



**City Council Minutes
Regular Meeting
August 7, 2007
City Hall, Delta Junction, Alaska**

The regular meeting of the Delta Junction City Council was held on Tuesday, August 7, 2007 at City Hall in Delta Junction, Alaska. Mayor Mary Leith-Dowling called the meeting to order at 5:03pm.

Council members present: Mayor Mary Leith-Dowling, Mayor Pro tem Lou Heinbockel, Pablo Martinez
Mike Jenkins (arrived at 5:05pm), Leslie Feilner (telephonically), JW Musgrove
City employees present: Mike Tvenge, Dave Zimmerman, Butch Ellis, Letha Burcham
Joyce McCombs, Pat White
Twelve members from the community were present.

AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA

Mayor Leith-Dowling reported the following changes to the agenda:

- ✓ Move Final Plat Approvals from *Unfinished Business* to *Request to Speak*
- ✓ Remove Harold & Lucille Stock Subdivision from Final Plat Approvals
- ✓ Move Status of Emergency Response Map Book from *New Business* to *Request to Speak*
- ✓ Add second letter of interest to Appointment of Council Member
- ✓ Add Tim Webb to *Request to Speak*

Heinbockel moved to approve the August 7, 2007 agenda as amended; Jenkins seconded. Motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Heinbockel moved to approve the minutes from the July 24, 2007 regular meeting as presented; Martinez seconded. Motion carried.

Heinbockel reported he previously requested correction related to his consulting with the State Fish & Game attorney about the big game hunting issue.

PUBLIC AND COUNCIL COMMENTS ON NON-AGENDA ITEMS

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

APPOINTMENT OF COUNCIL MEMBER TO FILL SEAT G

(Council member Mike Tvenge submitted a letter of resignation on June 20, 2007 and officially took the City Administrator position on July 5, 2007.)

Leith-Dowling reported Pete Hallgren submitted a letter of interest for the Council vacancy on July 24 and Dawn Grossmann submitted a letter on August 3.

White reported Grossmann could not be present because she serves on the Alaska State Community Service Commission and was enroute to Anchorage for a quarterly meeting with Governor Palin.

Heinbockel asked Hallgren if he is appointed, if he would consider running for the position in October.

Hallgren said he would consider it, depending on the circumstances.

Ballots were distributed and Council members voted. White served as proxy for Feilner. Tvenge and White tallied ballots.

Leith-Dowling reported top vote getter, Pete Hallgren, would fill the vacancy until the next regular election in October, if the City of Delta Junction does not dissolve and incorporate into the Deltana Borough.

White administered the Oath of Office and Hallgren joined the table to serve as a newly appointed Council member. Hallgren was given Public Official Financial Disclosure (POFD) forms and asked to return them by September 6 (within 30 days of taking the Oath of Office).

Discussion followed regarding vacant representative positions. Musgrove stated he would represent the airport with Feilner, Hallgren agreed to act as DREDC rep, and Heinbockel accepted Recreation.

REQUEST TO SPEAK

Al Avinger, local resident, thanked Council for hearing his complaint about four-wheelers trespassing on his property. He said a trail has been used for many years by hikers, bicyclists, motorcyclists, horse riders, and three and four-wheelers but this spring the ground stayed wet longer. Four-wheelers were creating damage so he posted signs asking people to stay off of the trail until it dried. They ran over the sign. He put up no-trespassing signs but they were torn down. He then constructed a barricade with no-trespassing signs and red flagging. It was torn down on August 1. Avinger said only the electric and phone companies are authorized to use the trail but he has not minded others using it until they caused damages. He wanted them to wait until it was dry.

Discussion followed regarding building a fence around Avinger's easement, giving access (keys) to the utility companies, and public awareness.

Hallgren said residents have rights to use right of ways and section lines but they do not have rights to drive on private property and the owner's easement for power lines. He said the act of tearing down signs and posts is an act of claiming rights that they do not have. He explained prosecution of civil suits and responsibility of parents for their children's malicious actions.

Ralph Mathews, Registered Land Surveyor, referenced a plat map of Tract H of Fred Cook Estates Subdivision, owned by Duane and Dawn Rennhack. He explained changes from the preliminary plat (approved May 15, 2007). He said the road now curves because of an existing hillside, making it feasible to access from the existing driveway. Because of that acreage changed from 5.9 to about 6.5.

