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**City Council Minutes**  
**August 4, 2009 ~ 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 Tuesday, August 4, 2009 at City Hall in Delta Junction, Alaska. Mayor Mary Leith-Dowling called the meeting to order at 5:00pm.

Council members present: Mayor Mary Leith-Dowling, Mayor Pro tem Pete Hallgren, JW Musgrove
Lou Heinbockel, Dawn Grossmann, Sherman Stebbins

Council member excused: Pablo Martinez

City employees present: City Administrator Mike Tvenge, Finance Officer Dave Zimmerman
Maintenance/Public Works Jeremy Williams (arrived at 5:25pm), City Clerk Pat White

Six members from the community were present.

AMENDMENTS TO AGENDA ~ APPROVAL OF AGENDA

Heinbockel moved to approve the August 4, 2009 agenda as presented; Grossmann seconded. Motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Heinbockel moved to approve the minutes of the July 28, 2009 meeting as presented; Musgrove seconded. Motion carried.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Bruce Swaim, Delta Forestry Prevention Officer, asked for a letter of support for the woody debris disposal area. It is a priority in applying for a Western Urban Interface Grant and community wildfire protection monies (as discussed at the July 7, 2009 meeting). He said a burn suspension has been in place for twenty-two days in July and three this month, which is more than the last half decade combined. All woodcutting and logging operations in Fairbanks have been closed because of fire dangers. A fire spread to one thousand acres in a matter of four hours yesterday in Fairbanks. Swaim offered to work with Tvenge to double the funding sources under the wildfire plan. He asked to project ideas for future projects in 2011, such as brushing streets. He said the Delta area is listed as one of Alaska's highest in relation to fire danger. Former mayor Roy Gilbertson said the diversion of water around Missile Defense, whether it is occurring naturally or not, is drying up the damp buffer protection to the east.

COUNCIL COMMENTS ON NON-AGENDA ITEMS

Heinbockel asked to contact the Department of Defense to request they eliminate the sonic booms or bombs that are going off directly over Delta Junction.

Musgrove explained that pilots are required to fly at a certain altitude to minimize the effects. They are protecting the United States, not spending millions of dollars on fuel to stir up trouble.

Leith-Dowling said the military has rules and pilots are grounded when they do not follow them.

Flower Cole, local resident, stated she has called (1-800-JET-NOISE) several times.

Hallgren said the military keeps track of every sonic boom. It would be of no harm for the City Administrator to make a call, not a complaint, to assure that all the rules are being followed.

REPORTS

Fire Department – Sherman Stebbins reported he was at the fire hall yesterday, working on the compressor. He was caught off guard when he discovered two people staying in the living quarters. White said Fire Chief Carin Bear was equally unaware because she did not authorize their stay. It is protocol to notify her when out-of-town instructors are staying at the fire station.

Discussion followed regarding outside entities using the fire hall and accessibility (push button code).

Airport – JW Musgrove reported vegetation is somewhat stunted because there has not been much rain, so he would wait two weeks to address mowing at the airport.

Mayor – Mary Leith-Dowling reported she would host a tour with Public Affairs Officer Kent Cummins of Missile Defense and the Delta area on August 5 for several officials from the offices of Senator Lisa Murkowski and Representative Don Young.

City Clerk – Pat White reported revising the Elections Code of Ordinance was put off, waiting for a local financial disclosure form to be created. Whether one is drafted or not, code revisions must have pre-clearance from the Department of Justice (DOJ) sixty days prior to an election, which means it would have to be submitted by August 7. Ordinance change requires two meetings, the earliest adoption being August 18. City Attorney Jim DeWitt advised to draft a proposed amendment to the Election Ordinance, effective only after approved by DOJ. He also suggested taking an informal poll regarding drafting a simplified local disclosure form and, if approved, adopting it by resolution at the August 18 meeting.

Mary called for opinions.

Musgrove said the voters agreed to opt out of the Alaska Public Offices Commission (APOC) financial disclosure requirement (in October 2008). The vote outcome was not a “slam dunk” and was reason for some Council members to want to implement a simpler form. He said he would prefer to have no form, but did not object to anyone wanting to file a voluntary one. Not complying with a required form can create a criminal out of an ordinary person who is volunteering for an unpaid job. He said Sarah Palin filed numerous forms and she has repeatedly been accused of conflict of interest violations.

Stebbins said he agreed with Musgrove to drop it entirely. A borough was voted down and it would be wrong to voluntarily bring back a little borough.

