



**MAYOR**

Dianne M. Keller

**COUNCIL**

Howard O'Neil, Seat A

Diana L. Straub, Seat B

Noel H. Lowe, Seat C

Robert Sande, Seat D

Ron Cox, Seat E

Colleen Sullivan-Leonard, Seat F

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**WASILLA CITY COUNCIL  
MEETING AGENDA**

WASILLA CITY COUNCIL CHAMBERS

Wasilla City Hall, 290 E. Herning Avenue, Wasilla, AK 99654 (907) 373-9090

**REGULAR MEETING**

**7 P.M.**

**DECEMBER 9, 2002**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **SPECIAL ORDERS**
6. **COMMISSION/AGENCY REPORT (Five minutes per agency.)**
  - A Planning Commission
  - B. Parks And Recreation Commission
  - C. Matanuska-Susitna Borough
  - D. Mat-Su Agency Partnership (20 Minute Presentation)
  - E. Multi-Use Sports Arena Proposal Review Committee.
7. **CONSENT AGENDA**
  - A. Minutes of Preceding Meeting:

1. Regular Meeting: November 25, 2002.
- B. Introductions (Public Hearing To Be Scheduled For: January 13, 2003)
  1. **Ordinance Serial No. 03-01:** To Amend The FY-03 Budget By Appropriating \$22,914 For The Airport Security Gate Project.
  2. **Ordinance Serial No. 03-02:** Amending The FY-03 Budget By Appropriating \$235,000 For The Bumpus Reservoir Facility.
- C. Resolutions
- D. Council Memorandums
  1. **CM No. 02-73:** Contract Amendment to CH2MHill In The Amount of \$188,000 to Complete the Design of the Bumpus Reservoir Facility.
8. **PUBLIC HEARING** (Three minutes per person.)
  - A. **Ordinance Serial No. 02-77:** Amending The FY-03 Budget By Appropriating \$30,000 From The Capital Reserves Fund Balance To The Records Retention Project.
  - B. **Ordinance Serial No. 02-78:** Amending The FY-03 Budget In The Amount Of \$34,000 By Appropriating Funds From The Vehicle Fund's Fund Balance In Order To Purchase Replacement Vehicles For Public Works.
  - C. **Ordinance Serial No. 02-79:** Amending The FY-03 Budget By Appropriating \$50,000 For South Mack Drive Water Main Extension.
  - D. **Ordinance Serial No. 02-80:** Amending The FY-03 Sewer Grant Fund Budget By Appropriating Funds In The Amount Of \$105,000 In Order To Fund Residential Sewer Connection Grants.
9. **PERSONS TO BE HEARD** (Three minutes per person.)
  - A. Mr. Tony Gumley: Multi-Use Sports Arena.
10. **UNFINISHED BUSINESS**
11. **NEW BUSINESS**
  - A. **CM No. 02-74:** Contract Award To Howdie, Inc. To Assist In The Design Of The Multi-Use Sports Complex.

B. **CM No. 02-72:** 2003 Liquor License Renewals.

**12. EXECUTIVE SESSION**

A. **Resolution Serial No. 02-39:** Authorizing The City Of Wasilla To Exercise The Powers Of Eminent Domain And Declaration Of Taking To Acquire For Road, Park And Recreation, Airport And Related Purposes Certain Interests In The Southeast One-Quarter (SE1/4) Of Section 7, Township 17 North, Range 1 West, Seward Meridian; That Portion Of The Southeast One-Quarter Of The Northeast One-Quarter (SE1/4NE1/4) Of Section 7, Township 17 North, Range 1 West, Seward Meridian, Lying South Of The Southerly Right Of Way Of The George Parks Highway; The Northwest One-Quarter Of The Southwest One-Quarter (NW1/4SW1/4) Of Section 8, Township 17 North, Range 1 West, Seward Meridian; And That Portion Of The Southwest One-Quarter Of The Northwest One-Quarter (SW1/4NW1/4) Of Section 8, Township 17 North, Range 1 West, Seward Meridian, Lying South Of The Southerly Right Of Way Of The George Parks Highway; All Located In The Palmer Recording District, Third Judicial District, State Of Alaska.

