcel is actually equivalent to \$8,000 because two lots are needed to meet the well and septic separation requirements. Linnik said two acres off Nistler Road costs the same as two City lots and the Nistler property is only another 7 minutes from the school.

Heinbockel stated the City should not be a land baron. Land value was significantly appreciating in the Delta Junction area, which was why the City re-evaluated properties that had not sold in 15 or 20 years.

(Prices were increased by 200% of the most recent appraised value at the July 15, 2003 City Council meeting.) Heinbockel said Linnik had valid concerns regarding lowering the lot prices.

Musgrove said he did not agree because values of City property will always be higher than in rural areas even if the lots are small.

Discussion followed regarding area property prices.

Musgrove said resurveying the properties is out of the question.

Ralph Mathews, Fairbanks surveyor, said a similar situation exists in Fairbanks for the exact same reasons. Lots were created and predicated on the assumption of being connected to water and sewer when it became available. Because it never happened the lots were re-platted so they matched DEC requirements. Mathews said the project could be done on paper without going through a lot of expense. Discussion followed regarding interest in city lots and raw land value compared to money in the bank.

Leith-Dowling said it will take time to research, may possibly require a re-plat, but it would have to wait until the budget process was completed.

Fred Cook Estates Subdivision – Re-plat of Tract H

Ralph Mathews, Surveyor, referenced three maps of the Fred Cook Estates Subdivision and said the latest survey cuts out the 5.9-acre piece, which is the Rennhack family residence, from the remaining 26-plus acres. Mathews said he created access easements and cul-de-sacs to facilitate future subdividing of the larger parcel, which will be re-platted at a later date. Rennhack's planned to sell their home now.

Heinbockel moved to approve the re-plat of Tract H of the Fred Cook Estates Subdivision as presented; Martinez seconded.

Discussion followed regarding access to the property and approving plats without inspecting them.

Motion passed unanimously on a roll call vote.

Discussion followed regarding the 3.7-acre lot sizes inside the larger parcel, issues related to encroachment of neighboring septic systems, and criteria for the platting process in unorganized boroughs.

Mathews stated recent changes require correspondence from emergency responders, verifying whether or not they can turn vehicles around in accesses that are narrower than fifty feet.

REPORTS

Rescue Squad – Pablo Martinez reported Medic III was in Fairbanks for air bag repairs, the Rescue Squad is working to bring back a mutual aide agreement with Ft. Greely and they are also scheduling an EMT class with staff from Family Medical Center.

Fire Department – Carin Bear reported a group from Fairbanks International Airport Fire & Police would be in Delta this month to assist the Fire Department in preparing for the Insurance Services Office (ISO) inspection in August. Another group from the Steese Fire Department will come in June. Bear reported she has been accepted into an EMT course at Wainwright in June and that she received a call today from a State official, congratulating her on the best test score they had ever had for Firefighter I, which she took on May 11 and 12.

Discussion followed regarding Bear's accomplishments and maintaining ISO ratings without dry hydrants and no municipal water system.

Bear said she submitted the *Assistance for Firefighters* grant, which covers the entire area and Forestry.

Cemetery – Mary Leith-Dowling reported Dick Souhrada repaired leaks to the cemetery water lines, which appeared to have been tampered with. He replaced couplings and clamps but refused to turn in a receipt or time, saying it was his way to offer community service.

City Clerk – Pat White reported the Relay for Life event on May 11 and 12 was a huge success even though it was colder than last year. She stated Teck-Pogo is scheduled to host a public information meeting on May 17 at City Hall, in which they would provide an update on 2006 operations at the mine.

School Liaison – Leslie Feilner reported the last day of school is May 21 and the DGSD High School graduation ceremonies are on May 18. They are tentatively set for outdoors on the football field, but if the weather does not cooperate they will be held in the large gymnasium. Feilner said the Baccalaureate Service is scheduled for May 16 at the First Baptist Church.

Discussion followed regarding class sizes, how many start compared to how many graduate.

Feilner reported an informational meeting is scheduled at the School Board Conference Room on May 16 to address Delta High School renovation design. USKH, a Fairbanks architectural firm known for school design, will present some of their design ideas and are asking for community input. Another chance for the public to get involved will be on May 21, 22, and 23. She said thirty schools have priority over the Delta School.

