

City Council Minutes
Regular Meeting
March 19, 2019 ~ 5:00PM
City Hall, Delta Junction, Alaska



The regular meeting of the Delta Junction City Council was held on Tuesday, March 19, 2019 at City Hall. Mayor Musgrove called the meeting to order at 5:00pm.

City Council members present: Mayor JW Musgrove, Alan Levinson, Audrey Brown
Charles Lester, Pete Hallgren (telephonically)

City Council members excused: Deputy Mayor Freda Degnan, Lou Heinbockel

City employees present: City Administrator Mary Leith, Finance Officer Stephanie Erickson
Library Director Joyce McCombs, City Clerk Pat White

Four members from the community were present when the meeting started. The meeting was broadcast over KDHS 95.5 radio.

AMENDMENTS ~ APPROVAL OF AGENDA

Brown moved to approve the March 19, 2019 agenda as presented; Lester seconded.

Motion passed on a roll call vote with five in attendance.

AMENDMENTS ~ APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Levinson moved to approve the minutes from the March 5, 2019 meeting; Lester seconded.

Motion passed on a roll call vote with five in attendance.

COMMENTS FROM THE AUDIENCE

Michael Paschall, Publisher of the Delta Wind, referenced possible violation of the Safe Drinking Water Act and denial of a public records request for a copy of the (February 19) correspondence from the United States Environmental Protection Agency (EPA). Paschall argued that the (March 6) denial to Delta Wind's request, "Per Mike McLaughlin, Guess & Rudd, the sole EPA document represents the beginnings of a settlement negotiation and is exempt. JW Musgrove," violates Alaska's Public Records Act and the Open Meetings Act. He presented several scenarios of when public records are and are not to be disclosed and that nowhere does it suggest that possible settlement documentation is exempt from public disclosure. He questioned whether the document is prohibited from being released or whether it is in the best interest of the municipality to not release it. He believes the EPA document is not protected under Alaska Statutes or City Ordinances. The only possible argument to protect it is so the other party (EPA), in the event of a lawsuit, is not aware of negotiating a strategy for settlement. According to Alaska policies, government units exist to aid in the conduct of the people's business. It is the intent of the law that actions and deliberations be conducted openly. The people of the State do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them. Paschall said the document may be marked confidential by the EPA because it is part of an investigative action and is not subject to disclosure under the Federal Freedom of Information Act (FOIA). Once it's in the City's hands, as a public agency of the State, the rules no longer apply. The EPA can't release it, the EPA can't speak to it, but the City, as an individual, can. If denying it, the City must show what statute that denial is based on.

Brown asked Paschall why the EPA could not release the documents to him.

Paschall said active federal investigations are generally protected and not subject to FOIA.

* See Mayor JW Musgrove's memo (*Possible Safe Drinking Water Act Violation* - page 2).

REQUEST TO SPEAK - none

CORRESPONDENCE - none

UNFINISHED BUSINESS

Permanent Fund Investment

Musgrove reported management of the City Permanent Fund was discussed during a work session on March 14.

Levinson moved to move assets from Morgan Stanley to Alaska Permanent Capital Management (APCM); Brown seconded.

Erickson reported APCM is popular with several Alaskan communities and they are involved in Alaska Municipal League Investment Pool (AMLIP).

Levinson said APCM has low management costs, they are in Alaska and accessible, they are familiar with the business atmosphere in Alaska, and they offered to update the City Code pertaining to the Permanent Fund.

Hallgren referenced his March 12 email and asked the City Council to articulate goals about investment considerations. He suggested turning the Permanent Fund into an endowment, so it can grow as well as provide a regular and inflation-proofed annual contribution to the general fund while the corpus remains untouched by inflation. He said APCM is his first choice of the five investment firms, but no matter who is chosen, he asked to share his email to critique his ideas and give insight.

Motion passed on a roll call vote with five in attendance (Hallgren, Brown, Lester, Levinson, Musgrove).

City Contribution Toward Internet at Community Center

Leith referenced her March 15 memo and said the Delta-Clearwater Seniors' phone (in the Senior Lounge) and Internet bill averages \$115/month. It includes \$79.99 for Internet charges. The City pays over \$50/month toward Internet fees (\$40 plus surcharge/taxes since April 2015). She suggested the City, Delta-Clearwater Seniors, and the Senior Companion Program each pay \$35 per month.

Discussion followed regarding the Senior Companion Program utilizing an office in the Community Center (since April 2017) and space plus electricity for two freezers (first meals delivered October 3, 2018).

Levinson moved to split the Seniors' Internet bill with the Delta-Clearwater Seniors and the North Star Council on Aging (Senior Companion Program) and pay \$35/month in one annual check, effective July 1, 2019; Brown seconded.

Motion passed on a roll call vote with five in attendance (Lester, Levinson, Brown, Hallgren, Musgrove).

Possible Safe Drinking Water Act Violation

Musgrove read his memo about a teleconference with the EPA on March 18: The issue is still in the status of "Settlement Confidential, for Settlement Purposes Only." The parties involved are actively participating in Discovery, Proposed Remediation, Closure and Civil Penalty negotiation. This issue involves a possible misuse of an Oily Water Separator in one or more of the City's shops, which could result in a violation of the Safe Drinking Water Act with penalties. Since we are in the investigation and negotiation phase, no further information is available at this time.

