

City Council Minutes
Regular Meeting
October 16, 2018 ~ 5:00PM
City Hall, Delta Junction, Alaska



The regular meeting of the Delta Junction City Council was held on Tuesday, October 16, 2018 at City Hall. Mayor Musgrove called the meeting to order at 5:00pm.

City Council members present: Mayor JW Musgrove, Deputy Mayor Freda Degnan

Pete Hallgren, Alan Levinson, Charles Lester, Audrey Brown (until 6:26pm), Lou Heinbockel (until 7:52pm)
City employees present: City Administrator Mary Leith, Admin Assistant Flower Cole, City Clerk Pat White
Four members from the community and one guest speaker were present at the beginning of the meeting. The meeting was broadcast over KDHS 95.5 radio.

AMENDMENTS ~ APPROVAL OF AGENDA

Heinbockel moved to approve the October 16, 2018 agenda; Brown seconded.
Motion passed unanimously on a roll call vote.

AMENDMENTS ~ APPROVAL OF MINUTES FROM PREVIOUS MEETING

Brown asked to correct her comments about Elena Powers facilitating subcommittee meetings (*LEPC / Emergency Preparedness Report* – page 4 of October 2 draft minutes).

Heinbockel asked to correct his comments about requiring the Chamber to contribute 50% of repair costs (*Visitor Center Septic System* - page 3).

Brown moved to approve the minutes from the October 2, 2018 regular meeting as amended; Heinbockel seconded.

Motion passed unanimously on a roll call vote.

Brown moved to approve the minutes from the October 9, 2018 special meeting as presented; Degnan seconded.
Motion passed unanimously on a roll call vote.

COMMENTS FROM THE AUDIENCE

Sebastian Saarloos said it was good to see all seven City Council members in attendance.

REQUEST TO SPEAK

Lou Heinbockel – Hayes Circle

Heinbockel excused himself from the Council table to speak from the audience, not from his position as a City Council member. Authorized to speak on behalf of the Hayes Circle property owners, he said everyone is satisfied with the recent replat and each one is willing to contribute \$1,000 to resolve Hayes Circle issues. He suggested leaving the street where it is and shrinking rights-of-ways and easements. Moving it would not solve the problem.

Hallgren said most title insurance policies do not guarantee that lot improvements exist and as-builts (showing easements and improvements) are not required in Delta Junction. Houses on Hayes Circle were built after the street was constructed and the street infringes on easterly lot owners, giving westerly lot owners 10 or 20 feet of more property. The road was built in the wrong place, probably to match a small incline in the topography on the west side of the cul-de-sac. If the road were moved, it would cut through an outbuilding on a western lot. He said he would support paying \$6,000 of the expenses if each property owner is willing to pay \$1,000.

Musgrove reported Hayes Circle is a City-maintained, Priority 3 street. Two Hayes Circle property owners will gain property in the settlement, which will likely be worth more than \$1,000. The property owners rejected a plan to pay a proportionate share of the estimated expenses. Musgrove said he was astounded by the resistance and the animosity that was directed at the City Council when the City has no obligation to resolve the matter or to pay for it. He felt the City was generous to offer to pay one-fifth of the estimated expenses (\$2,000).

Heinbockel questioned how the property could be financed repeatedly with a plat that did not show easements. Discussion followed regarding the Barger home built in the utility easement, the original survey conducted by the federal government in 1963, Barger's survey after their home was built (with location of Hayes Circle, but not with garage and shed), old minutes reporting Roy Gilbertson building Rapids Street, but not enough history

about Hayes Circle's origin, replat fieldwork complete, obtaining a platting certificate from the title agency on all replats, and title insurance or value of each lot not necessary.

Heinbockel recalled permitting an electrical drop for a neighbor to cross his property that adjoins his Hayes Circle parcel, when the City intervened on behalf of residents to build Phillips Road, forcing Delta Industrial to pay for the City platted street that they paved, occupied, and fenced off from public use, and when the City evacuated a street behind Kelly's.

Hallgren said aside from being neighborly, the City Council's job is to protect the public. Utilities and the fire department were contacted about the potential altering of Hayes Circle's street right-of-way and the proposed replat was accepted by all the property owners on Hayes Circle, so the fight is about who is paying expenses (approximately \$10,000).

