



City Council Minutes
March 18, 2008 ~ 5:00PM

Regular Meeting
City Hall, Delta Junction, Alaska

The regular meeting of the Delta Junction City Council was held on Tuesday, March 18, 2008 at City Hall in Delta Junction, Alaska. Mayor Mary Leith-Dowling called the meeting to order at 5:01pm.

Council members present: Mayor Mary Leith-Dowling, Mayor Pro tem Lou Heinbockel
JW Musgrove, Leslie Feilner, Pablo Martinez (arrived at 5:02pm)

Council members excused: Pete Hallgren

City employees present: City Administrator Mike Tvenge, Finance Officer Dave Zimmerman
Librarian Joyce McCombs, City Clerk Pat White

Twelve members from the community were present.

AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA

Heinbockel moved to approve the March 18, 2008 agenda as presented; Feilner seconded. Motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

White reported she corrected Christine Boerst's title from Ft. Greely Environmental Coordinator to Contracting Officer Representative (page 3 of the March 4 draft, under *City Administrator Report*). Heinbockel moved to approve the minutes of the March 4, 2008 regular meeting as amended; Feilner seconded. Motion carried.

PUBLIC AND COUNCIL COMMENTS ON NON-AGENDA ITEMS

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

REQUEST TO SPEAK

Ralph Mathews – Re-plat of Government Lot 40, Section 3 (moved from *New Business*)

Ralph Mathews, Mathews Land Surveying, Inc., referenced two plat maps and said the re-plat of Gov. Lot 40, Section 3 of the McNeil Subdivision, requires approval. The other plat, Record of Survey of Gov. Lot 40, Section 3 (Plat 2008-17), was recorded on March 17, 2008 so copies with the recorded stamp are not yet available. It was necessary to record Plat #2008-17 in order to subdivide and monument Gov. Lot 40 within Section 3. Mathews stated he wanted Council to view the plat because it shows the degree of erosion along the riverbank. It is not meandered along the bank, but that can be done at a later date if it is necessary to determine how much area is actually left on neighboring lots. Mathews explained how the map differs from the 1955 plat map, where area losses on the riverbank are recorded between seventy-three feet, four hundred three feet, and seven hundred forty eight feet, from the far north end to property near the Jack Warren Road turnoff. It would require research to understand the hydrology.

Leith-Dowling stated she remembered emergency finger dikes that were built downtown for the same reason.

Mathews said rights-of-way are not valid if a homesteader's date of entry preceded the Public Land Order 601, which was created in 1949 and allowed 100' easements. In this case, relating to Gov. Lot 40, the date of entry was 1952, three years after the PLO went into effect. That particular homestead

addressed only Gov. Lot 40 and may not apply across the line. He said each survey is dealt with on a case-by-case basis. The owners could apply to vacate a Department of Transportation (DOT) easement, but in one recent instance that he experienced, an application was in limbo for 3 years, possibly in an effort to stonewall these types of applications. However, it is doubtful there is an enforcement issue from DOT in Delta Junction and the application process can be completed on paper.

Discussion followed regarding debate about trails (permanent environmental damages) being rights-of-way, possible liability issues, and no-ownership of riverbeds because the State owns all navigable streams.

Mathews said DOT has a maintenance easement along the Delta riverbank.

Heinbockel moved to approve the re-plat of Gov. Lot 40, Section 3, T 10S, R 10E, F.M. AK of the McNeil Subdivision as presented; Martinez seconded.

Motion passed by unanimous consent.

REPORTS

Rescue Squad – Lisa Shivel reported 4 squad members would be attending the Interior Region Symposium in Fairbanks on April 4, 5, and 6.

Airport – JW Musgrove reported:

- The United States Air Force would present a Draft Environmental Assessment (EA) to analyze the potential environmental consequences for Charting of the Delta Military Operations Area (MOA) Complex on March 19, 2008. Musgrove stated he planned to attend. He said the MOA does not directly affect the City but could indirectly affect commerce from pilots flying into Delta Junction who would have to cross the military operations area. The MOA is not a restricted area, it just identifies that there are fast movers in that airspace. Military training aircraft would be routed around emergency aircraft (medivac and fire fighting), but instrument traffic would not get clearance from the FAA while training is scheduled.
- Tie-downs need to be replaced at the airstrip. Musgrove questioned the City's liability if the existing tie-downs fail or if more insurance is needed. The concern is providing decent tie-downs, not damages caused by high winds.

