

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE:

ROLL CALL:

3. APPROVAL OF AGENDA:

4. CONSENT AGENDA:

- loved  
to  
see  
business*
- A. Regular Meeting Minutes 06/27/94; Recommend: Approval as presented
  - B. State Capital Move;
    - 1. Resolution No. WR94-37; Expressing support for a Grassroots campaign to inform Alaska residents about the benefits of moving the State Capital to Wasilla; Recommend: Adoption
  - C. Concealed Weapons;
    - 1. Ordinance Serial No. 94-29; Repealing WMC 13.04.030; Recommend: Introduction of Ordinance Serial No. 94-29 and schedule for public hearing at the next regular meeting, 07/25/94
    - 2. CM. No. 94-39;
  - D. Senior Housing;
    - 1. CM. No. 94-38; Recommend: Council authorize reservation of Lot B-1, Winter Trail Subdivision for the site of a 35-unit senior housing project by Simeanna, Inc.
  - E. Equipment Rental Bid Award; (Hand out) CM 94-41

5. PUBLIC HEARING:

- A. CIP Funding; Realignment of Grants;
  - 1. Ordinance Serial No. 94-24;
  - 2. CIP Projects and Funding Spreadsheets
  - 3. Amendments to the FY94 CIP Budget (Carryover)
  - 4. CM. No. 94-36; CIP Appropriations
- B. Amending Chapter 3.30; Leave
  - 1. Ordinance Serial No. 94-26;

6. COMMISSION REPORTS:

- A. Wasilla Planning & Utilities Commission;
- B. Wasilla Senior Advisory Commission;
- C. Wasilla Parks & Recreation Commission;
- D. Wasilla Lakes Fire Service Area;

7. PERSONS TO BE HEARD: (NON AGENDA ITEMS 5 MINUTES PLEASE)

- A. Sally Chryst;
- B. Steve Stoll
- C. Michael D. Smith

8. EXECUTIVE SESSION: (None Scheduled)

9. UNFINISHED BUSINESS:

- A. Wasilla Railroad Depot;
- B. Street Classification;
  - 1. Ordinance Serial No. 94-21; Repealing and re-enacting Chapter 14.10; (Adoption)
- C. Street Name Change;
  - 1. Ordinance Serial No. 94-23; Amending Chapter 17.01; (Adoption)
- D. Amending Chapter 3.30; Leave
  - 1. Ordinance Serial No. 94-26; Amending Chapter 3.30; (Adoption)

10. NEW BUSINESS:

- A. Annexation;
  - 1. Ordinance Serial No. 94-30
  - 2. CM. No. 94-40;
- B. Control of Nuisances;
  - 1. A Resolution of the Senior Advisory Commission requesting the Wasilla City Council to consider an ordinance to control nuisances;
- C. Capital Move Revenue Bonds;
  - 1. Resolution No. WR94-38;
- D. Adopting an Official Street Classification Map;
  - 1. Resolution No. WR94-12;
- E. Purchase of Parking and Park Expansion; (Requested by Councilman Hjellen)
- F. Hobby Farms;
  - 1. Resolution No. WR94-39;
  - 2. WP&UC Resolution No. 94-05;

G. Term Limits  
H. Res WR94-37 I. Ord 94-29 J. CM 94-38 K. CM 94-41 L. Manager Govt.

11. COMMUNICATIONS:

- A. Wasilla Planning & Utilities Commission Minutes 06/28/94
- B. Delegation of Planning and Zoning Authority;
  - 1. WP&UC Resolution No. 94-08;
- C. Iron Reduction Plant at Pt. MacKenzie;
  - 1. WP&UC Resolution No. 94-09;
- D. Wasilla Planning Office Report;
- E. Mack Road;
  - 1. Planning & Zoning Memorandum No. 94-01;

12. CITY REPORTS:

13. AUDIENCE COMMENTS:

14. COUNCIL COMMENTS:

15. ADJOURNMENT:



# CITY OF WASILLA

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## WASILLA CITY COUNCIL

### MINUTES

REGULAR MEETING DATE: 07/11/94 TIME: 7:00 PM

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE:  
Mayor Stein called the meeting to order at 7:00 p.m.