**13. COMMUNICATION**

A. Draft Wasilla Planning Commission Meeting Minutes: November 26, 2002.

**14. MAYOR, CLERK, AND ATTORNEY COMMENTS**

**15. AUDIENCE COMMENTS** (Three minutes per person.)

**16. COUNCIL COMMENTS**

**17. ADJOURNMENT**

**1. CALL TO ORDER**

The regular meeting of the Wasilla City Council was held on Monday, December 9, 2002, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Keller called the meeting to order at 7 p.m.

**2. ROLL CALL**

Council Members present and establishing a quorum were:

Mr. Howard O'Neil, Seat A (Deputy Mayor)  
Ms. Diana Straub, Seat B  
Mr. Noel Lowe, Seat C  
Mr. Rob Sande, Seat D  
Mr. Ron Cox, Seat E  
Ms. Colleen Sullivan-Leonard, Seat F

Staff in attendance were:

Ms. Kristie Smithers, City Clerk  
Ms. Jamie Newman, Deputy Clerk  
Mr. Tom Klinkner, City Attorney  
Mr. Ken Jacobus, Attorney  
Mr. Tim Krug, City Planner  
Mr. Ted Leonard, Finance Director  
Mr. Don Moore, Sports Arena Project Director  
Mr. Don Savage, Police Chief  
Mr. Don Shiesl, Public Works Director  
Mr. Chester Simton, Library Director

**3. PLEDGE OF ALLEGIANCE**

Mayor Keller led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Mayor Keller requested the following changes to the agenda:

- to add Multi-Use Sports Arena Bid Review Committee under Commission and Agency Reports;
- to move CM No. 02-74 and Resolution Serial No. 02-39 from the consent agenda to new business;

- to move the executive session before Resolution Serial No. 02-39, under new business; and
- to add Mr. Tony Gumley under persons to be heard.

GENERAL CONSENT: The agenda was approved as amended.

Council Member Cox declared a conflict of interest regarding CM No. 02-72 because he is a pastor, he cannot promote the sale or consumption of alcohol.

Council Member Lowe requested the opinion of City Attorney Tom Klinkner.

The city attorney stated that because CM No. 02-72 is more administrative than legislative in nature, Council Member Cox may recuse himself from voting on the issue.

VOTE: The Council voted in favor of allowing Council Member Cox to recuse himself from voting on CM No. 02-72.

The council requested to move CM No. 02-72 from the consent agenda to new business because Council Member Cox will not be voting on the issue. No objection was raised.

## 5. SPECIAL ORDERS

There were no special orders.

## 6. COMMISSION/AGENCY REPORT (Five minutes per agency.)

### A Planning Commission

Commissioner Stan Tucker:

- expressed the gratitude of the commission that Mr. Krug is staying on as city planner;
- stated that set-back issues particularly with older subdivisions continue to be a problem for the commission and they are looking forward to the January 13, 2003 work-session with the city council; and
- reported that the commission is currently reviewing Wasilla Airport lease lot agreements which they will elevate to city council for final approval.

### B. Parks And Recreation Commission

No report was given.

### C. Matanuska-Susitna Borough

Assembly Member Kvalheim:

- noted that the assembly is continuing to work towards finalizing the details on two proposed bond propositions and requested input from the city; and

- commented that the assembly received an update on port development.

Mayor Keller welcomed students from the Wasilla High School Government Class.

D. Mat-Su Agency Partnership (20 Minute Presentation)

Mr. Jerry Troshynski, Public Health Manager:

- thanked the city for helping to fund a Community Needs Assessment; and
- briefly discussed the purpose of the assessment.

Ms. Becky Williams, United Way:

- presented a power point presentation that highlighted the findings of the Community Needs Assessment.

E. Multi-Use Sports Arena Proposal Review Committee.

Mr. Don Moore, Multi-Use Sports Arena Project Director:

- spoke about the Proposal Process used in selecting a contractor to assist in the design and construction of the multi-use sports arena;
- discussed the "Team Build" concept for the sports arena;
- highlighted the review process used by the selection committee;
- noted that a protest of the selection committee recommendation was filed, and reviewed, and a response to the protest was filed by the city attorney; and
- recommended that the city council award the contract to Howdie Inc., to assist in the design and eventual construction of the multi-use sports arena.

Dr. Curtis Menard, Sports Arena Steering Committee and Proposal Review Committee:

- spoke about the review process used by the selection committee;
- reiterated that the steering committee unanimously voted to award the design and construction contract to Howdie Inc.; and
- reported that the steering committee unanimously voted to encourage the city council to continue with eminent domain to secure the site for the Sports Arena.