City Clerk – Pat White reported she has received no letters of interest for the vacant Council seat. Letters can be submitted until the close of business on April 4 with expected appointment at the April 15 Council meeting.

City Administrator - Mike Tvenge reported bid opening for the brush-clearing contract is scheduled at 2:00pm on March 21 at City Hall.

Finance – Dave Zimmerman reported 3% of interest rates have been lost in the past year, which is roughly 50% of earning power on the savings account, and heating oil is currently costing \$3.42/gallon, but was \$3.17/gallon at first of the month.

Library – Joyce McCombs distributed and referenced a packet of library staff reports about the recent library conference. She said it was economical to attend because it was in Fairbanks. She reported:

- The library was especially busy last week because school was out for Spring Break. There were 706 patrons in 6 days, there were 741 items checked out, 281 Internet users, and they lost track of the number of Chess players.
- \$731 has been collected in contributions in the past 6 weeks (including Spring Break) from Internet use, Xerox copying, book sales, etc.
- CD/DVD buffing and cleaning has been a service for approximately 2 years, when Deltana Community Corporation (DCC) purchased and donated the machine to the library. The service is very popular and it is used every day.
- The book club has a strong attendance and meets the third Monday of each month.
- Ft. Greely representatives are interested in providing some sort of support at the library.

- Temperatures at the library have remained steady during windy days. However, Bob Giese found a mysterious filter in the far corner, which may be connected to the heating problems.
- The annual Open House at the library is scheduled for April 19, 2008 and the library board and staff are collecting items for baskets. McCombs said businesses are 100% supportive of the annual fundraiser.

Discussion followed regarding the upcoming event, early morning (wireless) Internet users, and services provided by the library.

Musgrove said he is impressed with the constant number of vehicles in the library parking lot.

Heinbockel referenced a letter submitted by Cheryl Lainge on March 6, who was very complimentary of the local library. He said it is not often that the public takes time to express that sort of appreciation.

McCombs stated Lainge's family has donated items to the library, valued at many hundreds of dollars.

Recreation – Lou Heinbockel reported he is interested in heaters, similar to those used in stock tanks, to prevent freeze up of septic systems and thought they were in the price range of \$50.

Public Works – Lou Heinbockel reported the landfill operation is the most pristine this community has ever had. He questioned why installation of the KATN (Channel 13) dish to the transmission tower would cost \$5,021, as in the revised quote from M2C1, dated March 10.

Discussion followed between Heinbockel and M2C1 Stephen Hammond about welding the dish to steel supports, running a second line back to the communication shack, potential for the dish to be damaged by winds, and losing the KATN signal if the receive dish has too much movement.

Hammond said KATN has guaranteed their signal but the switch has not been turned on to see if it works. He said many hours were spent last December working with KATN, in which the City was not billed.

UNFINISHED BUSINESS

Resolution 2008-07, A Resolution in Support of Maintaining the Military Assistance to Safety and Traffic Service (MAST) Program

White referred to a revised copy of Resolution 2008-07 in which changes were made just prior to the meeting. She said the resolution was drafted from correspondence with Dan Johnson, Executive Director of the Interior Region EMS Council in Fairbanks, and the resolution that was passed by the Fairbanks North Star Borough (FSNB) on February 21. Johnson said the Alaska State Troopers (AST) occasionally depend on the Army for search and rescue because the State does not have the necessary capabilities. White said the troopers were already involved in supporting MAST services.

Musgrove asked to further change wording in the second paragraph to read, "Lives have been saved because of MAST capabilities that other medical responders *do not have*."

Heinbockel moved to approve Resolution 2008-07, A Resolution in Support of Maintaining the Military Assistance to Safety and Traffic Service (MAST) Program as revised and amended; Martinez seconded.

Heinbockel said the Air National Guard has aircraft and trained personnel and the State of Alaska can provide the service.

Motion passed by unanimous consent.

Resolution 2008-08, A Resolution in Support of the Northwest Resource Associates Deltana Community Human Services Partnership Proposal

Leith-Dowling reported the purpose of the partnership is to support Northwest Resource Associates (NWRA) in their study to evaluate social services needed in the area and to provide a meeting place.