NEW BUSINESS

City Purchases over \$1,000

CK# 219988 to Aetna in the amount of \$14,255.57 for March group health insurance

CK# 219989 to NC Machinery in the amount of \$5,521.70 for dozer repairs

CK# 219990 to ACS in the amount of \$1,704.86 for February phone and Internet

CK# 219991 to John Johnston in the amount of \$2,042.00 to install server at City Hall

CK# 219992 to Cook & Haugeberg LLC in the amount of \$8,069.00 for audit, payment #4 (\$32,130.12 to date)

CK# 219993 to Construction Machinery in the amount of \$3,107.60 to replace starter and repairs to L150E loader

CK# 219994 to GVEA in the amount of \$5,201.27 for February electricity

CK# 219995 to Wells Fargo Credit in the amount of \$2,580.98 for credit card purchases (Stephanie Erickson payroll law class - \$199.00, fire truck registration renewal - \$10.00, postage - \$151.43, email accounts - \$50.00, John Johnston hotel - \$645.00, freezing temperature lights installed in City facilities - \$419.70, Liewer-Olmstead Ice Arena electricity for January - \$1,185.00, library materials - \$12.94, and cash back <\$92.09>)

Discussion followed regarding status of the new server at City Hall (CK# 219991), the starter on the old landfill loader (219993), and portable warning lights that are visible in windows should furnaces quit (219995).

Levinson moved to approve checks #219988 through 219995; Lester seconded.

Motion passed on a roll call vote with five in attendance (Brown, Lester, Hallgren, Levinson, Musgrove).

REPORTS

Mayor – JW Musgrove reported he has been working on issues related to possible Safe Drinking Water Act violation and sewer problems at the Public Works facility.

City Administrator – Mary Leith reported:

- She is researching quotes from copy machine businesses to decide whether to keep or replace the existing five-year old copier at City Hall.
- A public meeting is scheduled for April 24 at City Hall. The Corps of Engineers will coordinate a SM1A meeting (final steps for closure of nuclear power plant at Fort Greely) with the annual Restoration Advisory Board (RAB) meeting.

City Clerk – Pat White – no report

Finance – Stephanie Erickson reported:

- The auditors are working on data conversion for postemployment benefits not including pension.

- She is working on the FY20 draft budget. The Public Works grant will be the only one left. It has been extended twice and the remaining funds (approximately \$86,000) will need to be spent before July 30, 2020.

- The federal PILT was funded, but the Community Assistance Program (Revenue Sharing) may not be.

Musgrove said septic problems at the Public Works building could use some of the remaining grant funds.

LEPC / Emergency Preparedness / Public Safety – Audrey Brown reported:

- She will attend the Rural Resiliency workshop that is sponsored by Federal Emergency Management Agency (FEMA) and Homeland Security in April. Sixty communities will be represented at the workshop.

- LEPC met on March 11.

- She questioned *Public Safety* reporting.

Discussion followed regarding whether reporting on public safety issues was of any value at Council meetings.

Brown moved to remove *Public Safety* from Council reporting; Lester seconded.

Motion passed on a roll call vote with five in attendance (Levinson, Hallgren, Lester, Brown, Musgrove).

Public Health – Audrey Brown reported on behalf of Freda Degnan and said there are many advertisements warning people to get vaccinated because so many people travel to Washington state where there are multiple cases of measles.

Library – Mary Leith reported on behalf of Freda Degnan:

- Jill Prestegard's last day is March 22. She has been a valuable and well-liked library aide and will be missed by staff and patrons. The position has been advertised locally and a new aide should be hired by April 3.

- Library Aide Shona Hilton will train to catalog and process/discard library materials. As Youth Service Coordinator, she will host elementary class field trips and continue to plan lessons and prep materials for the Summer Reading Program, which begins in mid-June.

- The annual Library Fundraiser, Basket of Books Silent Auction is scheduled for April 27, 10:00-4:00.

- Library Director Joyce McCombs attended the Alaska State Library Conference in Juneau February 27 to March 3. She applied for and was awarded a \$1,250 travel grant from the Alaska Library Association to help cover expenses. She attended sessions on archives and preservation, earthquake and disaster preparedness for libraries, updates on copyright law, the Summer Reading Program, and audio books selections for children. She met two authors and enjoyed an excellent session from University of Alaska Anchorage librarians on how to love the discard process.

- State Librarian Patience Fredriksen highlighted the Delta Library as one of the eight 5-Star libraries in Alaska and for McCombs being mentioned by Senator Dan Sullivan during his address to the State Legislature.

- During the conference awards luncheon, the Alaska Library Association surprised and honored McCombs with a Lifetime Association Membership. The framed plaque and many warm congratulations from her colleagues all over Alaska were overwhelming and much appreciated.

Schools – Freda Degnan – no report

Airport – Alan Levinson reported there is no snow on the main runway and a new windsock is needed.

Public Works – Charles Lester reported he will inspect streets for possible crack sealing and the lift station at the Public Works building.

Park / Recreation – Mary Leith reported on behalf of Lou Heinbockel:

- Outhouses will be unlocked at the park because High School softball practices will begin March 25.

- She is working on the (cemetery and park) lawn maintenance contract to put out for bid.

- A team from the Chamber will pick up debris left over from the Festival of Lights fireworks (February).

Cemetery – Lou Heinbockel – no report

At Large – Pete Hallgren asked about the status of volunteers using one of the bays in the Public Works building (*Mayor Report* - March 5).

Musgrove reported occupancy at the Public Works building has terminated.

Additional Reports – JW Musgrove reported he requested input from staff about how to utilize the former EMS bay in the Public Works building and what the Public Works crew wanted done with the International dump truck/sander/plow. He asked Council members to provide input to discuss at the April 2 meeting.

ADDITIONAL PUBLIC AND COUNCIL COMMENTS

Musgrove called for additional comments with none being offered.

ADJOURNMENT

Brown moved to adjourn at 6:14pm.