Heinbockel said he would pay the full \$4,000 if others wouldn't.

Brown moved to allocate \$6,000.00 to resolve the Hayes Circle matter; Hallgren seconded.

Brown amended the motion to include money that has already been spent; Hallgren seconded.

Levinson asked why the burden to settle was on the City instead of the property owners.

Saarloos said the City owns the rights to the street.

Motion failed on a roll call vote with three opposed (Levinson, Lester, Musgrove), three in favor (Brown, Hallgren, Degnan), and one abstaining (Heinbockel).

Lester said it is reasonable that the landowner who gains the most would be fair in paying more of the expenses.

Leith said she would communicate tonight's discussion with the four landowners.

Discussion followed regarding determining expenses spent to date (replat, legal counsel, title insurance, attorney fees to draft ordinance) and continuing discussion at the November 6 meeting.

UNFINISHED BUSINESS

Visitor Center Septic System

Leith reported problems with the septic system at the Visitor Center appear to be related to a bent pipe under the asphalt, not the leach field. She will advertise for quotes.

Brown excused herself at 6:26pm.

Leith said she discussed issues with the new Chamber president, Pablo Martinez, including expectation of the Chamber paying 50% of the expenses associated with repairing the Visitor Center septic system.

Discussion followed regarding \$850 charged to assess the problem, waiting until spring to do the repairs, and minimal traffic expected at the Visitor Center throughout the winter.

Heinbockel suspected more than a sag in the pipe and suggested rebuilding the leach field.

Lester suggested getting a company that has a high definition camera.

Cyber Security

Leith referenced John Johnston's response to Stephanie Erickson's inquiry about cyber security and said Johnston quoted prices to develop a plan, conduct a site visit, evaluate findings, and recommend hardware and software to protect municipal computers.

Discussion followed regarding adding cyber security expenses (\$5,000 plus) to an FY19 budget reconciliation, AMLJIA's recent email, *Addressing the Biggest Cyber Security Challenges Facing Local Governments*, cyber security to be a topic at the manager's meeting during the AML conference in November, typically no recovery when data is encrypted for ransom, and taking measures to protect computers.

Hallgren moved to accept John Johnston's assessment as set out in his proposal; Degnan seconded.

Motion passed on a roll call vote with six in attendance (Heinbockel, Lester, Hallgren, Levinson, Degnan, Musgrove).

NEW BUSINESS

Final Plat Approval - Sipes Subdivision

Sebastian Saarloos, Delta Surveys, a plat note (#13) will be added to describe Lot 1, the 0.2-acre sliver of land that is virtually unusable. A dirt road that is overgrown and a utility easement from the early 1970s was dedicated in Lot 2, which is 29.276 acres. A replat of Lot 3, a 0.1-acre piece of land in Lot 1 of Block 2 in the Riverview Subdivision, will be presented as soon as Sipes Subdivision is approved. Landowners will purchase the section (Lot 3 of Sipes Subdivision) that their shop encroaches. The Riverview Subdivision replat will require a variance to the City Council's one-acre lot size preference. Saarloos said there are hundreds of quarter-acre lots from the 1963 government survey, but because of the one-acre rule, either a variance or a plat note will be required to approve the Riverview Subdivision replat. The Sipes Subdivision needs to be recorded first before Lot 3 can be deeded and included in the Riverview Subdivision replat.

Hallgren said a variance is not necessary per City Code, which requires leftover remnants be included in larger lots and leaving no lots uninhabitable (§4.75.040).

Hallgren moved to insert a note next to Lot 1 on the Sipes Subdivision plat, referencing Plat Note #13, "Warning: Lot 1 herein has been found by the City Council of the City of Delta Junction to be a) an unusable remnant and not suitable for addition to adjacent lots, b) uninhabitable due to dangerous natural conditions (small size with steep slope, danger of riverbank erosion), and c) unsuitable for permanent structures, septic drainage, or leach fields (increased danger to health, life, or property or may aggravate natural hazards)"; Levinson seconded.