Heinbockel said he has tendency to create something to avoid accusations of conflict of interest, but agreed in not creating a local disclosure form. It is difficult to accurately report on investments because they change daily and it is no one’s business regarding his children’s income and investments.

Grossmann said she agreed to opt out because the voters agreed. Ethics issues can still be addressed.

Hallgren said he was also in agreement. He made an attempt to create guidelines for a shorter form, but details are much more complicated. He asked, “What information can you ask for that is easy enough for someone to give and still be detailed enough to satisfy the public?” He said the State of Alaska APOC form is wonderful for someone who has nothing. People who have experience and success no doubt have assets and, according to the State form, anyone with a successful business must list every retail client. He viewed financial disclosure requirements as a guarantee for incumbents because it kept other people off the ballot. Hallgren said creating a workable local form is very difficult to keep simple and also provide adequate information to the public.

Leith-Dowling said she was okay with older forms, but her opinion changed when the newer ones were introduced. She said the Council was in agreement to drop the idea of creating a local disclosure form.

White said amendments to the Elections Code would be introduced at the August 18 meeting.

Discussion followed regarding how ethics complaints are presently handled at City Hall.

City Administrator – Mike Tvenge reported:

- The compressor pump at the fire hall has been replaced and the air supply to vehicles is restored. Stebbins diagnosed the problem on July 29 and donated his own compressor to keep the Fire Department running during the repair.

- Superintendent P.J. Ford Slack would like to schedule a meeting in September to renew the MOA between the school district, the City, and Delta Skating Association (DSA) for use of the rink facility.

Stebbins asked 1) if the High School could practice on the new outdoor rink, weather permitting, to give the general public more time on the indoor ice and possibly generate more income and 2) if lighting will limit use of the outdoor rink.

Tvenge said use of the outdoor rink will be brought up during the MOA discussion and the lighting issue has not been settled. Once rink construction is complete, it will be known how much can be spent on lighting. Concrete inside the facility is still unfinished.

Musgrove asked about the status of the rifle range.

Tvenge said the State put out a contract to clean it, but he has had no communication about it in the last 6 weeks. The State will deal with contamination and the City will clean up the garbage.

Musgrove suggested hauling away trash (pianos, refrigerators, etc.) and replacing it with rocks from the landfill. At the same time the rifle-range sign can be removed.

Leith-Dowling said the State ROW cannot be blocked off.

Heinbockel said access to the rifle range would likely be gone in approximately 6 months because of damage from four-wheelers spinning brodies through the berm. He said he would help in the clean up.

Finance – Dave Zimmerman reported the FY2010 Revenue Sharing check has been received from the State of Alaska, \$145,000 budgeted and \$149,000 received. Two-thirds of what was budgeted (\$1.5 million) has been received (\$1,015,000).

Library – Mary Leith-Dowling reported Librarian Joyce McCombs is working on reporting for 1) the Annual State Library Grant, 2) the Gates Foundation Technology Grant, 3) the Westaph Grant, which helps with Fairbanks Concert Association events, 4) Continuing Education Grant, 5) Non-appropriated Funds (NAF) from Ft. Greely, and, 6) the Summer Reading Program. Leith-Dowling said grant funding and donations are a big part of running the library.

Heinbockel said he would like to see the amounts that are generated through grants. Funding for the library parking lot was a significant amount.

Hallgren said he would like to see more paving because of how recent paving turned out.

Tvenge said several residents have submitted street requests for future paving projects.

Park / Recreation – Lou Heinbockel reported the park dugouts and pavilion have been painted with green primer and are a big improvement, he is grateful the water fountain is gone, and the softball fields look exceptional because of work from community volunteers. He suggested coordinating with the Fire Department to burn overgrowth next spring. He said installation of the multi-purpose outdoor rink is scheduled to start on August 10.

Tvenge said 5 or 6 volunteers are committed to work on the rink each day, the basketball hoops will be put up once the rink is finished, on August 14, and he would like to organize a ribbon-cutting event.

Additional Reports by Council – Mike Tvenge reported City Council and staff have been invited to tour the Battle Area Complex (BAX) and the Urban Warfare Training Site on August 19.

Discussion followed regarding who planned to attend and making arrangements so City staff could go. Council recessed at 6:05pm and reconvened at 6:17pm.

UNFINISHED BUSINESS

Suggested Revisions to Municipal Code of Ordinances, Chapter 3.07, Prohibited Hunting of Big Game

Leith-Dowling asked for Council comments on suggested changes to the no-hunting ordinance, as suggested by local resident, Tim Webb.