2. ROLL CALL:

COUNCILMEN:

Mr. Carney            Mr. Erickson  
Mr. Carson            Ms. Hjellen  
Mr. Chappel-Exc.    Mrs. Palin-Exc.

STAFF:

Mayor Stein            Mrs. Emmons-Library Dir.  
Mr. Wyatt-Deputy Admin.    Mr. Cooper-Museum Dir.  
Mr. Deuser-Attorney        Mrs. Harris-Clerk  
Mr. Stambaugh-Police Chief    Mr. Baugh-Sen. Accountant  
Mr. Nelson-Finance Dir.       Mr. Dvorak-Planner

3. APPROVAL OF AGENDA:

The agenda was approved with the following changes: Persons To Be Heard Item B. Steve Stoll; Item C. Michael D. Smith; New Business Item G. Term Limits; Item H. Resolution No. WR94-37, State Capital Move (Moved from the Consent Agenda Item B); Item I. Ordinance Serial No. 94-29, Concealed Weapons (Moved from the Consent Agenda Item C); Item J. CM. No. 94-38, Senior Housing (Moved from the Consent Agenda Item D); Item K. CM. No. 94-41, Equipment Rental Bid Award (Moved from the Consent Agenda Item E); and Item L. Manager Form of Government.

4. CONSENT AGENDA:

- A. Regular Meeting Minutes 06/27/94; Recommend: Approval as presented  
B. Moved to New Business Item H.  
C. Moved to New Business Item I.  
D. Moved to New Business Item J.  
E. Moved to New Business Item K.  
Motion/Second: Hjellen/Erickson

That the Consent Agenda comprising the foregoing items be and the same are hereby approved as written and that the various Officials of the City are hereby authorized and directed to take such action as may be necessary to give effect to the recommendations as therein contained. Motion passed.

5. PUBLIC HEARING:

- A. CIP Funding; Realignment of Grants;  
1. Ordinance Serial No. 94-24;  
2. CIP Projects and Funding Spreadsheets  
3. Amendments to the FY94 CIP Budget (Carryover)  
4. CM. No. 94-36; CIP Appropriations

Mayor Stein opened the hearing to the public.

Steve Stoll; Stated he was unsure that the grants on the LID's should be closed out yet, some projects have been completed less than a year and there may be need for additional funding to fix problems. Mr. Stoll spoke of the Shadowood project and a culvert that the pavement is breaking up around. Mr. Stoll suggested keeping the funding for 2 years.

No further comments were made. Mayor Stein closed the hearing to the public.

B. Amending Chapter 3.30; Leave

1. Ordinance Serial No. 94-26;

Mayor Stein opened the hearing to the public. No comments were made. Mayor Stein closed the hearing to the public.

6. COMMISSION REPORTS:

A. Wasilla Planning & Utilities Commission;

Ms. Chase spoke of the Planning Commission resolution supporting delegation of the planning powers and requested Council consider this. Ms. Chase spoke of the Hobby Farm issue listed on the agenda under new business and stated that the Planning Commission resolution shown did not pass and suggested that before Council takes action to check on this issue.

B. Wasilla Senior Advisory Commission;

Mr. Johnson spoke of the Nuisance resolution the Senior Advisory Commission passed and urged Council consideration of this issue.

C. Wasilla Parks & Recreation Commission;

D. Wasilla Lakes Fire Service Area;

Mr. Ken Slauson spoke of the volunteer effort with the fire department and how this effort helped reduce the ISO rating for fire insurance to a 4. Mr. Slauson then spoke of the capital projects in progress, Knik 62 Fire Station, Emergency EMS and heavy rescue vehicles.

7. PERSONS TO BE HEARD: (NON AGENDA ITEMS 5 MINUTES PLEASE)

A. Sally Chryst;

Mrs. Chryst spoke of term limits (copy attached). Mrs. Chryst also spoke of the first initiative on food and beverages submitted and stated that their intent was not to remove the sales tax from alcohol.

B. Steve Stoll;

Mr. Stoll spoke of road construction and the Administration's policy of letting the engineer who designed the project also handle surveying, construction administration and inspection, and stated there is no checks and balance with the process being done this way. Mr. Stoll urged Council to look at the policy and consider changing.

C. Michael D. Smith;

Not present.