Hallgren moved to approve the re-plat of Tract H of Fred Cook Estates Subdivision; Jenkins seconded.

Mathews stated the re-plat creates two lots, H-1 and H-2. There are limited access points off the Richardson Highway, which is the reason for the shared-access easement and because Rennhack's plan to subdivide Tract H-2 in the future. Mathews explained GVEA's request for a widened easement.

Motion passed unanimously on a roll call vote.

Letha Burcham, City Administrative Assistant, presented a first draft of the emergency response map book, of which 8 copies were distributed to first responders and Fairbanks Dispatch. Each group was asked to provide feedback. Burcham explained Dennis Dooley set up the basic system (2002-2005) and Pete Hickman (GEOAPPS, Inc.) has provided her with training to insert and draw subdivisions into the maps. She said when the project was first proposed she could not imagine how it would be finished in her lifetime. She said she is very proud of the work accomplished and encouraged the public to view the book and offer input. Areas that have aerial images already in the system are the only ones she can complete. Burcham said the book is not ready for final distribution but she is looking forward to keeping it updated.

Hallgren said he is pleased a government is providing mapping service for other reasons than taxation. The purpose is to assist emergency responders in locating a residence or an accident scene.

Leith-Dowling reported past history and the need for the technology.

Musgrove said he felt it was a good job.

Tim Webb, local resident, stated he would prefer meetings held later in the evening so more of the public could attend. He asked to speak about banning firearms within city limits (*New Business* item, Ordinance 2008-04) and said it appeared the whole issue of hunting is generated by fear of being

inundated by hunters and risk of hunting related accidents. 180 permits were issued for the area, which includes the City of Delta Junction, but most of the Delta Management area is south of the Alcan, east of Delta and some north. Webb said he does not feel there will be a madhouse of hunters combing the streets of Delta. He said he lives inside city limits and is against banning firearms, which should be left up to property owners. To close the entire city limits to hunting or discharge of firearms will shut down the hunt and the moose population needs thinned not only in city limits, but the entire 20D unit. Intensive management was established in 1995 to control game population, which is over the 8,000 goal. By taking cows, it is a step to bring the population back within control.

Heinbockel said the City Council does not have the ability to ban hunting because the State Constitution gives that authority to the State Board of Game (BOG). Thirty years ago community members asked the local advisory committee for the initial closed area, which was in and around the Clearwater Lake. Those community members were concerned with public safety. The local advisory group proposed it to the BOG and it was accepted. Over the years different biologists have expanded that area through Ft. Greely, west of the Richardson Highway and the city limits. This year the BOG, under recommendation of the local advisory committee, did away with 30 years of historical perspective. Heinbockel said 180 permits are in a very small geographical area. He said the city is prepared to continue to petition the BOG for an emergency closure within the city limits of Delta Junction. He encouraged residents living outside the city limits to petition the BOG also. He said if it is not safe to hunt on the hillsides of Anchorage, it is not safe to hunt moose within the city limits of Delta Junction.

Mike Cochran said the hunt would be detrimental to the area for 30 to 50 years if the moose population does not recover.

Leith-Dowling asked if a hunter could shoot a cow moose if it is on her private property.

Webb said a property owner could put up no-trespassing or no-hunter signs. If a moose comes into his backyard he felt he ought to be able to shoot it.

Tvenge said the concern regards stray bullets.

Discussion followed regarding shooting in downtown Delta Junction, hunters not being aware of residences in close proximity, limited public land located inside city limits, legal action should someone get shot, and hunter education cards.

Heinbockel said everyone he has had contact with has expressed concern. On any given morning there will be 800 to 900 children waiting for school buses.

Webb said ethical hunters would not shoot in the downtown area.

DuBois asked Heinbockel why the subject was being left to the BOG, instead of the City banning discharge of firearms. He said the role of the BOG is to provide for sustainable harvest of wildlife. The City of Delta Junction cannot regulate hunting but they can regulate the discharge of firearms inside city limits.

Musgrove said the city does not have enforcement ability regarding discharge of firearms. If however, the State says no hunting, the force of law backs it.