Mr. Blase Burkhart, Design Consultant, Kuman & Associates

- spoke regarding the integrity of the selection committee in their review of the proposals submitted for the design and construction of the Multi-Use Sports Arena; and
- clarified that the action requested in CM No. 02-74 is to approve a two part agreement that first approves the preconstruction agreement with Howdie Inc., and that a contract amendment would execute the second phase, which is to award the construction of the arena to Howdie Inc.

Mayor Keller thanked those who served on the review committee and requested that the council refrain from questions until CM No. 02-74 is brought to the floor under New Business.

## 7. CONSENT AGENDA

- A. Minutes of Preceding Meeting:
  - 1. Regular Meeting: November 25, 2002.
- B. Introductions (Public Hearing To Be Scheduled For: January 13, 2003)
  - 1. **Ordinance Serial No. 03-01:** To Amend The FY-03 Budget By Appropriating \$22,914 For The Airport Security Gate Project.
  - 2. **Ordinance Serial No. 03-02:** Amending The FY-03 Budget By Appropriating \$235,000 For The Bumpus Reservoir Facility.
- C. Resolutions
- D. Council Memorandums
  - 1. **CM No. 02-73:** Contract Amendment to CH2MHill In The Amount of \$188,000 to Complete the Design of the Bumpus Reservoir Facility.

The city clerk read the above legislation into the record.

MOTION: Council Member Lowe moved to approve the consent agenda as read into the record by the city clerk.

GENERAL CONSENT: The motion passed without objection.

## 8. PUBLIC HEARING (Three minutes per person.)

- A. **Ordinance Serial No. 02-77:** Amending The FY-03 Budget By Appropriating \$30,000 From The Capital Reserves Fund Balance To The Records Retention Project.

Mayor Keller opened the public hearing.

There being no one who wished to present testimony, the public hearing closed.

MOTION: Council Member O'Neil moved to adopt Ordinance Serial No. 02-77.

GENERAL CONSENT: The motion passed without objection.

- B. **Ordinance Serial No. 02-78:** Amending The FY-03 Budget In The Amount Of \$34,000 By Appropriating Funds From The Vehicle Fund's Fund Balance In Order To Purchase Replacement Vehicles For Public Works.

Mayor Keller opened the public hearing.

There being no one who wished to present testimony, the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 02-78.

Council Member Lowe requested clarification on how many vehicles were actually being purchased. The public works director reported two.

GENERAL CONSENT: The motion passed without objection.

- C. **Ordinance Serial No. 02-79:** Amending The FY-03 Budget By Appropriating \$50,000 For South Mack Drive Water Main Extension.

Mayor Keller opened the public hearing.

There being no one who wished to present testimony, the public hearing closed.

MOTION: Council Member Lowe moved to adopt Ordinance Serial No. 02-79.

The Clerk clarified that the correct account number under Section 3. Appropriation, in Ordinance Serial No. 02-79 is: 32-55-691-870-01 [11-55-473-841-04].

GENERAL CONSENT: The motion passed without objection.

- D. **Ordinance Serial No. 02-80:** Amending The FY-03 Sewer Grant Fund Budget By Appropriating Funds In The Amount Of \$105,000 In Order To Fund Residential Sewer Connection Grants.

Mayor Keller opened the public hearing.

There being no one who wished to present testimony, the public hearing closed.

MOTION: Council Member O'Neil moved to adopt Ordinance Serial No. 02-80.

GENERAL CONSENT: The motion passed without objection.



**PERSONS TO BE HEARD** (Three minutes per person.)

- A. Mr. Tony Gumley: Multi-Use Sports Arena
- supports the Multi-Use Sports Arena Project, but raised concerns over the selection process used in awarding the construction contract;
  - spoke in opposition of CM No. 02-74; and
  - stated that it is not in the best interest of the city or tax payers to award the construction contract to Howdie Inc.

**9. UNFINISHED BUSINESS**

There was no unfinished business.

**10. NEW BUSINESS**

- A. **CM No. 02-74:** Contract Award To Howdie, Inc. To Assist In The Design Of The Multi-Use Sports Arena.

MOTION: Council Member O'Neil moved to approve CM No. 02-74.