White stated Deb Hayes, Director of NWRA, provided necessary wording for the draft. She said the NWRA group met on March 17, 2008 and they have already received many letters of support from the general Delta/Deltana community.

Discussion followed regarding use of conference rooms and Council involvement in the project.

Martinez moved to approve Resolution 2008-08, A Resolution in Support of the Northwest Resource Associates Deltana Community Human Services Partnership Proposal as presented; Musgrove seconded.

Motion passed unanimously on a roll call vote.

Resolution 2008-09, A Resolution Approving a Landfill Policy to Require Garbage Loads Be Covered and Secured During Transport

White reported she worked with Landfill Supervisor Butch Ellis to draft the resolution. She said Ellis thought maybe a \$10 fee would be more appropriate and Scale House Operator Bob Morley asked to let the customers purchase their own tarps (or nets) and bungee cords.

Discussion followed regarding the presence of AST and a \$10 fine charged at the Wasilla landfill for unsecured loads but getting nothing for their money.

Heinbockel asked to reduce the charge to the actual cost of the tarp and bungee cords because loads will differ in size and the point is not to penalize, but to get customers to cover their garbage, not make money in the process. \$10 may be more appropriate. He asked to change wording in the fifth paragraph to read, "... the City of Delta Junction *will* charge a \$10.00 Unsecured Load Service Fee, which would cover the cost of a tarp and bungee cord for future transports." He also asked to remove the word *penalty* in the sixth paragraph.

Discussion followed regarding referencing Alaska Statutes that pertain to littering, consequences of charging a penalty, and how often landfill operators encounter uncovered loads.

Martinez moved to table Resolution 2008-09 to the April 1, 2008 meeting; Feilner seconded.

Motion failed on a roll call vote to table the resolution with two (Heinbockel, Musgrove) voting against and three (Martinez, Feilner, Leith-Dowling) voting in favor.

Heinbockel moved to approve Resolution 2008-09, A Resolution Approving a Landfill Policy to Require Garbage Loads Be Covered and Secured During Transport with the amendments as presented; Musgrove seconded.

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

Installation of Equipment to Rebroadcast KATN Signal

Tvenge said Alaska's Superstation General Manager Sean Bradley verbally assured him that there is no subscription fee or license fee associated with installing a dish to rebroadcast the KATN signal. Costs will be installation and Alascom's monthly fee to provide power to the site.

Leith-Dowling directed Council to view the quotes submitted by M2C1 (\$7,645 on March 4, 2008 and \$5,021 on March 10, 2008).

Heinbockel moved to award the contract to M2C1, not to exceed \$5,000.00; Martinez seconded.

Heinbockel said the community should be aware that another \$5,000 is being spent to provide local television service and in years past it was supported through subscription fees. He said those donations would be accepted again.

Discussion followed regarding the number of residents who depend on local TV, the 13-channel system that does not allow for new stations, the quality of the signal once the dish is installed, analog signal not mandated to change to digital, other direct costs (ODC) on M2C1's quote, and using interest off impact funds to pay for the installation.

Motion passed unanimously on a roll call vote.

NEW BUSINESS

Second Reading, Public Hearing, and Adoption of Ordinance 2008-05, An Ordinance Exempting the City of Delta Junction from Public Officials Financial Disclosure Filing Requirements to Put the Question to the Delta Voters at the Next Regular Election

Heinbockel moved to open the public hearing and second reading of Ordinance 2008-05; Feilner seconded. Motion carried.

Leith-Dowling called for public comment.

Tana Wood encouraged Council to proceed with exempting from POFD requirements because serving on the Council is voluntary and there is not enough money in Delta Junction to make it worth having to disclose detailed personal information. She said there should be tiers in what must be disclosed, especially regarding an adult child's savings account.

Leith-Dowling said the last portion of the POFD is specific for legislators but the whole form asks for more detailed information.

Heinbockel said the forms have become so complicated that most people would have difficulty filling them out.

Heinbockel moved to close the public hearing; Feilner seconded. Motion carried.

Martinez moved to adopt Ordinance 2008-05, An Ordinance Exempting the City of Delta Junction from Public Officials Financial Disclosure Filing Requirements to Put the Question to the Delta Voters at the Next Regular Election as presented; Feilner seconded.

Motion passed unanimously on a roll call vote.