8. EXECUTIVE SESSION: (None Scheduled)

9. UNFINISHED BUSINESS:

A. Wasilla Railroad Depot;

Councilman Carney requested because he is concerned with the depot being used for rummage sales, would like a public hearing for community comments.

Mr. Lucas; Spoke of the history of the depot, and the long range plan the Lion's Club has of raising it up out of the ground 1 foot because dry rot is starting, completing the other half of the basement, putting in a visitors center and gift shop and museum. Mr. Lucas stated they have been attempting to get grants to complete this project but have gotten none so far. Mr. Lucas stated the rummage sale started because of the needs of the people, they get 10 to 40 bags per week of goods, these were being sent

to the villages, but they don't have free transportation any longer. Mr. Lucas also stated that these bags were being stuffed into the depot because he and Judy had to go out of State because his father was ill with heart problems, but everything is now sorted and boxed and not piled everywhere. Mr. Lucas spoke of the City tree contractor leaving topsoil by the depot that now becomes muddy and sloppy when it rains.

Motion/Second: Carney/Carson

To introduce Ordinance Serial No. 94-31, appropriating \$75,000.00 for the Wasilla Depot renovation and schedule for public hearing at the first meeting in August, 08/08/94, and that a public hearing be scheduled for proposed uses of the Wasilla Depot. Motion passed.

B. Street Classification;

1. Ordinance Serial No. 94-21; Repealing and re-enacting Chapter 14.10; (Adoption)

Motion/Second: Carney/Hjellen

To adopt Ordinance Serial No. 94-21.

There was no objection to amend Ordinance Serial No. 94-21 Appendix "A" the second sentence as follows "This map shall indicate the classification of all streets within the City, and be approved by the Council upon recommendation of the Planning and Utilities Commission. So ordered.

Motion/Second: Carney/Hjellen

To amend Ordinance Serial No. 94-21 Appendix "A" by deleting Section 14.10.030(1) Low Density Streets.

Motion/Second: Hjellen/Carney

To postpone Ordinance Serial No. 94-21 to the next regular meeting, 07/25/94. Motion passed.

C. Street Name Change;

1. Ordinance Serial No. 94-23; Amending Chapter 17.01; (Adoption)

Motion/Second: Carney/Hjellen

To adopt Ordinance Serial No. 94-23. Motion passed.

D. Amending Chapter 3.30; Leave

1. Ordinance Serial No. 94-26; Amending Chapter 3.30; (Adoption)

Motion/Second: Hjellen/Carney

To adopt Ordinance Serial No. 94-26. Motion passed.

10. NEW BUSINESS:

A. Annexation;

1. Ordinance Serial No. 94-30
2. CM. No. 94-40;

Motion/Second: Carney/Hjellen

To introduce Ordinance Serial No. 94-30 and schedule for public hearing at the next regular meeting, 07/25/94. Motion failed with Mr. Carney and Ms. Hjellen assenting.

B. Control of Nuisances;

1. A Resolution of the Senior Advisory Commission requesting the Wasilla City Council to consider an ordinance to control nuisances;

Motion/Second: Hjellen/Carson

To refer the Senior Advisory Commission Resolution regarding control of nuisances to the Wasilla Planning and Utilities Commission. No objection, so ordered.

C. Capital Move Revenue Bonds;

1. Resolution No. WR94-38;

Motion/Second: Carney/Carson

To adopt Resolution No. WR94-38. Motion passed.

D. Adopting an Official Street Classification Map;

1. Resolution No. WR94-12;

Postponed to the next regular meeting, 07/25/94.

E. Purchase of Parking and Park Expansion; (Requested by Councilman Hjellen)

Councilman Hjellen requested a packet proposal be prepared for the lots across from City Hall by Nunley Park.

F. Hobby Farms;

1. Resolution No. WR94-39;
2. WP&UC Resolution No. 94-05;

There was no objection to refer Hobby Farms back to the Wasilla Planning and Utilities Commission.

G. Term Limits;

Motion/Second: Erickson/Carson

To introduce an ordinance setting term limits for Council and the Mayor and schedule it for public hearing at the first meeting in August, 08/08/94. Motion failed with Mr. Carson and Mr. Erickson assenting.