Discussion moved to the council and questions were asked of Mr. Don Moore, Dr. Curtis Menard, and Mr. Blase Burkhart.

Tom Klinkner, City Attorey, stated that he reviewed the Request for Proposal Process used in selecting a contractor for the construction of the Multi-Use Sports Arena, and found it satisfactory, however, he did not review the scoring sheets or the merits of each firm.

MOTION: Council Member Straub moved the previous question.

VOTE: The motion passed with Council Member Lowe opposed.

VOTE: The motion to approve CM No. 02-74 passed with Council Member Lowe opposed.

- B. **CM No. 02-72:** 2003 Liquor License Renewals.

Council Member Lowe moved to approve CM No. 02-72.

The city clerk reported that one liquor license applicant was out of compliance with Council Policy 95-03 and requested authorization from the council to submit a letter of objection to the renewal provided that the applicant did not comply by December 13, 2002. No objection was raised.

GENERAL CONSENT: The motion to approve CM No. 02-72 passed unanimously.  
(Council Member Cox abstained from voting. See page 2)

## 12 EXECUTIVE SESSION

- A. **Resolution Serial No. 02-39:** Authorizing The City Of Wasilla To Exercise The Powers Of Eminent Domain And Declaration Of Taking To Acquire For Road, Park And Recreation, Airport And Related Purposes Certain Interests In The Southeast One-Quarter (SE1/4) Of Section 7, Township 17 North, Range 1 West, Seward Meridian; That Portion Of The Southeast One-Quarter Of The Northeast One-Quarter (SE1/4NE1/4) Of Section 7, Township 17 North, Range 1 West, Seward Meridian, Lying South Of The Southerly Right Of Way Of The George Parks Highway; The Northwest One-Quarter Of The Southwest One-Quarter (NW1/4SW1/4) Of Section 8, Township 17 North, Range 1 West, Seward Meridian; And That Portion Of The Southwest One-Quarter Of The Northwest One-Quarter (SW1/4NW1/4) Of Section 8, Township 17 North, Range 1 West, Seward Meridian, Lying South Of The Southerly Right Of Way Of The George Parks Highway; All Located In The Palmer Recording District, Third Judicial District, State Of Alaska.

MOTION: Council Member Sullivan-Leonard moved to enter into executive session for the purpose of potential or pending litigation to which the City of Wasilla may become or is a party specifically Resolution Serial No. 02-39 and the Lundgren Case.

GENERAL CONSENT: No objection was raised.

Mayor Keller, the entire City Council, the Sports Arena Project Director, Public Works Director, City Planner, City Attorney Tom Klinkner, and Attorney Ken Jacobus entered executive session at 8:40 p.m. in the council conference room. The executive session exited at 9:06 p.m.

MOTION: Council Member Cox moved to adopt Resolution Serial No. 02-39.

VOTE: The motion passed unanimously.

## 13 COMMUNICATION

- A. Draft Wasilla Planning Commission Meeting Minutes: November 26, 2002.

No action was taken on the communication item.

## 14 MAYOR, CLERK, AND ATTORNEY COMMENTS

City Clerk:

- wished everyone happy holidays, and
- reported that upcoming meetings are noted in clerk report.

City Attorney:

- wished everyone happy holidays.

Police Chief:

- reported on the progress of the dispatch center.

Mayor Keller:

- spoke about a questionnaire sent to all employees regarding benefits; and
- commented on her informative visit to the dispatch center in Fairbanks.

## **15 AUDIENCE COMMENTS (Three minutes per person.)**

Ms. Deb Remus:

- stated how nice the Honor Garden is looking.

## **16. COUNCIL COMMENTS**

Council Member O'Neil:

- wished everyone a Merry Christmas.

Council Member Leonard:

- requested an update on the activities of the Parks & Recreation Commission.

Council Member Cox:

- thanked the city clerk for the Christmas candy.

Council Member Lowe:

- wished everyone a Merry Christmas; and
- expressed his disappointment with the council in voting to end debate on CM No. 02-74.

Council Member Sande:

- wished everyone a Merry Christmas.

Council Member Straub:

- wished everyone a Merry Christmas.

17. ADJOURNMENT

The regular meeting adjourned at 9:20 p.m.

  
DIANNE M. KELLER, Mayor

ATTEST:



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KRISTIE L. SMITHERS, CMC  
City Clerk

Adopted by the Wasilla City Council on January 13, 2003.