Motion passed on a roll call vote with six in attendance (Lester, Heinbockel, Hallgren, Levinson, Degnan, Musgrove).

Heinbockel moved to issue a variance for Lot 3 of the Sipes Subdivision plat; Degnan seconded.

Saarloos read Note #14, "A variance was granted for the lot size of Lot 3 by the City Council of Delta Junction, acting as the Platting Authority on October 16, 2018."

Hallgren clarified that Lot 3 would exist for a short period of time, pending the Riverview Subdivision replat when it will be removed from the Sipes Subdivision. The only legal access to Lot 3 is through Lot 1, Block 2 of the Riverview Subdivision.

Motion passed on a roll call vote with six in attendance (Degnan, Hallgren, Lester, Levinson, Heinbockel, Musgrove).

Heinbockel moved to approve the final plat of Sipes Subdivision as presented; Degnan seconded.

Motion passed on a roll call vote with six in attendance (Heinbockel, Hallgren, Levinson, Degnan, Lester, Musgrove).

Hallgren reported Title IV of the City Code needs major revisions. The *Residential Subdivision Policy* (adopted April 17, 2007) and the Platting Checklist Ordinance (adopted December 6, 2011) are not in sync with the City Code of Ordinances. City Code (§4.75.040(b)(1)) specifies lot dimensions be no less than 40,000 square feet in the residential zone and the *Residential Subdivision Policy* specifies nothing less than one acre. City Code does not define a residential lot and there is only one residential zone in downtown Delta Junction.

GCI Underground Cable

Don Smith, GCI Project Manager, reported GCI would like to occupy the outer five feet of City street rights-of-way to install fiber optic cable from the intersection of Jarvis Avenue and West Sixth Street to Grizzly Street and the existing AT+T tower site east of the Richardson Highway. The new tower and several sites around town that GCI leases will meet the public's need for wireless communication.

Discussion followed regarding not inhibiting road access (plow truck and signage all in one lane), avoiding Delta Industrial's water line and other possible obstacles, projecting two or three weeks to complete the project, several contractors involved in different parts of the project, notifying property owners, and the new tower to be 240 feet compared to the AT+T tower, which is 320 feet.

Heinbockel moved to issue a letter of non-objection and give permission to install fiber optic cable in the City road rights-of-way; Degnan seconded.

Motion passed on a roll call vote with six in attendance (Lester, Levinson, Hallgren, Degnan, Heinbockel, Musgrove).

City Purchases over \$1,000

CK# 219730 to Ricoh USA in the amount of \$1,019.07 for City Hall copier lease and quarterly ink usage
CK# 219731 to Bill's Small Tractor Service in the amount of \$1,278.00 for additional lawn cuttings at park and cemetery
CK# 219732 to Aetna in the amount of \$14,255.57 for October group health insurance
CK# 219733 to GVEA in the amount of \$2,803.41 for electricity use in September
CK# 219734 to Ferguson in the amount of \$2,046.15 for new furnace at Liewer-Olmstead Ice Arena
CK# 219735 to Venmill Industries in the amount of \$1,045.65 to service and repair library disc buffer
CK# 219736 to Fairbanks Concert Association in the amount of \$3,000.00 for pass through donation from Boeing
CK# 219737 to Buffalo Center Service in the amount of \$1,024.08 for vehicle fuel and heating fuel at fire station and Public Works
CK# 219738 to M2C1 Construction & Engineering in the amount of \$2,000.00 for Airport Subdivision II SWPPP
CK# 219739 to Delta Concrete in the amount of \$2,630.43 for D1 at landfill and sand for streets
CK# 219740 to Airport Equipment Rentals in the amount of \$1,309.38 to rent excavator for use at cemetery, compactor for patching potholes in streets, and dozer for use at Airport Subdivision II
CK# 219741 to Wells Fargo Credit Card in the amount of \$4,852.74 for miscellaneous credit card charges

Degnan moved to approve checks #219730 through 219741 as presented; Heinbockel seconded.

Discussion followed regarding partial payment for the SWPPP (CK# 219738), material for the septic pit at the landfill and for street maintenance (219739), library staff resurfacing CDs and DVDs (219735) for \$1.00 each, and Steve Booth donating his time to install the new furnace at the Liewer-Olmstead Ice Arena (219734).