H. State Capital Move;

1. Resolution No. WR94-37; Expressing support for a Grassroots campaign to inform Alaska residents about the benefits of moving the State Capital to Wasilla;

Councilman Carney stated he had spoken with his brother and Representative Carney has a substitute resolution for Resolution No. WR94-37. Councilman Carney requested that Resolution No. WR94-37 be delayed to the next regular meeting, 07/25/94. No objection so ordered.

I. Concealed Weapons;

1. Ordinance Serial No. 94-29; Repealing WMC 13.04.030;
2. CM. No. 94-39;

Motion/Second: Carney/Hjellen

To place a proposition before the voters in October regarding concealed weapons. Motion failed with Mr. Carney and Ms. Hjellen assenting.

Motion/Second: Carson/Carney

To postpone Ordinance Serial No. 94-29 to the next regular meeting, 07/25/94. No objection, so ordered.

J. Senior Housing;

1. CM. No. 94-38;

Council had no objection to authorize reservation of Lot B-1, Winter Trail Subdivision for the site of a 35-unit senior housing project by Simeanna, Inc. for 6 months. So ordered.

INTERMISSION: 8:45--9:00 PM

K. Equipment Rental Bid Award; (Hand out)

1. CM. No. 94-41;

Motion/Second: Carney/Hjellen

To approve CM. No. 94-41, awarding the contract to the apparent low bidder, Rappe Excavating in the amount of \$52,675 pending inspection of equipment. Motion passed.

L. Manager Form of Government;

Councilman Carson requested that an ordinance be drafted to place the manager form of government on the ballot for introduction at the next regular meeting, 07/25/94.

11. COMMUNICATIONS:

A. Wasilla Planning & Utilities Commission Minutes 06/28/94

B. Delegation of Planning and Zoning Authority;

1. WP&UC Resolution No. 94-08;

C. Iron Reduction Plant at Pt. MacKenzie;

1. WP&UC Resolution No. 94-09;

D. Wasilla Planning Office Report;

E. Mack Road;

1. Planning & Zoning Memorandum No. 94-01;

12. CITY REPORTS:

Mr. Wyatt; Updated Council on progress with Mack Road, are moving forward with LID's. Has received a certified letter from State OSHA regarding the Sewer Treatment Plant, OSHA has submitted a check list, there are some apparent design flaws they will be working on. Mr. Wyatt stated that there is a new slide at Nunley Park, 6 new fireplace pits at Wasilla Lake and flowers and trees around town look great.

Chief Stambaugh; Stated that the Police Department received a \$11,000 grant from the Federal Government for the drug awareness program and they will begin this in September with the beginning of school.

Mr. Cooper; Reported on the Farm and Craft markets success and spoke of a project with a local artist.

Mr. Baugh; Reported that budgets are done and are being distributed and Finance is currently advertising in house for the sales tax clerk position, Judy Thorson has resigned effective August 1.

Mr. Dvorak; Spoke about the format of the Planning Office Report he hopes to provide to Council once a month. Mr. Dvorak also spoke of the Planning Commission resolution regarding the development code and delay of planning authority. Mr. Dvorak hopes to advertise the Planning Clerk position in house this week.

Mr. Nelson; Just back from a month vacation and everything is still running smoothly and is getting used to a new office situation with the new door in the wall.

Mrs. Harris; Reported that she provided copies of an initiative petition on exemption of food and beverages from sales tax to Council last Friday, the petition is currently being circulated.

Mayor Stein; Stated he had 6 responses on the classification study, 3 responses felt the cost would be about \$35,000.00. Mayor Stein asked for volunteers to serve on a review committee. Mayor Stein appointed Mr. Carney and Mr. Chappel to the committee. There was no objection from Council for the employee representatives to participate. Mayor Stein stated he would contact everyone for a meeting some time in the next 10 days. Mayor Stein also stated he received a letter on revenue sharing and it appears the amount will be about \$40,000.00 over estimated budget. Mayor Stein also reported on the Cemetery vandalism and the building code workshop.

13. AUDIENCE COMMENTS:

14. COUNCIL COMMENTS:

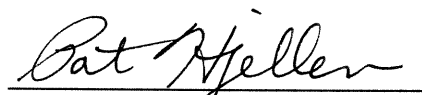
Councilman Carney; Requested that a resolution be brought forward to the next meeting congratulating the Fire Service Area volunteers on the ISO rate decrease.