DuBois said in order for the state to regulate hunting within the city limits there would have to be a special use area established such as an area closed to hunting with a biological basis. His recollection of history had some variations but was basically as Heinbockel explained. Hunting was closed in the early 1970's because the moose population was so low. Upon reopening, the public asked the advisory committee to re-establish a closed area around Delta as a refugium for moose. It was not because of a safety issue. The written record indicates it was established on a biological basis. DuBois said the State Constitution gives the F&G the responsibility to manage hunting, not public safety.

Matthew Andreassen, local resident, stated he was against forbidding discharge of firearms. He said trespassing on private property is illegal and discharging a firearm in a manner that is unsafe is a felony-grade crime. Laws already exist. Anyone who pulls a trigger and does not know where the bullet will stop is in violation of law. Aside from the hunting issue, Andreassen said he is more upset with possibly losing his right to use a gun than he is over the possibility that someone would violate an already

existing law or cause an unsafe circumstance. He said he considered himself a responsible gun owner and felt it is wrong to take away privileges because of a temporary hunting issue.

Heinbockel said it was never the intent to stop responsible hunters.

Dubois said the Alaska Constitution does not give the F&G or the BOG the authority to regulate public safety. He said it is the city's responsibility to regulate the discharge of firearms and if the city does not want to take that responsibility, they couldn't blame F&G.

Heinbockel asked if the city has the authority to declare no discharge of firearms and taking of big game.

DuBois said the City has no authority to regulate hunting.

Hallgren said the concern is shooting rifles and hunting big game within city limits. It does not include shooting at rifle ranges, in people's backyard or basements. The City is interested in stopping too many hunters in too small an area. He said he realizes that F&G has the ability to regulate hunting and they do not have the power to regulate shooting inside city limits. Shooting (on private property or outside established rifle ranges) can be outlawed between October 1 and November 15 but it is preferred for the F&G to agree that hunting in downtown Delta is not a good idea. F&G changed the status quo and they have the ability to regulate hunting inside city limits.

DuBois said it is a legal conundrum and, as a local resident, he is sympathetic but the advisory committee also understands there are too many moose in downtown Delta, there are too many moose-vehicle incidents, and there are too many locals being chased by moose. The subject has had years of discussion and F&G decided to conduct the 6-week hunt within their power of authority and they recognize the City's authority to regulate discharge of firearms. He said to keep in mind that hunters have always been able to hunt big game and small game within city limits. The F&G has no authority unless they carve out a block of land and create a closed area that allows no hunting. DuBois said he is dumbfounded to think the City is not willing to do something to regulate the discharge of firearms if it is such a big safety issue.

Tvenge said the City has gone to the BOG to attempt to stop the hunt. He said it was hoped they would recognize the potential risk and not allow it.

REPORTS

Rescue Squad – Lisa Shivel asked to remove the Fire Department logo off the old fire station building, they scrapped plans for 3 members to attend the EMS Expo in Florida because of job commitments, and the squad has recruited a new ambulance driver.

Fire Department – Carin Bear reported the water fill relay was repaired on the new tender and the ceiling leak at the new fire station has been mitigated but not totally. Bear reported 3 firefighters would attend the State conference in September, Insurance Services Office (ISO) would be in Delta the week of August 20, and the fire department was present at the Deltana Fair July 27 through 29, attempting to recruit more members. Bear said she also received her EMT I certification.

City Clerk – Pat White reported Brian Lindamood, Project Manager of the Northern Rail Extension, is scheduled to give a railroad status report at the August 21 meeting. White reported residents who have not received Deltana Borough ballots in the mail are to vote absentee at the courthouse. She said many residents have mistakenly inquired at City Hall. (April 24, 2007 was the deadline to register to vote for the State-run borough election.)

City Administrator – Mike Tvenge reported:

- Alcan Builders, Inc. began structural upgrades at the rink on August 6.
- Bid specifications for the Zamboni building addition will be completed the end of this week.
- Pilings are in place for the Donnelly transmission tower, which will be built by the end of the month. KATN, Channel 13 (2), will not install equipment (satellite dish and receiver) to receive their signal but they will broadcast if the City puts up the equipment. He asked if Council is willing to continue broadcasting KATN for local residents. The cost of the equipment is estimated under \$1,000.