Motion passed on a roll call vote with six in attendance (Heinbockel, Degnan, Levinson, Lester, Hallgren, Musgrove).

REPORTS

City Administrator – Mary Leith reported:

- Delta Skating Association (DSA) volunteers are repairing the ceiling in the concession area at the Liewer-Olmstead Ice Arena, including installing air vents to prevent moisture buildup that caused the damage.
- She, Delta Trails representatives, and Patty Burns, DNR, met to discuss cleaning the old dump area near the River Walk Park.
- Delta Surveys is conducting the annual survey at the landfill. The report is required before the landfill permit can be renewed.
- Quite a bit of gravel (cover material) is stockpiled for the upcoming winter season.
- She met with M2C1 Construction & Engineering and Delta Industrial Services (DIS) to clarify repairs and maintenance of West Fourth Street and Jarvis Avenue.

Heinbockel said the City never took a position on Hayes Circle until tonight (pages 1+2) but will support repair of the sewer system at the Visitor Center as requested by the Chamber of Commerce (page 2), and spend up to \$5,500 to repair West Fourth Street, Jarvis Avenue, and Grizzly Lane, draft a Memorandum of Agreement, and establish a street maintenance agreement with DIS (discussed on September 4, 2018). Heinbockel argued that Mayor Musgrove had no authorization from the City Council to order gravel for airport subdivision roads and he felt the mayor had overstepped his authority.

Musgrove said funds were already allocated to develop the airport subdivision.

See additional notes under *Airport* and *Public Works* reports (page 5).

Heinbockel excused himself at 7:52pm.

Public Health – Freda Degnan reported:

- The upcoming project, which is spearheaded by Public Health Nurse Elena Powers, is about cyberattacks. They are preparing for a tabletop exercise that involves public safety, i.e. medical emergencies in the event of a power outage and no ability to communicate.
- Members of the LEPC subcommittee group are taking Federal Emergency Management Agency (FEMA) courses at the Career Advancement Center. They completed the ICS-100, Introduction to the Incident Command System, and will take IS-700, Introduction to the National Incident Management System.

Library – Freda Degnan reported the Delta Library Association and the Fairbanks Concert Association will sponsor Cry Havoc at the Fort Greely Community Activity Center on October 17. Army veteran Stephan Wolfert will perform scenes from Shakespeare relating to war and its effect on warriors. A special invitation is extended to local veterans.

Schools – Freda Degnan reported the Delta Elementary School will host an immunization clinic on October 17.

Airport – Alan Levinson reported:

- The airport is quieter since hunting season tapered off.
- Road construction has begun at Airport Subdivision II. Gravel has been laid for Remington extension, Ski-strip Drive, and Puddle Jumper Parkway.

Public Works – Charles Lester reported 1,800 cubic yards of material was laid for 1,750 linear feet of road, costing approximately \$18,000 in material. About 2,400 linear feet is left to finish next spring.

Leith said \$80,000 was budgeted. She is waiting on feedback from GVEA about location of electric poles.

Hallgren moved to extend the Council meeting another 15 minutes; Lester seconded.

Motion passed by unanimous consent with five in attendance (Hallgren, Levinson, Degnan, Lester, Musgrove).

Park & Recreation – Charles Lester reported volunteers worked at the ice rink on Saturday, 10:00-5:00, and Sunday, 12:00-5:00. They changed the oil in the Zamboni, replaced all hazardous boards, and replaced the broken cover in the boiler room that was vandalized. Toilet paper and a new soap dispenser are needed in the restrooms.

Cemetery – Mary Leith reported:

- Another winter grave was prepared.
- An additional grass cutting was authorized at the cemetery and the park.

At Large – Pete Hallgren reported:

- Trash canisters with black bags are still out at the park and reason for the scattered trash. He asked to store them for the winter as well as lock up the outhouses.
- Today was the biggest day for military convoys traveling north on the Richardson Highway.

ADJOURNMENT

Degnan moved to adjourn at 8:05pm; Lester seconded.

Pat White, City Clerk

Approved: November 6, 2018