Mayor Stein also stated he would be out of town for the next 2 meetings.

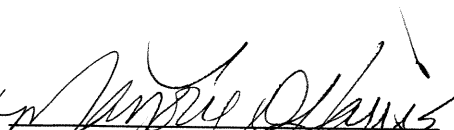
15. ADJOURNMENT:

There being no further business the meeting adjourned at 10:05 p.m.

APPROVED:

  
\_\_\_\_\_  
JOHN C. STEIN, Mayor

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
MARJORIE D. HARRIS, CMC  
City Clerk



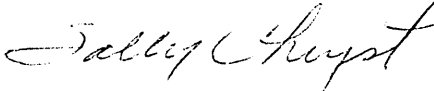
Date: July 11, 1994

ATTACHMENT TO 07/11/94 MINUTES

Subject: Term Limits

To: Mayor and City Council Members,

From: Sally Chryst



I would like to respond to Mr. Deuser's argument against recommending term limits for the mayor and city council members. I am going to quote Mr. Deuser: "Just as the right to vote is considered essential to the democratic principle, so too is the right to run for office. Constitutionally speaking, when fundamental rights are at issue (e.g., the right to vote), the courts apply high standards of judicial scrutiny to determine the validity of proposed legislation"

I have heard this argument before, even council members have stated they want to vote for whom ever they like. Nevertheless a candidate who is a United States Citizen and State Registered Voter cannot run for office unless the residency requirements are established. Title 29 establishes residency requirements not to exceed three years; while City code establishes residency requirements of not less than one year. In other words, if you know a person who is politically active, gets things done, knows how to motivate people, wants to be mayor or a city council member, but has just moved into the City of Wasilla this person does not have the right to run for office. Accordingly, you do not have the right to vote for this person until the residency requirements of one year are met.

Term limits place the same requirements on future mayors and council members. Term limits provide council members a one year break in service to the community and a three year break for the office of mayor. This time out period, gives the individual a chance to step out and see what is going on from the citizen's view point. Many times politicians get tunnel vision and end up on a fast track of tax and spend, tax and spend.

Mr. Deuser 's second argument against term limits if I may quote him, "Although case law exists to support the procedural approach of permitting a petition on term limits to move forward and, if approved, then judicially determine constitutionality, it is my considered opinion that contrary Alaska case law calls for a decision at this point in time before the matter is submitted for petition signatures." I hear Mr. Deuser saying case law exists to support the procedural approach of permitting a petition on term limits to move forward; however, if passed by the voters, could put the city at risk of being sued by a disgruntled politician. If everyone in this city followed Mr. Deuser's advise, no one would risk stepping out their front door or even think of driving a car because of the possibility of getting into an accident and getting sued.

Mr. Deuser's interpretation of term limits being unconstitutional is unfounded. Title 29 of Alaska Statutes is updated on a yearly basis by our elected officials. Our representatives have not seen the need to re-write Section 29.20.140 (d) and section 29.20.230 (c) which

provide for term limits for mayor and city council. Title 29 states: no limit may be placed on the total number of terms or number of consecutive terms a voter may serve on the governing body or as mayor, **except by ordinance ratified by the voters**. In plain English the voters have the right to place term limits on their governing body.

If the governing body can pick and choose what is constitutional or not constitutional in the statutes, then Title 29 means nothing. How can any citizen respect a government which deals in "smoke and mirror" tactics? The citizens are pacified into thinking they have rights but when those rights are exercised the rules switch to benefit the rulers.

Term limits currently apply to council members, assembly members and mayors in the Municipality of Anchorage, North Star Borough, and the Mat-Su Borough. Obviously these government entities are in conflict with Mr. Deuser. Does this mean these government entities are in violation of the constitution or does this mean Mr. Deuser is wrong. Remember Mr. Deuser gave his opinion, not facts, just his opinion. What about the 4500 people in this community, doesn't their opinion count. If the opinion of Mr Deuser is that the Alaska Statutes are unconstitutional, then the people in this community have no rights, anything goes. Pure Anarchy!