Library – Mary Leith-Dowling reported this week is reserved for school field trips at the library, the summer reading program will start in June, and the Library Board is preparing to use some of the money raised at the Open House in April. They would appreciate receiving suggestions.

Park – Leslie Feilner reported Butch Ellis removed fallen trees near the playground area and Dave Zimmerman replaced toilet paper dispensers in the outhouse near the playground. Also the outhouse on Aurora is open. Feilner reported Ludmila Kravchuk would clean the pavilion restrooms now and at the end of the season but user groups are required to maintain them throughout the summer. She said electrical work at the pavilion is not yet finished from what was started last fall. Feilner said City Hall received a report about graffiti on playground equipment.

Discussion followed regarding removal of the graffiti.

Feilner reported recent vandalism at the park. She distributed a letter from the Kiwanis Club, dated May 15, and a copy of photos showing recent damage to the concrete barbecue grills and remains of the picnic table that was used for firewood. She said the Kiwanis are prepared to repair the structure and also build two ground-level burn pits surrounded by gravel pads to allow open fires, which would extend the life of the Kiwanis barbecue / pavilion area.

Discussion followed regarding vandalism and anchoring steel picnic tables.

Feilner commended the Kiwanis for their continued efforts to maintain the picnic area. She said other communities are removing play equipment and picnic areas.

Personnel – Mary Leith-Dowling reported part of the new employment condition would require passing a drug and alcohol test.

Heinbockel stated the subject was discussed with Hallgren and City Attorney Jim DeWitt and if agreed upon, it will be written up in detail before filling any new positions.

Martinez moved to approve instituting a pre-employment drug and alcohol clause into the Employee Policy Plan; Feilner seconded.

Motion passed on a roll call vote with six (Martinez, Feilner, Jenkins, Musgrove, Heinbockel, Leith-Dowling) voting in favor and one (Tvenge) voting against.

Recreation – Mike Tvenge reported the Fairbanks News-Miner featured a story by Fairbanks Ranger Brooks Ludwig, who used to reside in Delta. The purpose of the article is to make people aware of the damage four-wheelers cause during spring conditions when the ground is in a semi-thaw state. Tvenge said the ruts created remain all summer long. It is good information to make people aware of the damage they are doing by tearing up existing trails.

Tvenge reported Ron Riesgaard would move the Zamboni out of the school into a bay at the old fire station because the school will need the space throughout the summer.

Public Health & Safety – Pablo Martinez stated a LEPC meeting is scheduled for 7:00pm on June 4 at City Hall. Council members are invited to participate in the Emergency Management meeting.

Martinez reported City Hall received a complaint about a resident who was disposing of trash on his Richardson Avenue property. The debris was attracting a grizzly, which was sighted on South Clearwater and again on Nistler Road near Sunrise Subdivision.

Butch Ellis reported he observed the trash situation but was unsure if there is more than one dwelling accumulating trash. He said he also found fresh bear signs on two trails near the elementary school.

Discussion followed regarding notifying the school, other areas in town that are in violation, and cleaning up the trash and charging the homeowner.

Leith-Dowling stated a letter must be written in order to address the violation, according to Ordinance (Chapter 3.15, Garbage, Rubbish, Filth).

Heinbockel asked to address another property owner also.

Discussion followed regarding damages to the park fence, one area that was run into by a vehicle and another where a moose likely misjudged the fence height.

Heinbockel said the leaning fence near Harper and Deborah is caused by bad ground. Fence posts are set into concrete, which eventually surface because of the freeze-thaw cycle. He said if posts are set in polyurethane, it acts as insulation and the posts will never move.

Public Works – Lou Heinbockel reported design and build of a rock separator is being considered for the purpose of dealing with boulders at the landfill. It will be included in the proposed budget. He referenced Draft 1 of the FY08 Budget and said the City needs to either cut spending or increase rates. Heinbockel reported there might be a request for use of the old landfill by the Sportsman's Association who are looking for a new shooting range. The old landfill is seeded, dry, fenced, and may be the answer to stop use of the old range on the Delta River. The group would have full responsibility of the rifle range. Grant funding is available to put a well there also. The old landfill building has been turned over to the Rural Deltana Fire Department.