Heinbockel said none of the commercial television stations have ever spent money to provide service locally. Receiving and output antennas were built years ago.

Hallgren said the most recent satellite receiver dish was purchased by KTVF (Channel 7/11) and KUAC (Channel 5) participated. The two channels that download via satellite furnish their own equipment and the City's equipment broadcasts their signals. He questioned what additional costs are associated with providing their channel to the public beyond the monthly electric bill.

School Liaison – Mike Jenkins reported the elementary school, school district office, and Alaska Motor Coaches have been notified of increased rink activity that may delay traffic in the school area.

Library – Mary Leith-Dowling reported:

- Nancy King has been invited to the Youth Services Workshop in Anchorage on September 11 and 12. She will be updated on the statewide Ready to Read initiative, meet with children's author Judy Freeman and create story hour programs and bibliographies, tour the Anchorage Early Learning Resource Center, develop ideas to increase service to teens, and help plan the 2008 Statewide Summer Reading Program. Airfare, mileage, lodging and meals will be funded through a grant from the National Institute for Museum and Library Services.
- Joyce McCombs is compiling statistics for the annual public library assistance grant report to the State, which is due September 1, and is working with Zimmerman on the annual Rasmuson Foundation Grant report, which is due August 24. Purchases pending from the Rasmuson Grant include a bike rack, outdoor trash containers, computer headphones, staff computers and the new storage building (coming in September). She is also working on purchases for the Library Board, including a classical film collection on DVD, Russian language materials for children, audio books, art education reference materials, replacing the Dr. Seuss collection, and graphic novels for teens (oriental cartoon-type that begin at the back of the book).
- Gunnar Hallgren has configured an upgraded wireless Internet hub for the library that will log number of wireless users (a statistic the library needs for annual reports) and narrow the bandwidth available to the public (so the circ desk and staff computers can operate at full capacity).
- The library staff receives compliments daily on how nice the grounds of the City Hall / Library / Community Center "campus" look.

Musgrove said it appears a lot of people use the library.

McCombs said a slow day averages one hundred people but July is the peak month. She explained efforts the library staff has made to request donations and that tourists expect to pay for Internet service.

Leith-Dowling reported July library statistics: 4,235 patrons, 66 new patrons, 2,691 circulated materials, 1,478 Internet users, and \$1,549.75 was collected from Internet use donations and fax and copy services. Discussion followed regarding wireless Internet broadcasting and providing it as a service to the public.

Park – Mike Jenkins reported recent vandalism.

Hallgren asked about the new bleachers at the ball fields, stating they are an excellent addition.

Leith-Dowling said the bleachers are on permanent loan from Cold Regions Test Center (CRTC).

Discussion followed regarding CRTC being prepared to deliver at 7:45am on July 25, volunteers and Morley Electric's crew collaborating to position the bleachers in time for the Deltana Fair and softball tournament beginning July 27, and Airport Equipment donating a loader to offload the bleachers.

White reported a request for wheelchair access into the park. Joe Vargas of Denali Fence Works suggested altering one of the entrances by moving the back panel to make the opening wider. That would be the easiest but it would allow access from motorcycles, four-wheelers, and moose. Signing out a key to locals is an option but then it leaves out access from tourists.

Martinez suggested a special latched gate.

Musgrove asked if paving would also be required.

Bear explained the request, brought up during the annual all-churches event, because one particular family never attends because of the restriction. She said many people are temporarily wheelchair bound.

Tvenge said research is needed for available handicap entrance designs.

Heinbockel asked to consider designated handicap parking and possibly paving. He said in the meantime, keys should be issued.

Personnel – Mary Leith-Dowling reported Stephen Selfe was hired as the part-time Public Works Equipment Operator but the maintenance position has not yet been filled.

Discussion followed regarding recent maintenance of streets and grave digging.

Recreation – Lou Heinbockel said the rink contract was official on August 6. It would have been issued the previous week but there were some deletions to the contract from the contractor that were not accepted.

Public Health & Safety – Pablo Martinez reported Local Emergency Planning Committee (LEPC) would meet on August 14. He explained a draft, created by Zimmerman, to reimburse volunteer EMS for their personal mileage. The rate of reimbursement is 34.5¢ per mile. Martinez explained the reimbursement form.