Constitutionally speaking, fundamental rights are at issue here, the right to vote. Just as each of you feel you will be denied the right to vote for whom you like, may I remind you that you already have lost that right through the residency requirement. However, you are denying the right of the people to petition the government and the right to vote on issues allowed by Title 29. By denying this right, you place this republic one step closer to a dictatorship. Is that what you want? If not then why are you afraid of putting the issue on the ballot?

In closing, you have the power to put the issue of term limits on the ballot. Understand that the city attorney does not represent the people of this community but is paid by the city to represent you. He knows what the majority of you desire on this issue and has prepared a recommendation to confirm those desires.

I have prepared an initiative packet for you to review under new business. I would like to remind you, contrary to your tax and spend agenda, citizen's rights are at issue here.

## City of Wasilla

### Initiative:

Shall the City of Wasilla amend the Wasilla Municipal Code to limit the terms of office of Wasilla City Council Members and Mayor to a maximum of two consecutive, full terms to be implemented within 30 days of adoption?

YES

NO

Sec. 29.20.120. **Applicability of apportionment provisions.** The provisions of AS 29.20.080 - 29.20.110 apply to home rule and general law municipalities, except they do not apply to a

- (1) unified municipality;
- (2) home rule borough if the borough, by home rule charter, provides for reapportionment of the assembly. (§ 7 ch 74 SLA 1985)

Sec. 29.20.130. **City council composition.** Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members. (§ 7 ch 74 SLA 1985)

Sec. 29.20.140. **Qualifications.** (a) A borough voter is eligible to be a member of the assembly and a city voter is eligible to be a member of the council. A member of the governing body who ceases to be a voter in the municipality immediately forfeits office.

(b) A municipality may by ordinance establish a durational residency requirement not to exceed three years for members of the governing body.

(c) A municipality may by ordinance establish district residency requirements for members of its governing body. A member of the governing body who represents a district and who becomes a resident of another district in the municipality continues to serve until the next regular election unless provided otherwise by ordinance.

(d) Except by ordinance ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms a voter may serve on the governing body.

(e) This section applies to home rule and general law municipalities. (§ 7 ch 74 SLA 1985)

Collateral references. - Validity of requirement that candidate or public officer have been resident of governmental unit for specified period. 65 ALR3d 1048.

Sec. 29.20.150. **Term of office.** (a) A member of the governing body is elected for a three-year term and until a successor qualifies, unless a different term not exceeding four years is prescribed by home rule charter or ordinance.

(b) Except when otherwise required by a change in composition or apportionment, if the term of a member of a governing body is changed by charter or ordinance the term of the member holding office when the change becomes effective is not affected.

(c) This section applies to home rule and general law municipalities. (§ 7 ch 74 SLA 1985)

Notes to Decisions – Mandamus lies to compel mayor to perform ministerial act. - Under a former, similar provision neither reason nor the best authority supported the view that because the mayor of a city held an office in which some of his duties were executive or administrative, and thus discretionary, he might not be compelled by writ of mandamus to perform a duty of his office that was ministerial, or substantially so, and as to which any pretended exercise of discretion would have been in legal essence arbitrary and wrongful and thus unlawful. *Reherd v. Manders*, 66 F. Supp. 520 (D. Alaska 1946).

Collateral references. – 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 231-336.

**Sec. 29.20.230. Election and term of mayor.** (a) The mayor of a borough or first class city is elected at large. The mayor of a borough or first class city serves a term of three years, unless by ordinance a different term not to exceed four years is provided. The current term of an incumbent mayor may not be altered. The regular term of a mayor of a borough or first class city begins on the first Monday following certification of the election.

(b) The mayor of a second class city is elected by and from the council, and serves until a successor is elected and qualifies. The council of a second class city shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately. The mayor of a second class city serves a one-year term, unless a longer term is provided by ordinance. The mayor of a second class city may serve only while a member of the council regardless of the term established for the office of mayor.

(c) Except by ordinance ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms a mayor may serve. (§ 7 ch 74 SLA 1985)

**Sec. 29.20.240. Qualifications for the office of mayor.**(a) A voter of the municipality is eligible to hold the office of mayor in a borough or first class city. A member of the city council is eligible to hold the office of mayor in a second class city.

(b) Residency requirements for the office of mayor not exceeding three years may be prescribed by ordinance. (§ 7 ch 74 SLA 1985)