Charter Commission – Lou Heinbockel said he is a strong supporter of a borough but said he agreed with the anti-borough group in the way the ballot is written. He said the vote for-or-against borough formation should be separate from who will be elected onto the assembly. He asked for support in contacting the State Division of Elections to request the vote be in two stages. If borough formation and the tax structure were turned down, there would be no reason to schedule a second election. If a borough passes, then there would be time for candidates to campaign so voters know where they are coming from. Heinbockel explained the recent Skagway petition in which the residents were all in favor of it. He said most boroughs were formed voluntarily. The Deltana Borough Petition was created because of imminent threat of being forced into a borough or being part of the Fairbanks North Star Borough (FSNB). The threats no longer exist. He asked for support from Council to approach the Division of Elections to oppose their method of conducting the election. He explained the ballot and said he wanted to vote for a mayor and assembly members who stood for his beliefs. The way the ballot reads is, "the candidate receiving the highest number of votes shall take office on the first Monday following certification of the election." He provided an example, "Candidate A gets 101 votes, Candidate B gets 99, C gets 97, D gets 96. Candidate A is your mayor and 300 people voted against him." He asked if that represented a democratic way of conducting the vote. He said the way the ballot reads, "50 people could be identified and someone with 6 votes could be an assembly member."

Heinbockel moved to contact the Division of Elections to oppose the proposed ballot language for the Deltana Borough ballot as presented and request the elected officials be a separate election, at a separate time, following the election of Ballot Measures 1 and 2; Feilner seconded.

Discussion followed regarding different scenarios and recent appeals for reconsideration.

Heinbockel said if Elections do separate the ballot the City Council would continue to serve until a borough assembly and mayor is elected. It would allow a period of transition and he asked, "What would be destroyed in that interim?"

Motion passed on a roll call vote with five (Heinbockel, Feilner, Jenkins, Martinez, Tvenge) voting in favor and two (Musgrove, Leith-Dowling) voting against.

Department of Transportation (DOT) Liaison – Mary Leith-Dowling reported the 35mph sign, on the Richardson Highway just north of Deborah Street, was moved about 500 feet. The red flags would remain for a 30-day period so travelers become accustomed to the change.

Additional Reports by Council – Lou Heinbockel reported he would draft his "first ever" ordinance to introduce at the June 5 meeting because of his concerns about the cow moose hunt in October and November. He summarized changes due to turnover of local Fish & Game personnel in the past 20-25 years, explaining that each one had a different preference.

Tvenge said the issue is about safety. The range of a rifle is greater than most property boundaries.

UNFINISHED BUSINESS - none

NEW BUSINESS

FY08 Budget

Dave Zimmerman reported Draft 1 of the FY08 Budget shows \$25,000 of revenue sharing. Legislation just passed that Delta and Tok would each receive \$75,000, which will require an adjustment to the draft. Zimmerman stated new Aetna group health insurance rates, under the current plan (3), would increase \$1,700 total. Plan 4, with a higher deductible, would allow an annual savings of \$21,000. Zimmerman said Delta Rescue Squad requested \$81,000 worth of new equipment, to purchase another motorized gurney and two Life Paks. He said it may be possible to acquire them through a Homeland Security grant but it would not be known until August. Zimmerman said the City Administrator position was left at the current rate even though the new administrator may start at a lower pay scale. Those four items will balance the budget within \$4,000.

Heinbockel asked where funding would come from in order to balance the budget.

Zimmerman said funding comes from three main sources, 1) \$483,000 from the Federal PILT, 2) landfill revenue, the same as last year, and 3) the last \$500,000 from the Pogo PILT.

Heinbockel said he does not want to spend the Pogo PILT reserve and therefore, the budget would actually be short by \$500,000. Options are to increase rates for services (i.e. library, landfill) but some services, such as street maintenance, do not generate any revenue. Heinbockel said he suspects the City will still exist in another year and that PILT reserve will be needed then.

Leith-Dowling stated we have waited too long for response from the military regarding use of the landfill, the library staff would need to support promotion of membership / subscription fees in order for it to work, and she asked about setting a date for a budget work session.

Council chose to meet at 6:00pm on May 30, 2007 to discuss the FY08 budget.