Shivel asked to authorize reimbursement retro to the beginning of the fiscal year, July 2007.

Discussion followed regarding rates of reimbursement (State of Alaska is 39.5¢ per mile and the federal government is 44¢), anticipated costs associated with mileage reimbursement, and funding for it.

Martinez asked Shivel to produce an estimate for one month and to discuss it at the August 21 meeting.

Public Works – Lou Heinbockel reported Kurt Ueek was grading streets in preparation for school buses. He explained “sweepers” (low hanging tree limbs) on streets that need to be removed and asked to hire Richard McDonald to drop them while the two summer hires were still employed and able to help. Heinbockel said John Lunn was still brush hogging side streets with the John Deere tractor.

Ellis reported samples of septic pits were completed last week and permission was given to discharge, but the north faculty pond is not operating as it was designed. He said he has had contact with the designer and it is likely the pits will need to be pumped manually this year. With the valves wide open, less than half a gallon per minute is released from the discharge pipe. Ted Hawley said the system was set up for a 30-day discharge period but it appears to not be leaching properly. Ellis explained a problem with thousands of gallons of rainwater accumulating in the solid waste cell. What rained in June did not leach into the ground for the whole month of July and he suggested renting equipment to drain it. Ellis said the grizzly rock screen should be completed by the end of next week and he is lining out used grader blades from different sources that will save \$3,000 on the project. He said getting the faculty pond on its cycle needs to be resolved.

Discussion followed regarding borrowing a pump and hose from the Fire Department, renting versus purchasing, and possibly needing it on an annual basis.

Hallgren moved to purchase a pump and hose locally if possible, not to exceed \$1,000, and to pay for it out of impact funds; Jenkins seconded.

Heinbockel said he preferred not purchasing from Delta Industrial because they were asked to pay for damage to the city street, which they caused and refused to respond to requests.

Motion passed unanimously on a roll call vote.

Department of Transportation (DOT) Liaison – Mary Leith-Dowling reported working with Mike Coffey from DOT on getting help to trim trees on city streets. August 21 is the soonest it can be discussed.

Leith-Dowling reported she planned to attend a Scenic By-ways teleconference in September. Contracts will be awarded to promote the North Richardson Scenic Byway Corridor partnership plan. This end, between Ft. Greely and Fairbanks, is known as the North Rich Scenic Byway.

UNFINISHED BUSINESS

Approval of Re-plat of Tract H of Fred Cook Estates Subdivision - See *Request to Speak*

NEW BUSINESS

Status of Emergency Response Map Book See *Request to Speak*

Introduction and First Reading of Ordinance 2008-04, An Ordinance Repealing Municipal Code Sections 3.07.010, 3.07.020, 3.07.030, and 3.07.040 (Prohibiting Hunting of Big Game Within City Limits) and Enacting Sections for Regulation of Firearms (3.07.011) and Right to Bear Arms (3.07.012)

Heinbockel said it was never his intention to regulate or limit ability to own or discharge a firearm. It was to stop the 45-day hunting period within the city limits and to get cooperation from the BOG for an emergency closure. He discussed possible ways to reword the ordinance restricting use of high-powered rifle shooting within city limits. He asked to word the ordinance to read, "hunting of big game between October 1 and November 15 with center-fire cartridges is prohibited."

Martinez excused himself at 7:06pm.

Discussion followed regarding what areas to limit hunting and possibly creating a 1.5-mile radius from the intersections of Nistler Road and the Richardson Highway.

Tim Webb said he does not think hunters will hunt inside the city limits.

Butch Ellis said he had concerns about out-of-town hunters who know nothing about this area, that he has seen more unethical hunters than responsible ones.

Hallgren suggested authorizing the City Administrator to work with the City Attorney to rewrite and clarify the ordinance so it has as little restrictions as possible. The problem needs solved in such a way that it does not hamper with people's freedoms to own and bear arms.

Tvenge said the only way the hunt can be stopped is to appeal to the BOG for an emergency closure. Our appeal does not meet the BOG criteria but it is still the route directed by the City Attorney.