Liquor License Renewals - Pizza Bella, Trophy Lodge

Heinbockel moved to show no opposition to liquor license renewal applications for Pizza Bella and the Trophy Lodge; Martinez seconded.

Motion passed by unanimous consent.

Lawn Maintenance Contracts

White stated Jay Frazier, Green Grass of Alaska, could extend his park contract for one more year, but he would like to bid on it with the cemetery. Debbie Joslin, Joslin Enterprises, whose cemetery contract is due for renewal, said she is also interested in both the cemetery and the park. White asked if the Lawn Maintenance Contract needs revised and if responsibility of maintaining the ball fields is to go back to the user groups. She said Morley Electric volunteered to care for the ball fields last year only and Chris Morley reported his employees clocked 850 hours between the Richardson Highway and the park ball fields. White referenced one change made to the Lawn Maintenance Contract, in which wording was added to #9 of the park contract. She said a 4-yard dumpster is positioned inside the park, near the pavilion, between April/May and August/September. \$650.11 was paid in 2007 to have that one dumpster available to the lawn contractor, user groups, and the general public. White said John Lunn, who maintains the lawns at City Hall, the library, and Community Center, will not be available until possibly July.

Tvenge said mowing begins in May and Jeremy Williams, the newly hired maintenance person, is capable of mowing the campus area until Lunn arrives.

Discussion followed regarding Morley's exceptional work to the ball fields, mowing and applying for a grant to pave the Richardson area, and replacing windshields and equipment.

Heinbockel stated the Richardson Highway is the responsibility of the DOT, but maintenance of the ball fields can go back to the user groups (High School baseball and summer softball leagues). The Little League group maintains their fields.

White said bid opening of the park and cemetery contracts would be prior to the May 6, 2008 Council meeting to allow enough time for adequate public notice.

Re-plat of Government Lot 40, Section 3 - See *Request to Speak*

Purchase Orders

PO#012448 to ACS in the amount of \$1,615.18 for March '08 phone service

PO#012449 to ATT & Alascom in the amount of \$806.83 for Mar '08 911 phone and power

PO#012450 to B&A Heating & Service in the amount of \$629.80 for library boiler service

PO#012451 to Bank of America in the amount of \$1,289.44 for credit card services (replaced Internet and Ethernet switches at City Hall, updated Zimmerman's virus protection software, hotel and conference attendance for library staff)

PO#012452 to Crowley Petroleum Distribution in the amount of \$13,470.01 for Feb '08 heating oil

PO#012453 to GVEA in the amount of \$5,142.45 for Feb '08 electricity

Feilner moved to approve purchase orders 012448 through 012453 as presented; Martinez seconded.

Discussion followed regarding costs of heating, history behind the construction of City Hall, comparisons between buildings, and the recent cold spell in February.

Heinbockel reported the legislature is dealing with excess funding the State currently has and the capital projects that Governor Palin rejected last year. He said the City will receive approximately \$93,000 in revenue sharing and Deltana will get approximately \$73,000. Both will cover the cost of operations (lights and heat), but \$50,000 of the City's will be used toward the million-dollar prison debt, which is the State's responsibility to excuse, borough or no borough. Heinbockel said there would come a time when the City can no longer provide the services that it currently does.

Leith-Dowling said donations are important in a no-tax community.

Motion passed unanimously on a roll call.

ADDITIONAL PUBLIC COMMENTS

Leith-Dowling called for additional public comments.

Tana Wood stated she felt City Council meetings are like little theatre.

ADDITIONAL COUNCIL COMMENTS

Leith-Dowling called for additional Council comments.

Musgrove expressed appreciation for the public who took the time to attend the Council meeting.

Tvenge said there are no new updates on the legislative requests.

Heinbockel questioned how the legislature would deal with the Senate and House adding all of the capital projects that the governor rejected last year. He also questioned how road paving could not be considered a Public Health & Safety issue.

Musgrove stated State resources belong to residents, not the State of Alaska, according to the Alaska Constitution, but the State bureaucracy manages it. Delta cannot override a government veto because the larger cities (Anchorage and Fairbanks) have the voting power.

ADJOURNMENT

Feilner moved to adjourn at 6:53pm; Martinez seconded. Motion carried.

Pat White, CMC

Approved: April 1, 2008