Fred Cook Estates Subdivision – See *Request to Speak*

Purchase Orders

PO#011732 to ACS in the amount of \$995.54 for May '07 phone services

PO#011733 to ATT & Alascom in the amount of \$816.75 for May '07 911 phones/power

PO#011734 to Construction Machinery Industrial, LLC in the amount of \$942.94 for loader brakes sensor replacement

PO#011735 to Delta Professional Development (Delta Texaco) in the amount of \$698.92 for April '07 vehicle fuel

PO#011736 to Delta Sanitation in the amount of \$710.96 for May '07 dumpster services

PO#011737 to GEOAPPS, Inc. in the amount of \$1,262.50 for April/May '07 911 mapping, training, and service

PO#011738 to Guess & Rudd in the amount of \$4,874.67 for legal services (drug policy, borough, and rink)

PO#011739 to Interior Region EMS Council in the amount of \$1,130.00 for Rescue Squad Code Blue manikin and mattress

PO#011740 to Lamar Cotten in the amount of \$800.00 for April '07 consultant services

PO#011741 to M2C1 Construction & Engineering in the amount of \$29,015.43 for engineering services on rink for Fire Marshal review

PO#011742 to Sue Miller in the amount of \$729.98 for copier/printer for Rescue Squad

PO#011743 to Simplex Grinnell in the amount of \$1,299.00 for annual fire extinguishers inspection

PO#011744 to Delta Fuel Company in the amount of \$6,309.39 for April '07 heating fuel

PO#011745 to GVEA in the amount of \$2,586.34 for April '07 electricity

Tvenge moved to approve purchase orders 011732 through 011745 as presented; Feilner seconded.

Motion passed unanimously on a roll call vote.

ADDITIONAL PUBLIC AND COUNCIL COMMENTS

Margie Mullins introduced herself and said she lived in Delta between 1952 and 1970. She has maintained land in Delta from when her family homesteaded. She asked Council if they had “covered the issue of the Lamar Cotten grant in which he reviewed the petitions for reconsideration.” She said she understood Cotten would be hired to review the requests for reconsideration.

Heinbockel stated the City continues to use Cotten as a consultant.

Mullins distributed a written statement, dated May 15, 2007, and asked Council to consider it now and in the future. She said \$800 was to be approved in which Cotten was paid to review the petitions for reconsideration.

Heinbockel said the payment is for services rendered.

Mullins questioned if funds were paid for Cotten to review the petitions. She read from her document and asked Council to consider her comments, stating, “that several of the petitions for reconsideration have claimed fraudulent and/or misleading budgets were submitted in the Deltana Borough Proposal.” Mullins said the budget for the proposed Deltana Borough does not correlate with the actual City budget that she received from City Hall. She referenced her request for reconsideration, which was submitted to the LBC, and said she felt the misleading information was purposeful and severely misrepresented the City’s actual current expenses. There were several years in which to make the corrections, before LBC approved the petition. She said that now knowing those inaccuracies the Council should “drop any further advice-seeking from Lamar Cotten.” She asked to hire one or two independent parties instead, “to give an impartial review of the petitions for reconsideration as well as the borough charter petition.... Basically, in medical terms, we want a second opinion and one would not seek that from the same doctor.” Mullins asked Council to “fund the 7 petitions for reconsideration being taken before the Supreme Court, by competent, impartial legal counsel, in order to have the Court sort out if the petition was fraudulently based or not, as well as other bases of protest...” She asked, “if the Council is not willing to hire impartial legal counsel,” “then the Council should provide a reasonable legal grant, with accountability, to concerned local citizens wishing to take the petitions to the Superior Court for review.” Mullins finished by saying, “many local residents have come to the conclusion that the proposed borough charter and the current election procedures violate the civil, U.S. Constitutional, and Alaskan Constitution’s rights of Delta region residents.”

Heinbockel explained the 5-to-2 vote earlier in the meeting in which Council moved to request a change in the election process.

Mullins said she appreciated Council’s “responsible action” but she understood it would require a court injunction to split the ballot.

Heinbockel said the projected budgets for a number of years were based off the City’s budget, knowing it is the only thing to work with and it provides areawide service. The Charter Commission felt the first borough assembly would make necessary adjustments in the first year of operation. He said, “Contrary to what you hear or listen to, this is not a conspiracy.”

Discussion followed regarding operation funds, which are mostly grants.

Heinbockel said the City hired a planner when there was funding to pay for the position. Once the grant was gone, so was the position.

ADJOURNMENT

Feilner moved to adjourn at 7:33pm; Martinez seconded. Motion carried.

Pat White, City Clerk

Date of approval: June 5, 2007