Musgrove stated some residences cannot be seen from the road but his hangar, located on Rapids Street, has a bullet hole that goes in the front and comes out the back. The holes are bigger than your finger and happened 6 months ago. That is proof that people should not be shooting rifles in the city's core.

Musgrove said when bullets are involved, it makes no difference if it is hunting season or not. Bullets from high-powered rifles could travel several miles.

Leith-Dowling stated she is concerned with hunters who do not know where everyone lives.

Tvenge said an exit wound is one in which the bullet is still moving. He asked if we do not expect a lot of hunters within city limits, why are we allowing the hunt? Tvenge explained a local resident in the Clearwater area has had his home hit four times by stray bullets.

Hallgren moved to table discussion until the City Attorney can provide guidance; Heinbockel seconded. Discussion followed regarding Hallgren working on ordinance and modifying or repealing the existing ordinance (passed on June 19).

Hallgren withdrew the motion to table discussion; Heinbockel seconded.

Hallgren moved to introduce Ordinance 2008-04, An Ordinance Repealing Municipal Code Sections 3.07.010, 3.07.020, 3.07.030, and 3.07.040 (Prohibiting Hunting of Big Game Within City Limits) and Enacting Sections for Regulation of Firearms (3.07.011) and Right to Bear Arms (3.07.012) and to set the public hearing date for August 21, 2007; Musgrove seconded.

White reported Feilner (on one-way telephonic communication) was in total agreement of introducing the repeal but feels shooting within city limits is a potential problem.

Motion passed unanimously on a roll call vote with 6 voting.

Purchase Orders

PO#011910 to Aetna WHO-AAS in the amount of \$6,971.80 for Aug '07 group health insurance

PO#011911 to Amazon.com in the amount of \$827.19 for library books and materials

PO#011912 to Delta Professional Development in the amount of \$653.24 for July '07 vehicle fuel

PO#011913 to Galls Inc. in the amount of \$1,762.97 for Rescue Squad (halogen lights, traffic vests, and boots)

PO#011914 to GEOPPS, Inc. in the amount of \$1,539.94 for 8 street map books and training

PO#011915 to Municipal Emergency Services in the amount of \$2,270.85 for Fire Department (8 individual fire shelters with hoods and face cover)

PO#011916 to Royal Chemical, Inc. in the amount of \$899.14 for Fire Department (fire foam chemicals and wet water chemicals for cleaning)

Bear said purchase order 011915 is for fire shelters, not suits. They are part of the forestry grant and not part of the department's budget.

Zimmerman said he would reclassify fire shelter costs from the FY08 budget to FY07.

Heinbockel moved to approve purchase orders 011910 through 011916 as presented; Hallgren seconded.

Motion passed unanimously on a roll call vote with 6 voting.

ADDITIONAL PUBLIC AND COUNCIL COMMENTS

Tim Webb stated the local F&G does an overall good job on keeping track of the moose population. His fear is becoming like the overpopulated 20A unit. He said he did not feel there would be a madhouse of hunters within the city limits.

Heinbockel said the whole problem would be solved if the City adopted the rules of the Yukon Territory from 1959. Hunting could not take place within one mile of either side of the centerline of a roadway.

Also there is nobody within 5 miles of either side of the Haul Road but discharge of a large caliber rifle is not allowed.

Hallgren thanked Council for appointing him. He said while he was retired he was invited to speak at the monthly Republican luncheon in Fairbanks on August 9. The topic is the Deltana Borough and his comments will be his own personal ones.

Discussion followed regarding the scheduled power outage on August 8, voluntarism, and EMS mileage reimbursement.

Webb asked if KATN would no longer be broadcast.

Tvenge said they would not because they are not willing to provide their own equipment.

Heinbockel said until recently no one ever put a penny into the television towers. KTVF purchased a dish that is attached to the building and they pay to have the signal off the satellite. It is currently the best signal.

Hallgren said there are no transmission permits at Donnelly Dome. Over the years the City has rebuilt and replaced equipment and paid the monthly electric bills. He explained business between the channels, how two provided the service and the third wants to negotiate.

ADJOURNMENT

Jenkins moved to adjourn at 7:44pm; Musgrove seconded. Motion carried.

Pat White, City Clerk

Approved: August 21, 2007