Hallgren said duck hunting with shotguns is technically outlawed per current ordinance.

Heinbockel said center fired cartridges could also be a shotgun slug and shotguns are a limited range weapon. The concern was about high-powered rifles in the taking of big game, not about eliminating bows and arrows, spears, shotguns, or muzzleloaders.

Hallgren suggested replacing “center-fired cartridges” with “high-powered rifles” as Webb suggested. Discussion followed regarding caliber of handguns allowed by Fish & Game, general restrictions, and the purpose of the ordinance – not shooting moose within city limits.

Musgrove said to not add the suggested sentence, “Handguns of any caliber with a barrel length of not more than ten (10) inches may be used for the taking of game” because, for the most part in America, things that are not banned are legal.

Grossmann asked to insert “big” to read, “Discharge of high-powered rifles (.17 caliber and larger) within city limits is banned for the taking of *big* game.”

Stebbins said he is opposed to shooting within half a mile of his home.

Discussion followed regarding existing State laws, the cow moose hunt still including land within the city limits, shooting from an elevated position, the next cycle of Board of Game (BOG) meetings in March 2010, and proposals to change the boundaries of the core area.

Leith-Dowling stated amending Chapter 3.07 would be introduced at the August 18 meeting.

NEW BUSINESS

Change Order #5 – Street Paving Project – Increased Asphalt Quantities - \$2,599.33

Heinbockel moved to approve Change Order #5 to pay Paving Products, Inc. \$2,599.33 for additional materials that were needed to finish the 2009 street paving projects; Musgrove seconded.

Tvenge said asphalt quantities and D-1 gravel varied on all the streets.

Discussion followed regarding soft soil that was replaced on Butte Street, increased radii at intersections, less material used at the rink and more on Aurora and Ryan, and speculations of paving over permafrost.

Motion passed unanimously on a roll call vote.

Purchase Orders

PO#013640 to Aetna WHO-AAS in the amount of \$11,503.21 for Aug '09 group health insurance

PO#013641 to Airport Equipment Rental in the amount of \$760.00 for equipment used in outdoor rink installation

PO#013642 to Analytica Group in the amount of \$590.00 for #2 landfill sewage sludge testing

PO#013643 to Delta Concrete in the amount of \$2,520.00 for 288 yards of gravel used around outdoor rink

PO#013644 to Delta Professional Development in the amount of \$540.54 for diesel fuel

PO#013645 to Delta Sanitation in the amount of \$2,300.69 for April / July dumpster services

PO#013646 to Follet Software Company in the amount of \$1,025.50 for library online catalog software

PO#013647 to Hale & Associates, Inc. in the amount of \$99,419.00 to renew annual insurance for City facilities

PO#013648 to Interior Building Supply in the amount of \$1,295.55 for materials used in outdoor rink (culverts, paint, nails, lumber)

PO#013649 to M2C1 Construction & Engineering in the amount of \$17,212.90 for June/July management of street paving project

PO#013650 to McNaughton Book Services in the amount of \$579.60 for annual law books lease for library

PO#013651 to Sawtooth Emergency Vehicles, Inc. in the amount of \$93,090.00 for final payment on 2009 Ford 4X4 ambulance

PO#013652 to University Redi-Mix Concrete in the amount of \$6,116.00 for concrete used in outdoor rink

PO#013653 to Paving Products, Inc. in the amount of \$299,847.14 for 2009 street paving project, #2 invoice

Heinbockel moved to approve payment of purchase orders 013640 through 013653 as presented;

Grossmann seconded.

Tvenge, referring to 013653, said the 5% retention has not yet been billed for. Referring to 013651, he said the ambulance is to be barged to Anchorage and driven to Delta Junction by Sawtooth representatives. Warranty begins at the mileage it is received and it is due to arrive in mid-August.

Motion passed unanimously on a roll call vote.

ADDITIONAL PUBLIC AND COUNCIL COMMENTS

Flower Cole reported the Deltana Fair (July 31/August 2) was a huge success and the newly paved paths were very much appreciated.

Heinbockel and Hallgren both said they each received numerous positive comments about paving at the fairgrounds. Hallgren said he would be happy to work with Deltana Community Corporation (DCC) to come up with the rest of the funds to finish Souhrada paving, connecting Remington and Nistler roads.

Tim Webb said people can drive faster on paved roads, but the four-wheelers break the pavement down.

ADJOURNMENT

Heinbockel moved to adjourn at 6:45pm; Grossmann seconded. Motion carried.